



AGENDA

REGULAR JOINT MEETINGS

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CLAYTON CITY COUNCIL and OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT (GHAD)

* * *

TUESDAY, July 18, 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 ***

July 18, 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) **Information Only** – No Action Requested.

1. Status Report on prior Ordinance No. 476 amending Title 17, “Zoning”, by adding Chapter 17.22 to the Clayton Municipal Code regarding Residential Density Calculations for Residential Parcels with Sensitive Land Areas.

[\(View Here\)](#)

(b) Approve the minutes for the City Council regular meeting of June 20, 2017, and for its special meeting held on June 26, 2017. [\(View Here\)](#)

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

(d) Adopt a Resolution setting and levying real property tax assessments in FY 2017-18 for the Oak Street Permanent Road Division. [\(View Here\)](#)

(e) Adopt a Resolution setting and levying real property tax assessments in FY 2017-18 for the High Street Permanent Road Division. [\(View Here\)](#)

(f) Adopt a Resolution setting and levying real property tax assessments in FY 2017-18 for the Oak Street Sewer Assessment District. [\(View Here\)](#)

(g) Adopt a Resolution setting and levying real property tax assessments in FY 2017-18 for the Lydia Lane Sewer Assessment District. [\(View Here\)](#)

(h) Adopt a Resolution rejecting all bids received for construction of the “El Portal Drive Restoration Project,” CIP No. 10439 [street rehabilitation and sidewalk repairs]. [\(View Here\)](#)

(i) Adopt a Resolution approving the City Master Fee Schedule for FY 2017-18 regarding certain fees for user-benefit municipal services and rental of City facilities. [\(View Here\)](#)

(j) Adopt a Resolution approving a contract amendment with CleanStreet authorizing an increase in current monthly billing rates of \$0.25 for monthly residential streets sweeping services and an equivalent pro-rata monthly rate increase on commercial trash/recycling billing accounts for monthly public street sweeping services, required by the City’s NPDES Permit issued by the California Regional Water Quality Control Board. [\(View Here\)](#)

- (k) Approve a Cooperative Agreement between the City of Clayton and the City of Concord concerning construction costs and reimbursable expenses on the El Molino Drive Sanitary Sewer Improvements (City CIP No. 10422). ([View Here](#))
- (l) Accept the written resignation of Mr. Rick Angrisani and Permco Engineering and Management under professional consultant contract as City Engineer for associated engineering services to and for the City of Clayton. ([View Here](#))
- (m) Adoption a Resolution approving the Engineer's Report and levying the annual assessments in FY 2017-18 on real properties for the operation and maintenance of residential street lights in the Street Lighting Assessment District, pursuant to Streets and Highways Code 18070 and CA Government Code 54954.6. ([View Here](#))

4. RECOGNITIONS AND PRESENTATIONS

- (a) Recognitions to former Trails and Landscape Committee Members Bob Steiner, A.J. Chippero, Clayton Smith, and Christopher Garcia in appreciation for their valued civic services to the Clayton community.

5. REPORTS

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

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

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

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

7. **PUBLIC HEARINGS**

- (a) Public Hearing on the proposed real property tax assessments in FY 2017-18 for the Diablo Estates at Clayton Benefit Assessment District (BAD), and consider the adoption of the Resolution setting, ordering and levying the annual assessments. ([View Here](#))
(City Engineer)

Staff recommendations: **1)** Receive the staff report; **2)** Open the Public Hearing and receive public comments; **3)** Close the Public Hearing; and **4)** By motion adopt the Resolution setting and levying the real property tax assessments for FY 2017-18.

- (b) Public Hearing to consider the Introduction and First Reading of a proposed City-initiated Ordinance No. 475 updating the Clayton Municipal Code, Title 15 Building & Construction, Section 15.08 – Sign Provisions, to comply with the United States Supreme Court’s recent decision in *Reed vs. Town of Gilbert, AZ*, to prohibit mobile billboards, and to incorporate other best practices. ([View Here](#))
(Community Development Director)

Staff recommendations: **1)** Receive the staff report; **2)** Open the Public Hearing and receive public comments; **3)** Close the Public Hearing; **4)** Following Council discussion of or subject to any amendments to the proposed Ordinance, approve a motion to have the City Clerk read Ordinance No. 475 by title and number only and waive further reading; and **5)** Following the City Clerk’s reading, by motion approve Ordinance No. 475 for Introduction with the finding the action does not constitute a project under CEQA.

8. **ACTION ITEMS**

- (a) Consider the award of competitive bid contract to Servi-Tech Controls, Inc. (Fresno, CA) in the amount of \$253,398.00 for replacement of Clayton City Hall’s 20-year old HVAC units and heater/boiler unit, and authorize the allocation of additional project funds in the amount of \$170,126.06 from either the General Fund reserves or the Clayton Finance Authority’s unrestricted-use funds (Fund No. 405). ([View Here](#))
(Maintenance Supervisor)

Staff recommendation: Following opportunity for public comments and City Council discussion, that Council adopt a motion awarding the low-bid contract to Servi-Tech Controls, Inc. in the amount of \$253,398.00 with project gap funds in the amount of \$170,126.06 as determined by City Council discretion.

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 August 1, 2017.

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*** OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT ***
July 18, 2017

1. CALL TO ORDER AND ROLL CALL – Chairman Shuey.

2. PUBLIC COMMENTS

Members of the public may address the District Board of Directors on items within the Board'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 Secretary. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Chair's discretion. When one's name is called or you are recognized by the Chair 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 Board 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 Board.

3. CONSENT CALENDAR

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

- (a) Approve the Board of Directors' minutes for its regular meeting on June 20, 2017. ([View Here](#))
- (b) Accept the written resignation of Mr. Rick Angrisani (Permco Engineering and Management) as GHAD General Manager. ([View Here](#))

4. PUBLIC HEARING

- (a) Public Hearing to consider the Geological Hazard Abatement District (GHAD) proposed real property tax assessments for Fiscal Year 2017-2018. ([View Here](#)) (General Manager)

Staff recommendations: **1.)** Receive the District Manager's report; **2.)** Open the Public Hearing and receive public comments; **3.)** Close the Public Hearing; and **4.)** By motion, adopt the Resolution approving and authorizing the levy of the District's real property tax assessments for FY 2017-2018.

5. ACTION ITEMS – None.

6. BOARD ITEMS – limited to requests and directives for future meetings.

7. ADJOURNMENT – the next meeting of the GHAD Board of Directors will be scheduled as needed.

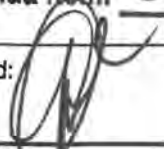
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Agenda Date: 7-18-2017

Agenda Item: 3a

Approved:


Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR *MG*
DATE: JULY 18, 2017
SUBJECT: INFORMATION ONLY – STATUS REPORT ON ORDINANCE NO. 476 REGARDING RESIDENTIAL DENSITY CALCULATIONS FOR RESIDENTIAL PARCELS WITH SENSITIVE LAND AREAS

BACKGROUND AND DISCUSSION

On May 16, 2017, the City Council held a public hearing to consider a General Plan amendment and an associated Ordinance (No. 476) to modify and determine the manner in which residential densities are calculated and to not require a minimum density on residentially-designated parcels. These two amendments together would reduce the overall buildable density on residentially-zoned parcels and take sensitive land areas into consideration when determining density. The City Council indicated these amendments would be conducive to achieving the goals of the City's General Plan while also taking sensitive habitat into consideration. The City Council unanimously approved the General Plan amendment and the Ordinance for Introduction.

A second reading of the Ordinance was scheduled to be heard before the City Council on June 6, 2017; however, the City received an email identifying possible concerns with the Ordinance in regards to compliance with the City's Housing Element and State law. The second reading of the Ordinance was continued by the City Council to the July 18, 2017 hearing to provide staff additional time to research these possible Housing Element and State law issues. Following research regarding these concerns, staff concluded that even though State law takes precedence over local municipal codes, it is a better practice to be transparent and fully demonstrate compliance with State law within the Municipal Code.

Based on this determination, staff amended Ordinance No. 476 and brought it before the Planning Commission for review and consideration on July 11, 2017, where the Planning Commission recommended approval of the revised Ordinance to the City Council.

Due to public noticing requirements and the proposed changes to the Ordinance, staff anticipates this item will be on the August 1, 2017 City Council agenda.

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

TUESDAY, June 20, 2017

Agenda Date: 7-18-2017

Agenda Item: 3b

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:05 p.m. by Mayor Diaz in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Diaz, and Councilmembers Catalano, Pierce and Shuey. Councilmembers absent: Vice Mayor Haydon. Staff present: City Manager Gary Napper, City Clerk/HR Manager Janet Brown, and Community Development Director Mindy Gentry.

2. **COUNCIL INTERVIEW OF PLANNING COMMISSION APPLICANTS**

The City Council separately interviewed two (2) of the three (3) candidates who had applied for appointment to the City Planning Commission:

Russell Eddy
Anthony Chippero

RECESS: The City Council took a short recess from 6:42 p.m. – 7:00 p.m.

7:00 P.M. REGULAR PUBLIC MEETING

3. **RECALL TO ORDER THE CITY COUNCIL** – The meeting was recalled 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, and Councilmembers Catalano, Pierce, and Shuey. Councilmembers absent: Vice Mayor Haydon. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Finance Manager Kevin Mizuno, Community Development Director Mindy Gentry, City Engineer Rick Angrisani, and City Clerk/HR Manager Janet Brown.

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

5. **CONSENT CALENDAR**

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

- (a) Approved the minutes of the regular meeting of June 6, 2017.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Adopted Resolution No. 16-2017 authorizing the levy of annual real property tax assessments for Community Facility District No. 2006-1 (Downtown Park O & M; Fund No. 211) in Fiscal Year 2017-2018.

- (d) Adopted Resolution No. 17-2017 authorizing the levy of annual real property tax assessments for Community Facility District No. 2007-1 (Citywide Landscape Maintenance District; Fund No. 210) in Fiscal Year 2017-2018.
- (e) Adopted Resolution No. 18-2017 authorizing the levy of annual real property tax assessments for the Middle School Community Facilities District (CFD 1990-1R, 2007 Special Tax Refunding Bonds; Fund No. 420) in Fiscal Year 2017-2018.
- (f) Adopted Resolution No. 19-2017 approving a Second Amendment to the City's existing contract with Contra Costa County for its contract Plan Check and Building Inspection Services, effective July 1, 2017 through June 30, 2020.
- (g) Accepted the Trails and Landscaping Committee's [Citizens' Oversight Committee] Annual Report on the Citywide Landscape Maintenance District for FY 2015-16.
- (h) Approved the denial of a liability claim filed against the City by Ms. Carla Burnett and authorized the City Clerk to send the Notice of Rejection.

6. RECOGNITIONS AND PRESENTATIONS

- (a) Recognition to outgoing Clayton Planning Commissioner Dan Richardson in appreciation of his civic services to the City of Clayton, July 2009 - June 2017.

Mayor Diaz presented Planning Commissioner Dan Richardson with a plaque in recognition of his civic services to the City of Clayton.

Mr. Richardson thanked the City Council for allowing him the opportunity to preserve Clayton's character by volunteering to the community by serving on the Blue Ribbon Committee, the Trails and Landscape Committee, the Measure M, B, and H Committees, running for a seat on the Clayton City Council, and appointed to serve on the Planning Commission in 2009 for the last eight years.

- (b) A Proclamation declaring July 2017 as "AHA! (Anti-hazing Awareness) Month" in the City of Clayton.

Mayor Diaz read and presented the Proclamation to Debbie Smith, Matt Carrington's mother and CEO of AHA! Movement, and to Kristin Pollot, Acting Chair, AHA! Movement Board of Directors.

7. REPORTS

- (a) Planning Commission – No meeting held.
- (b) Trails and Landscaping Committee – Committee Member Anthony Chippero indicated its last meeting's agenda included selection of a chairman but that action was postponed due to only four (4) members being present; however, they did select a new Vice Chair, Nancy Morgan. Mr. Chippero noted the Committee reviewed landscape maintenance activities, then approved the Annual Report for FY 2015-16 in its role as the Citizens Oversight Committee, and suspended the Adopt-A-Trail Program until one of its members takes the lead for donations and support. The Committee recommended approval of the Landscape Maintenance District's proposed budget for FY 2017-18 to the City Council noting the CPI this year is 3.78%; as approved by Ballot Measure H, the annual tax this year may only be increased by its maximum cap of 3%.

(c) City Manager/Staff

City Manager Napper announced a volunteer opportunity exists for a Clayton resident to serve as the City's representative on the Citizen's Advisory Committee at Contra Costa Transportation Authority, which public agency distributes sales tax monies and recommends awardees on various regional transportation projects to serve vehicles, bicyclists, and pedestrians. He noted each city in Contra Costa County appoints a representative from their communities to this citizens' committee. The application for this volunteer position is available on the City's website.

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

Councilmember Shuey had no report.

Councilmember Catalano attended the Trails and Landscape Committee's meeting.

Councilmember Pierce attended the National Association Regional Councils' meeting, multiple Contra Costa Transportation Authority Board meetings, several Association of Bay Area Governments' meetings, several Metropolitan Transportation Committee meetings, the VFW's annual Memorial Day Observance at the Veterans' Memorial Flagpole Monument in downtown Clayton, the California Association of Governments meeting, the TRANSPAC meeting, the Regional Association of Bay Area Governments meeting, and the Bay Area Regional Collaborative meeting. She also announced the continued need of volunteers for the upcoming 4th of July Parade in downtown Clayton.

Mayor Diaz attended the Contra Costa Water District's monthly meeting, the League of California Cities' Public Safety Policy Committee meeting, the Saturday Concert in The Grove, the Wednesday Classic Car Show event in downtown Clayton, the County Connection Board meeting, and the recent retirement event for Father Richard Mangini, St. Bonaventure Church.

(e) Other – None.

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

9. **PUBLIC HEARINGS**

(a) Public Hearing on the proposed City of Clayton Budget for Fiscal Year 2017-18, its 5-year Capital Improvement Project Budget (CIP) for Fiscal Years 2017-2022, and the establishment of a "Pension Contribution Stabilization Fund."

Finance Manager Kevin Mizuno provided a brief overview of the proposed Clayton City Budget for Fiscal Year 2017-18 that was introduced at the Council meeting on June 6, 2017. Since that June 6, 2017 meeting there have been no revisions required to be incorporated into the Budget.

Mr. Mizuno noted the 5-Year Consolidated Budget trend analytical table, which is part of the Budget Message. Mr. Mizuno advised the total budget for FY 2017-18 is \$12,455,381 including the budget categories of the General Fund, Other Funds, Capital Improvement Project (CIP) and Successor Agency budgets.

The largest revenue source continues to be the General Fund at 63.72% of the total City Budget, which is also the driver for general City operations and public services. The second largest revenue source is the Landscape Maintenance District at 15.71%; this Mello-Roos Community Services District holds restricted parcel tax for the operations and maintenance of the Landscape Maintenance District, which operation was recently extended by the local electorate on a ballot measure in June 2016. The expenditures comparison follows suit with its revenues with largest volume of expenditures being the General Fund at 53.54%, followed by Landscape Maintenance District at 18.02%, and Measure J (transportation projects) at 8.49%.

Mr. Mizuno indicated the proposed FY 2017-18 is an annually balanced budget with a budgeted surplus of \$10,830 projected for the General Fund; the General Fund reserve balance ending June 30, 2018 is calculated to be \$5,504,259, which amount is more than the total annual FY 2107-18 General Fund operations of the City.

Mr. Mizuno highlighted changes included in the proposed budget to the Public Works Department workforce, consisting of the deletion of the second Maintenance Supervisor position, promotion of the City's two experienced Maintenance Worker I employees to Maintenance Worker II positions, and renaming the position of Maintenance Lead Worker to "Senior Maintenance Worker."

Finance Manager Mizuno continued his presentation involving the City's financial status to outline the CalPERS' Unfunded Actuarial Liabilities (UAL), with staff's recommendation to establish a new "Pension Contribution Stabilization Fund" to help mitigate and plan for future rate increases. In FY 2018 it is anticipated that a spike in costs will occur in the amount of \$73,000 but he noted the proposed budget could absorb that increase when the Public Works and Police Departments experienced short-staffing in periods of time and attrition. In order for CalPERS to ensure they are collecting enough from participating agencies, it recently implemented a fixed dollar amount for UAL payments in December 2016, and the CalPERS Board also voted to lower its discount rate from 7.5% to 7.0% over the next three years giving employers more time to prepare for the changes in employee pension contribution costs.

Mr. Mizuno referenced the Appropriations (GANN) Limit of the City which is required calculation under Proposition 4 adopted by California voters in 1979. On an annual basis, the calculation this year results in the Fiscal Year 2017-18 Appropriations Limit [tax limit] of \$10,485,299. When compared to estimated appropriations subject to the Limit for next fiscal year, Clayton is only at 43.5% of the maximum limit, which means the City's available annual tax expenditure gap is \$5,920,392.

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

Councilmembers offered its support and praise to staff for its consistent financial management acumen.

It was moved by Councilmember Pierce, seconded by Councilmember Shuey, to adopt Resolution No. 20-2017 approving the Annual Budget for the City of Clayton for the 2017-2018 Fiscal Year commencing July 1, 2017 and ending June 30, 2018, and adopting the 2017-2018 Appropriations Limit and employee compensation schedule. (Passed; 4-0 vote).

It was moved by Councilmember Pierce, seconded by Councilmember Catalano, to adopt Resolution No. 21-2017 establishing a new internal service fund of the City designated the "Pension Contribution Stabilization Fund". (Passed; 4-0 vote).

10. **ACTION ITEMS**

- (a) City Council discussion and determination of a citizen appointment to two (2) vacancies on the Clayton Planning Commission for two 2-year terms of appointed office from July 1, 2017 through June 30, 2019.

Mayor Diaz indicated earlier this evening the City Council interviewed two of the three candidates who had applied for the two vacant positions on the City Planning Commission. One citizen who applied but was unavailable for the interview tonight is currently a member of the Planning Commission whose term is expiring yet remains eligible for re-appointment to a full 2-year term. He inquired among the City Councilmembers whether they wished to select this citizen for re-appointment to one vacancy on the Planning Commission. There was a general consensus to re-appoint Mr. Peter Cloven to the Commission.

The City Council then discussed which applicant should fill the remaining second vacancy.

Mayor Diaz opened matter for public comments; no comments were offered.

It was moved by Councilmember Pierce, seconded by Councilmember Catalano, to approve Resolution No. 22-2017 appointing Mr. Peter Cloven and Mr. Anthony Chippero to the vacant offices on the Clayton Planning Commission, each with a term of office to expire June 30, 2019. (Passed; 4-0 vote).

- (b) Consider a request by Permco Engineering & Management (contract City Engineer services) for Consumer Price Index (CPI) rate increases since 2006 of 29.6% on the City Engineer's basic services, 36% on City Project rates, and 30% on Third Party Project rates (28.5% average company rate increase).
(City Engineer)

Mr. Rick Angrisani indicated he is addressing the City Council tonight not as the City Engineer but as the President of Permco Engineering and Management. He stated his objection to the agenda description of the rate increase request to the City Council. When he asked the City Manager why the agenda item published the increase specific to his position rather the average increase for all of his firm's positions, the answer was it is usual to present the rate increase for the key individual being hired, namely the city engineer. Mr. Angrisani remarked that response is faulty logic as the City hired Permco to be its city engineer and there are several positions within his firm providing contract services and each will have some impact on the costs to the City.

When the Oakhurst Country Club Development was approved the City Council realized the City was going to have to either hire many professional engineering employees along with providing office space, vehicles, furniture and equipment, or contract with a private firm to supply and oversee the engineering personnel and services. The Council did not want to burden the city budget and its general fund with significant employee obligations and decided to contract with Permco Engineering and Management for the addition of professional employees on an as-needed basis as well as contracting with himself to act as the City Engineer.

Mr. Angrisani stated he believes that Permco's rate increase request should be viewed on the average of all of its positions divided instead of the increase to one position. Mr. Angrisani then displayed an overhead of a spreadsheet of basic principal retainer rates

with an average of 29.5%, for City Projects the average rate increase is 28.6%, and for Standard Outside Party rate the average increase is 28.5%. He noted since Permco's last rate increase in 2006, the Bay Area's CPI increase has been 31.45%.

Mr. Angrisani then referenced the information provided in the staff report by the City Manager included a listing of payments Permco has received over the last nine (9) fiscal years, as provided by the City's Finance Department. The payments from basic services total \$790,316.64, averaging \$87,812.00 per year with approximately \$20,000 per year for clerical work, phones, filing, tracking construction permits as well as minor inspection and CADD work. Therefore, Permco only received \$68,000 for Mr. Angrisani's services.

Permco surveyed all the cities in Contra Costa County that have a city engineer as paid staff and found the annual salary and benefits costs average \$208,628.16 per year. Permco's proposed increase is 29.5% which increases the average annual cost to \$113,701.00 which is still below the average City Engineer salary. Mr. Angrisani noted CIP project costs totaled \$943,866.55. The cost of the contracts completed or out to bid totaled \$7,500,000 with Permco's costs of 12.6%, which is a lower percentage compared to what other agencies are paying for similar services, such as CCTA at 14%. The Bill to Deposits is basically charges and pre-paid deposits paid by third party individuals. The recovered from deposits percentage is a calculated ratio of billed deposit amounts to total paid by the City.

To ensure the City Council of its reasonable rate increase request, Permco then surveyed seven (7) cities in the Bay Area to determine what rates by positions are paid to outside consultants. Permco's rates vary from 60% to 80% of the rates paid by other agencies with the exception of survey rates that are governed by union salaries. Permco is able to offer these lower rates based on its experience, efficiency and relatively low overhead costs. Permco has been honored to represent the City of Clayton for the last 30 years, and it has always placed the interest of the City first, even ahead of our of better paying private clients. However, the City projects in the last few months require more dedication of a significant portion of Permco's time and resources and it is not anticipated that need will discontinue into the future; with our existing rates, Permco is not able to cover its costs and overhead. Therefore, we must respectfully request approval of our submitted proposed rate increase.

Councilmember Pierce inquired on the proposed rates with the other City's rates, and how the calculations were determined and where the information was gathered for the other cities. Mr. Angrisani advised the Human Resources Departments and City Engineers were directly contacted; the rates provided are what the cities pay their consultants, not in-house staff.

Councilmember Shuey asked if there was a breakdown of the total paid by Permco Engineering for their employees and expenses. Mr. Angrisani clarified he does not make \$257,000 as the total paid from the City to date in this Fiscal Year; he pays for several employees, office overhead, equipment, etc. Councilmember Shuey inquired if Mr. Angrisani provided the City a statement of his profit/salary after his expenses were paid? Mr. Angrisani responded he could not give himself a full salary after his expenses were paid, which he considers reasonable at \$12,000 to \$13,000 per month.

Councilmember Pierce advised this item is going to need more time to review as new information was presented this evening without sufficient time to study it.

City Manager Napper noted for discussion clarity that on the charts provided the Fiscal Year 2017 is the expenses to date for this calendar year and that more invoices with additional expenses are expected to come in through June 30th.

Councilmember Pierce inquired if Permco staff is able to keep up with the additional City work; if it is getting to a point where it has become a struggle to keep up with the city's work? Mr. Angrisani advised he can always hire another engineer however he hesitates to do that since doing so will be an added cost to the City.

Councilmember Pierce noted CCTA is working on consolidated pavement projects throughout the County or groups of cities going together and having CCTA manage the street paving contracts; each project would still have to be defined by local staff as to what it is that we want to do. CCTA could aggregate the contracts to help get more efficient pricing and help manage the contractors to make sure repaving projects are done well and perhaps at lesser cost due to economies.

Councilmember Catalano inquired on what other cities typically do for contract rate increases or is the contract reviewed after so many years, and what if the rate is based on the CPI? Mr. Angrisani advised the contract with Permco allows for annual reviews; however Permco chose not to ask for it because they knew what kind of shape the City's budget was in and it has been put off until recently. City Manager Napper added as an example the City's contract with Best, Best and Krieger went into effect in 2011 with the first rate increase requested in 2016. He also noted a comparison in the staff report in terms of what city employees received in the last ten years which included the Great Recession; there were 5 consecutive years of employees not receiving any cost-of-living adjustments and in fact took actual pay decreases because of mandated work furloughs which calculated to an annual pay reduction of about 4%.

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

Mayor Diaz indicated it appears more analysis needs to be conducted before a decision can be made.

Councilmember Pierce advised to be fair to Permco and the public more time is needed to study these figures and consider what direction the City needs to go with assistance from City staff.

By general consensus, City Council took no action and directed staff to return the item to the City Council at its regular meeting of July 18, 2017 with a comparative analysis of what other engineering firms might charge.

11. COUNCIL ITEMS

Councilmember Pierce asked if all of the requests or notices have been mailed for standard weed abatement violators?

City Manager Napper advised notifications to abate one's property is done by the Contra Costa County Fire Protection District. Private property owners are also notified on a case by case basis if the City is notified of such violations. He noted City Code Enforcement can only enforce real property standards based what it can see from a public property viewpoint; City personnel are not permitted to enter private property and peer over a fence. He recommended anyone with specific knowledge about hazards in a backyard should take pictures of the situation and provide it to City staff.

12. CLOSED SESSION – None.

13. **ADJOURNMENT**– on call by Mayor Diaz, the City Council adjourned its meeting at 8:31 p.m.

The City Council of July 4, 2017 has been canceled.
The next regularly scheduled meeting of the City Council will be July 18, 2017.

#

Respectfully submitted,

Janet Brown, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Jim Diaz, Mayor

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

Monday, June 26, 2017

1. CALL TO ORDER AND ROLL CALL

The Clayton City Council special meeting was called to order at 6:03 p.m. by Mayor Diaz in the 3rd Floor Conference Room, Clayton City Hall, 6000 Heritage Trail, Clayton, CA. Councilmembers present: Mayor Diaz, Vice Mayor Haydon, and Councilmembers Catalano (arrived at 6:25 p.m.), Pierce and Shuey. Councilmembers absent: None. City Staff present: City Manager Gary Napper.

2. PUBLIC COMMENT PERIOD – No comments.

3. ADJOURN TO CLOSED SESSION

Mayor Diaz announced the City Council will adjourn into Closed Session (6:04 pm) for the following noticed item:

California Government Code Section 54957
Public Employee Performance Evaluation
Title: City Engineer

Report out of Closed Session (6:50 pm)

Mayor Diaz reported the City Council gave general instruction to its City Manager regarding this matter but no reportable action was taken

4. ADJOURNMENT– on call by Mayor Diaz the Clayton City Council special meeting adjourned at 6:50 p.m.

The next regularly scheduled City Council meeting is on July 18, 2017.

#

Respectfully submitted,

Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Jim Diaz, Mayor



Agenda Date 7/18/2017

Agenda Item: 3c

STAFF REPORT



TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: Kevin Mizuno, FINANCE MANAGER
DATE: 07/18/2017
SUBJECT: INVOICE SUMMARY

RECOMMENDATION:

Approve the following obligations:

06/16/2017	Cash Requirements	\$ 583,726.47
06/20/2017	ADP Payroll week 25, PPE 06/18/17	\$ 84,084.50
07/04/2017	ADP Payroll week 27, PPE 07/02/17	\$ 89,673.18

Total \$757,484.15

Attachments:

Cash Requirements Report dated 7/13/2017 (8 pages)
ADP payroll report for week 25 (1 page)
ADP payroll report for week 27 (1 page)

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
ADP, LLC								
ADP, LLC	6/30/2017	6/30/2017	495634050	Payroll fees PPE 6/18/17	\$152.11	\$0.00		\$152.11
				<i>Totals for ADP, LLC:</i>	<u>\$152.11</u>	<u>\$0.00</u>		<u>\$152.11</u>
All City Management Services, Inc.								
All City Management Services, Inc.	6/30/2017	6/30/2017	49683	School Crossing Guard Services 6/4/17-6/17/	\$254.55	\$0.00		\$254.55
				<i>Totals for All City Management Services, Inc.:</i>	<u>\$254.55</u>	<u>\$0.00</u>		<u>\$254.55</u>
All-Guard Systems, Inc.								
All-Guard Systems, Inc.	7/18/2017	7/18/2017	A133935	Annual Fire & Burglary monitoring fee, Libr	\$874.80	\$0.00		\$874.80
All-Guard Systems, Inc.	7/18/2017	7/18/2017	A133945	Annual monitoring services for CH	\$612.00	\$0.00		\$612.00
				<i>Totals for All-Guard Systems, Inc.:</i>	<u>\$1,486.80</u>	<u>\$0.00</u>		<u>\$1,486.80</u>
AT&T (CalNet3)								
AT&T (CalNet3)	6/30/2017	6/30/2017	9860277	Phone Bill 5/22/17-6/21/17	\$1,620.63	\$0.00		\$1,620.63
				<i>Totals for AT&T (CalNet3):</i>	<u>\$1,620.63</u>	<u>\$0.00</u>		<u>\$1,620.63</u>
Authorize.net								
Authorize.net	6/30/2017	6/30/2017	06/17	Online credit card fee for June	\$15.00	\$0.00		\$15.00
				<i>Totals for Authorize.net:</i>	<u>\$15.00</u>	<u>\$0.00</u>		<u>\$15.00</u>
Jason Barnes								
Jason Barnes	7/18/2017	7/18/2017	CAP0201	C&D and Inspection refund for 1470 Lydia L	\$3,785.23	\$0.00		\$3,785.23
				<i>Totals for Jason Barnes:</i>	<u>\$3,785.23</u>	<u>\$0.00</u>		<u>\$3,785.23</u>
Bay Area News Group East Bay (CCT)								
Bay Area News Group East Bay (CCT)	6/30/2017	6/30/2017	0005977947	Legal ad for Collector Street Rehab	\$1,565.20	\$0.00		\$1,565.20
Bay Area News Group East Bay (CCT)	6/30/2017	6/30/2017	0005962925	Legal ad for rebid, EJ Portal Restoration	\$935.68	\$0.00		\$935.68
Bay Area News Group East Bay (CCT)	7/18/2017	7/18/2017	0005988627	Legal ad for rebid, City Hall ADA Accessibili	\$1,076.72	\$0.00		\$1,076.72
				<i>Totals for Bay Area News Group East Bay (CCT):</i>	<u>\$3,577.60</u>	<u>\$0.00</u>		<u>\$3,577.60</u>
Jessica Boscacci								
Jessica Boscacci	6/30/2017	6/30/2017	Petty Cash FY 17	Petty Cash Payouts February - June 2017	\$406.78	\$0.00		\$406.78
				<i>Totals for Jessica Boscacci:</i>	<u>\$406.78</u>	<u>\$0.00</u>		<u>\$406.78</u>
Andre Broussard								
Andre Broussard	7/18/2017	7/18/2017	CAP0248	Deposit refund for 965 Clayton View Lane	\$1,856.82	\$0.00		\$1,856.82
				<i>Totals for Andre Broussard:</i>	<u>\$1,856.82</u>	<u>\$0.00</u>		<u>\$1,856.82</u>
Burris Window Shades								
Burris Window Shades	6/30/2017	6/30/2017	1705	Fix shades in Library	\$520.00	\$0.00		\$520.00
				<i>Totals for Burris Window Shades:</i>	<u>\$520.00</u>	<u>\$0.00</u>		<u>\$520.00</u>
CalPERS Retirement								
CalPERS Retirement	6/30/2017	6/30/2017	061817	Retirement PPE 6/18/17	\$13,479.28	\$0.00		\$13,479.28
CalPERS Retirement	6/30/2017	6/30/2017	070217	Retirement PPE 7/2/17	\$14,496.53	\$0.00		\$14,496.53
CalPERS Retirement	6/30/2017	6/30/2017	CC062417	City Council retirement ending 6/24/17	\$146.40	\$0.00		\$146.40

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
CalPERS Retirement	7/18/2017	7/18/2017	FY 18 UAL	FY 2018 UAL	\$401,963.00	\$0.00		\$401,963.00
				<i>Totals for CalPERS Retirement:</i>	<u>\$430,085.21</u>	<u>\$0.00</u>		<u>\$430,085.21</u>
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	6/30/2017	6/30/2017	2297777	Copier contract overages 5/30/17-6/29/17	\$566.00	\$0.00		\$566.00
				<i>Totals for Caltronics Business Systems, Inc:</i>	<u>\$566.00</u>	<u>\$0.00</u>		<u>\$566.00</u>
CERCO Analytical, Inc.								
CERCO Analytical, Inc.	7/18/2017	7/18/2017	1706209	Well Bacteria monitoring	\$595.00	\$0.00		\$595.00
				<i>Totals for CERCO Analytical, Inc.:</i>	<u>\$595.00</u>	<u>\$0.00</u>		<u>\$595.00</u>
City of Concord								
City of Concord	6/30/2017	6/30/2017	59792	Letterhead, business card printing	\$349.89	\$0.00		\$349.89
City of Concord	6/30/2017	6/30/2017	59776	PD Printing service	\$56.48	\$0.00		\$56.48
				<i>Totals for City of Concord:</i>	<u>\$406.37</u>	<u>\$0.00</u>		<u>\$406.37</u>
Clean Street								
Clean Street	6/30/2017	6/30/2017	86852	Sweep fee for June	\$3,500.00	\$0.00		\$3,500.00
				<i>Totals for Clean Street:</i>	<u>\$3,500.00</u>	<u>\$0.00</u>		<u>\$3,500.00</u>
Comcast								
Comcast	7/18/2017	7/18/2017	070117	Internet 7/10/17-8/9/17	\$386.08	\$0.00		\$386.08
				<i>Totals for Comcast:</i>	<u>\$386.08</u>	<u>\$0.00</u>		<u>\$386.08</u>
Concord Garden Equipment								
Concord Garden Equipment	6/30/2017	6/30/2017	546970	Service for hedge trimmer	\$239.26	\$0.00		\$239.26
Concord Garden Equipment	6/30/2017	6/30/2017	546971	Service for hedge trimmer	\$234.99	\$0.00		\$234.99
Concord Garden Equipment	6/30/2017	6/30/2017	546972	Belts for power trimmers	\$19.25	\$0.00		\$19.25
				<i>Totals for Concord Garden Equipment:</i>	<u>\$493.50</u>	<u>\$0.00</u>		<u>\$493.50</u>
Concord Uniforms								
Concord Uniforms	6/30/2017	6/30/2017	12511	Armor vest	\$1,054.82	\$0.00		\$1,054.82
Concord Uniforms	6/30/2017	6/30/2017	12542	Uniform accessories	\$251.98	\$0.00		\$251.98
Concord Uniforms	6/30/2017	6/30/2017	12557	Name tag	\$11.91	\$0.00		\$11.91
Concord Uniforms	6/30/2017	6/30/2017	12547	Uniform	\$572.73	\$0.00		\$572.73
				<i>Totals for Concord Uniforms:</i>	<u>\$1,891.44</u>	<u>\$0.00</u>		<u>\$1,891.44</u>
Contra Costa County Animal Svcs Dept								
Contra Costa County Animal Svcs Dept	7/18/2017	7/18/2017	ASD M5970	Animal Control Services Q1 FY 18	\$16,645.37	\$0.00		\$16,645.37
				<i>Totals for Contra Costa County Animal Svcs Dept:</i>	<u>\$16,645.37</u>	<u>\$0.00</u>		<u>\$16,645.37</u>
Contra Costa County Auditor-Controller (LAFCO)								
Contra Costa County Auditor-Controller	7/18/2017	7/18/2017	1617-0003	LAFCO Net cost appnt. FY 18	\$1,560.03	\$0.00		\$1,560.03
				<i>Totals for Contra Costa County Auditor-Controller (LAFCO):</i>	<u>\$1,560.03</u>	<u>\$0.00</u>		<u>\$1,560.03</u>
Contra Costa County Employment & Human Services								
Contra Costa County Employment & Hu	6/30/2017	6/30/2017	CIC 2017	Children's interview center for FY 17	\$500.00	\$0.00		\$500.00

City of Hayward

Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for Contra Costa County Employment & Human Services:</i>					\$500.00	\$0.00		\$500.00
Contra Costa County Office of the Sheriff (Training)								
Contra Costa County Office of the Sheri	6/30/2017	6/30/2017	17-2506	Range use for June	\$370.00	\$0.00		\$370.00
<i>Totals for Contra Costa County Office of the Sheriff (Training):</i>					\$370.00	\$0.00		\$370.00
Contra Costa County Public Works Dept								
Contra Costa County Public Works Dept	6/30/2017	6/30/2017	701114	Traffic signal maintenance for May	\$891.69	\$0.00		\$891.69
<i>Totals for Contra Costa County Public Works Dept:</i>					\$891.69	\$0.00		\$891.69
Contra Costa County Sheriff - Forensic Svc Div (Lab)								
Contra Costa County Sheriff - Forensic S	6/30/2017	6/30/2017	CLPD-1705	Criminalistics, toxicology for May	\$1,630.00	\$0.00		\$1,630.00
<i>Totals for Contra Costa County Sheriff - Forensic Svc Div (Lab):</i>					\$1,630.00	\$0.00		\$1,630.00
CopWare, Inc.								
CopWare, Inc.	7/18/2017	7/18/2017	83860	CA Peace Officers Legal Sourcebooks	\$400.00	\$0.00		\$400.00
<i>Totals for CopWare, Inc.:</i>					\$400.00	\$0.00		\$400.00
Creative Supports Inc								
Creative Supports Inc	6/30/2017	6/30/2017	18669	File drawer, chair - minus credits	\$509.07	\$0.00		\$509.07
<i>Totals for Creative Supports Inc:</i>					\$509.07	\$0.00		\$509.07
CSAC Excess Insurance Authority								
CSAC Excess Insurance Authority	7/18/2017	7/18/2017	18400065	EAP for Q1 FY 18	\$312.00	\$0.00		\$312.00
<i>Totals for CSAC Excess Insurance Authority:</i>					\$312.00	\$0.00		\$312.00
Renee Culp								
Renee Culp	7/18/2017	7/18/2017	060917	Deposit refund for EH 6/9/17	\$500.00	\$0.00		\$500.00
<i>Totals for Renee Culp:</i>					\$500.00	\$0.00		\$500.00
De Lage Landen Financial Services, Inc.								
De Lage Landen Financial Services, Inc.	7/18/2017	7/18/2017	55049891	Copier contract 6/15/17-7/14/17	\$304.59	\$0.00		\$304.59
<i>Totals for De Lage Landen Financial Services, Inc.:</i>					\$304.59	\$0.00		\$304.59
Diablo Lawnscape								
Diablo Lawnscape	7/18/2017	7/18/2017	14214	Final payment for Keller Ridge Tree Replacem	\$2,610.00	\$0.00		\$2,610.00
<i>Totals for Diablo Lawnscape:</i>					\$2,610.00	\$0.00		\$2,610.00
Digital Services								
Digital Services	6/30/2017	6/30/2017	10967	IT Services through 6/30/17	\$1,775.56	\$0.00		\$1,775.56
<i>Totals for Digital Services:</i>					\$1,775.56	\$0.00		\$1,775.56
David Downs								
David Downs	7/18/2017	7/18/2017	CAP0215	Deposit refund for 5484 Tara Dr	\$3,809.10	\$0.00		\$3,809.10
<i>Totals for David Downs:</i>					\$3,809.10	\$0.00		\$3,809.10
Geoconsultants, Inc.								

City of Jayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Geoconsultants, Inc.	7/18/2017	7/18/2017	18868	Well monitoring for May	\$1,546.50	\$0.00		\$1,546.50
Geoconsultants, Inc.	7/18/2017	7/18/2017	18873	Well monitoring for June	\$1,546.50	\$0.00		\$1,546.50
				<i>Totals for Geoconsultants, Inc.:</i>	<u>\$3,093.00</u>	<u>\$0.00</u>		<u>\$3,093.00</u>
Globalstar LLC								
Globalstar LLC	6/30/2017	6/30/2017	1000000008425543	Sat phone 5/16/17-6/15/17	\$69.47	\$0.00		\$69.47
				<i>Totals for Globalstar LLC:</i>	<u>\$69.47</u>	<u>\$0.00</u>		<u>\$69.47</u>
Hammons Supply Company								
Hammons Supply Company	6/30/2017	6/30/2017	98511	Janitorial supplies for The Grove	\$308.52	\$0.00		\$308.52
Hammons Supply Company	6/30/2017	6/30/2017	98510	Janitorial Supplies for the Library	\$190.20	\$0.00		\$190.20
				<i>Totals for Hammons Supply Company:</i>	<u>\$498.72</u>	<u>\$0.00</u>		<u>\$498.72</u>
Health Care Dental Trust								
Health Care Dental Trust	7/18/2017	7/18/2017	229026	Dental for August	\$2,539.08	\$0.00		\$2,539.08
				<i>Totals for Health Care Dental Trust:</i>	<u>\$2,539.08</u>	<u>\$0.00</u>		<u>\$2,539.08</u>
Jack Healy								
Jack Healy	7/18/2017	7/18/2017	CAP0250	Deposit refund for 317 Mt Palomar Pl	\$1,856.82	\$0.00		\$1,856.82
				<i>Totals for Jack Healy:</i>	<u>\$1,856.82</u>	<u>\$0.00</u>		<u>\$1,856.82</u>
ICMA Retirement Corporation								
ICMA Retirement Corporation	7/18/2017	7/18/2017	40420	Annual Plan Fee for Q1 FY 18	\$125.00	\$0.00		\$125.00
				<i>Totals for ICMA Retirement Corporation:</i>	<u>\$125.00</u>	<u>\$0.00</u>		<u>\$125.00</u>
iPayment								
iPayment	6/30/2017	6/30/2017	042017	Online credit card fee for April	\$11.95	\$0.00		\$11.95
iPayment	6/30/2017	6/30/2017	052017	Online credit card fee for May	\$85.95	\$0.00		\$85.95
				<i>Totals for iPayment:</i>	<u>\$97.90</u>	<u>\$0.00</u>		<u>\$97.90</u>
J&R Floor Services								
J&R Floor Services	6/30/2017	6/30/2017	six 2017	Janitorial services for June	\$4,929.12	\$0.00		\$4,929.12
				<i>Totals for J&R Floor Services:</i>	<u>\$4,929.12</u>	<u>\$0.00</u>		<u>\$4,929.12</u>
Ken Joiret								
Ken Joiret	7/18/2017	7/18/2017	072217	Sound for Concert 7/22/17	\$700.00	\$0.00		\$700.00
				<i>Totals for Ken Joiret:</i>	<u>\$700.00</u>	<u>\$0.00</u>		<u>\$700.00</u>
Matrix Association Management								
Matrix Association Management	7/18/2017	7/18/2017	4687	Diablo Estates management for July	\$4,532.50	\$0.00		\$4,532.50
				<i>Totals for Matrix Association Management:</i>	<u>\$4,532.50</u>	<u>\$0.00</u>		<u>\$4,532.50</u>
MPA								
MPA	7/18/2017	7/18/2017	072017	Life/LTD for July	\$2,100.32	\$0.00		\$2,100.32
MPA	6/30/2017	6/30/2017	ES-1603	Suppl Inv for Vehicle Damage Policy FY 17	\$23.17	\$0.00		\$23.17
				<i>Totals for MPA:</i>	<u>\$2,123.49</u>	<u>\$0.00</u>		<u>\$2,123.49</u>

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
NBS Govt. Finance Group								
NBS Govt. Finance Group	7/18/2017	7/18/2017	617000234	CFD admin fee for Q1 FY 17	\$4,349.02	\$0.00		\$4,349.02
<i>Totals for NBS Govt. Finance Group:</i>					<u>\$4,349.02</u>	<u>\$0.00</u>		<u>\$4,349.02</u>
Neopost (add postage)								
Neopost (add postage)	7/18/2017	7/18/2017	063017	Postage added 6/30/17	\$300.00	\$0.00		\$300.00
Neopost (add postage)	6/30/2017	6/30/2017	061617	Postage added 6/16/17	\$300.00	\$0.00		\$300.00
Neopost (add postage)	6/30/2017	6/30/2017	062317	Postage added 6/23/17	\$300.00	\$0.00		\$300.00
Neopost (add postage)	6/30/2017	6/30/2017	062317	Postage added 6/23/17	\$300.00	\$0.00		\$300.00
<i>Totals for Neopost (add postage):</i>					<u>\$1,200.00</u>	<u>\$0.00</u>		<u>\$1,200.00</u>
Neopost Northwest								
Neopost Northwest	7/18/2017	7/18/2017	N6633470	Postage Meter for 8/7/16-9/6/17	\$157.93	\$0.00		\$157.93
Neopost Northwest	6/30/2017	6/30/2017	060217	Neopost postage fee	\$50.00	\$0.00		\$50.00
<i>Totals for Neopost Northwest:</i>					<u>\$207.93</u>	<u>\$0.00</u>		<u>\$207.93</u>
Pacific Telemanagement Svc								
Pacific Telemanagement Svc	7/18/2017	7/18/2017	927148	Courtyard payphone for July	\$73.00	\$0.00		\$73.00
<i>Totals for Pacific Telemanagement Svc:</i>					<u>\$73.00</u>	<u>\$0.00</u>		<u>\$73.00</u>
Paramount Elevator Corp.								
Paramount Elevator Corp.	6/30/2017	6/30/2017	INV-09789-N8H5	Elevator repair	\$1,171.89	\$0.00		\$1,171.89
<i>Totals for Paramount Elevator Corp.:</i>					<u>\$1,171.89</u>	<u>\$0.00</u>		<u>\$1,171.89</u>
PERMCO, Inc.								
PERMCO, Inc.	6/30/2017	6/30/2017	10794	FY 2018 budget & staff report prep	\$934.00	\$0.00		\$934.00
PERMCO, Inc.	7/18/2017	7/18/2017	10803	Review new plans, 925 Douglas Ct	\$450.00	\$0.00		\$450.00
PERMCO, Inc.	7/18/2017	7/18/2017	10798	Engineering services 6/24/17-7/7/17	\$3,353.75	\$0.00		\$3,353.75
PERMCO, Inc.	7/18/2017	7/18/2017	10799	CAP Inspection 6/24/17-7/7/17	\$62.25	\$0.00		\$62.25
PERMCO, Inc.	7/18/2017	7/18/2017	10800	Restart plan prep, El Molino Sewer	\$1,032.00	\$0.00		\$1,032.00
PERMCO, Inc.	7/18/2017	7/18/2017	10801	Bid ad, pkg, Collector Street Rehab	\$136.81	\$0.00		\$136.81
PERMCO, Inc.	7/18/2017	7/18/2017	10802	Construction Inspection, Arterial rehab	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	7/18/2017	7/18/2017	10804	Prep plans, bid pkg, Main St Planters	\$1,105.63	\$0.00		\$1,105.63
PERMCO, Inc.	7/18/2017	7/18/2017	10805	Bids for ADA mods @ City Hall	\$1,361.63	\$0.00		\$1,361.63
PERMCO, Inc.	7/18/2017	7/18/2017	10806	Bids for Oak St demo	\$497.00	\$0.00		\$497.00
PERMCO, Inc.	7/18/2017	7/18/2017	10807	Budget prep, reports, GHAD	\$1,395.00	\$0.00		\$1,395.00
<i>Totals for PERMCO, Inc.:</i>					<u>\$10,369.57</u>	<u>\$0.00</u>		<u>\$10,369.57</u>
PG&E								
PG&E	6/30/2017	6/30/2017	062217	Electricity 5/16/17-6/20/17	\$3,944.49	\$0.00		\$3,944.49
PG&E	6/30/2017	6/30/2017	06152017	Electricity/Gas 5/16/17-6/14/17	\$20,015.20	\$0.00		\$20,015.20
<i>Totals for PG&E:</i>					<u>\$23,959.69</u>	<u>\$0.00</u>		<u>\$23,959.69</u>
Reliable Automotive, LLC								
Reliable Automotive, LLC	6/30/2017	6/30/2017	000021334	Smog, oil chg, '05 Chevy	\$137.92	\$0.00		\$137.92
Reliable Automotive, LLC	6/30/2017	6/30/2017	000022451	Front bearing replacement '99 Ford	\$477.54	\$0.00		\$477.54

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
Reliable Automotive, LLC	6/30/2017	6/30/2017	000022271	Power Steering repair, '05 Ford	\$653.28	\$0.00		\$653.28
				<i>Totals for Reliable Automotive, LLC:</i>	<i>\$1,268.74</i>	<i>\$0.00</i>		<i>\$1,268.74</i>
David Riegert								
David Riegert	7/18/2017	7/18/2017	07222017	Concert in The Grove 7/22/17	\$1,500.00	\$0.00		\$1,500.00
				<i>Totals for David Riegert:</i>	<i>\$1,500.00</i>	<i>\$0.00</i>		<i>\$1,500.00</i>
Riso Products of Sacramento								
Riso Products of Sacramento	6/30/2017	6/30/2017	171823	Copier contract, usage 5/20/17-6/19/17	\$29.69	\$0.00		\$29.69
				<i>Totals for Riso Products of Sacramento:</i>	<i>\$29.69</i>	<i>\$0.00</i>		<i>\$29.69</i>
Roto-Rooter Sewer/Drain Service								
Roto-Rooter Sewer/Drain Service	6/30/2017	6/30/2017	F-895-17	Repair toilet in Library restroom	\$272.55	\$0.00		\$272.55
Roto-Rooter Sewer/Drain Service	6/30/2017	6/30/2017	F-1146-17	Replace garbage disposal PD kitchen	\$805.50	\$0.00		\$805.50
				<i>Totals for Roto-Rooter Sewer/Drain Service:</i>	<i>\$1,078.05</i>	<i>\$0.00</i>		<i>\$1,078.05</i>
San Mateo Medical Center								
San Mateo Medical Center	6/30/2017	6/30/2017	1355	Outpatient services for medical legal exam	\$700.00	\$0.00		\$700.00
				<i>Totals for San Mateo Medical Center:</i>	<i>\$700.00</i>	<i>\$0.00</i>		<i>\$700.00</i>
Site One Landscape Supply, LLC								
Site One Landscape Supply, LLC	6/30/2017	6/30/2017	81166631	Irrigation parts	\$1,484.19	\$0.00		\$1,484.19
Site One Landscape Supply, LLC	6/30/2017	6/30/2017	81113063	Irrigation parts	\$3,912.32	\$0.00		\$3,912.32
Site One Landscape Supply, LLC	6/30/2017	6/30/2017	81058231	Irrigation parts	\$1,005.36	\$0.00		\$1,005.36
Site One Landscape Supply, LLC	6/30/2017	6/30/2017	81014301	Irrigation parts	\$2,168.76	\$0.00		\$2,168.76
				<i>Totals for Site One Landscape Supply, LLC:</i>	<i>\$8,570.63</i>	<i>\$0.00</i>		<i>\$8,570.63</i>
Sprint Comm (PD)								
Sprint Comm (PD)	6/30/2017	6/30/2017	703335311-187	Cell phone 5/26/17-6/25/17	\$297.77	\$0.00		\$297.77
				<i>Totals for Sprint Comm (PD):</i>	<i>\$297.77</i>	<i>\$0.00</i>		<i>\$297.77</i>
Staples Advantage								
Staples Advantage	6/30/2017	6/30/2017	8045293216	Office supplies for May	\$36.72	\$0.00		\$36.72
				<i>Totals for Staples Advantage:</i>	<i>\$36.72</i>	<i>\$0.00</i>		<i>\$36.72</i>
Stericycle Inc								
Stericycle Inc	7/18/2017	7/18/2017	3003894020	Medical waste disposal	\$101.44	\$0.00		\$101.44
				<i>Totals for Stericycle Inc:</i>	<i>\$101.44</i>	<i>\$0.00</i>		<i>\$101.44</i>
Synergy Enterprises, Inc.								
Synergy Enterprises, Inc.	6/30/2017	6/30/2017	SB61417	Oak St Pre-demolition asbestos, lead, PCB s	\$1,840.00	\$0.00		\$1,840.00
				<i>Totals for Synergy Enterprises, Inc.:</i>	<i>\$1,840.00</i>	<i>\$0.00</i>		<i>\$1,840.00</i>
T-Bar Concrete Co								
T-Bar Concrete Co	7/18/2017	7/18/2017	CAP0245	Deposit refund for Dana Hills HOA	\$832.96	\$0.00		\$832.96
				<i>Totals for T-Bar Concrete Co:</i>	<i>\$832.96</i>	<i>\$0.00</i>		<i>\$832.96</i>

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
US Bank (CM 9690)								
US Bank (CM 9690)	7/18/2017	7/18/2017	4673422	CFA Admin fees FY 18	\$2,310.00	\$0.00		\$2,310.00
				<i>Totals for US Bank (CM 9690):</i>	<u>\$2,310.00</u>	<u>\$0.00</u>		<u>\$2,310.00</u>
Verizon Wireless								
Verizon Wireless	6/30/2017	6/30/2017	9788433396	Cell phones, June	\$101.30	\$0.00		\$101.30
				<i>Totals for Verizon Wireless:</i>	<u>\$101.30</u>	<u>\$0.00</u>		<u>\$101.30</u>
Don S Vogel								
Don S Vogel	7/18/2017	7/18/2017	07262017	Classic car show/DJ 07/26/17	\$200.00	\$0.00		\$200.00
				<i>Totals for Don S Vogel:</i>	<u>\$200.00</u>	<u>\$0.00</u>		<u>\$200.00</u>
Workers.com								
Workers.com	6/30/2017	6/30/2017	0000119175	Seasonal workers week end 6/11/17	\$4,987.85	\$0.00		\$4,987.85
Workers.com	6/30/2017	6/30/2017	0000119236	Seasonal workers week end 6/18/17	\$4,767.42	\$0.00		\$4,767.42
Workers.com	6/30/2017	6/30/2017	0000119299	Seasonal Workers week end 6/25/17	\$4,921.22	\$0.00		\$4,921.22
Workers.com	6/30/2017	6/30/2017	0000119362	Seasonal workers week end 7/2/17	\$4,869.95	\$0.00		\$4,869.95
				<i>Totals for Workers.com:</i>	<u>\$19,546.44</u>	<u>\$0.00</u>		<u>\$19,546.44</u>
				GRAND TOTALS:	\$583,726.47	\$0.00		\$583,726.47

City of Clayton Cash Requirements Report

Report name: New Cash Requirements Report
Show invoices open as of: 7/18/2017
Do not include invoices scheduled to be generated
Calculate discounts as of today
Include all invoice dates
Include all post dates
Include all due dates
Include all Post Statuses
Include all Invoices
Include all Vendors
Include all Banks
Include all Invoice Attributes
Include all Vendor Attributes

WEEK 25 BATCH 2752 30 PAYS
0 Employees With Overflow Statement
0 Overflow Statement 1 Total Statement
Tot Cks/Vchrs:00000000030 Tot Docs in all:00000000033
First No. Last No. Total
Checks: ADPCHECK ADPCHECK 00000000004
Vouchers: 00000250001 00000250026 00000000026

Earnings Statement

Z7L TOTAL DOCUMENT
CITY OF CLAYTON
LOCATION 0001

CHECK STUFFING, RECONCILIATION

84084.50 GROSS
59200.69 NET PAY (INCLUDING ALL DEPOSITS)
10152.33 FEDERAL TAX
134.58 SOCIAL SECURITY
1161.43 MEDICARE
.00 MEDICARE SURTAX
.00 SUI TAX
3176.94 STATE TAX
.00 LOCAL TAX
67571.26 DEDUCTIONS
1887.96 NET CHECK

**COMPANY CODE Z7L
CITY OF CLAYTON
TOTAL DOCUMENT
LOCATION 0001**

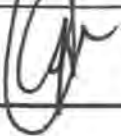
VERIFY DOCUMENT AUTHENTICITY - COLORED AREA MUST CHANGE IN TONE GRADUALLY AND EVENLY FROM DARK AT TOP TO LIGHTER AT BOTTOM

NON-NEGOTIABLE - VOID - NON-NEGOTIABLE
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Agenda Date: 7-18-2017
Agenda Item: 3d

STAFF REPORT

Approved: 

Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: JULY 18, 2017

SUBJECT: CONSIDERATION OF A RESOLUTION ORDERING THE LEVY OF A SPECIAL TAX WITHIN THE OAK STREET PERMANENT ROAD DIVISION FOR FY 2017-18

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The Oak Street Permanent Road Division was formed in 2000 to provide a mechanism for the included property owners to repay the City for funds advanced for the reconstruction of the Oak Street Bridge over Mitchell Creek. In addition, a portion of the annual levy is set aside to provide funds for the maintenance of the private portion of Oak Street.

The Redevelopment Agency funded the reconstruction of the bridge and repayment was spread over 20 years with a 7% interest rate. In addition, the annual levy has included an amount of \$350 per parcel dedicated to future road maintenance and \$92.01 per parcel for Division administrative fees (10% of the levy for bridge construction and maintenance). Through the end of FY 2016-17, we have collected \$76,029.41 (including \$4,763.00 from Reuben Gonzalez in 2005/06 to pay off his bridge assessment) for construction repayment, \$26,400 for maintenance (deposited in a separate fund), and \$9,766.40 for administration (1% of the total assessment and deposited in City General Fund).

Due to the repaving of Oak Street after construction of the sewer line, we revised the maintenance schedule to provide for slurry seal treatments at 10 and 20 years after formation (2010 and 2020, respectively), along with an overlay at 30 years (2030). This revised schedule reduced the required maintenance levy to \$200.00 per parcel per year. Since we had been collecting \$350.00 per parcel per year, we suspended the maintenance

Date: July 18, 2017

Page 2 of 2

assessment for five years (ending with the 2010-11 assessment). This year we are restoring the annual assessment of \$200.00 per parcel for road maintenance. As part of the 2016 Arterial Rehabilitation Project, we performed pavement repairs and microsurfaced the existing pavement at a cost of approximately \$11,000. This work reduced maintenance funds to approximately \$15,400 at the end of FY 16-17.

In the Resolution, it is noted that six parcels have a levy of \$847.14, one parcel has a levy of \$220.00, and two have levies of \$423.58. The original Division included 8 parcels, all levied equally. Since that time, one parcel was subsequently subdivided (Caspar) and that levy was reapportioned equally between the two lots. In addition, Mr. Gonzalez paid off his bridge assessment in FY 2005/06 and is now being assessed only for maintenance of the road.

The first assessment for the repayment of the bridge construction costs was levied in FY 2000/01 and the final assessment for construction costs will be levied in FY 2019/20. It should be noted the portion of the assessment for maintenance and Division administration will continue thereafter.

FISCAL IMPACT

If this Resolution is not approved, money owed the Successor Agency for construction of the bridge by the affected property owners will not be repaid. The annual assessment for this fiscal year will produce a total of \$6,150.00.

CONCLUSION

Based upon the above, staff recommends the City Council approve this Resolution levying a special tax in FY 17-18 on the parcels located within the Oak Street Permanent Road Division.

Attachments: Resolution levying a Special Tax [2 pp.]

RESOLUTION NO. - 2017

**A RESOLUTION ORDERING THE LEVYING OF A SPECIAL TAX FOR FY 2017-18
WITHIN THE OAK STREET PERMANENT ROAD DIVISION FOR THE
REPAYMENT OF FUNDS ADVANCED FOR THE RECONSTRUCTION OF THE
BRIDGE AND FUTURE MAINTENANCE PURSUANT TO THE STREETS AND
HIGHWAY CODE, ARTICLE 3, SECTION 1173, et seq.**

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

WHEREAS, by passage of Resolution 66-99, the City Council ordered the formation of the Oak Street Permanent Road Division for the purpose of reconstructing and maintaining the Oak Street Bridge over Mitchell Creek and maintaining the private portion of Oak Street; and

WHEREAS, the City Council received petitions, signed by a majority of the property owners within the Division, requesting construction of a new bridge over Mitchell Creek and the levy of a special tax to pay for the construction and for the future maintenance of the bridge and road; and

WHEREAS, the City Council called for an election on May 1, 2000, to approve the levying of a special tax; and

WHEREAS, the City Clerk and City Engineer then certified that ballots approving the special tax were received from more than two-thirds of the property owners in both number and valuation; and

WHEREAS, the special tax approved must be re-levied each fiscal year;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of Clayton, California as follows:

1. The Council hereby orders the levy of special taxes for FY 2017-18 on those parcels within the Oak Street Permanent Road Division for the reconstruction and maintenance of the bridge over Mitchell Creek and the maintenance of the private portion of Oak Street.

2. The annual tax rates for each parcel for the reconstruction and maintenance shall be as follows:

APN	Owner	Construction	Bridge Maintenance	Division Admin.	Total
119-040-027	Law	\$570.13	\$200.00	\$77.01	\$847.14
119-040-028	Schwitters	\$570.13	\$200.00	\$77.01	\$847.14
119-040-029	Gonzalez	\$0.00	\$200.00	\$20.00	\$220.00
119-040-030	Ludlow	\$570.13	\$200.00	\$77.01	\$847.14
119-040-031	Mrozwski	\$570.13	\$200.00	\$77.01	\$847.14
119-040-032	Hemstalk	\$570.13	\$200.00	\$77.01	\$847.14
119-040-033	Webb	\$570.13	\$200.00	\$77.01	\$847.14
119-040-036	Caspar	\$285.07	\$100.00	\$38.51	\$423.58
119-040-037	Caspar	\$285.07	\$100.00	\$38.51	\$423.58

3. The special taxes shall be levied and collected by the County of Contra Costa, California along with the regular property taxes.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting of said Council held on July 18, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jim Diaz, Mayor

ATTEST:

Janet Brown, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular public meeting held on July 18, 2017.

Janet Brown, City Clerk



Agenda Date: 7-18-2017

Agenda Item: 3e

STAFF REPORT

Approved:

Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: JULY 18, 2017

SUBJECT: CONSIDERATION OF A RESOLUTION ORDERING THE LEVY OF A SPECIAL TAX WITHIN THE HIGH STREET PERMANENT ROAD DIVISION FOR FY 2017-18

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The High Street Permanent Road Division was formed in 1999 to provide a mechanism for the included property owners to repay the City for funds advanced for the reconstruction of the High Street Bridge over Mitchell Creek. In addition, a portion of the annual levy is set aside to provide funds for the maintenance of the bridge.

The City agreed to fund half the cost of the bridge and the remainder was to be paid by the property within the Division. The former Clayton Redevelopment Agency (now the "Successor Agency" by state dissolution law) funded the reconstruction of the bridge and repayment was spread over 30 years with a 6% interest rate. In addition, the annual levy includes an amount of \$60 per parcel dedicated to future bridge maintenance. The City has absorbed all of the administrative costs. Through the end of FY 2016-17 (eighteen years), we have collected \$68,629.78 towards the construction and interest costs (including \$5,288.78 from John Morgan in January, 2014 to pay off his bridge assessment), and \$5,400.00 for future maintenance.

In the Resolution it is noted there are several different levies. These amounts were based on a formula negotiated with the property owners when the Division was formed.

Subject: High Street Permanent Road Division – Levy of Special Tax

Date: July 18, 2017

Page 2 of 2

The first assessment for the repayment of the bridge construction costs was levied in FY 1999/00 and the final assessment for construction costs will be levied in FY 2028/29. It should be noted that the portion of the assessment for bridge maintenance will continue thereafter.

FISCAL IMPACT

The annual assessment will produce \$1,754.00 in FY 2017-18. If this Resolution is not approved, money owed to the Successor Agency by the property owners will not be repaid and funds will not be available for future bridge maintenance.

CONCLUSION

Based upon the above, staff recommends the City Council approve this Resolution levying a special tax on the parcels located within the High Street Permanent Road Division.

Attachments: Resolution levying a Special Tax [2 pp.]

RESOLUTION NO. - 2017

**A RESOLUTION ORDERING THE LEVYING OF A SPECIAL TAX FOR FY 2017-18
WITHIN THE HIGH STREET PERMANENT ROAD DIVISION FOR THE
REPAYMENT OF FUNDS ADVANCED FOR THE RECONSTRUCTION OF THE
BRIDGE AND FUTURE MAINTENANCE PURSUANT TO THE STREETS AND
HIGHWAY CODE, ARTICLE 3, SECTION 1173, et seq.**

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

WHEREAS, by passage of Resolution 34-98, the City Council ordered the formation of the High Street Permanent Road Division for the purpose of reconstructing and maintaining the High Street Bridge over Mitchell Creek; and

WHEREAS, the City Council received petitions, signed by a majority of the property owners within the Division, requesting construction of a new bridge over Mitchell Creek and the levy of a special tax to pay for the construction and for the future maintenance of the bridge; and

WHEREAS, the City Council called for an election on February 26, 1999 to approve the levying of a special tax; and

WHEREAS, the City Clerk and City Engineer then certified that ballots approving the special tax were received from more than two-thirds of the property owners in both number and valuation; and

WHEREAS, said special tax approved must be re-levied each fiscal year;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of Clayton, California as follows:

1. The City Council hereby orders the levy of special taxes for FY 2017-18 on those parcels within the High Street Permanent Road Division for the reconstruction and maintenance of the bridge over Mitchell Creek.

2. The annual tax rates for each parcel for the reconstruction and maintenance shall be as follows:

APN	Current Owner	Reconstruction	Bridge Maintenance	Total
119-050-036	Clayton Community Church, Inc.	\$545.00	\$60.00	\$605.00
119-050-008	City of Clayton	\$0.00	\$60.00	\$60.00
119-040-023	Morgan	\$0.00	\$60.00	\$60.00
119-040-024	Davis	\$364.00	\$60.00	\$424.00
119-040-021	Utley	\$545.00	\$60.00	\$605.00

3. Said special taxes shall be levied and collected by the County of Contra Costa along with the regular property taxes.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 18th day of July 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jim Diaz, Mayor

ATTEST:

Janet Brown, City Clerk


I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on July 18, 2017.

Janet Brown, City Clerk



Agenda Date: 7-18-2017
Agenda Item: 3F

STAFF REPORT

Approved: 

Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: RICK ANGRISANI, CITY ENGINEER
DATE: JULY 18, 2017
SUBJECT: CONSIDERATION OF A RESOLUTION CONFIRMING THE LEVYING OF ASSESSMENTS WITHIN THE OAK STREET SEWER ASSESSMENT DISTRICT FOR FY 2017-18

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The Oak Street Sewer Assessment District was formed to undertake the installation of sanitary sewers and laterals in their respective neighborhoods.

The City issued and sold bonds to provide the funding for the formation of the district and the construction of the sewers. The bonds are to be repaid by the property owners through assessments levied each year and collected by the County with their property taxes. Along with principal and interest costs, the assessments also include an administrative fee of \$150.00 per parcel to cover the District's overhead costs.

In May, 2015, Mr. Morgan paid off the assessment on APN 119-040-023.

The first assessment was levied in FY 2003/04 and the final assessment will be levied in FY 2026/27.

The attached resolution confirms the proposed assessments for fiscal year 2017-18.

Subject: Oak Street Sewer Assessment District – Levy of Assessments

Date: July 18, 2017

Page 2 of 2

FISCAL IMPACT

The annual assessments will yield approximately \$11,309 for the Oak Street Sewer Assessment District for FY 2017-18. If this Resolution is not approved, the City would have to pursue separate action against each of the assessed property owners for collection or default on the bonds.

CONCLUSION

Based upon the above, staff recommends the City Council approve this Resolution confirming the levying of annual assessments in the Oak Street Sewer Assessment District.

Attachments: Resolution Confirming Assessments [3 pp.]

RESOLUTION NO.

**A RESOLUTION CONFIRMING THE LEVYING OF ASSESSMENTS FOR
FY 2017-18 WITHIN THE OAK STREET SEWER ASSESSMENT DISTRICT
FOR THE REPAYMENT OF BONDS ISSUED FOR THE CONSTRUCTION OF
MUNICIPAL SANITARY SEWERS.**

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

WHEREAS, by passage of Resolution 62-2002, the City Council ordered the formation of the Oak Street Sewer Assessment District in accordance with and pursuant to the Municipal Improvement Act of 1913; and

WHEREAS, the City of Clayton issued and sold bonds in the amount of \$187,000.00 to fund the construction of municipal sanitary sewers in the Oak Street Assessment District which must be repaid by the real property owners within the assessment district; and

WHEREAS, the repayment of the bond costs by the real property owners is provided through the levying and inclusion of an annual assessment, for principal, interest and administrative costs, on each property owner's County property tax bill; and

WHEREAS, the proposed assessments for Fiscal Year 2017-18 are shown on Exhibit A attached hereto;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of Clayton, California as follows:

1. The Council hereby orders the levy of assessments for FY 2017-18 on those parcels within the Oak Street Sewer Assessment Districts for repayment of bonds issued for the construction of municipal sanitary sewers within the assessment district.
2. The annual assessment for each parcel in each assessment district shall be as shown on Exhibit A attached hereto.
3. The assessments shall be levied and collected by the County along with the regular property taxes.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on July 18, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jim Diaz, Mayor

ATTEST:

Janet Brown, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of Clayton, California at a regular public meeting thereof held on July 18, 2017.

Janet Brown, City Clerk

EXHIBIT A

**ANNUAL ASSESSMENT AMOUNTS FOR FY 2017-18
FOR THE OAK STREET SEWER ASSESSMENT DISTRICT**

Oak Street Sewer Assessment District	
Parcel ID (APN)	Amount
119-040-021	\$1,130.91
119-040-024	\$1,130.91
119-040-027	\$1,130.91
119-040-028	\$1,130.91
119-040-030	\$1,130.91
119-040-032	\$1,130.91
119-040-033	\$1,130.91
119-040-036	\$1,130.91
119-040-037	\$1,130.91
119-050-036	\$1,130.91
Total Assessment	\$11,309.10



Agenda Date: 7-18-2017

Agenda Item: 3g

STAFF REPORT

Approved:

Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: JULY 18, 2017

SUBJECT: CONSIDERATION OF A RESOLUTION CONFIRMING THE LEVYING OF ASSESSMENTS WITHIN THE LYDIA LANE SEWER ASSESSMENT DISTRICT FOR FY 2017-18

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The Lydia Lane Sewer Assessment District was formed to undertake the installation of sanitary sewers and laterals in the Lydia Lane and Verna Way area south of Clayton Road.

The City issued and sold bonds to provide the funding for the formation of the district and the construction of the sewers. The bonds are to be repaid by the property owners through assessments levied each year and collected by the County with their property taxes. Along with principal and interest costs, the assessments also include an administrative fee of \$150.00 per parcel to cover the District's overhead costs.

The first assessment was levied in FY 2002/03 and the final assessment will be levied in FY 2031/32.

The attached resolution confirms the proposed assessments for fiscal year 2017-18.

FISCAL IMPACT

The annual assessments will yield approximately \$16,900 for the Lydia Lane Sewer Assessment District for FY 2017-18. If this Resolution is not approved, the City would have

Subject: Lydia Lane Sewer Assessment District – Levy of Assessments

Date: July 18, 2017

Page 2 of 2

to pursue separate action against each assessed property owners to collect the monies due or default on the bonds.

CONCLUSION

Based upon the above, staff recommends the City Council approve this Resolution confirming the levying of annual assessments in the Lydia Lane Sewer Assessment District.

Attachments: Resolution Confirming Assessments [3 pp.]

RESOLUTION NO.

**A RESOLUTION CONFIRMING THE LEVYING OF ASSESSMENTS FOR
FY 2017-18 WITHIN THE LYDIA LANE SEWER ASSESSMENT DISTRICT
FOR THE REPAYMENT OF BONDS ISSUED FOR THE CONSTRUCTION OF
MUNICIPAL SANITARY SEWERS.**

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

WHEREAS, by passage of Resolution 36-2002, the City Council ordered the formation of the Lydia Lane Sewer Assessment District in accordance with and pursuant to the Municipal Improvement Act of 1913; and

WHEREAS, the City of Clayton issued and sold bonds in the amount of \$228,332.00 to fund the construction of municipal sanitary sewers in the Lydia Lane Assessment District which must be repaid by the real property owners within the assessment district; and

WHEREAS, the repayment of the bond costs by the real property owners is provided through the levying and inclusion of an annual assessment, for principal, interest and administrative costs, on each real property owner's County property tax bill; and

WHEREAS, the proposed assessments for Fiscal Year 2017-18 are shown on Exhibit A attached hereto;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of Clayton, California as follows:

1. The City Council hereby orders the levy of assessments for FY 2017-18 on those parcels within the Lydia Lane Sewer Assessment District for repayment of bonds issued for the construction of municipal sanitary sewers within the assessment district.
2. The annual assessment for each parcel in each assessment district zone shall be as shown on Exhibit A attached hereto.
3. The assessments shall be levied and collected by the County of Contra Costa along with the regular property taxes.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 18th day of July 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jim Diaz, Mayor

ATTEST:

Janet Brown, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on July 18, 2017.

Janet Brown, City Clerk

EXHIBIT A

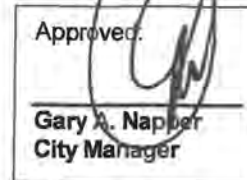
**ANNUAL ASSESSMENT AMOUNTS FOR FY 2017-18
FOR THE LYDIA LANE SEWER ASSESSMENT DISTRICT**

Lydia Lane Sewer Assessment District	
Parcel ID (APN)	Amount
120-042-005	\$895.28
120-042-006	\$895.28
120-043-007	\$895.28
120-043-009	\$895.28
120-051-007	\$1,109.88
120-051-008	\$1,109.88
120-051-010	\$1,109.88
120-052-003	\$1,109.88
120-052-004	\$1,109.88
120-052-005	\$1,109.88
120-052-006	\$1,109.88
120-052-009	\$1,109.88
120-052-011	\$1,109.88
120-052-015	\$1,109.88
120-052-016	\$1,109.88
120-052-017	\$1,109.88
Total Assessment	\$16,899.68



Agenda Date: 7-18-2017

Agenda Item: 3h



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: RICK ANGRISANI, CITY ENGINEER
DATE: JULY 18, 2017
SUBJECT: CONSIDER A RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE EL PORTAL DRIVE RESTORATION PROJECT (CIP NO. 10439)

RECOMMENDATION

Approve attached Resolution.

BACKGROUND

This project was originally advertised for bids with a bid opening date of May 11, 2017. As of the time and date specified, we surprisingly received no bids. At the City Manager's direction we re-advertised the project with a bid opening date of June 23, 2017.

At that time, we received one bid from J.A. Gonsalves & Son in the amount of \$399,520.00. The bid amount is approximately 50% higher than the engineer's estimate of \$265,000. The proposed unit prices are significantly higher than we have received on other projects for similar work.

Since we received a bid, we are prohibited from negotiating a construction contract and must adhere to the Public Contract Code and rebid the project again. As staff sees it, there are four options to consider:

- 1) Rebid the project immediately.
- 2) Rebid the project as-is in the Fall (late Aug. – Sept.).
- 3) Combine project with a future paving project (e.g., the 2018 Neighborhood Street Project (CIP No. 10436); or
- 4) Split the project into two specialty bids (concrete and paving)

Staff considers re-bidding the project as-is would be a waste of time and resources as there is apparently something that has spooked the bidders (probably time or current workloads; possibly difficulty of the work). Staff hesitates to recommend Options 2 or 3 as the street and

Subject: El Portal Drive Rehabilitation Project Bid Rejection

Date: July 18, 2017

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sidewalk areas really need to be addressed. Therefore, staff is left with Option 4 to explore and will work on that option internally. A probable construction time in October may also be more acceptable to bidders.

Based upon the above, we recommend that the City Council approve the attached resolution rejecting the one bid received.

Attachment: Resolution

RESOLUTION NO. - 2017

A RESOLUTION REJECTING THE BIDS RECEIVED FOR THE EL PORTAL DRIVE RESTORATION PROJECT (CIP No. 10439).

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

WHEREAS, on Friday, June 23, 2017, the City opened the bids for the El Portal Drive Restoration Project (CIP No. 10439); and

WHEREAS, only one bid was received from J. A. Gonsalves & Son Construction Inc., in the amount of \$399,520.00; and

WHEREAS, the City Engineer's construction estimate was approximately \$265,000; and

WHEREAS, the City Engineer reviewed the bid, found the unit prices appeared to be much higher than those received on recent similar public works projects, and has recommended the singular bid be rejected;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Clayton that the bid for the El Portal Drive Restoration Project (CIP No. 10439) be rejected as inappropriate in accordance with the bid specifications allowing for the rejection of all bids.

PASSED, APPROVED and ADOPTED by the City Council of the City of Clayton, California at a regular public meeting thereof held on July 18, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jim Diaz, Mayor

ATTEST:

Janet Brown, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular public meeting held on July 18, 2017.

Janet Brown, City Clerk



Agenda Date: 7-18-2017

Agenda Item: 3i

Approved:

Gary A. Napper,
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: Kevin Mizuno, Finance Manager
MEETING DATE: July 18, 2017
SUBJECT: Revised Master Fee Schedule for Certain User-Benefit City Services and Use of City Facilities and Parks

RECOMMENDATION

It is recommended the City Council adopt the attached Resolution amending the existing fee schedule for certain user-benefit City services and rental of public facilities and parks for the fiscal year ending June 30, 2018 (FY 2017-18).

BACKGROUND

The City of Clayton annually reviews existing user benefit and facility/park rental fees to ensure they are set appropriately to cover costs attributable to providing the underlying services. The Master Fee Schedule currently effective for such fees was established by Resolution No. 37-2016 on June 21, 2016.

DISCUSSION

Staff recommends all existing fees, excluding refundable deposits, be increased by the San Francisco-Oakland-San Jose April 2016 to April 2017 Consumer Price Index (CPI) inflationary growth rate of 3.78% as published by the United States Bureau of Labor and Statistics. This increase allows the City to recover organizational year-to-year inflationary and economic cost increases.

It has been the practice of the City to only adopt fee increases in whole dollar increments. As applied in past years, staff does not recommend individual fee increases resulting from annual CPI growth until the resulting fee increase equals or exceeds one whole dollar. This method serves to simplify the fee increase process, as well as to satisfy law that City fees cannot recoup more than its actual expense (i.e. "rounding-up" would result in excessive fees). In circumstances where the prior year CPI adjustments did not result in a fee

increase, a two more other multi-year CPI rate as applicable was applied in the current year to ascertain whether a fee increase should be recommended. The two year CPI rate applied in such instances was 6.48% (3.78% 2017 CPI plus 2.70% April 2016 CPI). The three year CPI rate applied in such instances was 8.88% (3.78% 2017 CPI plus 2.70% April 2016 CPI plus 2.40% April 2015 CPI).

Certain fees remain unchanged as they are set by state law or the current year CPI adjustment (3.78%) was insufficient to justify a proposal for a whole dollar fee increase. All refundable deposit amounts will remain unchanged from the prior year's adopted Master Fee Schedule. As the name implies, any unused balances of refundable deposits are fully refundable to the paying applicant at the conclusion of the underlying deliverable.

Adjustments to the City's Master Fee Schedule are consistent with public policy that user-based municipal services bear its own costs. The proposed changes would accomplish this objective and in each instance no fee is higher than the true cost to provide the service or use. On the far right column of the attached proposed fee schedule (Exhibit A to the Resolution) fees with one asterisk [*] indicate a single year CPI adjustment; those with two asterisks [**] indicate a two year CPI adjustment; and those with three asterisks [***] indicate a three year CPI adjustment.

Most fees included in the Proposed FY 2017-18 Master Fee Schedule will become effective upon adoption of the attached Resolution (Attachment 1). The exception to this rule is that certain fees in the Proposed FY 2017-18 Master Fee Schedule pertaining to planning and land use have been marked with an arrow [>] on the left column and are subject to the requirements of *California Government Code* Section 66017 and therefore would not be effective until 60 days after the adoption of the attached Resolution in accordance with the law.

In accordance with *California Government Code* section 66016, prior to levying a new fee or service charges, or prior to approving an increase in an existing fee or service charge, a local agency must notice the time and place of public meeting at least fourteen (14) days prior to the meeting to any interested party who files a written request with the local agency. Furthermore, at least ten (10) days prior to the meeting to adopt new or increases to existing fee or service charges a local agency must make available to the public data indicating the amount of cost, or estimated cost, required to provide the service for which the fee or service charge is levied. On Friday June 30, 2017 the City issued a public notice (Attachment 2), published the Proposed FY 2017-18 Master Fee Schedule on the City's website, and provided it to all requesting parties thereby fulfilling the requirements of the aforementioned *California Government Code* section.

FISCAL IMPACT

No direct fiscal impact will result from the City Council's adoption of the attached proposed Master Fee Schedule for FY 2017-18. Assuming no changes to the existing demand for user-fee based services next fiscal year, negligible increases to user-fee revenue line items

Subject: City Master Fee Schedule
Meeting Date: July 18, 2017
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may be realized resulting from CPI-based fee adjustments. However, it is expected these revenue increases will be offset by unavoidable inflationary increases to costs associated with providing these user-based services.

Respectfully submitted,



Kevin Mizuno, CPA

- Attachments:
1. Resolution __-2017 (2 pp.)
 - o Exhibit A to Resolution __-2017 (8 pp.)
 2. Public Meeting Notice (1 p.)

RESOLUTION NO. __-2017

**A RESOLUTION AMENDING THE CITY MASTER FEE SCHEDULE FOR CERTAIN
USER-BENEFIT CITY SERVICES AND RENTAL OF PUBLIC
FACILITIES AND PARKS**

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

WHEREAS, the City of Clayton established various user fees for City services and facilities that are updated annually to reflect increases in costs to provide said services; and

WHEREAS, the City staff did develop data to substantiate proposed changes to fees which would not exceed the estimated reasonable cost of providing service or using the facility for which a fee is charged and made this data available to the public on June 30, 2017 satisfying the 10 day public noticing pursuant to *California Government Code* Section 66016; and

WHEREAS, no new fees are being proposed and certain existing fees are being adjusted to account for appropriate CPI increases using the Bureau of Labor Statistics San Francisco Bay Area Region CPI index from April 2016 to April 2017; and

WHEREAS, the City Council did consider recommendations for modifications at its regular scheduled public meeting on July 18, 2017; and

WHEREAS, the City Council of Clayton, California does deem it necessary to increase all fees by the 3.78% CPI adjustment (Bureau of Labor Statistics April 2016 to April 2017 San Francisco Bay Area) unless said adjustment did not result in a full dollar increase; fees that were unchanged last year will be increased by the two year CPI factor of 6.48%; fees that were unchanged the previous two years will be increased by the three year CPI factor of 8.88%, and

WHEREAS, the fees will become effective upon adoption of said Resolution, except for those fees marked by an arrow on the attached Exhibit "A" which are subject to *California Government Code* Section 66017 and become effective 60 days upon adoption of said Resolution; and

NOW THEREFORE BE IT RESOLVED that the City Council of Clayton, California does hereby set, adjust and approve the various fees for certain user-benefit City services and rental of public facilities and parks, as set forth in the attached Exhibit "A" as the City Master Fee Schedule.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on 18th day of July 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The City Council of Clayton, CA

Jim Diaz, Mayor

ATTEST:

Janet Brown, City Clerk

Fee Description	Adopted FY 2016-17 Fee	Proposed FY 2017-18 Fee
COMMUNITY DEVELOPMENT DEPARTMENT		
Annexations		
Annexation	Time - \$5,000 minimum deposit	No change
General Plan /Zoning Ordinance Amendments		
General Plan Map or Text Amendment	Time - \$5,000 minimum deposit	No change
Pre Zoning / Re Zoning	Time - \$5,000 minimum deposit	No change
Zoning Ordinance Text Amendment	Time - \$5,000 minimum deposit	No change
Site Plans / Development Plans		
Site Plan Review Permit - Residential	Time - \$1,000 minimum deposit	No change
Site Plan Review Permit - Residential Amendment	Time - \$1,000 minimum deposit	No change
Site Plan Review Permit - Non Residential	Time - \$5,000 minimum deposit	No change
Site Plan Review Permit - Non Residential Amendment	Time - \$2,000 minimum deposit	No change
Development Plan	Time - \$5,000 minimum deposit	No change
Subdivisions		
Tentative Subdivision Map Application	Time - \$5,000 minimum deposit	No change
Lot Line Adjustment	Time - \$1,000 minimum deposit	No change
Lot Merger	Time - \$2,000 minimum deposit	No change
Parcel Maps		
Tentative Parcel Map Application	Time - \$2,000 minimum deposit	No change
Environmental Review		
Environmental Impact Report	Time - \$5,000 minimum deposit	No change
Negative Declaration with Mitigations (Mitigated Neg. Dec.)	Time - \$2,500 minimum deposit	No change
Negative Declaration without Mitigations	Time - \$1,500 minimum deposit	No change
Mitigation Monitoring and Reporting Plan	Included with Mitigated Neg Dec/ EIR	No change
Categorical Exemption	County filing fee + time	No change
Permits		
Home Occupation Permit - Administrative Review	\$175	\$181
Home Occupation Permit - Planning Commission Review	Time - \$750 minimum deposit	No change
> Use Permit - Fences Administrative Review	\$175	\$181
Use Permit - Residential - Planning Commission Review	Time - \$1,000 minimum deposit	No change
Use Permit - Non- Residential - Planning Commission Review	Time - \$5,000 minimum deposit	No change
Temporary Use Permit - Administrative Review	\$175	\$181
Temporary Use Permit - Planning Commission Review	Time \$500 minimum deposit	No change
> Sign Permit - Administrative Review	\$57	\$59
Sign Permit - Planning Commission Review	Time - \$1,000 minimum deposit	No change
> Temporary Storage Permit	\$57	\$59
> Second Dwelling Unit Permit - Administrative Review	\$290	\$301
> Tree Removal Permit - Administrative Review without notice	\$10 / tree - minimum \$35	\$10 / tree - minimum \$37
Tree Removal Permit - Administrative Review with Notice	\$53 / tree - minimum \$116	\$55 / tree - minimum \$121
Tree Removal Permit - Planning Commission Review	Time - \$500 minimum deposit	No change
Tree Replacement In-Lieu Fee (code section 15.70.040 F & 15.70.55) (per 24" box tree)	\$800	No change
Building Moving Permit	Time - \$1,000 minimum deposit	No change
Noise Permit - Administrative Review	\$175	\$181
Reasonable Accommodations Permit - Administrative Review	\$175	\$181
Reasonable Accommodations Permit - Planning Commission Review	Time - \$500 minimum deposit	No change
> Outdoor Seating Permit (17.24.020 -H/Standard Policy No 3)	\$91	\$95
Miscellaneous		
Variance - Residential	Time - \$1,000 minimum deposit	No change
Variance - Non Residential	Time - \$5,000 minimum deposit	No change
Appeal - Administrative Decisions	\$57	\$59
Appeal-Administrative Code Enforcement Citation	Time - \$1,800 minimum deposit	No change
> Appeal - Planning Commission Decisions - Residential	\$290	\$301
> Appeal - Planning Commission Decisions - Non Residential	\$582	\$604
Time Extension Request	Time - \$500 minimum deposit	No change
Contract Administration	Time - \$1,000 minimum deposit	No change
Large Family Day Care Home Permit	Time - \$500 minimum deposit	No change
Pre Application Consultation Deposit	Time - \$1,000 minimum deposit	No change
Construction and Demolition (C&D) Recycling Plans		
Mgmt. Plan Deposit - Single Family	\$2,000 plus \$1/sq. ft. over 2,000 sq. ft.	No change.
> Permit processing Fee - Single Family	\$151	\$157
> Permit processing Fee -Commercial	\$303	\$315
Mgmt. Plan Deposit - Subdivision and Commercial	\$2,000 plus \$1/sq. ft. over 2,000 sq. ft.	No change
Habitat Conservation Area Compliance		
Habitat Conservation Plan/Natural CC Plan	Time - \$1,000 minimum deposit	No change

CITY ENGINEERING DEPARTMENT			
Bid or Plan Sets	Actual Cost	No change	
> Deed Restriction / Covenant Agreement Preparation (Does not include recordation extra cost. See Administrative Fees.)	\$354	\$367	*
Subdivisions			
> Final Map Filing Fee (per map)	\$582	\$604	*
Final Map Checking Fee ¹	Time - \$2,500 minimum deposit	No change	
Construction Plans Checking Fee ¹	Time - \$2,500 minimum deposit	No change	
Construction Inspection Fee - Public Improvements	9% of Bond Estimates	No change	
Construction Inspection Fee - Private Improvements	9% of Bond Estimates	No change	
Construction Inspection Fee - Sanitary Sewer	3% of Bond Estimates	No change	
Parcel Maps			
> Final Parcel Map Filing Fee (per map)	\$116	\$121	*
Final Parcel Map Plan Checking Fee ¹	Time - \$1,000 minimum deposit	No change	
Construction Plan Checking Fee ¹	Time - \$1,000 minimum deposit	No change	
Construction Inspection Fee - Public Improvements	9% of Bond Estimates	No change	
Construction Inspection Fee - Private Improvements	9% of Bond Estimates	No change	
Construction Inspection Fee - Sanitary Sewer	3% of Bond Estimates	No change	
Major Grading			
> Grading Permit Filing Fee (per permit)	\$175	\$181	*
Grading Permit Plan Check ¹	Time - \$1,000 minimum deposit	No change	
Grading Inspection ¹	Time - \$1,000 minimum deposit	No change	
Construction Activity Permits (Including Encroachment, Stormwater & Grading)			
> Projects that do not disturb the ground (i.e. interior remodels, roof replacement, etc.) ¹ (per permit + time - \$500 minimum deposit)	\$106	\$110	*
> Room additions (including other projects that disturb the ground) ¹ (per permit + time - \$2,000 minimum deposit)	\$106	\$110	*
> Minor concrete repairs or replacement (i.e. sidewalks, curb & gutter) ¹ (per permit + time - \$500 minimum deposit)	\$195	\$202	*
> New driveway construction or replacement (Work may require the granting of additional street right of way requiring the preparation of grant deed and recordation. See Deed Restriction/Covenant Agreement Preparation fee above and Document Recording fee in Administrative Fees section.) ¹ (per permit + time - \$2,000 minimum deposit)	\$195	\$202	*
> Pool Installation or total removal of existing pool (requires inspection and testing by applicant's third party soils engineer) ¹ (per permit + time - \$2,000 minimum deposit)	\$195	\$202	*
> Partial removal of existing pool (Work requires a grading permit and the preparation and recording of a restricted use covenant. See Deed Restriction/Covenant Agreement Preparation fee above and Document Recording fee in Administrative Fees section.) ¹ (per permit + time - \$2,000 minimum deposit)	\$195	\$202	*
Major Construction Activity Permits			
> Major Construction Activity Permit (per permit)	\$57	\$59	*
Major Plan Check ¹	Time- \$2,500 minimum deposit	No change	
Major Inspection ¹	Time- \$2,500 minimum deposit	No change	
Cash Bond Major Encroachments (may be surety if more than \$10,000)	Per City Engineer	No change	
Post Construction Stormwater Compliance			
Post construction Annual Verification Inspection - Individual Single Family Lot (per lot)	\$187	\$194	*
Post construction Annual Verification Inspection - Single Family HOA (per HOA)	\$187 for up to 10 lots-\$55 per ea. addtl lot	\$194	*
Post construction Annual Verification Inspection - Commercial (per acre)	\$187 (with minimum of \$187)	\$194	*
Documentation Compliance Review Fee - Individual Single Family Lot (per lot)	\$187	\$194	*
Documentation Compliance Review Fee - HOA (per HOA)			*
- First 10 lots	\$187	\$194	*
- Each additional lot after 10th	\$55	\$57	*
Documentation Compliance Review Fee - Commercial (per acre)	\$187 (with minimum of \$187)	\$194	*
Annual State Reporting preparation/filing Fee - Individual Single Family Lot (per lot)	\$68	\$70	*
Annual State Reporting preparation/filing Fee - Single Family HOA (per HOA)	\$130	\$135	*
Annual State Reporting preparation/filing Fee - Commercial (per acre)	\$130 (minimum \$130)	\$135	*

POLICE DEPARTMENT			
Residential Alarm System Registration Fee (per residential unit)	\$30	\$31	*
Commercial Alarm System Registration Fee (per commercial occupancy)	\$60	\$62	*
Bicycle License (per license)	\$3	\$3	
Vehicle Release (per vehicle)	\$151 (cash, credit, debit only)	\$157	*
Police Reports (per report)	\$30	\$31	*
VIN Verification (per vehicle)	\$41	\$42	*
Clearance Letters (Notary fee extra. See Administrative Fees section) (per letter)	\$30	\$31	*
Police Enforcement on Party Ordinance	Time - Maximum \$500	No change	
Police Enforcement of DUI Involving Accident	Time - Maximum \$12,000	No change	
Enforcement of Suspended or Revoked Licenses	Time	No change	
City Alcohol Beverage Permit	\$57	\$59	*
Booking Fees	As established by County or agreement w/ Concord	No change	
False Alarm Fee (City Ordinance 9.18.060(a)(b))	\$50	No change	
Tobacco Sales Permit (City Ordinance 8.16.130)	\$87	\$90	*
Tobacco Sales Permit Fee Renewal (City Ordinance 8.16.130)	\$43	\$44	*
Taxicab Permit Fee (City Ordinance 5.36.050) (per taxicab)	\$294	\$305	*
Taxicab Permit Fee - Renewal (City Ordinance 5.36.190) (per taxicab)	\$110	\$114	*
Witness Fees per Gov. Code Sect. 68096-1 if City Employee subpoenaed	\$150 + IRS reimbursement min. rate per State Code	No change	
Administrative Fee for Failure to Display Disabled Placards per vehicle code 40226 (per violation)	\$27	\$28	*
Firearms Seizure and Processing Fee (per violation)	\$116	\$121	*
RV Public parking Permit Fee - Bona fide guest of Clayton Resident (per permit)	\$30	\$31	*
RV Public Parking Permit Fee - Clayton Resident	No charge	No change	
Solicitation Permit (Not including live scan. Applicant pays for Livescan directly to Livescan entity) (per permit)	\$78	\$81	*
Citation Sign off for correctable offenses - Non Resident (per citation)	\$24	\$25	**
Citation Sign off for correctable offenses - Resident	No charge	No change	
Late Fee- Parking Violations (per citation)	\$41	\$42	*
Suspended License	As established by City Ordinance	No change	
Financial Responsibility (DUI)	As established by City Ordinance	No change	
Private Security Patrol Registration	No fee per City Ordinance 5.16.11	No change	

PUBLIC FACILITIES AND PARKS RENTAL FEES			
Library Meeting Room - Hoyer Hall			
Non-profit (Non-Clayton Based) (per hour)	\$48 (anytime)	\$50	*
Non-profit (Clayton Based) (per hour)	\$25 - \$48 max for up to 3 hours	\$26	*
Resident (per hour)	\$59	\$61	*
Non resident or Commercial (per hour)	\$73	\$76	*
Deposit (for all) - clean up/damage - refundable (per rental)	\$200	No change	
Reservation rental time change (same date) (less than 7 calendar days prior to use date)	\$41	\$42	*
Reservation rental date change (less than 7 calendar days prior to use date)	\$51	\$53	*
Rental Cancellation	14 days or less: no refund 15-29 days: 50% refund and \$25 processing fee 30 or more days: \$25 processing fee	No change	
Endeavor Hall Meeting Room			
Non-profits (Clayton-based and Non-Clayton-based Weekdays) (per hour Sun 5pm - Fri 5pm)	\$46	\$48	*
Clayton-based non-profit only (maximum weekday rental)	\$116	\$121	*
Non-profits (Clayton-based and Non-Clayton-based Weekends) (per hour Fri 5pm - Sun 5pm)	\$175	\$181	*
Resident - Weekdays (per hour Sun 5pm - Fri 5pm)	\$116	\$121	*
Non-resident or Commercial - Weekdays (per hour Sun 5pm - Fri 5pm)	\$139	\$144	*
Resident - Weekends (per hour Fri 5pm - Sun 5pm)	\$175	\$181	*
Non-resident or Commercial - Weekends (per hour Fri 5pm - Sun 5pm)	\$209	\$217	*
Deposit (all) - no alcohol or beer and wine only (clean up/damage per reservation)	\$500	No change	
Deposit (all) - hard alcohol (distilled spirits) (clean up/damage per reservation)	\$1,000	No change	
Reservation rental time change (same date) (less than 30 days prior to the event)	\$41	\$42	*
Reservation rental date change (less than 90 days prior to event)	\$51	\$53	*
Rental Cancellation	30 days or less: no refund 31-60 days: 25% deposit refund 61-90 days: 50% deposit refund 91-180 days: 75% deposit refund 181 or more days: 95% deposit refund	No change	
City Hall 1st Floor Conference Room			
Non-profit (Clayton-based or non-Clayton-based non profits) (per hour)	\$25	\$26	*
Resident (per hour)	\$31	\$32	*
Non-resident or Commercial (per hour)	\$37	\$39	*
Deposit (clean up/damage per reservation)	\$100	No change	
Reservation rental time change (same date) (less than 7 calendar days prior to use date)	\$41	\$42	*
Reservation rental date change (less than 7 calendar days prior to use date)	\$51	\$53	*
Rental Cancellation	14 days or less: no refund 15-29 days: 50% refund and \$25 processing fee 30 or more days: \$25 processing fee	No change	

PUBLIC FACILITIES AND PARKS RENTAL FEES (CONTINUED)			
City Hall Courtyard			
Non-profit (Clayton-based or non-Clayton-based non profits) (per hour)	\$48	\$50	*
Resident (per hour)	\$59	\$61	*
Non-resident or Commercial (per hour)	\$73	\$76	*
Deposit (clean up/damage per reservation)	\$100	No change	
Reservation rental time change (same date) (less than 7 calendar days prior to use date)	\$41	\$42	*
Reservation rental date change (less than 7 calendar days prior to use date)	\$51	\$53	*
Rental Cancellation	14 days or less: no refund 15-29 days: 50% refund and \$25 processing fee 30 or more days: \$25 processing fee	No change	
Clayton Community Park and Related Facilities			
Picnic Areas			
Picnic Area #2 - Resident (flat fee for 4 hours block)	\$18	\$19	**
Picnic Area #2 - Non Resident or Commercial (flat fee for 4 hour block)	\$25	\$26	**
Picnic Area #3 - Resident (flat fee for 4 hours block)	\$18	\$19	**
Picnic Area #3 - Non Resident or Commercial (flat fee for 4 hour block)	\$25	\$26	**
Picnic Area #4 - Resident (flat fee for 4 hour block)	\$43	\$44	*
Picnic Area #4 - Non Resident or Commercial (flat fee for 4 hour block) ²	\$55	\$57	*
Picnic Area #5 - Resident (6 separate areas)			
- 1st 2 tables - flat fee for 4 hours block (per table)	\$35	\$37	*
- Each additional table - flat fee for 4 hour block (per table)	\$6	\$6	
Picnic Area #5 - Non Resident or Commercial (6 separate areas)			
- 1st 2 tables - flat fee for 4 hour block (per table)	\$45	\$47	*
- Each additional table - flat fee for 4 hour block (per table)	\$7	\$8	***
Picnic Area #6 Resident (Large Group Area) (per day)	\$290	\$301	*
Picnic Area #6 Resident (Large Group Area) (per hour - 4 hr min)	\$35	\$37	*
Picnic Area #6 Non Resident or Commercial (Large Group Area) (per day)	\$378	\$392	*
Picnic Area #6 Non Resident or Commercial (Large Group Area) (per hour - 4 hr min)	\$49	\$51	*
Picnic Area #5 & #6 Combined - Resident (per day)	\$464	\$482	*
Picnic Area #5 & #6 Combined - Resident (per hour - 4 hr min)	\$57	\$59	*
Picnic Area #5 & #6 Combined - Non Resident or Commercial (per day)	\$605	\$628	*
Picnic Area #5 & #6 Combined - Non Resident or Commercial (per hour - 4 hr min)	\$76	\$79	*
Picnic Area #7 - Resident (per 4 hour block)	\$46	\$48	*
Picnic Area #7 - Non Resident or Commercial (flat fee for 4 hour block)	\$59	\$61	*
Reservation rental time change (same date) (less than 7 calendar days prior to use date)	\$41	\$42	*
Reservation rental date change (less than 7 calendar days prior to use date)	\$51	\$53	*
Rental Cancellation	14 days or less: no refund 15-29 days: 50% refund and \$25 processing fee 30 or more days: \$25 processing fee	No change	
Rain out	Reschedule to alt. date at no additional cost (no refund)	No change	
Sports Fields			
Adult Sports Field Rental (per hour)	\$35	\$37	*
Youth Sports Field Rental (per hour)	\$21	\$22	**
Field Rental Change of Time, Same Date (less than 7 calendar days prior to use date)	\$41	\$42	*
Field Rental Change of Date (less than 7 calendar days prior to use date)	\$51	\$53	*
Field Rental Cancellation	No refund less than 14 days prior to use	No change	
Rain out	Reschedule to alt. date at no additional cost (no refund)	No change	

PUBLIC FACILITIES AND PARKS RENTAL FEES (CONTINUED)		
Grove Park and Related Facilities		
Entire Facility Security Deposits	Events without food or beverage \$1,500	No change
Entire Facility Security Deposits	Events with food and beverage \$1,800	No change
Entire Facility Security Deposits	Events closing street (i.e.: either Main or Center etc.) \$2,200	No change
Special Event Permit/Application Process (non refundable) - events closing streets (Main or Center etc.) + other permit fees:TUP/NP	\$289	\$300 *
Gazebo only Rental Security Deposit	\$250	No change
Amplified Sound - damage/security deposit if using City sound equip	\$1,000	No change
Amplified Sound Equipment Use Fee (Noise Permit also required) (per hour)	\$25	\$26 *
City provided Sound Equipment Tech if needed for use of City equip	Cost	No change
Reservation rental time change (same date) (less than 7 calendar days prior to use date)	\$41	\$42 *
Reservation rental date change (less than 7 calendar days prior to use date)	\$51	\$53 *
Rental Cancellation	14 days or less: no refund 15-29 days: 50% refund and \$25 processing fee 30 or more days: \$25 processing fee	No change
Rain out	Reschedule to alt. date at no additional cost (no refund)	No change
Entire Grove Park Facility		
Rental Entire Facility - Resident – Weekends (per hour)	\$175	\$181 *
Rental Entire Facility - Resident – Weekends (per day)	\$1,396	\$1,449 *
Rental Entire Facility - Non-profit (verification req'd) – Weekends (per hour)	\$175	\$181 *
Rental Entire Facility - Non-profit (verification req'd) – Weekends (per day)	\$1,396	\$1,449 *
Rental Entire Facility - Non-resident or Commercial – Weekends (per hour)	\$209	\$217 *
Rental Entire Facility - Non-resident or Commercial – Weekends (per day)	\$1,675	\$1,739 *
Rental Entire Facility - Resident – Weekdays (per hour)	\$116	\$121 *
Rental Entire Facility - Resident – Weekdays (per day)	\$930	\$966 *
Rental Entire Facility - Non-profit (verification req'd) – Weekdays (per hour)	\$116	\$121 *
Rental Entire Facility - Non-profit (verification req'd) – Weekdays (per day)	\$909	\$943 *
Rental Entire Facility - Non-resident or Commercial – Weekdays (per hour)	\$139	\$144 *
Rental Entire Facility - Non-resident or Commercial – Weekdays (per day)	\$1,229	\$1,275 *
Gazebo Only		
Rental Gazebo only -Resident - Weekends (per hour)	\$122	\$126 *
Rental Gazebo only -Resident - Weekends (per day)	\$978	\$1,015 *
Rental Gazebo only -Non-profit (verification req'd) - Weekends (per hour)	\$122	\$126 *
Rental Gazebo only -Non-profit (verification req'd) - Weekends (per day)	\$978	\$1,015 *
Rental Gazebo only - Non-resident or Commercial - Weekends (per hour)	\$147	\$152 *
Rental Gazebo only - Non-resident or Commercial - Weekends (per day)	\$1,172	\$1,217 *
Rental Gazebo only -Resident - Weekdays (per hour)	\$87	\$90 *
Rental Gazebo only -Resident - Weekdays (per day)	\$349	\$362 *
Rental Gazebo only -Non-profit (verification req'd) - Weekdays (per hour)	\$87	\$90 *
Rental Gazebo only -Non-profit (verification req'd) - Weekdays (per day)	\$349	\$362 *
Rental Gazebo only - Non-resident or Commercial - Weekdays (per hour)	\$103	\$107 *
Rental Gazebo only - Non-resident or Commercial - Weekdays (per day)	\$419	\$435 *

PUBLIC FACILITIES AND PARKS RENTAL FEES (CONTINUED)			
Group Picnic Area (Near Tot Lot)			
Group Picnic Area - Resident - Weekends (per hour - 4 hour minimum)	\$30	\$31	*
Group Picnic Area - Resident - Weekends (per day)	\$203	\$210	*
Group Picnic Area - Non-profit (verification req'd) - Weekends (per hour - 4 hour minimum)	\$30	\$31	*
Group Picnic Area - Non-profit (verification req'd) - Weekends (per day)	\$203	\$210	*
Group Picnic Area - Non-resident or Commercial - Weekends (per hour - 4 hour minimum)	\$35	\$37	*
Group Picnic Area - Non-resident or Commercial - Weekends (per day)	\$244	\$253	*
Group Picnic Area - Resident - Weekdays (per hour - 4 hour minimum)	\$24	\$25	***
Group Picnic Area - Resident - Weekdays (per day)	\$185	\$192	*
Group Picnic Area - Non-profit (verification req'd) - Weekdays (per hour - 4 hour minimum)	\$24	\$25	***
Group Picnic Area - Non-profit (verification req'd) - Weekdays (per day)	\$185	\$192	*
Group Picnic Area - Non-resident or Commercial - Weekdays (per hour - 4 hour minimum)	\$29	\$30	*
Group Picnic Area - Non-resident or Commercial - Weekdays (per day)	\$223	\$232	*
Plaza Picnic Area (Per Table)			
Plaza Picnic Area - Resident - Weekends (per hour - 4 hour minimum)	\$30	\$31	*
Plaza Picnic Area - Resident - Weekends (per day)	\$203	\$210	*
Plaza Picnic Area - Non-profit (verification req'd) - Weekends (per hour - 4 hour minimum)	\$30	\$31	*
Plaza Picnic Area - Non-profit (verification req'd) - Weekends (per day)	\$203	\$210	*
Plaza Picnic Area - Non-resident or Commercial - Weekends (per hour - 4 hour minimum)	\$35	\$37	*
Plaza Picnic Area - Non-resident - or Commercial - Weekends (per day)	\$244	\$253	*
Plaza Picnic Area - Resident - Weekdays (per hour - 4 hour minimum)	\$24	\$25	***
Plaza Picnic Area - Resident - Weekdays (per day)	\$185	\$192	*
Plaza Area - Non Profit (verification req'd) - Weekdays (per hour - 4 hour minimum)	\$24	\$25	***
Plaza Picnic Area - Non-profit (verification req'd) - Weekdays (per day)	\$185	\$192	*
Plaza Picnic Area - Non-resident or Commercial - Weekdays (per hour - 4 hour minimum)	\$29	\$30	*
Plaza Picnic Area - Non-resident or Commercial - Weekdays (per day)	\$223	\$232	*
Fountain operation with geysers (per 48 hour block)	\$377	\$391	*
Special Event Liability Insurance purchased through City's 3rd party carrier	Insurance cost per schedule rates by insurance provider when purchasing insurance through City 3rd party carrier	No change	
Special Event Liability Insurance Administrative Fee (per certificate)	\$35	\$37	*

ADMINISTRATIVE FEES		
Document Copying (10 pages or less)	No charge	No change
Document Copying (per page > 10 pages)	\$0.10	No change
Document Recording [with County Clerk Recorders Office] (Actual recording fee costs plus staff time & mileage) (per document)	\$121	\$125 *
Trail Maps (per map)	\$2	No change
Audio Recordings of Meetings (refundable deposit if using city-provided flash drive)	\$20	\$22 *
Printed documents (i.e. general plan, budget, zoning ord., etc.)	Cost	No change
Video Recordings of Meetings	Cost	No change
FPPC Document Copying (per page - State law) (per page)	\$0.10	No change
Notary Public Fee (per document - State law) (per document)	\$10	\$15
Business License Initial Registration Fee - New Business	\$63	\$65 *
Business License Renewal Registration - All Businesses (including exempt)	\$29	\$30 *
Return Check Service Charge (per check return - State law)	\$25	No change
Late Payment Charges for Administrative Fines	Ten (10) percent of original fine for every 30 days or portion thereof. The Late Payment Charge shall not exceed 100 percent of the original fine.	No change
Street Closure Fee	\$116	\$121 *
Administrative penalty for City issued permits after the fact (encroachment permit; tree removal permit, etc.)	Double the original permit fee	No change
Code Enforcement non-compliance re-inspection after the first inspection (in addition to any citation fines) (per inspection)	\$34	\$35 *
NOTES		
Time means the cost per hour for an employee at the time the costs are incurred. Costs included salary, benefits, employer taxes, overhead and overtime, as applicable. Time also means City Engineer billing (plus 15%), as well as costs of other contracts and expenses. Detail of costs are available upon request.		
Cost means the cost of equipment use, materials, labor, and supplies.		
Deposits are required upon submittal of an application. A minimum deposit is stipulated by these fees. At his/her discretion the City Manager can reduce the required deposit. Also, if it is the judgment of staff a minimum deposit is not sufficient, the required deposit may be increased. If, after a deposit is made, more funds are needed, the applicant will be notified when approx. 30% of the deposit remains, any additional funds estimated by staff are to be provided to replenish the deposit account for continuing work on the project, until such funds are received work on the project may be suspended.		
If a development project requires multiple applications, only a single deposit shall be required. In such cases, the amount of the deposit shall be the largest single deposit required by any of the applications, or an amount determined by the City Manager, not to exceed the sum of the deposits.		
All fixed-cost development application fees are refundable based upon the City amount of staff work completed on the process of the application and subject to approval by the City Manager.		
Audio recordings are kept for 30 calendar days after the minutes are approved.		
* Fees increase from the prior year for the April 2015 to April 2016 CPI factor (2.7%) as published by the Bureau of Labor Statistics for the San Francisco-Oakland-San Jose area <u>unless</u> increases were waived in the prior year (or more than one year), whereby aggregated CPI factors were considered.		
** CPI in prior year Master Fee Schedule (FY 2017) did not result in a fee increase due to the CPI impact being too trivial to warrant a full dollar increase as fees are adopted in whole dollars only. As a result, current year increase incorporates the last two (2) years of CPI adjustments or 6.48% (i.e. FY 2017 - 2.70%; FY 2018 - 3.78%).		
*** CPI in last two Master Fee Schedules (FY 2017 & FY 2016) did not result in a fee increase due to the CPI impact being too trivial to warrant a full dollar increase as fees are adopted in whole dollars only. As a result, current year increase incorporates the last three (3) years of CPI adjustments or 8.88% (i.e. FY 2016 = 2.40%; FY 2017 - 2.70%; FY 2018 - 3.78%).		
¹ Amount reflects minimum engineering deposit for standard project requirements. However additional amount may be required as determined by the City Engineer for unusual or non-standard circumstances. All costs for inspection and administration relating to this permit shall be deducted from the inspection service deposit(s) or cash bond.		
> Indicates fee increases and will take effect 60 days after adoption that may be subject to California Government Code Section 66017. All other fees will take effect upon adoption of Resolutions.		



CITY OF CLAYTON CITY COUNCIL PUBLIC MEETING NOTICE

The Clayton City Council, at its regular meeting of July 18, 2017, beginning at 7:00 pm or thereafter as may be heard, will consider its annual review and update to the City of Clayton Master Fee Schedule for certain user-benefit City services and use of City facilities and parks.

The Master Fee Schedule incorporates minor adjustments to existing fees capture the San Francisco-Oakland-San Jose April 2016 to April 2017 consumer price index (CPI) growth rate of 3.78% published by the United States Bureau of Labor and Statistics. The proposed Master Fee Schedule may be examined for no charge at the City of Clayton City Clerk's Office, 6000 Heritage Trail in Clayton between 9:00 a.m. and 5:00 p.m., Monday through Friday. It is also now available on the City of Clayton website at www.cityofclayton.org.

Interested citizens are invited to attend and participate in the meeting and present written and/or oral testimony concerning the Fee Schedule proposal. If one cannot attend the hearing, one may send written comments to the City Clerk prior to the hearing at the address below or via email to jbrown@ci.clayton.ca.us.

The complete staff report will be available on the City's website after 5:00 pm on July 14, 2017. If one has questions concerning the proposal, please contact the Finance Manager at 925-673-7300.

Date Posted on Notice Boards: June 30, 2017


Kevin Mizuno, CPA
Finance Manager



Agenda Date: 7-18-2017

Agenda Item: 3j

STAFF REPORT

Approved: 

Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Asst. to the City Manager 

MEETING DATE: July 18, 2017

SUBJECT: Adoption of Resolution approving a contract amendment with Clean Street authorizing a twenty-five cents per month increase to residential street sweeping, and equivalent pro rata on commercial trash/recycling accounts for monthly public street sweeping contract service to be billed and collected through Republic Services.

RECOMMENDATION

Adopt the attached Resolution setting forth a twenty-five cents per month increase in the street sweeping fee for residential units and equivalent pro-rata increase for commercial businesses.

BACKGROUND

San Francisco Regional Water Quality Control Board requirements, as stipulated in the City's NPDES permit, require all public streets to be swept at least monthly to minimize contaminants from autos such as heavy metals (nickel, lead, copper) and asbestos, (found in brake linings), silts, and litter. The Clean Street of California company currently provides the sweeping services for the City, and Republic Services incorporates those billing services for those cost on its bi-monthly billing statements. The program's last increase of twenty cents per month was nine years ago in 2008. The street sweeping program started in 2000, and the only increase prior to 2008 was in 2003 of five cents per month.

Since 2008 the costs for sweeping services have increased and the revenues collected no longer covering the costs. Since the last increase (2008) fuel costs have risen, and the company has experienced large increases in disposal dumping fees, portable water meter rent and use charge increases by Contra Costa Water District (the water is used to fill the truck and used in dust suppression). Other cost increases are due to new Air Board regulations requiring use of clean diesel vehicles, and new technology of GPS with date time stamp in equipment for verification of route cleaning. The program annual costs in 2008 were \$37,150 annually. In 2017 sweeping costs were \$54,000

Subject: Adoption of Resolution approving a contract amendment with Clean Street authorizing a twenty-five cents per month increase to residential street sweeping, and equivalent pro rata on commercial trash/recycling accounts for monthly public street sweeping contract service to be billed and collected through Republic Services.

Meeting Date: July 18, 2017

Page 2 of 2

annually. To ensure the costs of this unfunded state mandated program are covered, an increase of twenty-five cents per month is needed for residential billings and the residential unit equivalent to commercial customers. Republic Services provides all billing and revenue collection as part of its bi-monthly garbage and recycling bill.

The current residential rate is seventy-five cents per month (or \$1.50 per two month billing statement). The proposed rate would result in a \$1.00 per month (or \$2.00 per two month billing statement).

City staff has been pleased with the contractor's service which has kept cost increases to a minimum since the program inception. Estimates from other sweeping companies that staff has contacted have ranged from \$60,000 to \$79,000 annually at this time for our community. The contractor has performed satisfactorily over the past several years. They are responsive to any issues raised by staff in the service and operations performed in the City.

FISCAL IMPACT

Street sweeping is required by the Regional Water Quality Control Board as part of our NPDES permit issued by them to the cities and county in Contra Costa for purposes of runoff water quality cleaning. The requirement is to sweep a minimum of once a month. If this program is not complied with the City could be subject to fines and penalties of up to \$10,000 per day. The cost of street sweeping services is paid for by all property owners (residents and businesses) and is a service incidental to solid waste and recycling collection through the bi-monthly Republic Services bill. Approval of the amendment would have no fiscal impact on the General Fund. The increased cost of the services would be paid for by increase in customers bi-monthly billing. Currently the rate is seventy-five cents per month (or \$9 per year). The new rate must be increased by twenty-five cents per month to \$1/month cents, or \$12 per year.

RECOMMENDATION

Adopt the attached Resolution authorizing a twenty-five cents per month increase in the Republic Services billing for street sweeping for residential units and equivalent increase for commercial businesses.

Attachments:

Email from Clean Street
Resolution

Laura Hoffmeister

Subject: FW: Sweeping Services

From: Rick Anderson [mailto:randerson@cleanstreet.com]
Sent: Monday, March 17, 2017 4:03 PM
To: Laura Hoffmeister
Subject: Sweeping Services

Hi Laura,

CleanStreet has been providing street sweeping services to the City of Clayton since 2004. CleanStreet has not received an increase since 7/31/2008 to our rate of compensation. We pride our self on providing great customer service at reasonable cost. We have been able to keep our year over year increases to a minimum during this time. However we have to adjust our rates to offset costs that we can not control. We have experienced increases to fuel costs, large increases in local disposal dumping fees, portable water meter rent and use charge increases by Contra Costa Water District (the water is used to fill the truck and used in dust suppression). Other cost increases are due to new Air Board regulations requiring use of clean diesel vehicles, and our new technology of GPS with date time stamp in equipment for verification of route cleaning which we feel is of great assistance to our customers.

After accounting for these external cost factors are new monthly service rate will be \$4,500.00.

We appreciate your business very much and hope to continue our excellent working relationship for years to come. Please feel free to give me a call if you have any questions or comments.

Thank you,

Rick Anderson, Director Business Development		CleanStreet Cleaning Your Environment
	1937 W. 169th Street Gardena, CA 90247	(800) 225-7316 Ext. 108 Cell: (310) 740-1601
randerson@cleanstreet.com		
www.cleanstreet.com		

RESOLUTION NO. __-2017

A RESOLUTION AUTHORIZING A TWENTY-FIVE CENTS PER MONTH INCREASE IN REPUBLIC SERVICES BILLING FOR RESIDENTIAL UNITS AND EQUIVALENT PRO-RATA INCREASE FOR COMMERCIAL BUSINESSES FOR PUBLIC STREET SWEEPING SERVICE AS MANDATED BY THE STATE IN THE CITY OF CLAYTON'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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

WHEREAS, under the Federal Water Quality Act [33 U.S.C. Section 1342 (p)], certain municipal stormwater discharges require a permit from the appropriate federal or state authorities pursuant to the National Pollutant Discharge Elimination System (NPDES) program; and

WHEREAS, the City of Clayton, in conjunction with other affected jurisdictions within Contra Costa County, applied to the State Regional Water Quality Control Board and received a Joint NPDES Permit which requires the implementation of a Storm Water Management Plan and Best Management Practices to minimize or eliminate pollutants from entering stormwaters; and

WHEREAS, the permit requires the City to conduct monthly street sweeping of all public streets as prescribed in the NPDES permit; and

WHEREAS, the sweeping of streets was initiated by the City only for purposes of water quality regulations compliance and is not a street maintenance or street safety or public works matter under Labor Code Section 1770, and 1771 as it does not involve the construction, alteration demolition, up keep or repair work; and

WHEREAS, the program is an unfunded mandate by the State that can not be supported by the City's general fund and is thus billed as a user-fee for service; street sweeping services are incidental to the collection of solid waste and recycling collection on the bi-monthly bill from Republic Services on behalf of the contractor; and

WHEREAS, the program's cost currently exceed current revenues collected by Republic Services for funding of the program; and

WHEREAS, the last increase was in 2008; since then the contractor (Clean Street of California) has had increased costs related to fuel, disposal, water meter and use charges, new clean diesel and GPS technology equipment, and the unfunded state mandate program cost currently exceeds the revenues collected by Republic Services; and

WHEREAS, the agreement would establish a rate for services at \$54,000/year and corresponding increase in fees collected for residential to \$12 per year and equivalent pro rata increase for commercial businesses on the Republic Services bill.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby authorize a twenty-five cents per month increase in the Republic Services billing for street sweeping for residential units and equivalent pro-rata increase for commercial businesses.

Adopted by the City Council of the City of Clayton, California at a regular public meeting of thereof held on July 18, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Jim Diaz, Mayor

Janet Brown, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on July 18, 2017.

Janet Brown, City Clerk

reso st sweep rate2017



Approved: 
Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: MALA SUBRAMANIAN, CITY ATTORNEY

DATE: JULY 18, 2017

SUBJECT: COOPERATIVE AGREEMENT BETWEEN CLAYTON AND CONCORD FOR THE EL MOLINO SEWER PROJECT

RECOMMENDATIONS

It is recommended the City Council authorize the Mayor to execute the Cooperative Agreement between the City of Clayton and City of Concord for the El Molino Sewer Project (Cooperative Agreement) pursuant to a Class 1 CEQA exemption (**Attachment 1**).

BACKGROUND

Clayton and Concord entered into an Agreement dated December 18, 1991 for Concord to provide sewer service to Clayton and to repair and maintain the municipal sewer system within Clayton in the same manner, to the same extent, and kept in a similar condition of suitability as the municipal sewer system within Concord ("Agreement").

DISCUSSION

Pursuant to the Agreement, Clayton in cooperation with Concord, intends to construct a sewer cross-tie project on El Molino Drive in Clayton, to reduce maintenance burdens imposed on Concord related to existing sags in the sanitary sewer main located in the project area, otherwise known as the El Molino Sewer Project ("Project").

The attached Cooperative Agreement establishes and coordinates the responsibilities of the Parties with respect to the Project. Clayton will advertise, award and administer the contracts for design and construction of the Project. In addition, Clayton shall plan, design, manage and engage the services of a contractor to complete the Project. Concord will perform or cause to be performed a portion of the inspection work on the Project related to pipeline installation only. Furthermore, Concord will reimburse

Clayton up to Five Hundred Sixty Thousand Dollars, which is the estimated Project costs that includes a contingency.

ENVIRONMENTAL

The Cooperative Agreement is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15301, which exempts from CEQA the repair and maintenance of existing public structures and facilities, including sewerage facilities, when those actions involve negligible or no expansion of the use of the structure or facility beyond that existing at the time of the City's review.

FISCAL IMPACT

There is no direct fiscal impact as Concord will be reimbursing the City for its costs associated with the Project.

ATTACHMENT

Cooperative Agreement

**COOPERATIVE AGREEMENT
BETWEEN
THE CITY OF CLAYTON
AND
THE CITY OF CONCORD
FOR THE EL MOLINO SEWER PROJECT**

This Cooperative Agreement (“Cooperative Agreement”) is made and entered into this _____ day of _____, 2017 by and between the City of Clayton (“Clayton”) and the City of Concord (“Concord”). Clayton and Concord are sometimes referred to herein individually as “Party” and collectively as “Parties”.

RECITALS

WHEREAS, Clayton and Concord entered into an Agreement dated December 18, 1991 for Concord to provide sewer service to Clayton and to repair and maintain the municipal sewer system within Clayton in the same manner, to the same extent, and kept in a similar condition of suitability as the municipal sewer system within Concord (“Agreement”); and

WHEREAS, the Agreement also provided that it was the parties’ belief that the sewer line capacity at that time was adequate to accommodate the growth projections consistent with the current Concord and Clayton General Plans in effect as of the date of the Agreement. The Agreement further provided that if sewer line capacity became inadequate for reasons other than as caused by a revision or amendment to either Party’s respective General Plans or from revised growth projections, then the Parties would work together to mutually rectify the capacity problems and would equitably share in the costs associated with any remedial measures; and

WHEREAS, on April 16, 1998, the Parties entered into a Memorandum of Understanding Regarding Concord/Clayton Sewer Agreement (“MOU”). Included within this MOU was a provision that clarified the term “maintenance,” as that term is used in the Agreement, to “include in its meaning the design and construction of improvements to existing sewer facilities that are required for reasons than that of new development”; and

WHEREAS, pursuant to the Agreement, Clayton in cooperation with Concord, intends to construct a sewer cross-tie project on El Molino Drive in Clayton, in order to reduce maintenance burdens imposed on Concord related to existing sags in the sanitary sewer main located in the project area, otherwise known as the El Molino Sewer Project (“Project”); and

WHEREAS, on June 28, 2016, the City Council for Concord agreed to fund the cost of the Project with an estimated budget of Six Hundred Thousand Dollars (\$600,000) (“Project Budget”); and

WHEREAS, Clayton will advertise, award and administer the contracts for design and construction of the Project; and

WHEREAS, Concord will perform or cause to be performed a portion of the inspection work on the Project related to pipeline installation only; and

WHEREAS, it is the intent of the Parties to enter into this Cooperative Agreement to establish and coordinate the responsibilities of the Parties with respect to the Project, all as further set forth herein; and

WHEREAS, pursuant to the terms of this Cooperative Agreement, Clayton shall plan, design, manage and engage the services of a contractor to complete the Project.

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, it is mutually understood and agreed by Clayton and Concord as follows:

TERMS

1. **Incorporation of Recitals**. The recitals set forth above are true and correct and are incorporated into this Cooperative Agreement as though fully set forth herein.

2. **Term**. This Cooperative Agreement shall be effective as of the date first set forth above, and shall continue in effect until the Project is complete, as evidenced by Clayton's recording of a notice of completion for the Project.

3. **General Agreement to Cooperate**. The Parties agree to mutually cooperate in order to help ensure that the Project is successfully completed with minimum impact to both Parties, and the public.

4. **Obligations of Concord**.

4.1 Concord shall reimburse Clayton for the design, construction and administration of the Project in the following estimated amount, which amount includes a contingency, Five Hundred Sixty Thousand Dollars (\$560,000) ("Estimated Project Cost"). It is understood that Clayton has incurred and continues to incur reimbursable design costs prior to execution of this agreement. In the event the actual cost of the Project is expected to exceed the Estimated Project Cost, Clayton shall notify Concord before authorizing additional work. Clayton and Concord staff will work cooperatively to amend this Cooperative Agreement to reflect the actual cost of the Project.

4.2 Concord shall remit payment to reimburse Clayton for costs associated with the Project within thirty (30) days of receipt of an invoice from Clayton for work performed and services rendered on the Project.

4.3 Concord shall act promptly in providing all necessary support and approvals for the Project.

4.4 Concord and its consultants shall be responsible for performing design reviews and construction inspection of the pipeline installation portion of the Project work to ensure conformance with Concord standards and the construction contract including, but not limited to, the technical provisions of said contract.

4.5 Concord shall be solely responsible for all future maintenance thereof following its acceptance of the Project pursuant to the Agreement.

5. Obligations of Clayton

5.1 Clayton shall be responsible for procuring all planning, design, construction management and construction services necessary to complete the Project. Clayton shall be responsible for the process of selecting and contracting with a planning firm, design firm, construction management firm and contractor to complete the Project in compliance with all applicable local, state and federal laws including, without limitation, the California Public Contract Code and the California Labor Code, and shall additionally be responsible for obtaining all applicable permits necessary to complete the Project, including appropriate environmental review under the California Environmental Quality Act, subject to Concord's provision of necessary support and approvals. Clayton shall also provide Concord the opportunity to review any bids received and any awards made to the responsive low bidder on the Project, which review by Concord shall occur within 10 calendar days from receipt of bids.

5.2 Clayton will invoice Concord on a monthly cycle. Clayton shall prepare invoices with a progress report that indicates amount of the Estimated Project Budget expended in furtherance of the Project and will provide such invoices to Concord for reimbursement.

5.3 Clayton shall provide Concord a reasonable opportunity to review and approve all design documents generated for the Project, which Clayton anticipates will be relied upon by the contractor to construct the Project.

5.4 Clayton shall require the contractor on the Project to obtain all required permits and approvals for all Project work.

5.5 Clayton shall include, in its contract with the contractor on the Project, a requirement that the contractor include Concord, its officials, officers, employees and agents as additional insureds and shall cause the contractor to indemnify Concord, its officials, officers, employees and agents to the same extent that Clayton is indemnified under the construction contract.

5.6 Clayton shall allow Concord staff access to the Project site, at all reasonable times and upon advance notice, to perform observation and construction inspection of any Project improvements.

5.7 Clayton shall provide Concord with as-built record drawings and AutoCAD files for the Project improvements after acceptance of the Project by Concord.

6. Dispute Resolution. Unless otherwise specified herein, the Parties shall submit any unresolved dispute to Concord's City Manager and Clayton's City Manager for negotiation. The Parties agree to undertake good faith attempts to resolve said dispute, claim, or controversy within ten (10) calendar days after the receipt of written notice from the Party alleging that a dispute, claim or controversy exists. The Parties additionally agree to cooperate with the other Party in scheduling negotiation sessions. However, if said matter is not resolved within thirty (30) calendar days after conducting the first negotiating session, either Party may, but is not required to, request that the matter be submitted to further dispute resolution procedures, as may be agreed upon by the Parties.

7. Legal Action. If a matter is not resolved within thirty (30) calendar days after the first negotiating session between the Parties, unless otherwise agreed upon in writing by the Parties, either Party may proceed with any other remedy available in law or in equity.

8. Indemnification. Each Party shall indemnify, defend and hold the other Party, its officials, officers, employees, agents, consultants and contractors free and harmless from any and all claims, demands, causes of action, costs, expenses, liabilities, losses, damages or injuries, in law or in equity, to property or persons, including wrongful death, in any manner arising out of or incident to any negligent acts or omissions or willful misconduct of the indemnifying Party, its officials, officers, employees, agents, consultants or contractors in the performance of the indemnifying Party's obligations under this Cooperative Agreement, including the payment of all reasonable attorneys' fees.

9. Written Notices. All notices permitted or required under this Cooperative Agreement shall be given to the respective parties at the following address, or at such other address as the respective parties may provide in writing for this purpose:

CLAYTON:
City of Clayton
6000 Heritage Trail
Clayton, CA 94517
Attn: City Manager

CONCORD:
City of Concord
1950 Parkside Drive, MS/08
Concord, CA 94519
Attention: Robert Ovadia, City Engineer

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

10. Amendments. This Cooperative Agreement may be amended at any time by the mutual consent of the Parties by an instrument in writing.

11. Assignment of Cooperative Agreement. Neither Party may assign nor transfer its respective rights or obligations under this Cooperative Agreement without the express written consent of the other Party. Any purported assignment or transfer by one Party without the express written consent of the other Party shall be null and void and of no force or effect.

12. Waiver. No delay or omission in the exercise of any right or remedy of a non-defaulting Party on any default shall impair such right or remedy or be construed as a waiver. No consent or approval of either Party shall be deemed to waive or render unnecessary such Party's consent to or approval of any subsequent act of the other Party. Any waiver by either Party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Cooperative Agreement.

13. Severability. In the event that any one or more of the phrases, sentences, clauses, paragraphs, or sections contained in this Cooperative Agreement shall be declared invalid or unenforceable by valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, sentences, clauses, paragraphs, or sections of this Cooperative Agreement, which shall be interpreted to carry out the intent of the parties hereunder.

14. Survival. All rights and obligations hereunder that by their nature are to continue after any expiration or termination of this Cooperative Agreement, shall survive any such expiration or termination.

15. Third Party Beneficiaries. There are no third-party beneficiaries to this Cooperative Agreement.

16. Entire Agreement. This Cooperative Agreement contains the entire agreement of the Parties relating to the subject matter hereof and supersedes all prior negotiations, agreements or understandings.

[SIGNATURES ON FOLLOWING PAGE]

**SIGNATURE PAGE
TO
COOPERATIVE AGREEMENT
BETWEEN
THE CITY OF CLAYTON
AND
THE CITY OF CONCORD
FOR THE EL MOLINO SEWER PROJECT**

IN WITNESS WHEREOF, the Parties hereto have executed this Cooperative Agreement on the date first herein above written.

CITY OF CLAYTON

By: _____

Name: _____

Title: _____

ATTEST:

By: _____

City Clerk

APPROVED AS TO FORM:

City Attorney

CITY OF CONCORD

By: _____

Name: _____

Title: _____

ATTEST:

By: _____

City Clerk

APPROVED AS TO FORM:

City Attorney



Agenda Date: 7-18-2017

Agenda Item: 31

Approved: 

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS
FROM: CITY MANAGER
DATE: 18 JULY 2017
SUBJECT: ACCEPTANCE OF RESIGNATION, CONTRACT CITY ENGINEER

RECOMMENDATION

It is recommended, by Consent Calendar motion, that the City Council accept the written resignation of its contract City Engineer dated 12 July 2017.

BACKGROUND

By City Resolution No. 63-93 at a public meeting held on 03 November 1993, the Clayton City Council approved an amended agreement with Permco [i.e., Permco Engineering and Management firm; Mr. Rick Angrisani, President) to be its City Engineer and to perform specified and requested city engineering services, and inspection, design and engineering management services for the City of Clayton. Mr. Angrisani has served the City with engineering services since November 1986 (approximately 31 years).

On 12 July 2017, Mr. Angrisani submitted his written resignation as the contract City Engineer. Pursuant to Section 8 of the current agreement, there is a 30-day effective notice to the resignation. The City of Clayton is presently reviewing proposals by qualified engineering firms to serve as the city engineer for the City of Clayton as well as the replacement general manager for the Oakhurst Geological Hazard Abatement District (GHAD).

Attachments: A. Resignation of contract City Engineer [1 pg.]
B. Section 8 of the Permco contract agreement [1 pg.]



ATTACHMENT A

COMMUNITY
DEVELOPMENT (925) 673-7340
ENGINEERING (925) 363-7433

6000 HERITAGE TRAIL • CLAYTON, CALIFORNIA 94517-1250
TELEPHONE (925) 673-7300 FAX (925) 672-4917

City Council
HOWARD GELLER, MAYOR
JIM DIAZ, VICE MAYOR
KEITH HAYDON, COUNCILMEMBER
JULIE K. PIERCE, COUNCILMEMBER
DAVID T. SHUEY, COUNCILMEMBER

July 12, 2017

Received

JUL 12 2017

City of Clayton

Mr. Gary Napper
City Manager
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Re: Resignation

Dear Gary:

Per the City Council's wishes and effective at close of business today, I hereby resign from my position of City Engineer and District Manager for the Oakhurst GHAD. Further, PERMCO will no longer provide any other services to the City, including responding to any staff or citizen inquiries or requests, unless otherwise requested and approved by you in writing.

While saddened by this turn of events, it has been an honor to represent the City for the last 30+ years. I feel very proud of what has been accomplished and Clayton is definitely no longer the small village I visited in my youth.

Sincerely,

Rick Angrisani, P.E.

ATTACHMENT B

6. Consultant will maintain in full force workers compensation coverage as required by State law, and will maintain Professional liability insurance with a minimum per occurrence limit of \$1,000,000.
7. This agreement shall not be assigned by Consultant.
8. This agreement may be terminated at any time by either party upon giving thirty (30) days written notice of such termination to the other party.
9. The existing agreement between the City and Consultant shall be terminated, rescinded, and superseded by this agreement on December 1, 1993.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT
the day and year first above written.

CITY OF CLAYTON

By: WR Walcutt
Mayor

PERMCO, a California Corporation

By: [Signature]
President

ATTEST:


By: Frances Douglas
City Clerk, City of Clayton



Agenda Date: 7-18-2017

Agenda Item: 3m

STAFF REPORT

Approved: 

Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: JULY 18, 2017

SUBJECT: APPROVE THE ENGINEER'S REPORT AND PROPOSED ASSESSMENTS FOR THE OPERATION & MAINTENANCE OF STREET LIGHTS IN THE STREET LIGHTING ASSESSMENT DISTRICT, FY 2017-18

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The Engineer's Report submitted by the City Engineer recommends the annual assessments for the Street Lighting Assessment District ("District") remain the same as last year. In addition, to satisfy the requirements of the Streets and Highways Code, the "Fund Balance" for the District has been re-designated as the "Streetlight Replacement Fund". The Fund is used to pay the District's obligations until the City receives the first tax installment for the District in December.

The Council and public may note the City did not mail property owner notices again this year nor is it required to hold a public meeting in addition to this public hearing. The process of mailing notices and holding both a public meeting and a public hearing began with the passage of Proposition 218. In reviewing our assessment proceedings, the City Attorney noted that, since the City is not proposing an increase in the assessments, Proposition 218 provisions do not apply. Under that status quo circumstance, the City is now able to return to the original requirements of the Streets and Highways Code which requires the legislative body's approval of the levies.

There are no provisions allowing for a "majority protest" to eliminate the assessments (similar to our other assessment districts such as the Oak Street and High Street Permanent Road Divisions).

Subject: Street Light Assessment District – Confirmation of Assessments

Date: July 18, 2017

Page 2 of 2

FISCAL IMPACT

If this \$125,991.08 annual assessment and Resolution are not approved, the Council must decide whether to fund all street lighting costs on our residential streets from another source, such as Gas Tax funds or the General Fund of the City, or turn off the street lights.

CONCLUSION

Staff recommends the City Council adopt this Resolution approving the Engineer's Report and confirming the levy of assessments within the Street Lighting Assessment District for FY 2017-18.

Attachments: Resolution confirming Assessments [4 pp.]
Engineer's Report

RESOLUTION NO. - 2017

A RESOLUTION APPROVING ENGINEER'S REPORT AND LEVYING ASSESSMENTS FOR OPERATION AND MAINTENANCE OF STREET LIGHTS IN THE STREET LIGHTING ASSESSMENT DISTRICT FOR FISCAL YEAR 2017-18.

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

WHEREAS, in order to levy assessments for the operation and maintenance of the streetlights in residential subdivisions, the City Engineer has prepared, and submitted to the City Council, an Engineer's Report for Fiscal Year 2017-18; and

WHEREAS, the Engineer's Report recommends that the annual assessments remain unchanged from last fiscal year; and

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Clayton as follows:

1. The Engineer's Report for Fiscal Year 2017-18 is hereby approved.
2. The City Council orders the levy of an assessment in the amounts shown on Exhibit A attached hereto per subdivision lot on each of the lots within the following subdivisions in the Street Lighting Assessment District and this Resolution shall constitute the levy and confirmation of such assessment for fiscal year 2017-18. The total subdivision lots so assessed are 3,458 and consist of each lot within the following subdivisions: #2556, #2572, #3434, #3576, #3659, #4011, #4012, #4013, #4014, #4015, #4016, #4017, #4018, #4019, #4240, #4343, #4403, #4449, #4451, #4499, #4504, #4515, #4543, #4643, #4654, #4798, #4805, #4827, #4956, #5048, #5049, #5050, #5267, #5722, #6001, #6990, #7065, #7066, #7249, #7255, #7256, #7257, #7260, #7261, #7262, #7263, #7264, #7303, #7311, #7766, #7767, #7768, #7769, #7887, #8215, #8355, #8358 and #8719 as such maps appear of record in the Contra Costa County Recorder's Office.

3. The City will pay from the Special District Augmentation moneys, gas tax or other City funds, the cost of operation for some 166 street lights on arterial streets as described in the Engineer's Report. The herein mentioned assessment levy is to pay for the cost of operation for some 800 residential subdivision street lights along the public streets within or adjacent to the above described subdivisions.

4. The City Clerk shall immediately file a certified copy of this resolution, together with any required diagrams and a list of lots so assessed, with both the Tax Collector and the Auditor of Contra Costa County, with the Assessment to thereafter be collected in the same manner as the property taxes are collected.

PASSED, APPROVED and ADOPTED by the City Council of the City of Clayton at a regular public meeting thereof held on July 18, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jim Diaz, Mayor

ATTEST:

Janet Brown, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular public meeting held on July 18, 2017.

Janet Brown, City Clerk

**RESOLUTION NO. - 2017
EXHIBIT A**

CITY OF CLAYTON								
STREETLIGHT ASSESSMENT DISTRICT FY 2017-18								
PROPOSED ASSESSMENTS								
Subd. Name	Subd. No.	No. of Lots	Type	Public Streets	A.U. per lot	Total A.U.	Assessment Per Lot	Total \$
Cardinet Glen I	2556	22	SF	Y	1.00	22.00	\$43.54	\$957.88
Cardinet Glen II	2572	30	SF	Y	1.00	30.00	\$43.54	\$1,306.20
Glen Almond	3434	23	SF	Y	1.00	23.00	\$43.54	\$1,001.42
Dana Hills I	3576	29	SF	Y	1.00	29.00	\$43.54	\$1,262.66
Mission Manor	3659	25	SF	Y	1.00	25.00	\$43.54	\$1,088.50
Dana Hills II	4011	55	SF	Y	1.00	55.00	\$43.54	\$2,394.70
Dana Hills III	4012	50	SF	Y	1.00	50.00	\$43.54	\$2,177.00
Dana Hills IV	4013	93	SF	Y	1.00	93.00	\$43.54	\$4,049.22
Dana Hills V	4014	50	SF	Y	1.00	50.00	\$43.54	\$2,177.00
Dana Hills VI	4015	30	SF	Y	1.00	30.00	\$43.54	\$1,306.20
Dana Hills VII	4016	65	SF	Y	1.00	65.00	\$43.54	\$2,830.10
Dana Hills VIII	4017	46	SF	Y	1.00	46.00	\$43.54	\$2,002.84
Dana Hills IX	4018	32	SF	Y	1.00	32.00	\$43.54	\$1,393.28
Dana Hills X	4019	52	SF	Y	1.00	52.00	\$43.54	\$2,264.08
Marsh Creek	4240	109	MF	N	0.25	27.25	\$15.64	\$1,704.76
Regency Woods I	4343	77	SF	Y	1.00	77.00	\$43.54	\$3,352.58
St. James Place	4403	16	SF	Y	1.00	16.00	\$43.54	\$696.64
Casey Glen	4449	24	SF	Y	1.00	24.00	\$43.54	\$1,044.96
Briarwood I	4451	19	SF	Y	1.00	19.00	\$43.54	\$827.26
Jeffry Ranch	4499	68	SF	Y	1.00	68.00	\$43.54	\$2,960.72
Dana Ridge	4504	86	MF	N	0.25	21.50	\$15.64	\$1,345.04
Clayton Greens	4515	78	SF	Y	1.00	78.00	\$43.54	\$3,396.12
Regency Woods II	4543	71	SF	Y	1.00	71.00	\$43.54	\$3,091.34
Regency Woods III	4643	37	SF	Y	1.00	37.00	\$43.54	\$1,610.98
Briarwood II	4654	40	SF	Y	1.00	40.00	\$43.54	\$1,741.60
Regency Woods IV	4798	145	SF	Y	1.00	145.00	\$43.54	\$6,313.30
Easley Estates I	4805	48	SF	Y	1.00	48.00	\$43.54	\$2,089.92
Silver Creek I	4827	26	SF	Y	1.00	26.00	\$43.54	\$1,132.04
Silver Creek II	4956	94	SF	Y	1.00	94.00	\$43.54	\$4,092.76
Easley Estates II	5048	51	SF	Y	1.00	51.00	\$43.54	\$2,220.54
Easley Estates III	5049	40	SF	Y	1.00	40.00	\$43.54	\$1,741.60

Easley Estates IV	5050	55	SF	Y	1.00	55.00	\$43.54	\$2,394.70
Douglas Court	5267	9	SF	Y	1.00	9.00	\$43.54	\$391.86
Regency Meadows	5722	96	SF	Y	1.00	96.00	\$43.54	\$4,179.84
Westwood	6001	65	SF	Y	1.00	65.00	\$43.54	\$2,830.10
Westwood	6001	4	MF	Y	0.50	2.00	\$15.64	\$62.56
Windmill Canyon I	6990	92	SF	Y	1.00	92.00	\$43.54	\$4,005.68
Black Diamond I	7065	108	Duet	N	0.50	54.00	\$31.28	\$3,378.24
Chaparral Springs I	7066	117	MF	N	0.25	29.25	\$8.34	\$975.78
Peacock Creek I	7249	69	SF	Y	1.00	69.00	\$33.38	\$2,303.22
Peacock Creek II	7255	72	SF	Y	1.00	72.00	\$33.38	\$2,403.36
Eagle Peak I	7256	70	SF	Y	1.00	70.00	\$43.54	\$3,047.80
Eagle Peak II	7257	60	SF	Y	1.00	60.00	\$43.54	\$2,612.40
Falcon Ridge I	7260	75	SF	Y	1.00	75.00	\$33.38	\$2,503.50
Falcon Ridge II	7261	70	SF	Y	1.00	70.00	\$43.54	\$3,047.80
Windmill Canyon II	7262	99	SF	Y	1.00	99.00	\$43.54	\$4,310.46
Windmill Canyon III	7263	101	SF	Y	1.00	101.00	\$43.54	\$4,397.54
Windmill Canyon IV	7264	102	SF	Y	1.00	102.00	\$33.38	\$3,404.76
Chaparral Springs II	7303	52	MF	N	0.25	13.00	\$8.34	\$433.68
Black Diamond II	7311	118	Duet	N	0.50	59.00	\$31.28	\$3,691.04
Diablo Ridge I	7766	60	MF	N	0.25	15.00	\$8.34	\$500.40
Oak Hollow	7766	35	SF	N	0.50	17.50	\$16.68	\$583.80
Diablo Ridge II	7767	76	MF	N	0.25	19.00	\$8.34	\$633.84
Oak Hollow IIA	7768	55	SF	N	0.50	27.50	\$31.28	\$1,720.40
Oak Hollow IIB	7769	53	SF	N	0.50	26.50	\$31.28	\$1,657.84
Stranahan	7887	54	SF	Y	1.00	54.00	\$33.38	\$1,802.52
Diablo Village	8215	33	SF	Y	1.00	33.00	\$43.54	\$1,436.82
Rachel Ranch	8355	8	SF	Y	1.00	8.00	\$43.54	\$348.32
Bridlewood	8358	19	SF	Y	1.00	19.00	\$43.54	\$827.26
Diablo Pointe	8719	24	SF	N	0.50	12.00	\$22.18	\$532.32
TOTALS		3482				2908.5		\$125,991.08

ENGINEER'S REPORT

DATE: JULY 18, 2017
TO: CITY COUNCIL
FROM: CITY ENGINEER
RE: STREET LIGHT ASSESSMENT DISTRICT - FISCAL YEAR 2017-18

This report has been prepared in accordance with the requirements of the Street Lighting Act of 1919 (Section 18091 of the Street and Highways Code).

HISTORICAL REVIEW

Prior to 1979, the year the City formed the Street Light Assessment District, all subdivisions were annexed to the City's Lighting District #1. This district became a Special District, which made it eligible for a small portion of the property tax as well as Special Augmentation Funds for special districts.

When the Assessment District was formed, primarily to pay for street lighting in residential areas with street lights, the City ceased annexing new subdivisions to Lighting District #1. While the City continues to receive moneys on Lighting District #1 as Special Augmentation Funds, the amounts are eventually expected to decrease. The Lighting District #1's expected income for FY 2017-18 is approximately \$34,500.

When the Street Light Assessment District was formed, it was the City Council's policy that residential street lighting expenses and operations be funded by the Assessment District separate from the arterial street lighting expenses of Lighting District #1.

PROPOSITION 218

In 2001, significant increases in electric charges from PG&E were anticipated and a large increase was proposed in the annual assessments. It was finally determined that any increases over the amounts being assessed when Proposition 218 was approved, were subject to the terms of Proposition 218. A ballot election was held and the proposed increases were rejected by almost 60% of the votes cast. Based upon that result, a public meeting and public hearing was held on the pre-218 assessments based upon the old majority protest procedures. Since there was not a majority protest, the pre-218 assessments were levied.

Due to the current fiscal climate and reserve status of this fund, I again do not recommend the City attempt another 218 election in order to increase the assessments this year.

DETERMINATION OF SPECIAL BENEFIT

For this district, being limited to street lighting, the finding of a special benefit is relatively simple. Those properties, occupied and located on a lighted public street,

receive a special benefit relative to those properties located on unlit streets. This benefit may be described as additional protection for residents from criminal activity and, to a lesser extent, vehicular traffic. It should be noted that I am saying that the lights protect the pedestrians from vehicular traffic by increasing the pedestrians' ability to see and not the other way around.

There may be some who would argue that since pedestrians benefit from the additional protection and that some of the pedestrians may be other than the actual residents, a general benefit exists. However, I consider the number of trips by non-residents would be minuscule compared to the residents' trips and impossible to reasonably quantify.

There are some publicly owned parcels (open space areas) that do have some frontage along lighted public streets. However, since these properties are not occupied, no benefit, either special or general, is received.

Therefore, I can only find that no "general" benefit exists.

DISTRICT IMPROVEMENTS

The district improvements consist of streetlights located on residential streets. The streetlights may be mounted on PG&E poles or on City-owned poles (either wood, metal, or concrete).

ESTIMATED COSTS

Actual PG&E costs during FY 2016-17 will be approximately \$115,200. Based upon expenditures to date, the City's labor, materials and overhead costs should be approximately \$26,250. This represents a decrease in anticipated costs of approximately \$1,800 due to less overtime than originally anticipated.

We are anticipating a small decrease in electrical costs to \$112,000 and are projecting increased costs for street light maintenance resulting in a maintenance and administrative budget of \$32,270.

METHOD OF ASSESSMENT

In detached, single family subdivisions with public streets, the special benefit received from street lights is equal to all the lots, regardless of size, and the assessment should, therefore, be equal for every lot and will be assigned an assessment unit of one.

In those subdivisions with private streets, but served or traversed by public, lit streets, the property owners already pay for a share of their private street lighting and the ratio of lots to the number of public lights is higher than those in subdivisions with all public streets. Therefore, in order to provide an equitable assessment, I have assigned assessment units of one-half to single family and duet subdivisions (Oak Hollow, Black Diamond, and Diablo Pointe) and one-quarter to multifamily subdivisions (Diablo Ridge, Chaparral Springs, Marsh Creek Villas).

See the chart on pages 4 and 5 for a complete breakdown on the assessment units.

STREETLIGHT REPLACEMENT FUNDS

The fund balance at the beginning of FY 2016/17 was approximately \$124,409.

We estimate that the final costs for FY 2016/17 should be approximately \$141,450 and the final income amount should be \$127,491, resulting in a deficit of \$13,959. This deficit will decrease the fund balance to \$110,450 for the beginning of FY 2017/18.

This fund balance will cover the costs of the District until receipt of the first tax payment in December.

PER UNIT ALLOCATION

If we were able to spread the costs strictly by the number of assessment units in the District, we would have the following cost per assessment unit:

Estimated PG&E cost	\$112,000.00
City Maintenance Costs	21,230.00
City Administrative Costs	11,540.00
County Collection of Levy Fee	<u>3,700.00</u>
Total Budget	\$144,770.00
Less Interest Income	<u>(1,400.00)</u>
Net Assessment Required	\$143,370.00
Total Assessment Units	2908.5
Total Assessment Per Unit	<u>\$49.29</u>

However, since we are unable to increase assessments beyond their current level without a ballot election, we recommend that the current assessments remain the same for FY 2017-18 (see table on pages 4 and 5). Based upon the current assessment levels, the District will receive approximately \$125,991.08. Therefore, we are projecting a deficit of approximately \$17,379 in FY 2017-18 which will decrease the Streetlight Replacement Fund balance at the end of FY 2017-18 to \$93,071.

ASSESSMENT HISTORY

Proposed FY 17-18	between \$0 and \$43.54
FY 16-17	between \$0 and \$43.54
FY 15-16	between \$0 and \$43.54
FY 14-15	between \$0 and \$43.54
FY 13-14	between \$0 and \$43.54
FY 12-13	between \$0 and \$43.54
FY 11-12	between \$0 and \$43.54
FY 10-11	between \$0 and \$43.54
FY 09-10	between \$0 and \$43.54
FY 08-09	between \$0 and \$43.54
FY 07-08	between \$0 and \$43.54
FY 06-07	between \$0 and \$43.54
FY 05-06	between \$0 and \$43.54
FY 04-05	between \$0 and \$43.54
FY 03-04	between \$0 and \$43.54
FY 02-03	between \$0 and \$43.54
FY 01-02	between \$0 and \$43.54
FY 00-01	\$34.34
FY 99-00	\$33.38
FY 98-99	\$33.38
FY 97-98	\$33.38
FY 96-97	\$43.54

CITY OF CLAYTON**STREETLIGHT ASSESSMENT DISTRICT
FY 2017-18****PROPOSED ASSESSMENTS**

Subd. Name	Subd. No.	No. of Lots	Type	Public Streets	A.U. per lot	Total A.U.	Assessment Per Lot	Total \$
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Dana Hills III	4012	50	SF	Y	1.00	50.00	\$43.54	\$2,177.00
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Dana Hills VIII	4017	46	SF	Y	1.00	46.00	\$43.54	\$2,002.84
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Dana Hills X	4019	52	SF	Y	1.00	52.00	\$43.54	\$2,264.08
Marsh Creek	4240	109	MF	N	0.25	27.25	\$15.64	\$1,704.76
Regency Woods I	4343	77	SF	Y	1.00	77.00	\$43.54	\$3,352.58
St. James Place	4403	16	SF	Y	1.00	16.00	\$43.54	\$696.64
Casey Glen	4449	24	SF	Y	1.00	24.00	\$43.54	\$1,044.96
Briarwood I	4451	19	SF	Y	1.00	19.00	\$43.54	\$827.26
Jeffrey Ranch	4499	68	SF	Y	1.00	68.00	\$43.54	\$2,960.72
Dana Ridge	4504	86	MF	N	0.25	21.50	\$15.64	\$1,345.04
Clayton Greens	4515	78	SF	Y	1.00	78.00	\$43.54	\$3,396.12
Regency Woods II	4543	71	SF	Y	1.00	71.00	\$43.54	\$3,091.34
Regency Woods III	4643	37	SF	Y	1.00	37.00	\$43.54	\$1,610.98
Briarwood II	4654	40	SF	Y	1.00	40.00	\$43.54	\$1,741.60
Regency Woods IV	4798	145	SF	Y	1.00	145.00	\$43.54	\$6,313.30
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Silver Creek I	4827	26	SF	Y	1.00	26.00	\$43.54	\$1,132.04
Silver Creek II	4956	94	SF	Y	1.00	94.00	\$43.54	\$4,092.76
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Easley Estates III	5049	40	SF	Y	1.00	40.00	\$43.54	\$1,741.60
Easley Estates IV	5050	55	SF	Y	1.00	55.00	\$43.54	\$2,394.70
Douglas Court	5267	9	SF	Y	1.00	9.00	\$43.54	\$391.86

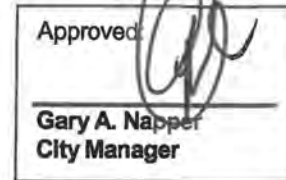
Regency Meadows	5722	96	SF	Y	1.00	96.00	\$43.54	\$4,179.84
Westwood	6001	65	SF	Y	1.00	65.00	\$43.54	\$2,830.10
Westwood	6001	4	MF	Y	0.50	2.00	\$15.64	\$62.56
Windmill Canyon I	6990	92	SF	Y	1.00	92.00	\$43.54	\$4,005.68
Black Diamond I	7065	108	Duet	N	0.50	54.00	\$31.28	\$3,378.24
Chaparral Springs I	7066	117	MF	N	0.25	29.25	\$8.34	\$975.78
Peacock Creek I	7249	69	SF	Y	1.00	69.00	\$33.38	\$2,303.22
Peacock Creek II	7255	72	SF	Y	1.00	72.00	\$33.38	\$2,403.36
Eagle Peak I	7256	70	SF	Y	1.00	70.00	\$43.54	\$3,047.80
Eagle Peak II	7257	60	SF	Y	1.00	60.00	\$43.54	\$2,612.40
Falcon Ridge I	7260	75	SF	Y	1.00	75.00	\$33.38	\$2,503.50
Falcon Ridge II	7261	70	SF	Y	1.00	70.00	\$43.54	\$3,047.80
Windmill Canyon II	7262	99	SF	Y	1.00	99.00	\$43.54	\$4,310.46
Windmill Canyon III	7263	101	SF	Y	1.00	101.00	\$43.54	\$4,397.54
Windmill Canyon IV	7264	102	SF	Y	1.00	102.00	\$33.38	\$3,404.76
Chaparral Springs II	7303	52	MF	N	0.25	13.00	\$8.34	\$433.68
Black Diamond II	7311	118	Duet	N	0.50	59.00	\$31.28	\$3,691.04
Diablo Ridge I	7766	60	MF	N	0.25	15.00	\$8.34	\$500.40
Oak Hollow	7766	35	SF	N	0.50	17.50	\$16.68	\$583.80
Diablo Ridge II	7767	76	MF	N	0.25	19.00	\$8.34	\$633.84
Oak Hollow IIA	7768	55	SF	N	0.50	27.50	\$31.28	\$1,720.40
Oak Hollow IIB	7769	53	SF	N	0.50	26.50	\$31.28	\$1,657.84
Stranahan	7887	54	SF	Y	1.00	54.00	\$33.38	\$1,802.52
Diablo Village	8215	33	SF	Y	1.00	33.00	\$43.54	\$1,436.82
Rachel Ranch	8355	8	SF	Y	1.00	8.00	\$43.54	\$348.32
Bridlewood	8358	19	SF	Y	1.00	19.00	\$43.54	\$827.26
Diablo Pointe	8719	24	SF	N	0.50	12.00	\$22.18	\$532.32
TOTALS		3482				2908.5		\$125,991.08



Agenda Date: 7-18-2017

Agenda Item: 7a

STAFF REPORT



TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: JULY 18, 2017

SUBJECT: PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR THE DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT (BAD); ORDERING IMPROVEMENTS AND CONFIRMING ASSESSMENTS FOR FY 2017-18

RECOMMENDATION

Open the Public Hearing, receive public comments, close the Public Hearing, and approve the attached Resolution.

BACKGROUND

The City Council, at its May 16th meeting, approved the Engineer's Report dated May 16th, including the proposed assessment amounts which included an allowable 3.78% increase over FY 2016-17 assessments. The majority of the assessments are to pay for the maintenance of various improvements benefiting real property owners within the Diablo Estates at Clayton development. These tasks are included in the property management contract awarded previously to Pinnacle Construction Services. Pinnacle's contract provides for an annual increase each December equal to the increase in the San Francisco – Bay Area CPI.

As required by law, a notice regarding the public hearing was mailed to the property owners. We attached the Engineer's Report to the notice. For the benefit of the residents, the Engineer's Report was expanded to include the expenditures of the District and an accounting of the reserve funds.

Tonight, the City Council will open the required public hearing to hear any comments from the assessed property owners. Upon completion of public testimony, the City Council should close the public hearing. The City Council may then consider any public comments received and proceed to act on this Resolution levying the annual assessments on the real properties within the District for FY 2017-18.

Date: July 18, 2017

Page 2 of 2

FISCAL IMPACT

If the annual assessment is approved as recommended, the City will continue to manage for the maintenance duties specified in the Engineer's Report on behalf of the benefited real property owners.

Should the 3.78% increase not be levied as recommended on the assessments, the automatic CPI increase in the property management contract (Pinnacle) must then be funded by drawing on District reserves. Further, bypassing the allowable CPI increase can never be recouped by the District in the future as each annual increase allowed is strictly limited to that year's adjustment in annual CPI increase.

The BAD fund balance will cover the District's costs until receipt of the first tax payment from the County in December. Therefore, this action will not impact the City's General Fund.

CONCLUSION

Staff recommends the City Council approve this Resolution confirming the levy of assessments within the Diablo Estates at Clayton Benefit Assessment District FY 2017-18.

Attachments: Resolution confirming Assessments [2 pp.]
Notice to Property Owners [1 pg.]
BAD FY 2017-18 Engineer's Report [12 pg.]

RESOLUTION NO. - 2017

A RESOLUTION CONFIRMING ASSESSMENTS FOR THE OPERATION AND MAINTENANCE OF IMPROVEMENTS WITHIN THE DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT FOR FISCAL YEAR 2017-18.

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

WHEREAS, by adoption of Resolution No. 11-2017 on May 2, 2017, the Clayton City Council approved the Engineer's Report on the proposed assessment levy for maintaining various improvements within the Diablo Estates at Clayton Benefit Assessment District during fiscal year 2017-18, and set a public hearing thereon for July 18, 2017, to be held at the regular meeting place of the Clayton City Council; and

WHEREAS, notice of said hearing and the adoption of Resolution No. 11-2017 was duly given as required by Section 54954.6 of the Government Code; and

WHEREAS, on July 18, 2017, the City Council held the noticed public hearing on the proposed assessment for the fiscal year 2017-18 and heard and considered all oral statements and written communications made and filed thereon by interested persons;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Clayton as follows:

1. The City Council hereby orders the levy of an assessment in the amount of \$3,454.64 on each lot within the Diablo Estates at Clayton Benefit Assessment District and this Resolution shall constitute the levy and confirmation of such assessment for fiscal year 2017-18.

2. The City Clerk shall immediately file a certified copy of this resolution, together with any required diagrams and a list of lots so assessed, with both the Tax Collector and the Auditor of Contra Costa County, with the Assessment to thereafter be collected in the same manner as the property taxes are collected.

PASSED, APPROVED and ADOPTED by the City Council of the City of Clayton at a regular public meeting thereof held on July 18, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jim Diaz, Mayor

ATTEST:

Janet Brown, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular public meeting held on July 18, 2017.

Janet Brown, City Clerk

Diablo Estates at Clayton Benefit Assessment District

NOTICE TO PROPERTY OWNERS FOR LEVY OF ASSESSMENT

Reason for Assessment

At the request of the original project developer, Toll Bros., Inc., the City of Clayton City Council ("Council") approved Resolution No. 04-2012 on February 7, 2012, forming the Diablo Estates at Clayton Benefit Assessment District ("District") to fund and to pay for the oversight and maintenance of certain facilities solely benefiting the District such as the stormwater treatment facilities, storm drain collection system, common area landscape and irrigation, private street lighting and weed abatement of natural slope areas, all as described in the original Engineer's Report approved by the Council on March 20, 2012.

Notice

This notice informs you, as a real property owner within the Diablo Estates at Clayton Benefit Assessment District that on May 16, 2017, the Clayton City Council adopted Resolution No. xx-2017 approving an Engineer's Report for FY 2017-18, declaring its intent to levy assessments for fiscal year 2017-18 and setting a public hearing on the issue of the proposed assessments:

PUBLIC HEARING:

Hoyer Hall (Library Meeting Room)

7:00 p.m. July 18, 2017

6125 Clayton Road

Assessment Information

1. Total District Assessment for the fiscal year beginning on July 1, 2017 and ending June 30, 2018: \$82,911.36.
2. Proposed assessment per parcel: The assessment for each parcel is proposed to be \$3,454.64 which includes a 3.78% increase in the existing assessment of \$3,328.82 per year in accordance with the annual increase in the applicable Consumer Price Index (April 2016 - April 2017; San Francisco-Oakland- San Jose, CA MSA – All Urban Consumers), as allowed by property owner balloting in 2012.
3. Duration of assessment: The assessment will be levied annually at the above proposed rate and collected via one's real property tax bill in fiscal year 2017-18. The assessment may only be increased (other than the authorized allowable annual CPI-U increase described above) in the future by approval of a majority of the property owners.
4. Protests: Only one protest per property is allowed. The levying of the assessment may not be protested, however, the proposed CPI increase may be protested. If written protests are received at City Hall prior to or at the public hearing from a majority of the properties (13 of 24), the proposed increase in the assessments will not be assessed.
5. Engineer's Report: Attached is a copy of the approved Engineer's Report for fiscal year 2017-18.

Questions

If any questions arise regarding the proposed real property assessments for fiscal year 2017-18, please contact the City Engineer Rick Angrisani: he may be reached at (925) 363-7433.

ENGINEER'S REPORT

DATE: MAY 16, 2017
TO: CITY COUNCIL
FROM: CITY ENGINEER
RE: **DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT FISCAL YEAR 2017-18**

This Engineer's Report has been prepared in accordance with the requirements of the Landscaping & Lighting Act of 1972 (Section 22500 et seq. of the Government Code).

HISTORICAL REVIEW

In 2012, at the request of Toll Brothers, the developer of the Diablo Estates at Clayton project (Subd. 8719), the City Council formed the Diablo Estates at Clayton Benefit Assessment District ("District" per Resolution No. 04-2012). The purpose of the District is to generate funds for the maintenance of various improvements constructed as part of the development which solely benefit the real property owner(s). The duties specified in the original Engineer's Report (prepared by SCI Consulting Group, dated March 2012) included maintenance of landscaping and irrigation, weed abatement, storm drainage facilities, and private street lighting. In addition to maintenance, the District is responsible for the repair or replacement of any facilities due vandalism, accidents, or age.

The District was formed under the auspices of the Landscaping and Lighting Act of 1972 (Section 22500 et seq. of the Government Code) and the Benefit Assessment Act of 1982 (Section 54703 et seq. of the Government Code). The initial per lot annual assessment, approved by the property owner (Toll Bros.), was \$3,027.62. The approval also allowed for an annual increase in the assessment amount equal to the annual increase in the Consumer Price Index ("CPI"; San Francisco-Oakland-San Jose CA MSA, All Urban Consumers), not to exceed 4% in any one year.

While the Benefit Assessment Act of 1982 does not require further action prior to the levy of annual assessments, the Landscaping and Lighting Act of 1972 requires the preparation of an Engineer's Report and notice to property owners of a public hearing each year. Since no increase, other than the already authorized and approved CPI increase, is proposed, the provisions of Proposition 218 do not apply.

DETERMINATION OF SPECIAL BENEFIT, METHOD OF ASSESSMENT AND DESCRIPTION OF DISTRICT IMPROVEMENTS

See original Engineer's Report attached hereto and made a part hereof.

ESTIMATED COSTS

The original budget included maintenance and District administrative costs, as well as reserve funds for future replacement of the maintained items. See Attachment 2 for the District's expenditures for FY 2016-17.

The relevant CPI increase for this past year (April 2016 – April 2017) is 3.78%. Following is a breakdown of the District's FY 2017-18 budgeted costs incorporating the allowable CPI increase:

Item	FY 2016-17 Budget	CPI Increase (3.78%)	FY 2017-18 Budget
District Maintenance:			
Common Area Landscape	\$19,572.17	\$739.83	\$20311.99
Weed Abatement	\$13,095.02	\$494.99	\$13,590.01
Storm Drain System	\$6,047.24	\$228.59	\$6,275.82
Private Street Lighting	<u>\$1,330.40</u>	<u>\$50.29</u>	<u>\$1,380.68</u>
Sub-Total Maintenance:	\$40,044.83	\$1,513.69	\$41,558.31
District Administration*	\$18,581.51	\$702.38	\$19,283.90
District Reserves	\$21,265.39	\$803.83	\$22,069.22
Total Annual Budget	\$79,891.73	\$3,019.91	\$82,911.63

* Includes Pinnacle Construction fees (monthly site inspections, maintenance oversight and contract management), City Engineer services, legal notices and mailing costs, County collection charges.

RESERVE FUNDS

The reserve fund balance at the end of FY 2016/17 will be approximately \$82,351. This balance will increase to approximately \$95,259 at the end of FY 2017/18. The purpose of the Reserve is for both scheduled and unexpected replacement of the capital investments, per the original Engineer's Report.

See Attachment 1 for a more detailed discussion of the reserve funds and balances.

PER UNIT ALLOCATION

Based upon the proposed budget, the per-unit assessment will be \$3,454.64 (\$82,911.36/24 units).

ASSESSMENT HISTORY

Proposed FY 17-18	\$3,454.64
FY 16-17	\$3,328.82
FY 15-16	\$3,241.00
FY 14-15	\$3,162.00
FY 13-14	\$3,100.26
FY 12-13	\$3,027.62

ATTACHMENT 1
RESERVE FUND ACCOUNTS

**DIABLO ESTATES AT CLAYTON
BENEFIT ASSESSMENT DISTRICT ("District")
RESERVE FUNDS**

The purpose of the various reserve accounts is to insure that the District will have funds available to repair or reconstruct the facilities that are the responsibility of the District.

The fund amounts were established using the initial cost of construction and amortizing them over the anticipated life of the facilities. In addition, there is a general reserve fund set aside to act as a contingency reserve for any of the District's responsibilities.

The funds as initially established are as follows:

ITEM	QUANTIT Y	UNIT	UNIT COST	TOTAL COST	SERVIC E LIFE (YRS)	ANNUAL DEPOSIT
Tree Replacement	33	EA	\$285	\$9,405	40	\$235
Entry Monument Replacement	1	EA	\$4,000	\$4,000	25	\$160
V-ditch Repair/Replacemen t	2038	LF	\$50	\$101,90 0	25	\$4,076
Vortsenry Replacement	1	EA	\$100,00 0	\$100,00 0	100	\$1,000
Stormwater Basin Replacement*	48	EA	\$2,000	\$96,000	10	\$9,600
CB/MH/SD Pipe Replacement	1	LS	\$79,000	\$79,000	100	\$790
General						\$2,000
				Total**		\$17,861

* Removal and replacement of plants and filter material only

** First year assessment (increased each following year by the CPI increase)

Following are reserve analysis sheets showing each year's contribution to the various funds and the current balance of each fund.

ATTACHMENT 2
BAD EXPENDITURES FOR FY 2016-17

City of Dayton
General Ledger Report
Diablo Estates BAD - FY 2017 Expenditure Detail

<u>Date</u>	<u>Trans.</u>	<u>Journal</u>	<u>Reference</u>	<u>Debit Amount</u>	<u>Credit Amount</u>	<u>Balance</u>
231-7335-00						
Account: 231-7335-00 (Gas & Electricity)						
7/1/2016						\$0.00
			<i>Account Beginning Balance</i>			
8/16/2016	3649-80	Accounts Payable	PG&E-Service 6/22/16-7/21/16	\$10.95		
9/20/2016	3659-270	Accounts Payable	PG&E-Electricity 7/18/16-8/16/16	\$11.79		
10/4/2016	3663-264	Accounts Payable	PG&E-Electricity 8/22/16-9/20/16	\$11.11		
11/1/2016	3672-192	Accounts Payable	PG&E-Electricity 9/22/16-10/20/16	\$10.91		
12/6/2016	3682-201	Accounts Payable	PG&E-Electricity 10/18/16-11/16/16	\$11.23		
12/31/2016	3693-218	Accounts Payable	PG&E-Electricity 11/20/16-12/20/16	\$11.67		
2/7/2017	3699-138	Accounts Payable	PG&E-Gas & electricity 12/21/16-1/20/17	\$11.80		
3/7/2017	3705-98	Accounts Payable	PG&E-Electricity 1/20/17-2/20/17	\$12.18		
4/4/2017	3710-117	Accounts Payable	PG&E-Electricity 1/20/17-2/20/17	\$10.99		
5/2/2017	3718-697	Accounts Payable	PG&E-Electricity/Gas 3/18/17-4/18/17	\$11.20		
6/6/2017	3729-280	Accounts Payable	PG&E-Electricity 4/17/17-5/15/17	\$11.56		
6/30/2017	0-318	Accounts Payable	Unposted Accounts Payable Invoice	\$11.26		
			<i>Account Subtotals</i>	\$136.65	\$0.00	
6/30/2017			<i>Account Net Change</i>			\$136.65
6/30/2017			<i>Account Ending Balance</i>			<u>\$136.65</u>
231-7338-00						
Account: 231-7338-00 (Water Services)						
7/1/2016						\$0.00
			<i>Account Beginning Balance</i>			
7/19/2016	3641-135	Accounts Payable	CCWD-Water service 5/7/16-7/7/16	\$203.46		
9/20/2016	3659-370	Accounts Payable	CCWD-Water services for 7/8/16-9/8/16	\$1,075.89		
11/15/2016	3677-106	Accounts Payable	CCWD-Water service 9/3/16-11/2/16	\$1,281.23		
12/31/2016	3693-366	Accounts Payable	CCWD-Water Service 11/5/16-1/6/17	\$2,174.58		
4/4/2017	3710-364	Accounts Payable	CCWD-Water service 1/13/17-3/14/17	\$1,592.41		
			<i>Account Subtotals</i>	\$6,327.57	\$0.00	
6/30/2017			<i>Account Net Change</i>			\$6,327.57
6/30/2017			<i>Account Ending Balance</i>			<u>\$6,327.57</u>
231-7381-00						
Account: 231-7381-00 (Property Tax Admin. Costs)						
7/1/2016						\$0.00
			<i>Account Beginning Balance</i>			
12/19/2016	3689-52	Cash Receipts	Deposit 1604 - Summarized Cash Receipts Receipt	\$148.72		
4/17/2017	3717-50	Cash Receipts	Deposit 1689 - Summarized Cash Receipts Receipt	\$108.16		
6/26/2017	3740-42	Cash Receipts	Deposit 1757 - Summarized Cash Receipts Receipt	\$13.52		

City of Clayton
General Ledger Report
Diablo Estates BAD - FY 2017 Expenditure Detail

Date	Trans.	Journal	Reference	Debit Amount	Credit Amount	Balance
Account: 231-7381-00 (Property Tax Admin. Costs)						
			<i>Account Subtotals</i>	\$270.40	\$0.00	
6/30/2017			<i>Account Net Change</i>			\$270.40
6/30/2017			<i>Account Ending Balance</i>			\$270.40
231-7419-00						
Account: 231-7419-00 (Other Professional Services)						
7/1/2016			<i>Account Beginning Balance</i>			\$0.00
7/19/2016	3641-203	Accounts Payable	Matrix Associat-Management services for July 2016, Diablo Pointe B	\$4,375.00		
8/16/2016	3649-273	Accounts Payable	Matrix Associat-Management services for August	\$4,375.00		
10/4/2016	3663-863	Accounts Payable	Matrix Associat-Management services for September	\$4,375.00		
10/18/2016	3668-7	Accounts Payable	Matrix Associat-October Management Services for Diablo Estates	\$4,375.00		
11/15/2016	3677-63	Accounts Payable	Pinnacle Constr-November Diablo Estates Management	\$4,375.00		
1/17/2017	3693-187	Accounts Payable	Matrix Associat-January management services -Diablo Estates	\$4,532.50		
2/7/2017	3699-73	Accounts Payable	Matrix Associat-December management services for Diablo Estates	\$4,375.00		
2/21/2017	3704-40	Accounts Payable	Matrix Associat-February Management services for Diablo Estates	\$4,532.50		
3/7/2017	3705-154	Accounts Payable	Matrix Associat-March Management services for Diablo Estates	\$4,532.50		
4/18/2017	3718-81	Accounts Payable	Matrix Associat-April Diablo Estates Management services	\$4,532.50		
5/16/2017	3723-67	Accounts Payable	Matrix Associat-Diablo Estates management svcs for May	\$4,532.50		
6/6/2017	3729-227	Accounts Payable	PERMCO, Inc.-Prep reports for Diablo Estates BAD	\$1,125.00		
6/20/2017	3735-74	Accounts Payable	Matrix Associat-Diablo Estates management services for June	\$4,532.50		
			<i>Account Subtotals</i>	\$54,570.00	\$0.00	
6/30/2017			<i>Account Net Change</i>			\$54,570.00
6/30/2017			<i>Account Ending Balance</i>			\$54,570.00
231-7420-00						
Account: 231-7420-00 (Administrative Costs)						
7/1/2016			<i>Account Beginning Balance</i>			\$0.00
9/30/2016	3657-9	Journal Entry	Annual Diablo Pointe Lots stormwater filing fees per City Engineer 9	\$2,044.00		
			<i>Account Subtotals</i>	\$2,044.00	\$0.00	
6/30/2017			<i>Account Net Change</i>			\$2,044.00
6/30/2017			<i>Account Ending Balance</i>			\$2,044.00
7/1/2016			<i>Grand Total Beginning Balance</i>			\$0.00
6/30/2017			<i>Grand Total Net Change</i>			\$63,348.62
6/30/2017			<i>Grand Total Ending Balance</i>			\$63,348.62

ATTACHMENT 3
INITIAL ENGINEER'S REPORT (19 pp)



CITY OF CLAYTON

**DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT
DISTRICT
FOR LANDSCAPE AND LIGHTING AND BENEFIT ASSESSMENT**

**ENGINEER'S REPORT
FISCAL YEAR 2012-13**

MARCH 2012

PURSUANT TO
THE LANDSCAPING AND LIGHTING ACT OF 1972,
THE BENEFIT ASSESSMENT ACT OF 1982, AND
ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

ENGINEER OF WORK:
SCIConsultingGroup
4745 MANGELS BOULEVARD
FAIRFIELD, CALIFORNIA 94534
PHONE 707.430.4300
FAX 707.430.4319
www.sci-cg.com

CITY OF CLAYTON

MAYOR

Howard Geller

CITY COUNCIL

Joseph A. Medrano

Julie K. Pierce

David T. Shuey

Hank Stratford

CITY MANAGER

Gary Napper

CITY ENGINEER

Rick Angrisani

CITY ATTORNEY

Malathy Subramanian

CITY CLERK

Laci Jackson

ENGINEER OF WORK

SCI Consulting Group

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INTRODUCTION

BACKGROUND

Formation of the "Diablo Estates at Clayton Benefit Assessment District" (the "Assessment District") within the City of Clayton (the "City") is proposed to provide funding for the maintenance, operation and improvement of the landscaping, street lighting, drainage and stormwater treatment facilities to benefit the properties in the Diablo Estates at Clayton subdivision that forms the Assessment District. The Diablo Estates at Clayton subdivision consists of 24 parcels east of Regency Drive and north of Rialto Drive with an approximate area of 19 acres.

This Engineer's Report (the "Report") was prepared to establish the budget for the services and improvements that would be funded by the proposed 2012-13 assessments and to determine the benefits received from the maintenance and improvements by property within the Assessment District and the method of assessment apportionment to lots and parcels. This Report and the proposed assessments have been made pursuant to the Landscaping and Lighting Act of 1972 and the Benefit Assessment Act of 1982 (the "Acts") and Article XIID of the California Constitution (the "Article").

Following submittal of this Report to the City of Clayton City Council (the "City Council") for preliminary approval, the City Council may call for an assessment ballot proceeding and Public Hearing on the proposed establishment of assessments for the improvements.

If it is determined at the public hearing that the assessment ballots submitted in opposition to the proposed assessments do not exceed the assessment ballots submitted in favor of the assessments (weighted by the proportional financial obligation of the property for which ballots are submitted), the City Council may take action to form the Assessment District and approve the levy of the assessments for fiscal year 2012-13. If the assessments are so confirmed and approved, the levies would be submitted to the County Auditor/Controller in August 2012 for inclusion on the property tax roll for Fiscal Year 2012-13.

LEGISLATIVE ANALYSIS

PROPOSITION 218

The Right to Vote on Taxes Act was approved by the voters of California on November 6, 1996, and is now Article XIII C and XIII D of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property. This Assessment District will be balloted and approved by property owners in accordance with Proposition 218.

SILICON VALLEY TAXPAYERS ASSOC., INC. V SANTA CLARA COUNTY OPEN SPACE AUTHORITY

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. vs. Santa Clara County Open Space Authority (SVTA). This ruling is the most significant court case in further legally clarifying the substantive assessment requirements of Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special benefits to property, not general benefits.
- The services and/or improvements funded by assessments must be clearly defined.
- Assessment districts must be drawn to contain all parcels that receive a special benefit from a proposed public improvement.
- Assessments paid in the assessment district must be proportional to the special benefit received by each such parcel from the improvements and services funded by the assessment.

This Engineer's Report and the process used to establish these proposed assessments for fiscal year 2012/2013 are consistent with the SVTA decision and with the requirements of Article XIII C and XIII D of the California Constitution based on the following factors:

1. The Assessment District is narrowly drawn to include only the properties that receive special benefit from the specific improvements and services. Thus, zones of benefit are not required and the assessment revenue derived from real property in each Assessment District is extended only on the services in the Assessment District.
2. The improvements which are constructed and/or maintained with assessment proceeds in the Assessment District are located in close proximity to the real property subject to the assessment. The improvements and services provide illumination to streets and sidewalks

enabling improved access to the owners, residents, and guests of such assessed property. The proximity of the Improvements to the assessed parcels and the improved access and increased safety provided to of the residents of the assessed parcels by the Improvements provides a special benefit to the parcels being assessed pursuant to the factors outlined by the Supreme Court in that decision.

3. Due to their proximity to the assessed parcels, the Improvements and Services financed with assessment revenues in the Assessment District benefit the properties in the Assessment District in a manner different in kind from the benefit that other parcels of real property in the City derive from such Improvements and Services, and the benefits conferred on such property in the Assessment District are more extensive than a general increase in property values.
4. The assessments paid in the Assessment District are proportional to the special benefit that each parcel within that Assessment District receives from the Services because:
 - a. The specific lighting Improvements and maintenance Services and utility costs thereof in the Assessment District and the costs thereof are specified in this Report; and
 - b. The cost of the Services in the Assessment District is allocated among different types of property located within the Assessment District, and equally among those properties which have similar characteristics, such as single-family residential parcels, multi-family residential parcels, commercial parcels, or industrial parcels.

DAHMS V. DOWNTOWN POMONA PROPERTY

On June 8, 2009, the 4th Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review. On this date, Dahms became good law and binding precedent for assessments. In Dahms the Court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

BONANDER V. TOWN OF TIBURON

On December 31, 2009, the 1st District Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of

the Town of Tiburon. The Court invalidated the assessments on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of proportional special benefits.

BEUTZ V. COUNTY OF RIVERSIDE

On May 26, 2010 the 4th District Court of Appeal issued a decision on the Steven Beutz v. County of Riverside ("Beutz") appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services were not explicitly calculated, quantified and separated from the special benefits.

COMPLIANCE WITH CURRENT LAW

This Engineer's Report is consistent with the requirements of Article XIII C and XIII D of the California Constitution and with the SVTA decision because the Improvements to be funded are clearly defined; the Improvements are directly available to and will directly benefit property in the Assessment District; and the Improvements and Services provide a direct advantage to property in the Assessment District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with Beutz and Dahms because the Improvements and Services will directly benefit property in the Assessment District and the general benefits have been explicitly calculated and quantified and excluded from the Assessments. The Engineer's Report is consistent with Bonander because the Assessments have been apportioned based on the overall cost of the Improvements and Services and proportional special benefit to each property.

PLANS & SPECIFICATIONS

The work and improvements proposed to be undertaken by the City of Clayton and the Diablo Estates at Clayton Benefit Assessment District (the "Assessment District"), and the costs thereof paid from the levy of the annual assessments, provide special benefit to Assessor Parcels within the Assessment District as defined in the Method of Assessment herein. Consistent with the Landscaping and Lighting Act of 1972 and the Benefit Assessment Act of 1982 (the "Acts"), the work, services and improvements are generally described as follows:

Maintenance and servicing of public improvements, including but not limited to, storm drain system, landscaping and lighting and all necessary appurtenances, and labor, materials, supplies, utilities and equipment, and incidental costs as applicable, for property within the Assessment District that is owned or maintained by the City of Clayton (the "Improvements"). Any plans and specifications for these improvements will be filed with the City Engineer of the City of Clayton and are incorporated herein by reference. More specifically the improvements and associated plans are the storm drain system in the Improvement Plans, Diablo Pointe by David Evans and Associates Inc., the lighting in the Joint Trench Composite Plan, Diablo Pointe by Lighthouse Design Inc., and the shared landscaping, fencing, irrigation and entry monument in the Diablo Estates at Clayton Landscape Improvements plan by Thomas Bank and Associates LLP.

As applied herein, "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of any improvement, including repair, removal or replacement of all or any part of any improvement; providing for the life, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury; the removal of trimmings, rubbish, debris, and other solid waste; the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti; the cleaning and replacement of storm drain pipes, drop inlets, catch basins and manholes.

"Servicing" means the cost of maintaining any facility used to provide any service, the furnishing of electric current, or energy, gas or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements; or water for the irrigation of any landscaping, or the maintenance of any other improvements.

The figure shown below displays the improvements, maintenance, replacement costs and services to be provided with the Diablo Estates at Clayton Benefit Assessment District.

FIGURE 1 -- SUMMARY OF ESTIMATED ANNUAL COSTS FOR DIABLO ESTATES AT CLAYTON

**CITY OF CLAYTON
Diablo Estates at Clayton Benefit Assessment District
Summary of Estimated Annual Cost
Fiscal Year 2012-13**

Installation, Maintenance & Servicing Costs	
Common Landscaping	\$19,426.99
Weed Abatement (On-lot)	\$11,910.00
Storm Drain System	\$27,966.00
Street Lighting	\$1,460.00
Subtotal - Installation, Maintenance and Servicing	\$60,762.99
Incidental Expenses and Administration Costs	\$11,900.00
Totals for Installation, Maintenance, Servicing and Incidentals	\$72,662.99
Net Cost of Maintenance, Servicing and Incidentals (Net Amount to be Assessed)	\$72,662.99
<hr/>	
Budget Allocation to Property	
Total Assessment Budget	\$72,662.99
Single Family Equivalent Benefit Units	24
Assessment per Single Family Equivalent Unit	\$3,027.62

ESTIMATE OF COST AND BUDGET – FISCAL YEAR 2012-13

FIGURE 2 – COST ESTIMATE BREAKDOWN FOR DIABLO ESTATES AT CLAYTON

CITY OF CLAYTON Diablo Estates at Clayton Benefit Assessment District Estimate of Maintenance, Replacement, and Administrative Costs					
Item	Units	Unit Cost	Service Life (years)	Annual Cost	Annual Cost per Lot
Common Landscaping					
Landscape Maintenance	24,600 SF	\$0.30		\$7,380.00	
Landscape Replacement	24,600 SF	\$0.05		\$1,230.00	
Tree Maintenance	33 EA	\$95.00		\$3,135.00	
Tree Replacement - Materials	33 EA	\$285.00	40	\$235.13	
Water Usage	1,476 100CF	\$2.86		\$4,221.36	
Meter Charges	12 Mo	\$51.00		\$612.00	
Irrigation Maintenance & Repair	24,600 SF	\$0.03		\$738.00	
Fence Maintenance & Repair	1,870 LF	\$0.65		\$1,215.50	
Entry Monument Maintenance	1 EA	\$500.00		\$500.00	
Entry Monument Repair	1 LF	\$4,000.00	25	\$160.00	
				<u>\$19,426.99</u>	<u>\$809.46</u>
Weed Abatement (On-lot)					
Weed Abatement	397,000 SF	\$0.03		\$11,910.00	
				<u>\$11,910.00</u>	<u>\$496.25</u>
Storm Drain System					
Ditch - debris removal & maint	1 LS	\$1,000.00		\$1,000.00	
Ditch Repair	2,038 LF	\$50.00	25	\$4,076.00	
Vorsentry Maintenance	1 LS	\$1,500.00		\$1,500.00	
Vorsentry Replacement	1 LS	\$100,000.00	100	\$1,000.00	
Bio-Retention Basin Maintenance*	48 EA	\$ -		\$0.00	
Bio-Retention Basin Replacement	48 EA	\$2,000.00	10	\$8,600.00	
Stormwater Reporting Fee	1 LS	\$5,000.00		\$5,000.00	
Annual City Report Fee	1 LS	\$2,000.00		\$2,000.00	
Catch Basin/Manhole Cleaning	15 EA	\$200.00		\$3,000.00	
CBM/HPipe repair	1 LS	\$79,000.00	100	\$780.00	
				<u>\$27,966.00</u>	<u>\$1,165.25</u>
Street Lighting					
Maintenance and Repair	1 LS	\$500.00		\$500.00	
Electricity	4 EA	\$240.00		\$960.00	
				<u>\$1,460.00</u>	<u>\$60.83</u>
Annual Administration					
Property Manager	12 Mo	\$600.00		\$7,200.00	
Annual City Engineer Services	1 LS	\$2,500.00		\$2,500.00	
Legal Notice/Mailing	1 LS	\$100.00		\$100.00	
County Collection	1 LS	\$100.00		\$100.00	
General Reserve	1 LS	\$2,000.00		\$2,000.00	
				<u>\$11,900.00</u>	<u>\$495.83</u>
Total				<u>\$72,662.99</u>	<u>\$3,027.62</u>
	Number of Lots:			<u>24</u>	
	Cost per Lot:			<u>\$3,027.62</u>	

* Homeowner responsibility

** assumes covenant with Toll Brothers, Inc. for 5 year maintenance period

Unit costs per direction of City of Clayton City Engineer

METHOD OF APPORTIONMENT

METHOD OF APPORTIONMENT

This section of the Engineer's Report includes an explanation of the benefits to be derived from the installation, maintenance and servicing of improvements and the methodology used to apportion the total assessment to properties within the Assessment District.

The Diablo Estates at Clayton Benefit Assessment District consists of all Assessor Parcels within the boundaries as defined by the Assessment Diagram included within this Report and the Assessor Parcel Numbers listed within the included Assessment Roll. The method used for apportioning the assessments is based upon the proportional special benefits to be derived by the properties in the Diablo Estates at Clayton Benefit Assessment District over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two step process: the first step is to identify the types of special benefit arising from the improvements, and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

DISCUSSION OF BENEFIT

In summary, the assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's use of the District's storm drain system, streets and sidewalks, corridor landscaping, lighting, or a property owner's specific demographic status. With reference to the requirements for assessments, Section 22573 of the Landscaping and Lighting Act of 1972 states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the Improvements."

The Benefit Assessment Act of 1982 states in Government Code Section 54711:

"The amount of the assessment imposed on any parcel of property shall be related to the benefit to the parcel which will be derived from the provision of service"

Proposition 218, as codified in Article XIII D of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

The following benefit categories summarize the types of special benefit to residential, commercial, industrial and other lots and parcels resulting from the installation, maintenance and servicing of the Improvements to be provided with the assessment proceeds. These categories of special benefit are derived in part from the statutes passed by the California Legislature and other studies which describe the types of special benefit received by property from the installation, maintenance and servicing of improvements such as those proposed by the City of Clayton and the Diablo Estates at Clayton Benefit Assessment District. These types of special benefit are summarized as follows:

- Creation of individual lots for residential use that, in absence of the services and improvements to be funded by the assessments, would not be created.
- Improved utility and usability of property
- Improved safety and security lighting for property
- Enhanced visual experience, and desirability of the area.
- Protection of views, scenery and other resources values and environmental benefits enjoyed by residents and guests and preservation of public assets maintained by the City
- Moderation of temperatures, dust control, and other environmental benefits.

These benefit factors, when applied to property in the Assessment District, specifically increase the utility of the property within the Assessment District. For example, the assessments will provide funding to maintain lighting that improves safety and access to the property after dark and landscaping that provides visual and environmental benefits to the properties within the Assessment District. Such improved and well-maintained public facilities enhance the overall usability, quality, desirability and safety of the properties. Moreover, funding for the maintenance and servicing of such public facilities is a condition of development of Diablo Estates at Clayton that is needed to mitigate the negative impacts of this development on the City. Without the Assessment District, this condition of development would not be satisfied, which could affect the approval of new homes on the property. This is another special benefit to the properties in the Assessment District.

GENERAL VERSUS SPECIAL BENEFIT

The proceeds from the Diablo Estates at Clayton Benefit Assessment District would be used to fund improvements and increased levels of maintenance to the public facilities that serve and benefit the properties in the Assessment District. In absence of the Diablo Estates at Clayton Benefit Assessment District, such improvements would not be properly maintained. Therefore, the Assessment District is specifically proposed to ensure that the necessary and beneficial public facilities for property in the Assessment District are properly maintained and repaired over time. The assessments will ensure that landscaping and street lighting within and adjacent to the Assessment District are functional, well maintained, clean and safe. These public resources directly benefit the property in the Assessment District and will confer distinct and special benefits to the properties within the Assessment District.

In absence of the assessments, a condition of development would not be met and future home construction in the Assessment District could be denied. The creation of residential lots and the approval for the construction of homes in Diablo Estates at Clayton is the overriding clear and distinct special benefit conferred on exclusively on property in the Assessment District and not enjoyed by other properties outside the Assessment District. Moreover, benefits to the public at large, if any, will be offset by benefits residents within the Assessment District receive from the use of other similar public facilities not funded by the Assessment District. Therefore, the assessments solely provide special benefit to property in the Assessment District (100% special benefit) over and above the general benefits conferred to the public at large or properties outside the Assessment District.

METHOD OF ASSESSMENT

This process of apportioning assessments for each property involves determining the relative benefit received by each property in relation to a single family home, or, in other words, on the basis of Single Family Equivalent dwelling units (SFE). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer's Report, all properties are designated an SFE value, which is each property's relative benefit in relation to a single family home on one parcel. In this case, the "benchmark" property is the single family detached dwelling which is one Single Family Equivalent unit or one SFE.

ASSESSMENT APPORTIONMENT

The proposed assessments for the Diablo Estates at Clayton Benefit Assessment District would provide direct and special benefit to properties in the Assessment District. Diablo Estates at Clayton is a residential single family development project consisting of a total of 24 single family homes, each on a separate parcel. As such, each residential property receives similar benefit from the proposed Improvements. Therefore, the Engineer has determined that the appropriate method of apportionment of the benefits derived by all parcels is on a dwelling unit or single family residence basis. All improved properties or properties proposed for development are assigned an SFE factor equal to the number of dwelling units developed or planned for the property. In other words, developed parcels and vacant parcels with proposed development will be assessed 1 SFE. The assessments are listed on the Assessment Roll in Appendix A.

APPEALS AND INTERPRETATION

Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the City of Clayton City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City of Clayton City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City of Clayton City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City of Clayton City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any property owner who disagrees with the decision of the City of Clayton City Engineer or her or his designee may refer their appeal to the City Council of the City of Clayton and the decision of the City Council of the City of Clayton shall be final.

CERTIFICATES

DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT

1. The undersigned respectfully submits the enclosed Engineer's Report and does hereby certify that this Engineer's Report, and the Assessment and Assessment Diagram herein, have been prepared by me in accordance with the order of the City Council of the City of Clayton.



Engineer of Work, License No. C052091

2. I, the City Clerk, City of Clayton, County of Contra Costa, California, hereby certify that the enclosed Engineer's Report, together with the Assessment and Assessment Diagram thereto attached, was filed and recorded with me on March 14, 2012.



City Clerk

3. I, the City Clerk, City of Clayton, County of Contra Costa, California, hereby certify that the Assessment in this Engineer's Report was approved and confirmed by the City Council on _____, 2012, by Resolution No. _____

City Clerk

4. I, the City Clerk of the City of Clayton, County of Contra Costa, California, hereby certify that a copy of the Assessment and Assessment Diagram was filed in the office of the County Auditor of the County of Contra Costa, California, on _____, 2012.

City Clerk

5. I, the County Auditor of the County of Contra Costa, California, hereby certify that a copy of the Assessment Roll and Assessment Diagram for fiscal year 2012-13 was filed with me on _____, 2012.

County Auditor, County of Contra Costa

And I do hereby assess and apportion said net amount of the cost and expenses of said Improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within said Diablo Estates at Clayton Benefit Assessment District in accordance with the special benefits to be received by each parcel or lot from the Improvements, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessments are made upon the parcels or lots of land within the Diablo Estates at Clayton Benefit Assessment District in proportion to the special benefits to be received by the parcels or lots of land, from said Improvements.

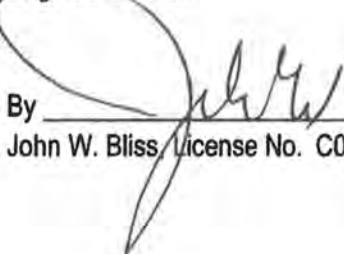
The assessments are subject to an annual adjustment tied to the Consumer Price Index for Urban Consumers (CPI-U) for the San Francisco Bay Area as of April of each succeeding year, with the maximum annual adjustment not to exceed 4%. In the event that the annual change in the CPI exceeds 4%, any percentage change in excess of 4% can be cumulatively reserved and can be added to the annual change in the CPI for years in which the CPI change is less than 4%.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Contra Costa for the fiscal year 2012-13. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of said County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Rolls, the amount of the assessment for the fiscal year 2012-13 for each parcel or lot of land within the said Diablo Estates at Clayton Benefit Assessment District.

Dated: March 6, 2012

Engineer of Work

By 

John W. Bliss, license No. C052091



ASSESSMENT

WHEREAS, the undersigned Engineer of Work has prepared and filed a report presenting an estimate of costs, a diagram for the assessment districts and an assessment of the estimated costs of the Improvements upon all assessable parcels within the assessment district;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Acts and the order of the City Council of the City of Clayton, hereby make the following assessment to cover the portion of the estimated cost of said Improvements, and the costs and expenses incidental thereto to be paid by the assessment district.

The amounts to be paid for said Improvements and the expense incidental thereto, to be paid by the Diablo Estates at Clayton Benefit Assessment District for the fiscal year 2012-13, are generally as follows:

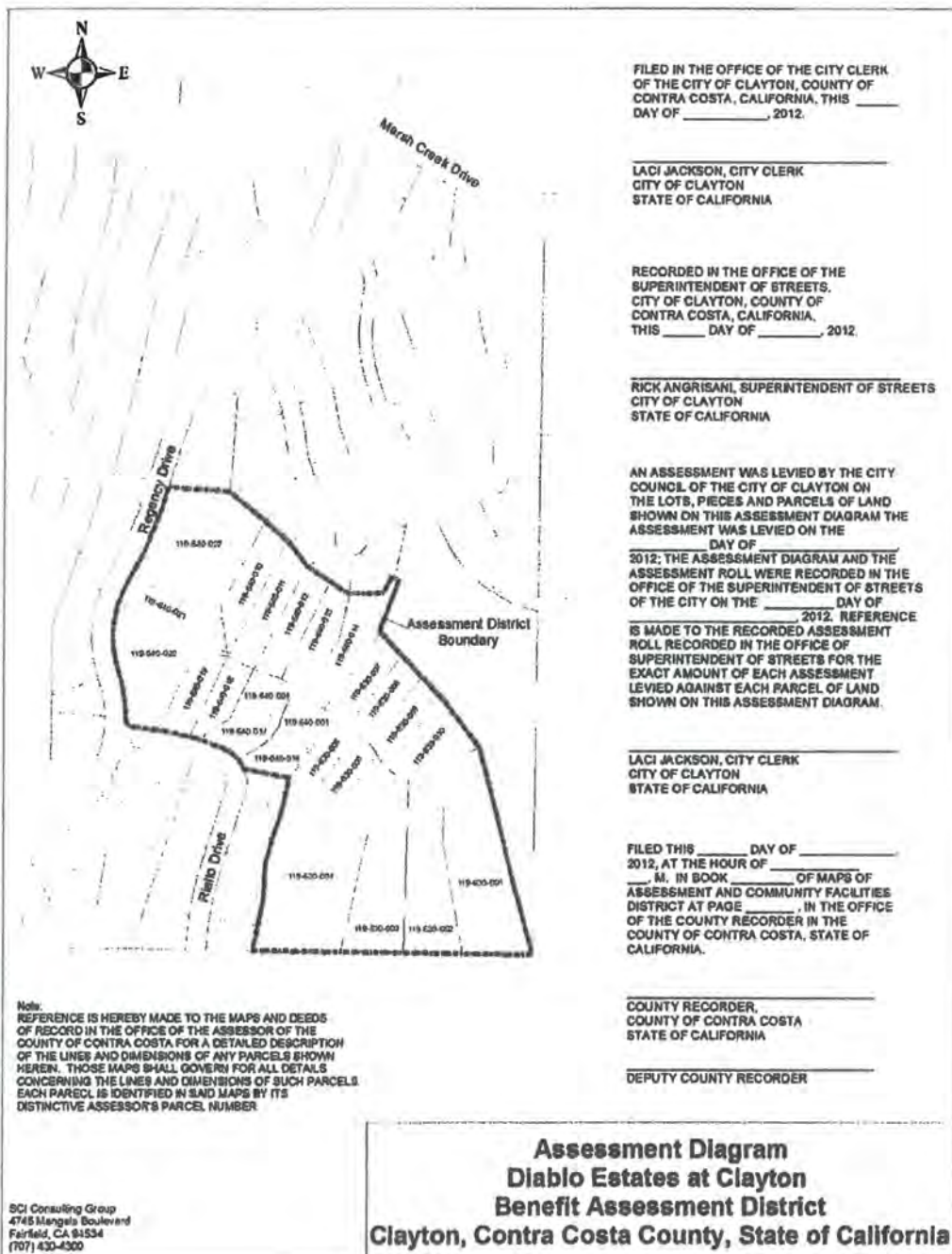
FIGURE 3 – SUMMARY COST ESTIMATES – FISCAL YEAR 2012-13

CITY OF CLAYTON Diablo Estates at Clayton Benefit Assessment District Summary Cost Estimate FY 2012-13	
Installation, Maintenance & Servicing Costs	\$60,763
Incidental Costs	\$11,900
Total Budget	\$72,663
<hr/>	
Budget to Assessment	
Total Budget	\$72,663
Total SFE Units	24
Rate per SFE Unit	\$3,027.62

As required by the Acts, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Diablo Estates at Clayton Benefit Assessment District. The distinctive number of each parcel or lot of land in said Diablo Estates at Clayton Benefit Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

ASSESSMENT DIAGRAM

The boundaries of the Diablo Estates at Clayton Benefit Assessment District are displayed on the following Assessment Diagram.



APPENDICES

APPENDIX A – ASSESSMENT ROLL, FISCAL YEAR 2012-13

An Assessment Roll (a listing of all parcels assessed within the Assessment District and the amount of the assessment) will be filed with the City Clerk and is, by reference, made part of this Report and is available for public inspection during normal office hours.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference made part of this Report. These records shall govern for all details concerning the description of the lots or parcels.

FIGURE 4 – ASSESSMENT ROLL

CITY OF CLAYTON
Diablo Estates at Clayton Assessment District
Assessment Roll

PARCEL NUMBER	OWNER	SITUS	SFE Units	ASSESSMENT
119-630-001	TOLL CA XIX L P	27 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-002	TOLL CA XIX L P	26 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-003	TOLL CA XIX L P	22 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-004	TOLL CA XIX L P	18 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-005	TOLL CA XIX L P	14 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-006	TOLL CA XIX L P	10 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-007	TOLL CA XIX L P	9 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-008	TOLL CA XIX L P	15 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-009	TOLL CA XIX L P	19 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-010	TOLL CA XIX L P	23 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-001	TOLL CA XIX L P	6 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-004	TOLL CA XIX L P	7 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-010	TOLL CA XIX L P	16 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-011	TOLL CA XIX L P	12 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-012	TOLL CA XIX L P	8 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-013	TOLL CA XIX L P	4 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-014	TOLL CA XIX L P	5 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-016	TOLL CA XIX L P	2 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-017	TOLL CA XIX L P	3 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-018	TOLL CA XIX L P	11 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-019	TOLL CA XIX L P	17 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-020	TOLL CA XIX L P	21 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-021	TOLL CA XIX L P	24 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-022	TOLL CA XIX L P	20 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
			24	\$72,662.68



Approved: 
Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS
FROM: MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR *MG*
DATE: JULY 18, 2017
SUBJECT: PUBLIC HEARING TO CONSIDER THE INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 15.08 – SIGN PROVISIONS OF THE CLAYTON MUNICIPAL CODE (ZOA-02-17)

RECOMMENDATIONS

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

1. Following closure of the Public Hearing, subject to any changes by the City Council, adopt a motion to have the City Clerk read Ordinance No. 475 by title and number only and waive further reading; and
2. Following the City Clerk's reading, by motion approve Ordinance No. 475 for Introduction to amend the Clayton Municipal Code Chapter 15.08 – Sign Provisions, in order to comply with the United States Supreme Court decision in *Reed vs. Town of Gilbert, Arizona*; to prohibit mobile billboards; and to incorporate other best practices (ZOA-02-17) (**Attachment 1**).

BACKGROUND AND DISCUSSION

The City Council conducted a public hearing on May 16, 2017 to review the subject Ordinance. Following the closure of the public hearing, the City Council expressed a concern pertaining to an increase proposed in the allowable square footage for “temporary noncommercial signs” (Section 15.08.040G) (**Attachment 2**). The Ordinance, as initially presented to both the Planning Commission and the City Council, would have allowed up to thirty (30) square feet in area per parcel for temporary noncommercial signs. The City Council’s concerns with this large amount of

square footage stemmed from the historical discussion and its resultant policy direction during the last update of the City's Sign Provisions, which restricted the size of campaign signs (now termed temporary noncommercial signs) to three (3) square feet. In the initially proposed draft of the City's Sign Provisions, the majority of the proposed revisions were in response to the ruling by United States Supreme Court in the case of *Reed vs. Town of Gilbert, Arizona*, which determined the provisions of a municipality's sign code must be content-neutral; this distinction resulted in placing campaign signs, nonprofit organization signs, and community event signs, amongst others under the same umbrella called temporary noncommercial signs. The City Council expressed a lack of interest in allowing thirty (30) square feet for temporary noncommercial signs due to campaign signs falling into that designation and because of the community's concerns regarding visual clutter during campaign season.

However, an unintended consequence of this three (3) square-foot restriction under current provisions of our Sign Code would prohibit all of the City's community event banners (e.g. Oktoberfest, Library Book Sale, 4th of July, etc.) from being displayed at the City Council approved locations due to the size of the banners exceeding three (3) square feet. Therefore, staff has not only revised the Sign Provisions in regards to reducing temporary noncommercial signs from thirty (30) to three (3) square feet in area to address the City Council's concerns, but staff also added provisions regarding community event signs as being allowable up to twenty-four (24) square feet in area. *Reed vs. Town of Gilbert, Arizona* did not have any restrictions regarding government speech; therefore, the City is allowed to create different parameters governing community events signs separate from temporary noncommercial signs. For clarity, these proposed modifications are shown in a redline format utilizing the previously reviewed and considered 15.08 – Sign Provisions document (**Attachment 3**).

Per Government Code Section 65857, any modification by the legislative body (in this case, the City Council) to the proposed Ordinance not previously considered by the Planning Commission, shall first be referred back to the Planning Commission for a report and recommendation. Therefore, in compliance with this section of the Government Code, the City Council proposed modifications as well as staff's recommendation to address the unintended consequences regarding community event signs were considered by the Planning Commission at its meeting on June 27, 2017. The Planning Commission determined the modifications were satisfactory by 5-0 vote (**Attachment 4**).

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 to implement this Ordinance.

ATTACHMENTS

1. Ordinance No. 475 with the following Exhibits: [16 pp.]
 - Exhibit A – Clayton Municipal Code Sections 15.08 – Sign Provisions
 - Exhibit B – Sign Illustrations
2. Excerpt from May 16, 2017 City Council Staff Report and Minutes [22 pp.]
3. Excerpt from June 27, 2017 Planning Commission Staff Report [2 pp.]
4. Redline Changes to Chapter 15.08 – Sign Provisions with Proposed City Council Modifications [12 pp.]

ATTACHMENT 1

ORDINANCE NO. 475

AN ORDINANCE AMENDING CHAPTER 15.08 OF THE CLAYTON MUNICIPAL CODE REGARDING SIGN PROVISIONS

THE CITY COUNCIL

City of Clayton, California

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

WHEREAS, the City Council wishes to update its sign regulations to comply with the U.S. Supreme Court's decision in *Reed v. Town of Gilbert* and to incorporate other current best practices; and

WHEREAS, the City Council further wishes to eliminate mobile billboard advertising within the city in order to promote the safe movement of vehicular traffic, to reduce air pollution, and to maintain the aesthetic appearance of the city as recognized in *Showing Animals Respect & Kindness v. City of West Hollywood* (2008) 166 Cal.App.4th 815 and other applicable law; and

WHEREAS, this Ordinance will ensure that City residents and others are able to exercise one's constitutional right to free speech subject to the City's substantial interests in traffic safety, aesthetics and otherwise ensuring the general health, safety and welfare.

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

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

Section 2. Amendment. Chapter 15.08 of the Clayton Municipal Code is hereby amended to read in full as set forth in Exhibit A, attached hereto and incorporated herein by this reference. As set forth in Section 15.08.020 of Exhibit A, the graphic attached as Exhibit B to this Ordinance shall be inserted into Section 15.08.020 in any codification of this Ordinance or the Clayton Municipal Code.

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court 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 4. CEQA. The City Council hereby determines that this Ordinance is not subject to the 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 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. 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 of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause Section 2 of this Ordinance to be entered into the City of Clayton Municipal Code.

The foregoing Ordinance was introduced at a noticed public hearing during a regular public meeting of the City Council of the City of Clayton, California held on July 18, 2017.

Passed, adopted, and ordered posted by the City Council of the City of Clayton, California at a regular public meeting thereof held on August 1, 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 regular public meeting of the City Council of the City of Clayton held on July 11, 2017, and was duly adopted, passed, and ordered posted at a regular public meeting of the City Council held on August 1, 2017.

Janet Brown, City Clerk

EXHIBIT A

Chapter 15.08 SIGN PROVISIONS

Sections:

15.08.010	Purpose Statements
15.08.020	Definitions
15.08.030	Permit Procedures
15.08.040	Exempt Signs
15.08.050	Prohibited Signs
15.08.060	General Sign Requirements and Standards
15.08.070	Regulations for Special Signs
15.08.080	Computation of Sign Area and Height
15.08.090	Maintenance
15.08.100	Non-conforming Signs
15.08.105	Substitution
15.08.110	Enforcement

15.08.010 Purpose. The purpose of this chapter is to provide standards for the height, size, location, and appearance of building and street graphics, in order to:

- A. Encourage sound signing practices as an aid to business and to inform the public. Signage is to be used primarily for identification, not for advertising.
- B. Create an attractive economic and business climate.
- C. Preserve and improve the appearance of the city as a place in which to live and work and as an attraction to nonresidents who come to visit or trade.
- D. Protect and enhance the rural atmosphere of the city.
- E. Minimize adverse effects on public and private property.
- F. Prevent excessive and confusing sign displays.
- G. Reduce hazards to motorists and pedestrians.
- H. Enable the fair and consistent enforcement of sign regulations.
- I. Promote the public health, safety, and general welfare.

15.08.020 Definitions.

- A. Address Sign: A sign listing the street address and, in the case of a residential use, the name of the occupants of the premises.
- B. Animated Sign: A sign that conveys its message or attracts attention through moving, rotating, changing, or flashing lights or components.
- C. Awning: A hood or cover that projects from the wall of a building and is composed of rigid or non-rigid materials.
- D. Awning Sign: A sign or graphic attached to or printed on an awning (see Sign Illustrations).
- E. Banner: A temporary commercial, noncommercial, or community event sign of lightweight fabric, plastic, paper, or similar material that is mounted on a building or street light pole (see Sign Illustrations).

- F. Billboard: A sign that directs attention to a product, place, activity, person, institution, business, or subject that is not entirely related to the premises on which the sign is located.
- G. Building Marker: A sign indicating the name of a building, date of construction, and incidental information about its construction, which is cut into masonry or made of bronze or other permanent material.
- H. Building Sign: A permanent sign attached to a building or other structure that is an integral part of a building. A building sign includes an awning sign, a projecting sign, a suspended sign, a wall sign, and a window sign, an address sign, and a building marker.
- I. Canopy (or Marquee): A permanent roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of some durable material such as metal, wood, glass, or plastic.
- J. Commercial Center Entry Sign: A sign located at the entry to a shopping center, business area, or office park identifying the center, area, or park and identifying the businesses located therein.
- K. Commercial Sign: Any sign with an image or message which primarily concerns the commercial or economic interests of the sign sponsor or intended audience, or which proposes a commercial transaction.
- L. Community Event Sign: A banner advertising a City of Clayton community event as defined by the City Council in its policies pertaining to the usage of signage in the public right-of-way per Resolution 46-2007 or any subsequent revisions thereafter.
- M. Directory Sign: A sign or set of similarly designed individual signs displayed in sequence that lists tenants or occupants within a building or business center, and is designed or be viewed primarily by pedestrians (see Sign Illustrations).
- N. Flag: Fabric, banner, or bunting containing distinctive colors, patterns, or symbols.
- O. Ground Sign (or Freestanding Sign): A permanent sign supported by one or more uprights, poles, or braces in or upon the ground or placed upon a planter, wall, retaining wall, or other structure that is not an integral part of a building. A ground sign includes a monument sign, a pole sign, a kiosk sign, commercial center entry sign, directory sign, multiple address sign, neighborhood/district entry sign.
- P. Incidental Sign: An informational sign, whose purpose is secondary to the use of the lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives.
- Q. Interior Sign: A sign located in the interior of a building, mall, court, standing or enclosed lobby intended for interior viewing only.
- R. Kiosk Sign: A sign located on a small freestanding structure which has three (3) or more surfaces.
- S. Mobile Billboard: Any vehicle, or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard for the primary purpose of advertising. Mobile billboard shall not include (1) any vehicle which displays an advertisement or business identification of its owner, so long as such vehicle is engaged in the usual business or regular work of the owner, and not used merely, mainly or primarily to display advertisements; (2) buses; or (3) taxicabs.
- T. Monument Sign: A type of ground sign constructed upon a solid appearing base or pedestal (see Sign Illustrations).

- U. Multiple Address Sign: A sign or set of similarly designed individual signs displayed in sequence placed at the entrance of a private residential street or area that lists the street address and names of the occupants of the residences along the street or within the area.
- V. Mural: A work of art, containing no commercial message, applied to and made an integral part of an exterior wall.
- W. Neighborhood/District Entry Sign: A sign identifying a neighborhood or district (see Sign Illustrations).
- X. Noncommercial Sign: Any sign displaying a message that is not commercial.
- Y. Noncommercial Location Sign: A sign identifying a noncommercial use.
- Z. Nonconforming Sign: A sign legally existing at the time of the effective date of this Chapter which does not conform to the provisions of this Chapter.
- AA. Off-Site Sign: A sign directing attention to a business, service, product, or entertainment that is not sold or offered on the site where the sign is located, including billboards and other outdoor advertising signs.
- BB. On-Site Sign: A sign directing attention to a business, service, product, or entertainment that is sold or offered on the site where the sign is located.
- CC. Parapet or Parapet Wall: That portion of a building wall that rises above the roof level or eave line.
- DD. Pennant: A sign of lightweight fabric, plastic, or similar material that is attached to a pole at one edge (see Sign Illustrations).
- EE. Permanent Sign: Any sign intended for use for a period greater than thirty (30) calendar days.
- FF. Personal Property Sale Sign: A temporary commercial sign advertising a sale of personal property.
- GG. Pole Sign: A type of ground sign mounted to or hanging from a pole or similar structure (see Sign Illustrations).
- HH. Portable Sign: A sign not permanently attached to the ground, building, or other permanent structure and designed to be transported, including but not limited to: signs designed to be transported by means of wheels; signs in the form of A-frames or T-frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked in or visible from the public right of way, unless said vehicle is used in the normal day-to-day operations of the business. Portable signs do not include mobile billboards.
- II. Projecting Sign: A sign extending from a building face or wall so that the sign face is perpendicular or at an angle to the building face or wall (see Sign Illustrations).
- JJ. Real Estate Sign: A commercial sign advertising the sale, lease, or rent of property and the identification of the firm handling the sale, lease, or rent.
- KK. Residential Open House Sign: A temporary commercial sign advertising an open house for a house for sale.
- LL. Roof Sign: A sign erected upon or above a roof or parapet of a building or structure. A sign mounted on a vertical extension of a wall that extends above a roof structure is considered a wall sign.
- MM. Sign: Any name, identification, description, symbol, display, illustration, or device, including any structure, machine (including vending machine), component parts and paint, viewable by the general public that directs attention to a product, place, activity, person, institution, or business.

- NN. Sign Area: The area within a perimeter which forms the outside shape, including any frame, and forms an integral part of the display, but excluding the necessary supports, poles, or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas visible from any position at one (1) time will be totaled.
- OO. Sign Face: The visible portions of a sign including all characters and symbols, but excluding structural elements not an integral part of the display.
- PP. Sign Illustrations: Examples of various signs in pictorial format incorporated into Section 15.08.020 of the Clayton Municipal Code.
- QQ. String Pennant: A lightweight plastic, fabric, or other material, whether or not containing a message or symbols, suspended from a rope, wire, or string in series, usually designed to move in the wind.
- RR. Subdivision Marketing Pole Pennant: A single piece of lightweight plastic, fabric, or other material, whether or not containing a message of any kind that is temporarily suspended from a pole and is designed to move in the wind to promote the sale of newly subdivided lots and/or newly constructed dwellings.
- SS. Subdivision Marketing Signs: Temporary commercial signs, including ground signs, wall-mounted signs, pole signs, pennants, and real estate signs, designed to promote the sale of newly subdivided lots and/or newly constructed dwellings (see Sign Illustrations).
- TT. Suspended Sign: A sign attached to and located below any permanent eave, roof, or canopy (see Sign Illustrations).
- UU. Temporary Commercial Sign: Any commercial sign intended for use for a period of less than thirty (30) days.
- VV. Temporary Noncommercial Sign: Any noncommercial temporary sign displaying an ideological, political or other noncommercial message, that is constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other similar lightweight materials, with or without frames which is designed or intended to be displayed for a limited period of time.
- WW. Wall Sign: A sign not exceeding six (6) inches in thickness that is painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of said wall (see Sign Illustrations).
- XX. Window Sign: A sign displayed on window glass (including the glass of doors) or within three (3) feet of a window, designed to be viewed from the exterior of the window (see Sign Illustrations).

15.08.030 Permit Procedures.

- A. City Review - General. City review and approval is required for all signs except those specified by this Chapter as exempt or prohibited. No City review or approval is required for a change of copy on an existing permitted sign that is in full compliance with the requirements and standards of this Chapter. In addition to meeting the requirements of this Chapter, all signs shall comply with all applicable California Building Code requirements. No sign shall be constructed, placed, erected, or modified unless such construction, placement, erection, or modification is authorized by the owner, or his or her representative, of the property upon which the sign is to be placed. Application for sign review and approval shall be accompanied by written authorization from the

property owner, or his or her authorized representative, for placement of the proposed sign or signs.

B. City Review and Approval. The City shall review and approve signs according to the following procedures:

1. **Administrative Review and Approval.** The following signs shall be reviewed and approved administratively by the Community Development Department if they conform to the general sign requirements and standards of Section 15.08.060 and the regulations for special signs of Section 15.08.070.
 - a. Directory signs provided the sign does not exceed ten (10) square feet in area, nor a height of six (6) feet.
 - b. Any sign proposed for a property consistent in terms of size, number, and location with a previously-approved master sign plan, unless otherwise specified in an applicable master sign plan.
 - c. All building and ground signs proposed for individual businesses that are located on a property that have a previous approval for similar signage, and the proposed sign(s) are consistent in terms of size, number, and location with the previous approval. (This provision does not apply to a Corner Lot or Through Lot where signage is being proposed along multiple property frontages)
2. **Exception.** Any sign proposal considered within the parameters of this subsection that in the judgment of the Community Development Director may not comply with the intent or purpose of this Chapter may be referred to the Planning Commission for consideration.
3. **Planning Commission Review and Approval.** The following signs shall be reviewed and approved by the Planning Commission in accordance with Chapter 17.64 of the Clayton Municipal Code.
 - a. Master sign plans.
 - b. Neighborhood/district entry signs.
 - c. Commercial center entry signs.
 - d. Subdivision marketing sign program.
 - e. Noncommercial locational signs.
 - f. Directory signs that exceed ten (10) square feet in area and six (6) feet in height.
 - g. All building and ground signs for individual businesses that are located on a property that have not had previous approval for signage, involve signage on multiple frontages, and/or involve an increase in the previously-approved signage area, increase in the number of signs, or substantially change the location of signage.
 - h. Any sign proposal that, in the judgment of the Community Development Director, may not comply with the intent or purpose of this Chapter.
4. **Variance.** A variance shall be required from the Planning Commission for any deviations from the general sign requirements and standards of Section 15.08.060 or the regulations for special signs of Section 15.08.070 of this Chapter according to the procedures set out in Chapter 17.52 of the Clayton Municipal Code.

15.08.040 **Exempt Signs.** The following signs shall not require review and approval by City:

- A. Address signs, provided the sign does not exceed two (2) square feet in area.
- B. Public information, identification, civic event, and directional signs erected by a public agency or public utility.
- C. Incidental signs.
- D. Legal notices posted by law.
- E. Building markers, provided the sign does not exceed four (4) square feet in area and is not illuminated.
- F. Signs displayed by private individuals, when required by law or regulations of any governmental agency.
- G. Temporary noncommercial signs on private real property, provided the aggregate signage displayed at one time does not exceed three (3) square feet in area per parcel.
- H. Wall signs indicating the historical significance of a site or building, provided the sign does not exceed four (4) square feet in area and is not illuminated.
- I. Signs displayed in the interior of a building, mall, court, stadium, or enclosed lobby more than three (3) feet from an exterior window or door and intended for interior viewing only.
- J. Multiple address signs, provided the individual signs do not exceed four (4) inches by twenty-four (24) inches.
- K. Residential open house signs for a home sale in accordance with the standards of Section 15.08.070 of this Chapter.
- L. Flags, provided they are not used in a commercial manner or to advertise a business or its location.
- M. Murals containing no commercial message, provided the mural has intrinsic artistic value or appeal regardless of the business in the building on whose wall the mural is painted. Murals shall take into consideration the overall architecture of the building and shall not be placed on decorative surfaces or finishes. The colors and materials used shall be reasonably harmonious with those in the area.
- N. Personal property sale signs, in accordance with the standards of Section 15.08.070 of this Chapter.
- O. Real estate signs in accordance with the provisions of Section 15.08.070 of this Chapter.
- P. Portable signs in accordance with the provisions of Section 15.08.070 of this Chapter.
- Q. Banners and pennants in accordance with the provisions of Section 15.08.070 of this Chapter.
- R. Community event signs not exceeding twenty-four (24) square feet in area.

15.08.050 Prohibited Signs. The following signs are prohibited anywhere in the City:

- A. Animated signs.
- B. Flags used in a commercial manner or to advertise a business or its location.
- C. Signs that by color, wording, design, location, or illumination resemble or conflict with any traffic-control device or with safe and efficient flow of traffic.
- D. Signs that obstruct the free and clear vision of or create confusion for motorists or pedestrians.
- E. Signs with lighting detrimental to surrounding property or prevents peaceful enjoyment of residential uses.
- F. Banners and pennants, except as provided in Section 15.08.070 of this Chapter.
- G. Roof signs.

- H. String pennants.
- I. Balloons and similar inflatable signs.
- J. Permanent signs mounted on fences or deck/balcony railings.
- K. Portable signs except as provided in Section 15.08.070 of this Chapter.
- L. Temporary signs are prohibited in the public right-of-way except for signs for City-sponsored community events in location(s) approved by the City.
- M. Signs located on private property without the property owner's approval.
- N. Off-site signs except for:
 - 1. Temporary noncommercial signs.
 - 2. Residential open house signs.
 - 3. Garage or yard sale signs.
 - 4. Signs attached to trees, shrubs, or other natural features.
- O. Mobile billboard operating on a street or other public place within the city in which the public has the right of travel.

15.08.060 General Sign Requirements and Standards.

- A. Signs in the R-10, R-12, R-15, R-20, R-40, R-40-H, M-R, M-R-M, M-R-H, PF, and A Districts - Sign Permits. A sign permit is required in the R-10, R-12, R-15, R-20, R-40, R-40-H, M-R, M-R-M, M-R-H, PF, and A Districts for all non-exempt signs as follows:
 - 1. Noncommercial locational signs in accordance with the standards of Section 15.08.070 of this Chapter.
 - 2. Neighborhood/district entry signs in accordance with the standards of Section 15.08.070 of this Chapter.
 - 3. Subdivision marketing sign program in accordance with the standards of Section 15.08.070 of this Chapter.
 - 4. No other non-exempt signs are allowed in these districts.
- B. Signs in the L-C District - Sign Permits. A sign permit is required in the L-C District for all non-exempt signs as follows:
 - 1. Noncommercial locational signs in accordance with the standards of Section 15.08.070 of this Chapter.
 - 2. Neighborhood/district entry signs in accordance with the standards of Section 15.08.070 of this Chapter.
 - 3. Master sign plan in accordance with the standards of Section 15.08.070 of this Chapter.
 - 4. Commercial center entry signs in accordance with the standards of Section 15.08.070 of this Chapter.
 - 5. Subdivision marketing sign program in accordance with Section 15.08.070 of this Chapter.
- C. Signs in the L-C District - Standards. Ground and building signs relating to on-site commercial activities are authorized in the L-C Districts in accordance with the following standards:
 - 1. The aggregate sign area of any combination of ground signs and building signs for a building or a business shall not exceed one (1) square foot per lineal foot of building frontage or store frontage. Exempt signs, directory signs, commercial center entry signs, pennants, and portable signs are not subject to this aggregate sign limit.

2. Monument signs (ground signs) shall not exceed eight (8) feet in height, and the size of such signs may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty-four (24) square feet.
 3. Pole signs (ground signs) shall not exceed eight (8) feet in height, and the size of such signs may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty-four (24) square feet.
 4. Kiosk signs (ground signs) shall not exceed twenty-four (24) square feet in area (all faces) and shall not exceed seven (7) feet in height.
 5. Projecting signs (building signs) shall not exceed twelve (12) square feet in area and shall maintain a vertical clearance of at least eight (8) feet.
 6. Suspended signs (building signs) oriented toward pedestrian areas or walkways shall not exceed six (6) square feet in area and shall maintain a vertical clearance of at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path.
 7. Suspended signs (building signs) oriented toward street traffic and/or parking lots shall maintain a vertical clearance of at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path, and may not be displayed over vehicular access. The size of such a suspended sign may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty (20) square feet.
 8. Window signs (building signs) shall not cover more than forty (40) percent of the glazed area of an individual window panel or more than twenty (20) percent of the aggregate glazed area on any one building frontage or store frontage.
 9. Wall Signs (building signs) - one (1) square foot per lineal foot of building or store frontage.
 10. Awning Signs (building signs) - one (1) square foot per lineal foot of building or store frontage.
- D. Signs in the PD District. Signs in the PD District shall conform to the standards or signs for uses defined in the applicable General Plan designation. For signs in areas designated residential, cultural center, institutional, school, or open space by the General Plan, the requirements and standards for signs in the R-10, R-12, R-15, R-20, R-40, R-40-H, M-R, M-R-M, M-R-H, PF, and A Districts shall apply. For signs in areas designated commercial by the General Plan, the requirements and standards for signs in the L-C District shall apply unless otherwise specified by a master sign plan.

15.08.070 Regulations for Special Signs.

- A. Neighborhood/District Entry Signs. Neighborhood/district entry signs are allowed in all districts subject to the following standards:
 1. The sign shall include only the name of the neighborhood or district.
 2. Lettering shall not exceed eighteen (18) inches in height.
 3. The top of the letters shall not exceed six (6) feet in height.
- B. Commercial Center Entry Signs. Commercial center entry signs are allowed in commercial districts subject to the following standards:
 1. One (1) sign may be located near each main vehicular entrance to the shopping center, business area, or office park fronting on a public roadway.

2. The sign may be a pole sign or monument sign.
 3. The sign shall not exceed eight (8) feet in height.
 4. Lettering shall not exceed twenty-two (22) inches in height.
- C. Banners. Banners for new or relocated businesses are allowed temporarily in commercial districts subject to the following standards:
1. Banner in lieu of permanent sign:
 - a. The banner shall be secured on all sides.
 - b. The banner may only be displayed for up to thirty (30) days, with up to an additional thirty (30) day extension if approved administratively by the Community Development Department.
 - c. The banner must conform to the sign area dimensions and location of Section 15.08.060 C of this Chapter.
 2. Promotional banner. A second banner in addition to that noted above may be allowed subject to the following standards:
 - a. The banner may be a wall, window, or suspended sign.
 - b. The banner may only be displayed for up to thirty (30) days.
 - c. The banner may be no larger than the banner as approved per Section 15.08.070 C1 and must conform to the sign area dimensions of Section 15.08.060 C of this Chapter.
- D. Pennants. Pennants are allowed in commercial districts subject to the following standards.
1. Only one (1) pennant may be displayed by any one (1) business.
 2. The pennant shall be secured to a pole on one (1) side and shall be hanging.
 3. The pennant shall not exceed two (2) feet in width or four (4) feet in length.
 4. The pennant shall be made in a professional manner and workmanship of fabric, plastic, or similar material designed to withstand at least six (6) months of outdoor exposure. Paper pennants shall not be allowed.
 5. The bottom of a pennant shall be at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path. A pennant may not be displayed over a street, driveway, or vehicular access.
- E. Portable Signs. Portable signs are allowed in commercial districts subject to the following standards:
1. Only one (1) portable sign may be displayed by any one (1) business.
 2. The sign shall only be in the form of an A-frame, sandwich board, menu board, or umbrella.
 3. The sign shall not exceed three (3) feet in height or two (2) feet in width per face, except for an umbrella.
 4. The sign shall be displayed only during the hours the business is open to the public and shall be removed during non-business hours.
 5. The sign shall be displayed immediately adjacent to the business it advertises.
 6. The sign shall not be displayed in a public right-of-way nor shall it obstruct a pedestrian walkway.
 7. The sign shall be constructed out of a stable and rigid material (i.e., PVC is not considered an acceptably rigid material).
- F. Residential Open House and Personal Property Sale Signs. Residential open house and personal property sale signs are allowed for residential uses subject to the following standards:

1. A total of one (1) on-site sign and up to six (6) off-site signs.
 2. Only one (1) off-site sign may be displayed at any one intersection for each residential open house or personal property sale.
 3. The signs shall not exceed three (3) feet in height or two (2) feet in width.
 4. The signs shall only be displayed up to one (1) hour before, during, and up to one (1) hour following the residential open house or personal property sale.
 5. The signs shall not be displayed in a public right-of-way nor shall they obstruct a pedestrian walkway, except signs shall be allowed behind the sidewalk or behind the curb if there is no sidewalk.
 6. No signs shall be displayed on private property without the prior consent of the property owner.
 7. Balloons, flags, pennants, animated devices, and similar objects are prohibited. (see Section 17.16.020E of the Municipal Code for further regulations for Personal Property Sales).
- G. Noncommercial Locational Signs. Noncommercial locational signs are allowed in all districts subject to the following standards:
1. The signs may include building signs and ground signs.
 2. The aggregate sign area may not exceed twenty-four (24) square feet for a lot up to forty thousand (40,000) square feet in size. For lots larger than forty thousand (40,000) square feet, sign area may be increased subject to specific Planning Commission review and approval.
 3. No ground or pole sign shall exceed eight (8) feet in height.
- H. Real Estate Signs. Real estate signs are allowed in all districts subject to the following standards:
1. Only one (1) on-site real estate sign may be displayed on a front or side yard frontage. An additional real estate sign may be displayed on a rear yard frontage.
 2. Real estate signs in residential districts shall not exceed six (6) square feet in area. Real estate signs in commercial districts shall not exceed twelve (12) square feet in area.
 3. The sign may be in the form of a pole sign or a wall sign.
 4. The sign shall not exceed six (6) feet in height.
 5. The sign shall be removed within ten (10) days of the lot or building(s) being sold, leased, or rented.
 6. Real estate signs located off-site of the subject property (e.g., at nearby intersection, public landscape, public property, public right of way) are not allowed.
- I. Subdivision Marketing Sign Program. Subdivision marketing signs are allowed in residential districts subject to the approval of a subdivision marketing sign program in accordance with the following standards:
1. The program may include a combination of temporary ground signs, wall signs, subdivision marketing pole pennants, and real estate signs.
 2. All subdivision marketing signs shall be displayed within the boundaries of the subdivision.
 3. Subdivision marketing pole pennants shall not exceed twenty-five (25) feet in height or be located closer than every fifty (50) feet.

4. All subdivision marketing signs shall be removed within thirty (30) days of the opening of escrow for sale of the last home in the subdivision.
 5. The dimensions of any sign shall not exceed eight (8) feet in length, nor eight (8) feet in height, nor a total area of sixty (60) square feet.
- J. Master Sign Plan. At the discretion of the City or one or more property owners, a master sign plan may be established for a shopping center, business area, office park, or similar identifiable geographic area. Such master sign plan may impose sign requirements and standards addressing the number, height, area, color, or other sign characteristics in a manner more restrictive than that allowed by the general sign requirements and standards of Section 15.08.060 of this Chapter. Such a master sign plan may be established to promote an enhanced sense of identity, aesthetic value, or other feature. A master sign plan will not only identify and describe those sign characteristics that are more restrictive than those allowed by the general sign requirements and standards of Section 15.08.060 of this Chapter, but also the purpose or goal for which the master sign plan is established.

15.08.080 Computation of Sign Area and Height. The following principles shall govern the computation of sign area and height.

- A. Computation of Area of Individual Signs. The sign area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative wall when such wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
- B. Computation of Area of Multi-Faced Signs. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.
- C. Computation of Height. The height of a sign shall be computed as the distance from the grade at the edge of the public way along which a sign is placed or oriented to the highest point of the sign, or any structural or architectural component of the sign. When the grade at the edge of the public way is higher than the site on which the sign is placed, that portion of the sign below the grade at the edge of the public way shall not be included in determining the sign's overall height.
- D. Computation of Total Permitted Sign Area. The total area of all individual signs permitted on a lot shall be computed according to Section 15.08.060 C of this Chapter. Property fronting two (2) or more streets are allowed the permitted sign area specified in Section 15.08.060 C for each such street frontage.

15.08.090 Maintenance. All signs shall be maintained in good repair and shall be cleaned, painted, and replaced as necessary to present a neat appearance at all times.

15.08.100 Nonconforming Signs.

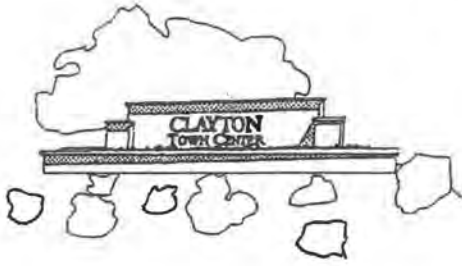
- A. Except for regular maintenance, no non-conforming sign shall be altered, modified, added to, or increased in area, unless the entire sign is brought into conformity with the requirements and standards of this Chapter.
- B. Any non-conforming sign that is damaged or destroyed to the extent of fifty (50) percent or more of its estimated market value shall not be replaced or repaired except by a sign that conforms to the requirements and standards of this Chapter.
- C. Any non-conforming sign relating to a business that has not operated for six (6) consecutive months shall be removed.

15.08.105 Substitution. In each instance and under the same conditions to which this Chapter permits any sign, a sign containing an ideological, political or other noncommercial message that is constructed to the same physical dimensions of the permitted sign shall be permitted.

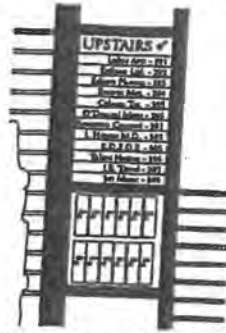
15.08.110 Enforcement. Any person erecting, displaying, or maintaining a sign in violation of this Chapter is guilty of an infraction and shall be subject to enforcement and penalties set out in Chapters 1.12, 1.14, 1.16, and 1.20 of Title 1 of the Clayton Municipal Code.

EXHIBIT B

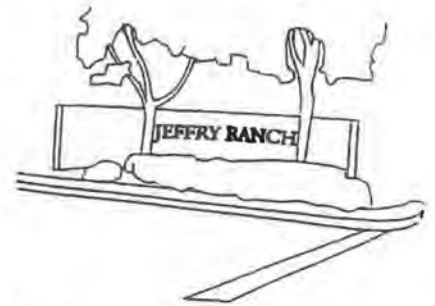
SIGN ILLUSTRATIONS



Monument Sign



Directory Sign



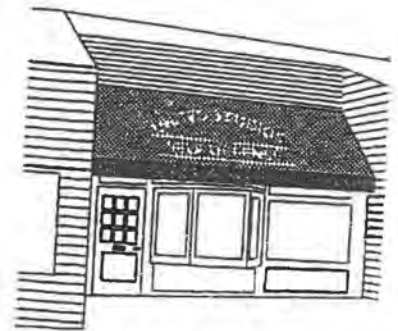
Neighborhood/District Entry Sign



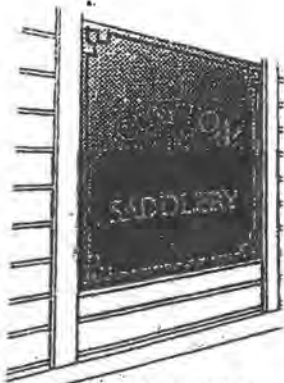
Wall Sign



Suspended Sign



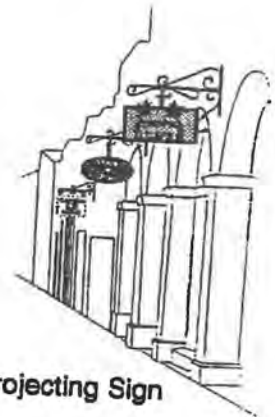
Awning Sign



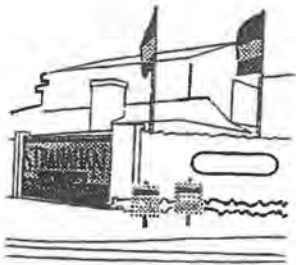
Window Sign



Pennant



Projecting Sign



Subdivision Marketing Signs



Banner

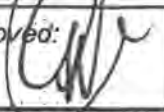


Pole Sign

ATTACHMENT 2


Agenda Date: 5-16-2017
Agenda Item: 7a



Approved: 
Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR 

DATE: MAY 16, 2017

SUBJECT: PUBLIC HEARING TO CONSIDER THE INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 15.08 – SIGN PROVISIONS OF THE CLAYTON MUNICIPAL CODE (ZOA-02-17)

RECOMMENDATIONS

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

1. Following closure of the Public Hearing, subject to any changes by the City Council, adopt a motion to have the City Clerk read Ordinance No. 475 by title and number only and waive further reading; and
2. Following the City Clerk's reading, by motion approve Ordinance No. 475 for Introduction to amend the Clayton Municipal Code Chapter 15.08 – Sign Provisions in order to comply with the United States Supreme Court decision in *Reed vs. Town of Gilbert, Arizona*; to prohibit mobile billboards; and to incorporate other best practices (ZOA-02-17) (**Attachment 1**).

BACKGROUND

On April 25, 2017, the Planning Commission conducted a noticed public hearing and considered the subject Ordinance. No members of the public spoke during the public comment period. Following questions of staff and a discussion, the Planning Commission unanimously recommended approval of the Ordinance to the City Council (**Attachment 2**).

The United States Supreme Court recently ruled in the case *Reed vs. Town of Gilbert, Arizona* that the provisions of a municipality's sign code must be content-neutral (**Attachment 3**). Portions of the Town of Gilbert's sign code were struck down by the United States Supreme Court due to the sign code subjecting ideological, political, and directional signs to different sets of rules with respect to size, location, and length of display time. The Court found these rules to be content-based, as opposed to content-neutral, and did not meet the strict legal standard of serving a compelling governmental interest. The Court was clear that, as long as the regulation is not based upon a sign's message, local governments may regulate the size, lighting, location, timing, and number of signs. These regulations apply to fixed versus electronic messaging, placement on public versus private property, commercial versus residential, and on-premises versus off-premise signs.

DISCUSSION

SIGNIFICANT PROPOSED CHANGES TO CITY'S ORDINANCE

In response to the United State Supreme Court decision in *Reed vs. Town of Gilbert, Arizona* and other required updates, City staff recommends amendments to the Clayton Municipal Code as it pertains to its Sign Provisions. A redline copy of the proposed amendments to the Clayton Municipal Code has been included as **Attachment 4** to easily track the changes.

The major changes to the City's Sign Ordinance are as follows:

Content-Neutral

The majority of the proposed changes occur in Section 15.08.020 – Definitions, in order to clarify and create definitions that do not distinguish between sign content such as ideological, political, or directional. These changes specifically respond to the decision rendered by the United States Supreme Court on *Reed vs. Town of Gilbert, Arizona*.

Prohibition of Mobile Billboards

While this has not been an issue in the City of Clayton, staff is recommending this prohibition in the interest of the public for the safe movement of vehicular traffic, reduction of air pollution, and to maintain the aesthetic appearance of the City. The prohibition of these types of signs have been upheld by the courts because the ordinances were narrowly tailored to significant government interests in traffic control, public safety, and aesthetics. Further, the proposed ordinance has left other adequate alternatives for advertising.

Clean Up Items

- Addition and deletion of zoning districts that have been removed or added since the last update to the Sign Provisions.
- Consistency in height for Monument Signs, Pole Signs, Commercial Entry Signs and Noncommercial Signs.
- Consistency with the prohibition of signs in the public right-of-way.

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 to implement this Ordinance.

ATTACHMENTS

1. Ordinance No. 475 with the following Exhibits: [16 pp.]
 - Exhibit A – Clayton Municipal Code Sections 15.08 – Sign Provisions
 - Exhibit B – Sign Illustrations
2. Excerpt from April 25, 2017 Planning Commission Staff Report and Minutes [4 pp.]
3. United States Supreme Court Decision Syllabus for *Reed vs. Town of Gilbert, AZ* [4 pp.]
4. Redline Changes to Chapter 15.08 – Sign Provisions of the Clayton Municipal Code [13 pp.]

(Slip Opinion)

OCTOBER TERM, 2014

1

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

REED ET AL. v. TOWN OF GILBERT, ARIZONA, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

No. 13–502. Argued January 12, 2015—Decided June 18, 2015

Gilbert, Arizona (Town), has a comprehensive code (Sign Code or Code) that prohibits the display of outdoor signs without a permit, but exempts 23 categories of signs, including three relevant here. “Ideological Signs,” defined as signs “communicating a message or ideas” that do not fit in any other Sign Code category, may be up to 20 square feet and have no placement or time restrictions. “Political Signs,” defined as signs “designed to influence the outcome of an election,” may be up to 32 square feet and may only be displayed during an election season. “Temporary Directional Signs,” defined as signs directing the public to a church or other “qualifying event,” have even greater restrictions: No more than four of the signs, limited to six square feet, may be on a single property at any time, and signs may be displayed no more than 12 hours before the “qualifying event” and 1 hour after.

Petitioners, Good News Community Church (Church) and its pastor, Clyde Reed, whose Sunday church services are held at various temporary locations in and near the Town, posted signs early each Saturday bearing the Church name and the time and location of the next service and did not remove the signs until around midday Sunday. The Church was cited for exceeding the time limits for displaying temporary directional signs and for failing to include an event date on the signs. Unable to reach an accommodation with the Town, petitioners filed suit, claiming that the Code abridged their freedom of speech. The District Court denied their motion for a preliminary injunction, and the Ninth Circuit affirmed, ultimately concluding that the Code’s sign categories were content neutral, and that the Code satisfied the intermediate scrutiny accorded to content-neutral regulations of speech.

Held: The Sign Code’s provisions are content-based regulations of

Syllabus

speech that do not survive strict scrutiny. Pp. 6–17.

(a) Because content-based laws target speech based on its communicative content, they are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *E.g.*, *R. A. V. v. St. Paul*, 505 U. S. 377, 395. Speech regulation is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g.*, *Sorrell v. IMS Health, Inc.*, 564 U. S. _____. And courts are required to consider whether a regulation of speech “on its face” draws distinctions based on the message a speaker conveys. *Id.*, at _____. Whether laws define regulated speech by particular subject matter or by its function or purpose, they are subject to strict scrutiny. The same is true for laws that, though facially content neutral, cannot be “justified without reference to the content of the regulated speech,” or were adopted by the government “because of disagreement with the message” conveyed. *Ward v. Rock Against Racism*, 491 U. S. 781, 791. Pp. 6–7.

(b) The Sign Code is content based on its face. It defines the categories of temporary, political, and ideological signs on the basis of their messages and then subjects each category to different restrictions. The restrictions applied thus depend entirely on the sign’s communicative content. Because the Code, on its face, is a content-based regulation of speech, there is no need to consider the government’s justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny. Pp. 7.

(c) None of the Ninth Circuit’s theories for its contrary holding is persuasive. Its conclusion that the Town’s regulation was not based on a disagreement with the message conveyed skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government’s benign motive, content-neutral justification, or lack of “animus toward the ideas contained” in the regulated speech. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410, 429. Thus, an innocuous justification cannot transform a facially content-based law into one that is content neutral. A court must evaluate each question—whether a law is content based on its face and whether the purpose and justification for the law are content based—before concluding that a law is content neutral. *Ward* does not require otherwise, for its framework applies only to a content-neutral statute.

The Ninth Circuit’s conclusion that the Sign Code does not single out any idea or viewpoint for discrimination conflates two distinct but related limitations that the First Amendment places on government regulation of speech. Government discrimination among viewpoints

Syllabus

is a “more blatant” and “egregious form of content discrimination,” *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829, but “[t]he First Amendment’s hostility to content-based regulation [also] extends . . . to prohibition of public discussion of an entire topic,” *Consolidated Edison Co. of N. Y. v. Public Serv. Comm’n of N. Y.*, 447 U. S. 530, 537. The Sign Code, a paradigmatic example of content-based discrimination, singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter.

The Ninth Circuit also erred in concluding that the Sign Code was not content based because it made only speaker-based and event-based distinctions. The Code’s categories are not speaker-based—the restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. And even if the sign categories were speaker based, that would not automatically render the law content neutral. Rather, “laws favoring some speakers over others demand strict scrutiny when the legislature’s speaker preference reflects a content preference.” *Turner Broadcasting System, Inc. v. FCC*, 512 U. S. 622, 658. This same analysis applies to event-based distinctions. Pp. 8–14.

(d) The Sign Code’s content-based restrictions do not survive strict scrutiny because the Town has not demonstrated that the Code’s differentiation between temporary directional signs and other types of signs furthers a compelling governmental interest and is narrowly tailored to that end. See *Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett*, 564 U. S. ___, ___. Assuming that the Town has a compelling interest in preserving its aesthetic appeal and traffic safety, the Code’s distinctions are highly underinclusive. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town when other types of signs create the same problem. See *Discovery Network, supra*, at 425. Nor has it shown that temporary directional signs pose a greater threat to public safety than ideological or political signs. Pp. 14–15.

(e) This decision will not prevent governments from enacting effective sign laws. The Town has ample content-neutral options available to resolve problems with safety and aesthetics, including regulating size, building materials, lighting, moving parts, and portability. And the Town may be able to forbid postings on public property, so long as it does so in an evenhanded, content-neutral manner. See *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789, 817. An ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—*e.g.*, warning signs marking hazards on private property or signs directing traffic—might also survive strict scrutiny. Pp. 16–17.

Syllabus

707 F. 3d 1057, reversed and remanded.

THOMAS, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, KENNEDY, ALITO, and SOTOMAYOR, JJ., joined. ALITO, J., filed a concurring opinion, in which KENNEDY and SOTOMAYOR, JJ., joined. BREYER, J., filed an opinion concurring in the judgment. KAGAN, J., filed an opinion concurring in the judgment, in which GINSBURG and BREYER, JJ., joined

ATTACHMENT 4

Chapter 15.08 SIGN PROVISIONS

Sections:

15.08.010	Purpose Statements
15.08.020	Definitions
15.08.030	Permit Procedures
15.08.040	Exempt Signs
15.08.050	Prohibited Signs
15.08.060	General Sign Requirements and Standards
15.08.070	Regulations for Special Signs
15.08.080	Computation of Sign Area and Height
15.08.090	Maintenance
15.08.100	Non-conforming Signs
15.08.105	<u>Substitution</u>
15.08.110	Enforcement

15.08.010 Purpose. The purpose of this chapter is to provide standards for the height, size, location, and appearance of building and street graphics, in order to:

- A. Encourage sound signing practices as an aid to business and to inform the public. Signage is to be used primarily for identification, not for advertising.
- B. Create an attractive economic and business climate.
- C. Preserve and improve the appearance of the city as a place in which to live and work and as an attraction to nonresidents who come to visit or trade.
- D. Protect and enhance the rural atmosphere of the city.
- E. Minimize adverse effects on public and private property.
- F. Prevent excessive and confusing sign displays.
- G. Reduce hazards to motorists and pedestrians.
- H. Enable the fair and consistent enforcement of sign regulations.
- I. Promote the public health, safety, and general welfare.

15.08.020 Definitions.

- A. Address Sign: A sign listing the street address and, in the case of a residential use, the name of the occupants of the premises.
- B. Animated Sign: A sign that conveys its message or attracts attention through moving, rotating, changing, or flashing lights or components. ~~This does not include a barber pole or time and temperature sign.~~
- C. Awning: A hood or cover that projects from the wall of a building and is composed of rigid or non-rigid materials.
- D. Awning Sign: A sign or graphic attached to or printed on an awning (see Sign Illustrations).
- E. Banner: A temporary commercial or noncommercial sign of lightweight fabric, plastic, paper, or similar material that is mounted on a building (see Sign Illustrations).

- F. **Billboard:** A sign that directs attention to a product, place, activity, person, institution, business, or subject that is not entirely related to the premises on which the sign is located.
- G. **Building Marker:** A sign indicating the name of a building, date of construction, and incidental information about its construction, which is cut into masonry or made of bronze or other permanent material.
- H. **Building Sign:** A permanent sign attached to a building or other structure that is an integral part of a building. A building sign includes an awning sign, a projecting sign, a suspended sign, a wall sign, and a window sign, an address sign, and a building marker.
- I. **Canopy (or Marquee):** A permanent roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of some durable material such as metal, wood, glass, or plastic.
- J. **Commercial Center Entry Sign:** A sign located at the entry to a shopping center, business area, or office park identifying the center, area, or park and identifying the businesses located therein.
- ~~J-K.~~ **Commercial Sign:** Any sign with an image or message which primarily concerns the commercial or economic interests of the sign sponsor or intended audience, or which proposes a commercial transaction.
- ~~K.~~ **Community Event:** ~~An occasional and/or seasonal event open to the general public sponsored by a public/quasi public institution or by a private party if the event promotes Clayton and its rural tradition. (Note: Such a community event typically requires a temporary use permit.)~~
- ~~L.~~ **Community Event Sign:** ~~A temporary ground sign, building sign, portable sign, or banner advertising a community event.~~
- ~~M-L.~~ **Directory Sign:** A sign or set of similarly designed individual signs displayed in sequence that lists tenants or occupants within a building or business center, and is designed or be viewed primarily by pedestrians (see Sign Illustrations).
- ~~N-M.~~ **Flag:** ~~Fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government or political subdivision. Fabric, banner, or bunting signifying identification with any private or quasi public institution or business is not considered a flag.~~
- ~~Personal Property Sale Sign:~~ ~~A temporary sign advertising a personal property sale.~~
- ~~O-N.~~ **Ground Sign (or Freestanding Sign):** A permanent sign supported by one or more uprights, poles, or braces in or upon the ground or placed upon a planter, wall, retaining wall, or other structure that is not an integral part of a building. A ground sign includes a monument sign, a pole sign, a kiosk sign, commercial center entry sign, directory sign, multiple address sign, neighborhood/district entry sign.
- ~~P.~~ **Holiday Decorations:** ~~Temporary decorations, containing no commercial content, that celebrate or commemorate a holiday or season, including greetings, banners, announcements, and displays.~~
- ~~Q-O.~~ **Incidental Sign:** ~~A non-governmental~~ An informational sign, whose purpose is secondary to the use of the lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. ~~No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.~~

~~Integrated Development: A group of two (2) or more uses or parcels planned and developed in a joint manner with undivided or non-segregated parking facilities shared by them or that are governed by a common business, tenant, homeowner, or other association or by common conditions, covenants, and restrictions (CC&Rs).~~

~~R-P.~~ Interior Sign: A sign located in the interior of a building, mall, court, standing or enclosed lobby intended for interior viewing only.

~~Q.~~ Kiosk Sign: A sign located on a small freestanding structure which has three (3) or more surfaces.

~~S-R.~~ Mobile Billboard: Any vehicle, or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard for the primary purpose of advertising. Mobile billboard shall not include (1) any vehicle which displays an advertisement or business identification of its owner, so long as such vehicle is engaged in the usual business or regular work of the owner, and not used merely, mainly or primarily to display advertisements; (2) buses; or (3) taxicabs.

~~T-S.~~ Monument Sign: A type of ground sign constructed upon a solid appearing base or pedestal (see Sign Illustrations).

~~U-T.~~ Multiple Address Sign: A sign or set of similarly designed individual signs displayed in sequence placed at the entrance of a private residential street or area that lists the street address and names of the occupants of the residences along the street or within the area.

~~V-U.~~ Mural: A work of art, containing no commercial message, ~~that is applied to and made an~~ integral part of an exterior wall.

~~V.~~ Neighborhood/District Entry Sign: A sign identifying a neighborhood or district (see Sign Illustrations).

~~W.~~ Noncommercial Sign: Any sign displaying a message that is not commercial.

~~X.~~ Noncommercial Location Sign: A sign identifying a noncommercial use.

~~X-Y.~~ Nonconforming Sign: A sign legally existing at the time of the effective date of this Chapter which does not conform to the provisions of this Chapter.

~~Y-Z.~~ Off-Site Sign: A sign directing attention to a business, service, product, or entertainment that is not sold or offered on the site where the sign is located, including billboards and other outdoor advertising signs.

~~Z-AA.~~ On-Site Sign: A sign directing attention to a business, service, product, or entertainment that is sold or offered on the site where the sign is located.

~~AA-BB.~~ Parapet or Parapet Wall: That portion of a building wall that rises above the roof level or eave line.

~~BB-CC.~~ Pennant: A sign of lightweight fabric, plastic, or similar material that is attached to a pole at one edge (see Sign Illustrations).

~~CC-DD.~~ Permanent Sign: Any sign intended for use for a period greater than thirty (30) calendar days.

~~EE.~~ Personal Property Sale Sign: A temporary commercial sign advertising a sale of personal property sale.

~~DD-FF.~~ Pole Sign: A type of ground sign mounted to or hanging from a pole or similar structure (see Sign Illustrations).

~~EE.~~ Political Sign: A temporary sign concerning a candidate, party, or proposition.

~~FF-GG.~~ Portable Sign: A sign not permanently attached to the ground, building, or other permanent structure and designed to be transported, including but not limited to: signs designed to be transported by means of wheels; signs in the form of A-frames or T-

frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked in or visible from the public right of way, unless said vehicle is used in the normal day-to-day operations of the business. Portable signs do not include mobile billboards.

~~GG.HH.~~ Projecting Sign: A sign extending from a building face or wall so that the sign face is perpendicular or at an angle to the building face or wall (see Sign Illustrations).

~~HH.~~ Public/Quasi Public Institution: A church, synagogue, or other place of worship, hospital, public school, private school, day care center, community service organization, social club, philanthropic organization or similar use.

~~H.~~ Public/Quasi Public Institution Sign: A ground sign or building sign displayed by a public/quasi public institution.

~~JJ.II.~~ Real Estate Sign: A commercial sign advertising the sale, lease, or rent of property and the identification of the firm handling the sale, lease, or rent.

~~KK.JJ.~~ Residential Open House Sign: A temporary commercial sign advertising an open house for a house for sale.

~~LL.KK.~~ Roof Sign: A sign erected upon or above a roof or parapet of a building or structure. A sign mounted on a vertical extension of a wall that extends above a roof structure is considered a wall sign.

~~MM.~~ Service/Community Service Organization: Club or association not organized for profit but for the purpose of promoting community interests, patriotism, welfare of youth, and other like purposes.

~~NN.LL.~~ Sign: Any name, identification, description, symbol, display, illustration, or device, including any structure, machine (including vending machine), component parts and paint, viewable by the general public that directs attention to a product, place, activity, person, institution, or business.

~~OO.MM.~~ Sign Area: The area within a perimeter which forms the outside shape, including any frame, and forms an integral part of the display, but excluding the necessary supports, poles, or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas visible from any position at one (1) time will be totaled.

~~PP.NN.~~ Sign Face: The visible portions of a sign including all characters and symbols, but excluding structural elements not an integral part of the display.

~~OO.~~ Sign Illustrations: Examples of various signs in pictorial format incorporated into Section 15.08.020 of the Clayton Municipal Code.

~~QQ.PP.~~ String Pennant: A lightweight plastic, fabric, or other material, whether or not containing a message or symbols, that is suspended from a rope, wire, or string in series, usually designed to move in the wind.

~~RR.QQ.~~ Subdivision Marketing Pole Pennant: A single piece of lightweight plastic, fabric, or other material, whether or not containing a message of any kind that is temporarily suspended from a pole and is designed to move in the wind to promote the sale of newly subdivided lots and/or newly constructed dwellings.

~~SS.RR.~~ Subdivision Marketing Signs: Temporary commercial signs, including ground signs, wall-mounted signs, pole signs, pennants, and real estate signs, designed to promote the sale of newly subdivided lots and/or newly constructed dwellings (see Sign Illustrations).

~~TT.SS.~~ Suspended Sign: A sign attached to and located below any permanent eave, roof, or canopy (see Sign Illustrations).

~~UU.TT.~~ Temporary Commercial Sign: Any commercial sign intended for use for a period of less than thirty (30) days constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other similar lightweight materials, with or without frames which is designed or intended to be displayed for a limited period of time.

UU. Temporary Noncommercial Sign: Any noncommercial temporary sign displaying an ideological, political or other noncommercial message, that is constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other similar lightweight materials, with or without frames which is designed or intended to be displayed for a limited period of time.

VV. Wall Sign: A sign not exceeding six (6) inches in thickness that is painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of said wall (see Sign Illustrations).

WW. Window Sign: A sign, displayed on window glass (including the glass of doors) or within three (3) feet of a window, designed to be viewed from the exterior of the window (see Sign Illustrations).

15.08.030 Permit Procedures.

A. City Review - General. City review and approval is required for all signs except those specified by this Chapter as exempt or prohibited. No City review or approval is required for a change of copy on an existing permitted sign that is in full compliance with the requirements and standards of this Chapter. In addition to meeting the requirements of this Chapter, all signs shall comply with all applicable Uniform California Building Code requirements. No sign shall be constructed, placed, erected, or modified unless such construction, placement, erection, or modification is authorized by the owner, or his or her representative, of the property upon which the sign is to be placed. Application for sign review and approval shall be accompanied by written authorization from the property owner, or his or her authorized representative, for placement of the proposed sign or signs.

B. City Review and Approval. The City shall review and approve signs according to the following procedures:

1. Administrative Review and Approval. The following signs shall be reviewed and approved administratively by the Community Development Department if they conform to the general sign requirements and standards of Section 15.08.060 and the regulations for special signs of Section 15.08.070.

a. Directory signs provided the sign does not exceed ten (10) square feet in area, nor a height of six (6) feet.

~~b. Community event signs. (Note: A temporary use permit is typically required for the community event itself)~~

~~e.b.~~ Any sign that is proposed for a property that is consistent in terms of size, number, and location with a previously-approved master sign plan, unless otherwise specified in an applicable master sign plan.

~~d.c.~~ All building and ground signs proposed for individual businesses that are located on a property that have a previous approval for similar signage, and the proposed sign(s) are consistent in terms of size, number, and location with the previous approval. (This provision does not apply to a

Corner Lot or Through Lot where signage is being proposed along multiple property frontages)

2. Exception. Any sign proposal considered within the parameters of this subsection that in the judgment of the Community Development Director may not comply with the intent or purpose of this Chapter may be referred to the Planning Commission for consideration.
3. Planning Commission Review and Approval. The following signs shall be reviewed and approved by the Planning Commission in accordance with Chapter 17.64 of the Clayton Municipal Code.
 - a. Master sign plans.
 - b. Neighborhood/district entry signs.
 - c. Commercial center entry signs.
 - d. Subdivision marketing sign program.
 - e. ~~Public/quasi-public institution~~ Noncommercial locational signs.
 - f. Directory signs that exceed ten (10) square feet in area and six (6) feet in height.
 - g. All building and ground signs for individual businesses that are located on a property that have not had previous approval for signage, involve signage on multiple frontages, and/or involve an increase in the previously-approved signage area, increase in the number of signs, or substantially change the location of signage.
 - h. Any sign proposal that, in the judgment of the Community Development Director, may not comply with the intent or purpose of this Chapter.
4. Variance. A variance shall be required from the Planning Commission for any deviations from the general sign requirements and standards of Section 15.08.060 or the regulations for special signs of Section 15.08.070 of this Chapter according to the procedures set out in Chapter 17.52 of the Clayton Municipal Code.

15.08.040 Exempt Signs. The following signs shall not require review and approval by City:

- A. Address signs, provided the sign does not exceed two (2) square feet in area.
- B. Public information, identification, civic event, and directional signs erected by a public agency or public utility.
- C. Incidental signs.
- D. Legal notices posted by law.
- E. Building markers, provided the sign does not exceed four (4) square feet in area and is not illuminated.
- F. Signs displayed by private individuals, when required by law or regulations of any governmental agency.
- G. ~~Political~~ Temporary noncommercial signs at on private real property, provided ~~that the sign~~ aggregate signage displayed at one time does not exceed threethirty (30) square feet in area, is not displayed on public property or public right-of-way, is limited to one (1) sign per property for each candidate, party, or issue, and is removed within five (5) days after the election per parcel.
- H. ~~Signs that are displayed during the course of and at the site of a political event or demonstration, provided the signs are displayed no more than twenty four (24) hours prior to the event and are removed within twenty four (24) hours following the event.~~

~~I. Holiday decorations that do not contain any commercial message, provided they are removed within seven (7) days after the holiday.~~

J.H. Wall signs indicating the historical significance of a site or building, provided the sign does not exceed four (4) square feet in area and is not illuminated.

~~K.L. Signs displayed in the interior of a building, mall, court, stadium, or enclosed lobby more than three (3) feet from an exterior window or door and intended for interior viewing only.~~

~~L. Signs prohibiting trespassing provided the sign does not exceed two (2) sq. ft. in area.~~

M.J. Multiple address signs, provided the individual signs do not exceed four (4) inches by twenty-four (24) inches.

N.K. Residential open house signs for a home sale in accordance with the standards of Section 15.08.070 of this Chapter.

~~O.L. Flags, provided they are not used in a commercial manner or to advertise a business or its location.~~

P.M. Murals containing no commercial message, provided the mural has intrinsic artistic value or appeal regardless of the business in the building on whose wall the mural is painted. Murals shall take into consideration the overall architecture of the building and shall not be placed on decorative surfaces or finishes. The colors and materials used shall be reasonably harmonious with those in the area.

~~Q.N. Personal property sale signs, in accordance with the standards of Section 15.08.070 of this Chapter.~~

R.O. Real estate signs in accordance with the provisions of Section 15.08.070 of this Chapter.

S.P. Portable signs in accordance with the provisions of Section 15.08.070 of this Chapter.

T.O. Banners and pennants in accordance with the provisions of Section 15.08.070 of this Chapter.

15.08.050 Prohibited Signs. The following signs are prohibited anywhere in the City:

A. Animated signs.

B. Flags used in a commercial manner or to advertise a business or its location.

C. Signs that by color, wording, design, location, or illumination resemble or conflict with any traffic-control device or with safe and efficient flow of traffic.

D. Signs that obstruct the free and clear vision of or create confusion for motorists or pedestrians.

E. Signs with lighting ~~that is~~ detrimental to surrounding property or prevents peaceful enjoyment of residential uses.

F. Banners and pennants, except as provided in Section 15.08.070 of this Chapter.

G. Roof signs.

H. String pennants.

I. Balloons and similar inflatable signs.

J. Permanent signs mounted on fences or deck/balcony railings.

K. Portable signs except as provided in Section 15.08.070 of this Chapter.

~~L. Signs that bear or contain statements, words, or pictures of an obscene, untruthful, or misleading character, except for political signs.~~

~~M.L. Signs located within a public right of way or posted on utility poles or on any other public property, except when placed on such property by the public agency having jurisdiction. Notwithstanding the foregoing, private and political temporary signs are~~

~~prohibited in the public right-of-way except for signs for City-sponsored community events in location(s) approved by the City may be allowed by permit within the public right-of-way in accordance with and subject to terms, conditions and standards to be adopted by resolution of the City Council. Signs installed without a valid permit may be removed without notice, in addition to issuance of citation for Code violation.~~

~~N.M.~~ Signs located on private property without the property owner's approval.

~~O.N.~~ Off-site signs except for:

- ~~1. Political~~ Temporary noncommercial signs.
- ~~2. Community event signs.~~
- ~~3.~~ Residential open house signs.
- ~~4.~~ Garage or yard sale signs.
- ~~5.~~ Signs attached to trees, shrubs, or other natural features.

~~O.~~ Mobile billboard operating on a street or other public place within the city in which the public has the right of travel.

15.08.060 General Sign Requirements and Standards.

A. Signs in the R-10, R-12, R-15, R-20, R-40, R-40-H, M-R, ~~M-R-M, M-R-H, PF,~~ and A Districts - Sign Permits. A sign permit is required in the R-10, R-12, R-15, R-20, R-40, R-40-H, ~~M-R, M-R-M, M-R-H, PF,~~ and A Districts for all non-exempt signs as follows:

- ~~1. Public/quasi-public institution~~ Noncommercial locational signs in accordance with the standards of Section 15.08.070 of this Chapter.
2. Neighborhood/district entry signs in accordance with the standards of Section 15.08.070 of this Chapter.
3. Subdivision marketing sign program in accordance with the standards of Section 15.08.070 of this Chapter.
4. No other non-exempt signs are allowed in these districts.

B. Signs in the L-C ~~and P-A-O~~ Districts - Sign Permits. A sign permit is required in the L-C ~~and P-A-O~~ Districts for all non-exempt signs as follows:

- ~~1. Public/quasi-public institution~~ Noncommercial locational signs in accordance with the standards of Section 15.08.070 of this Chapter.
2. Neighborhood/district entry signs in accordance with the standards of Section 15.08.070 of this Chapter.
3. Master sign plan in accordance with the standards of Section 15.08.070 of this Chapter.
4. Commercial center entry signs in accordance with the standards of Section 15.08.070 of this Chapter.
5. Subdivision marketing sign program in accordance with Section 15.08.070 of this Chapter.

C. Signs in the L-C ~~and P-A-O~~ Districts - Standards. Ground and building signs relating to on-site commercial activities are authorized in the L-C ~~and P-A-O~~ Districts in accordance with the following standards:

1. The aggregate sign area of any combination of ground signs and building signs for a building or a business shall not exceed one (1) square foot per lineal foot of building frontage or store frontage. Exempt signs, directory signs, commercial

center entry signs, pennants, and portable signs are not subject to this aggregate sign limit.

2. Monument signs (ground signs) shall not exceed ~~seventy~~eight (78) feet in height, and the size of such signs may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty-four (24) square feet.
 3. Pole signs (ground signs) shall not exceed ~~seventy~~eight (78) feet in height, and the size of such signs may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty-four (24) square feet.
 4. Kiosk signs (ground signs) shall not exceed twenty-four (24) square feet in area (all faces) and shall not exceed seven (7) feet in height.
 5. Projecting signs (building signs) shall not exceed twelve (12) square feet in area and shall maintain a vertical clearance of at least eight (8) feet.
 6. Suspended signs (building signs) oriented toward pedestrian areas or walkways shall not exceed six (6) square feet in area and shall maintain a vertical clearance of at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path.
 7. Suspended signs (building signs) oriented toward street traffic and/or parking lots shall maintain a vertical clearance of at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path, and may not be displayed over vehicular access. The size of such a suspended sign may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty (20) square feet.
 8. Window signs (building signs) shall not cover more than forty (40) percent of the glazed area of an individual window panel nor more than twenty (20) percent of the aggregate glazed area on any one building frontage or store frontage.
 9. Wall Signs (building signs) - one (1) square foot per lineal foot of building or store frontage.
 10. Awning Signs (building signs) - one (1) square foot per lineal foot of building or store frontage.
- D. Signs in the PD District. Signs in the PD District shall conform to the standards or signs for uses defined in the applicable General Plan designation. For signs in areas designated residential, cultural center, institutional, school, or open space by the General Plan, the requirements and standards for signs in the R-10, R-12, R-15, R-20, R-40, R-40-H, M-R, M-R-M, M-R-H, PF, and A Districts shall apply. For signs in areas designated commercial by the General Plan, the requirements and standards for signs in the L-C ~~and P-A-O~~ Districts shall apply unless other-wise specified by a master sign plan.

15.08.070 Regulations for Special Signs.

- A. Neighborhood/District Entry Signs. Neighborhood/district entry signs are allowed in all districts subject to the following standards:
1. The sign shall include only the name of the neighborhood or district.
 2. Lettering shall not exceed eighteen (18) inches in height.
 3. The top of the letters shall not exceed six (6) feet in height.

- B. Commercial Center Entry Signs. Commercial center entry signs are allowed in commercial districts subject to the following standards:
1. One (1) sign may be located near each main vehicular entrance to the shopping center, business area, or office park fronting on a public roadway.
 2. The sign may be a pole sign or monument sign.
 3. The sign shall not exceed ~~ten-eight~~ (408) feet in height.
 4. Lettering shall not exceed twenty-two (22) inches in height.
- C. Banners. Banners for new or relocated businesses are allowed temporarily in commercial districts subject to the following standards:
1. Banner in lieu of permanent sign:
 - a. The banner shall be secured on all sides.
 - b. The banner may only be displayed for up to thirty (30) days, with up to an additional thirty (30) day extension if approved administratively by the Community Development Department.
 - c. The banner must conform to the sign area dimensions and location of Section 15.08.060 C of this Chapter.
 2. Promotional banner. A second banner in addition to that noted above may be allowed subject to the following standards:
 - a. The banner may be a wall, window, or suspended sign.
 - b. The banner may only be displayed for up to thirty (30) days.
 - c. The banner may be no larger than the banner as approved per Section 15.08.070 C1 and must conform to the sign area dimensions of Section 15.08.060 C of this Chapter.
- D. Pennants. Pennants are allowed in commercial districts subject to the following standards.
1. Only one (1) pennant may be displayed by any one (1) business.
 2. The pennant shall be secured to a pole on one (1) side and shall be hanging.
 3. The pennant shall not exceed two (2) feet in width nor four (4) feet in length.
 4. The pennant shall be made in a professional manner and workmanship of fabric, plastic, or similar material designed to withstand at least six (6) months of outdoor exposure. Paper pennants shall not be allowed.
 5. The bottom of a pennant shall be at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path. A pennant may not be displayed over a street, driveway, or vehicular access.
- E. Portable Signs. Portable signs are allowed in commercial districts subject to the following standards:
1. Only one (1) portable sign may be displayed by any one (1) business.
 2. The sign shall only be in the form of an A-frame, sandwich board, menu board, or umbrella.
 3. The sign shall not exceed three (3) feet in height nor two (2) feet in width per face, except for an umbrella.
 4. The sign shall be displayed only during the hours the business is open to the public and shall be removed during non-business hours.
 5. The sign shall be displayed immediately adjacent to the business it advertises.
 6. The sign shall not be displayed in a public right-of-way nor shall it obstruct a pedestrian walkway.

7. The sign shall be constructed out of a stable and rigid material (i.e., PVC is not considered an acceptably rigid material).

F. Residential Open House and Personal Property Sale Signs. Residential open house and personal property sale signs are allowed for residential uses subject to the following standards:

1. A total of one (1) on-site sign and up to six (6) off-site signs.
2. Only one (1) off-site sign may be displayed at any one intersection for each residential open house or personal property sale.
3. The signs shall not exceed three (3) feet in height nor two (2) feet in width.
4. The signs shall only be displayed up to one (1) hour before, during, and up to one (1) hour following the residential open house or personal property sale.
5. The signs shall not be displayed in a public right-of-way nor shall they obstruct a pedestrian walkway, except signs shall be allowed behind the sidewalk or behind the curb if there is no sidewalk.
6. No signs shall be displayed on private property without the prior consent of the property owner.
7. Balloons, flags, pennants, animated devices, and similar objects are prohibited. (see Section 17.16.020E of the Municipal Code for further regulations for Personal Property Sales).

G. ~~Public/Quasi Public Institution Signs. Public and quasi public institution signs~~
Noncommercial Locational Signs. Noncommercial locational signs are allowed in all districts subject to the following standards:

1. The signs may include building signs and ground signs.
2. The aggregate sign area may not exceed twenty-four (24) square feet for a lot up to forty thousand (40,000) square feet in size. For lots larger than forty thousand (40,000) square feet, sign area may be increased subject to specific Planning Commission review and approval.
3. No ground or pole sign shall exceed ~~ten-eight (408)~~ feet in height.

H. Real Estate Signs. Real estate signs are allowed in all districts subject to the following standards:

1. Only one (1) on-site real estate sign may be displayed on a front or side yard frontage. An additional real estate sign may be displayed on a rear yard frontage.
2. Real estate signs in residential districts shall not exceed six (6) square feet in area. Real estate signs in commercial districts shall not exceed twelve (12) square feet in area.
3. The sign may be in the form of a pole sign or a wall sign.
4. The sign shall not exceed six (6) feet in height.
5. The sign shall be removed within ten (10) days of the lot or building(s) being sold, leased, or rented.
6. Real estate signs located off-site of the subject property (e.g., at nearby intersection, public landscape, public property, public right of way) are not allowed.

I. Subdivision Marketing Sign Program. Subdivision marketing signs are allowed in residential districts subject to the approval of a subdivision marketing sign program in accordance with the following standards:

1. The program may include a combination of temporary ground signs, wall signs, subdivision marketing pole pennants, and real estate signs.
2. All subdivision marketing signs shall be displayed within the boundaries of the subdivision.
3. Subdivision marketing pole pennants shall not exceed twenty-five (25) feet in height nor be located closer than every fifty (50) feet.
4. All subdivision marketing signs shall be removed within thirty (30) days of the opening of escrow for sale of the last home in the subdivision.
5. The dimensions of any sign shall not exceed eight (8) feet in length, nor ~~ten-eight~~ (108) feet in height, nor a total area of ~~sixty-four~~ (640) square feet.

~~J. Community Event Signs. Community event signs are allowed in all districts subject to the following standards:~~

- ~~1. No more than one (1) community event sign shall be displayed on a building, lot, or area.~~
- ~~2. The sign shall not exceed twenty-four (24) square feet in area; ground signs shall not exceed seven (7) feet in height.~~
- ~~3. Hanging or suspended signs shall not exceed twenty (20) square feet in area and shall maintain a vertical clearance of at least eight (8) feet over a pedestrian area and may not be displayed over vehicular access.~~
- ~~4. A community event sign shall not be calculated as part of a building's or lot's maximum allowable signage as specified in Sections 15.08.060 and 15.08.080 of this Chapter.~~
- ~~5. Any portable community event sign is also subject to the regulations of Section 15.08.070 E 1-4 of this Chapter.~~

~~K.J.~~ Master Sign Plan. At the discretion of the City or one or more property owners, a master sign plan may be established for a shopping center, business area, office park, or similar identifiable geographic area. Such master sign plan may impose sign requirements and standards addressing the number, height, area, color, or other sign characteristics in a manner more restrictive than that allowed by the general sign requirements and standards of Section 15.08.060 of this Chapter. Such a master sign plan may be established to promote an enhanced sense of identity, aesthetic value, or other feature. A master sign plan will not only identify and describe those sign characteristics that are more restrictive than those allowed by the general sign requirements and standards of Section 15.08.060 of this Chapter, but also the purpose or goal for which the master sign plan is established.

15.08.080 Computation of Sign Area and Height. The following principles shall govern the computation of sign area and height.

- A. Computation of Area of Individual Signs. The sign area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative wall when such wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

- | B. Computation of Area of Multi-Faced Signs. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.
- | C. Computation of Height. The height of a sign shall be computed as they distance from the grade at the edge of the public way along which a sign is placed or oriented to the highest point of the sign, or any structural or architectural component of the sign. When the grade at the edge of the public way is higher than the site on which the sign is placed, that portion of the sign below the grade at the edge of the public way shall not be included in determining the sign's overall height.
- D. Computation of Total Permitted Sign Area. The total area of all individual signs permitted on a lot shall be computed according to Section 15.08.060 C of this Chapter. Property fronting two (2) or more streets are allowed the permitted sign area specified in Section 15.08.060 C for each such street frontage.

15.08.090 Maintenance. All signs shall be maintained in good repair and shall be cleaned, painted, and replaced as necessary to present a neat appearance at all times.

15.08.100 Nonconforming Signs.

- A. Except for regular maintenance, no non-conforming sign shall be altered, modified, added to, or increased in area, unless the entire sign is brought into conformity with the requirements and standards of this Chapter.
- B. Any non-conforming sign that is damaged or destroyed to the extent of fifty (50) percent or more of its estimated market value shall not be replaced or repaired except by a sign that conforms to the requirements and standards of this Chapter.
- C. Any non-conforming sign relating to a business that has not operated for six (6) consecutive months shall be removed.

15.08.105 Substitution. In each instance and under the same conditions to which this Chapter permits any sign, a sign containing an ideological, political or other noncommercial message that is constructed to the same physical dimensions of the permitted sign shall be permitted.

15.08.110 Enforcement. Any person erecting, displaying, or maintaining a sign in violation of this Chapter is guilty of an infraction and shall be subject to enforcement and penalties set out in Chapters 1.12, 1.14, 1.16, and 1.20 of Title 1 of the Clayton Municipal Code.

7. PUBLIC HEARINGS

- (a) Public Hearing to consider the Introduction and First Reading of a proposed City-initiated Ordinance No. 475 updating the Clayton Municipal Code, Title 15 Building & Construction, Section 15.08 – Sign Provisions, to comply with the United States Supreme Court's recent decision in *Reed vs. Town of Gilbert, AZ*, to prohibit mobile billboards, and to incorporate other best practices.

Mindy Gentry, Community Development Director, presented the report noting the United States Supreme Court recently ruled in the case *Reed vs. Town of Gilbert, Arizona* the provisions of a municipality's sign code must be content-neutral. Portions of the Town of Gilbert's sign code was struck down by the U.S. Supreme Court due to its sign code subjecting ideological, political, and directional signs to size, location, and length of display time regulations. The court was clear that, as long as the regulation is not based on a sign's message, local governments may regulate the size, lighting, location, timing, and number of signs.

The majority of the proposed sign code changes are definitions in order to clarify and create regulations that do not distinguish between sign content such as ideological, political, or directional. Staff also recommends prohibition of mobile billboards; although this has not been an issue locally, prohibition is in the interest of the public for the safe movement of vehicular traffic, reduction of air pollution, and to maintain the aesthetic appearance of the City. Staff further recommends some clean-up language to the addition and deletion of zoning districts that have been removed or added since the last Sign Code update; consistency in height for monument signs, pole signs, commercial entry signs and noncommercial signs; and consistency with the prohibition of all signs in the public rights of way, with the exception of City-sponsored events.

Councilmember Pierce recalled last time the Sign Ordinance was updated there was a long drawn-out discussion about the size of what is now termed "temporary noncommercial signs," i.e., political signs, and others that are posted around town. Councilmember Pierce noted the proposed Ordinance has changed the size limit to thirty (30) square feet, whereas previously it was restricted to three (3) square feet. If the size of these signs is increased for posting on residential and non-commercial properties, there will be a public outrage as Clayton's current size restrictions are widely supported and admirably differentiate this city from others during election times.

Ms. Gentry responded that type of provision must be applied across the board severely restricting other types of signage by community organizations. She also noted thirty (30) square feet was a policy decision staff recommended pursuant to legal counsel advice that eighty (80) square feet was upheld in the courts; however, it is still possible the City Council has the ability to make a policy decision in terms of the square footage.

Councilmember Pierce indicated she would like to restrict that sign size, perhaps to four (4) feet at a maximum. Councilmember Shuey also recalled that historical discussion and would like to make a policy decision to reduce that sign size maximum, even though he noted it could be a legal risk. City Attorney Mala Subramanian advised the proposed reduction in sign size could be considered too small.

Councilmember Catalano inquired if banner sizes were also included in the proposed Sign Code Ordinance. Ms. Subramanian confirmed that banners are exempt in this section and covered under another section of the Clayton Municipal Code. She further indicated that a size modification suggested from 80 sq. ft. to 3-4 sq. ft. is a significant change to the proposed Ordinance, and therefore the Ordinance must go back to the Planning Commission for its review of the proposed modification as the provision is a part of the Zoning Code; the Commission can then make its recommendations to the City Council.

Councilmember Pierce added during a campaign season, Councilmembers receive a number of phone calls inquiring on where signs can be placed; she noted the current process of obtaining permits for the rights of way signs appear to be working.

Mayor Diaz opened the Public Hearing for public comment.

Dan Hummer, Stranahan resident, agrees with limiting the size of political signs.

Russ Remoy, 1843 Yolanda Circle, shared his concerns about high-density housing changing the character of Clayton. Mayor Diaz advised him those concerns would be allowed during the next item on the agenda.

Mayor Diaz closed the Public Hearing.

It was moved by Councilmember Pierce, seconded by Councilmember Shuey, to refer this item back to the Planning Commission for its further review on the sign size limit change to retain the existing 3 sq. ft. aggregate limitation in the Sign Provisions Ordinance (Passed; 5-0 vote).

- (b) Public Hearing to consider a proposed City-initiated General Plan Amendment to modify the determination of residential developable acreage and density calculations and to not require a minimum density on residentially designated property with sensitive land areas and the Introduction and First Reading of Ordinance No. 476 adding Section 17.22 – Residential Density Calculations for Residential with Sensitive Land Areas to Title 17 Zoning of the Clayton Municipal Code describing and determining how General Plan densities are calculated for proposed residential projects with sensitive land areas.

Community Development Director Mindy Gentry presented the staff report noting as a real life example, the proposed Silver Oak Estates subdivision project will discussed tonight as to why these amendments are being proposed. However, she noted that project is not on the agenda therefore staff recommends the ensuing discussion not focus on the merits or details of that project; it is merely a real-world example to illustrate the beneficial necessity of the proposed amendments.


Ms. Gentry advised the proposed Silver Oaks Estates project consists of 59 units which are comprised of seven single family homes, 28 town homes and 24 “Green Courts” in the terminus of Lydia Lane. The currently proposed project has been through various stages in the entitlement process since 2010. Due to City staff attrition and cursory review of the project, in 2016 it became apparent the proposed townhomes and green courts were not in conformance with the City’s General Plan. The General Plan designation for the property is Single Family Medium Density which calls for 3.1 to 5 units per acre with a product type of single family detached homes. Consequently, the current General Plan would allow 43 to 70 units on the property. Although the proposed 59 units fits within that overall allowed density, the various single family detached product types do not; therefore, the proposed attached product type would only fit within one of three Multifamily General Plan land use designations. If the project applicant wanted to further pursue the proposed product type, a General Plan Amendment to multifamily low density would be required, resulting in a minimum unit count of 106 units, an increase of 47 units on the property above the proposed 59 units. Alternatively, if the project applicant tried to fit the proposed single family detached homes on the site resulting in a small lot single-family development of detached homes, it would likely occur with a zero lot line and/or minimal setbacks. Given the physical constraints of the property, it is questionable whether the parcel is large enough to even fit a detached

ATTACHMENT - 3

PLANNING COMMISSION STAFF REPORT

Meeting Date: June 27, 2017

Item Number: 7.b.

From: Mindy Gentry 
Community Development Director

Subject: City Council Proposed Modifications to the Ordinance to Amend the City's Sign Provisions (ZOA-02-17)

Applicant: City of Clayton

REQUEST

The City of Clayton is requesting a hearing to seek direction from the Planning Commission regarding the City Council's proposed modifications to a City-initiated Ordinance amending Title 15 "Building and Construction", Chapter 15.08 – Sign Provisions of City of Clayton Municipal Code, which was previously heard by the Planning Commission on April 25, 2017 (ZOA-02-17) (**Attachment A**).

PROJECT INFORMATION

Location: Citywide

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.

Public Notice: Per Government Code Section 56857, a public hearing is not required for the Planning Commission to consider the City Council's proposed modifications to the subject Ordinance.

BACKGROUND

The subject Ordinance was initially reviewed and considered by the Planning Commission during a public hearing on April 25, 2017. Following the public hearing, the Planning Commission recommended City Council approval of an Ordinance amending the Municipal Code Title 15, "Building and Construction", Chapter 15.08 – Sign Provisions (**Attachment A**).

The City Council conducted a public hearing on May 16, 2017 to review the subject Ordinance and, following the closure of the public hearing, the City Council expressed a concern pertaining to the allowable square footage for "temporary noncommercial signs" (Section 15.08.040G) (**Attachment B**). The Ordinance, as initially presented to both the Planning Commission and City Council, would allow up to thirty (30) square feet in area per parcel for temporary noncommercial signs. The City Council's concerns with this large amount of square footage stem from the historical discussion and the policy

direction during the last update of the Sign Ordinance, which restricted the size of campaign signs (now termed temporary noncommercial signs) to three (3) square feet, now termed as temporary noncommercial signs. Since the majority of the proposed revisions to the Sign Provisions were in response to the ruling by United States Supreme Court in the case of *Reed vs. Town of Gilbert, Arizona*, which determined the provisions of a municipality's sign code must be content-neutral, this distinction resulted in placing campaign signs and community event signs under the same umbrella as temporary noncommercial signs in the initially proposed draft of the City's Sign Provisions. During its May 16th hearing, the City Council expressed a lack of interest in increasing the size limit of these temporary noncommercial signs to the thirty (30) square feet from the current three (3) square feet due to the community's concerns regarding visual clutter during campaign season.

However, as an unintended consequence of this three (3) square-foot restriction, this would prohibit all of the City's community event banners (e.g. Oktoberfest, Library Book Sale, 4th of July, etc.) from being displayed at the City Council approved locations due to the size of the banners exceeding three (3) square feet. Therefore, staff has not only revised the Sign Provisions in regards to reducing temporary noncommercial signs from thirty (30) to three (3) square feet in area to address the City Council's concerns, but staff also added provisions regarding community event signs as being allowable up to twenty-four (24) square feet in area. *Reed vs. Town of Gilbert, Arizona* does not have any restrictions regarding government speech; therefore the City is allowed to create different parameters governing community events signs, separate from temporary noncommercial signs. For clarity, these proposed modifications are shown in a redline format utilizing the previously reviewed and considered 15.08 – Sign Provisions document (**Attachment C**).

Per Government Code Section 65857, any modification by the legislative body, in this case the City Council, of the proposed Ordinance not previously considered by the Planning Commission, shall first be referred back to the Planning Commission for a report and recommendation. Therefore, in compliance with this section of the Government Code, the City Council proposed modifications are being brought back to the Planning Commission for consideration and a recommendation regarding the reduction in square footage for temporary noncommercial from thirty (30) square feet to three (3) square feet as well as staff's recommendation to address the unintended consequences regarding community event signs.

RECOMMENDATION

Staff recommends that the Planning Commission consider all information provided and submitted, and take and consider all public testimony and, if determined to be appropriate, motion to approve the City Council's proposed modifications to the Ordinance amending the City's Sign Provisions (**Attachment C**).

ATTACHMENTS

- A. Excerpt from the April 25, 2017 Planning Commission Staff Report and Minutes
- B. May 16, 2017 City Council Staff Report and Excerpt of the Minutes
- C. Redline Changes to Chapter 15.08 – Sign Provisions with Proposed City Council Modifications

ATTACHMENT 4

Chapter 15.08 SIGN PROVISIONS

Sections:

15.08.010	Purpose Statements
15.08.020	Definitions
15.08.030	Permit Procedures
15.08.040	Exempt Signs
15.08.050	Prohibited Signs
15.08.060	General Sign Requirements and Standards
15.08.070	Regulations for Special Signs
15.08.080	Computation of Sign Area and Height
15.08.090	Maintenance
15.08.100	Non-conforming Signs
15.08.105	Substitution
15.08.110	Enforcement

15.08.010 Purpose. The purpose of this chapter is to provide standards for the height, size, location, and appearance of building and street graphics, in order to:

- A. Encourage sound signing practices as an aid to business and to inform the public. Signage is to be used primarily for identification, not for advertising.
- B. Create an attractive economic and business climate.
- C. Preserve and improve the appearance of the city as a place in which to live and work and as an attraction to nonresidents who come to visit or trade.
- D. Protect and enhance the rural atmosphere of the city.
- E. Minimize adverse effects on public and private property.
- F. Prevent excessive and confusing sign displays.
- G. Reduce hazards to motorists and pedestrians.
- H. Enable the fair and consistent enforcement of sign regulations.
- I. Promote the public health, safety, and general welfare.

15.08.020 Definitions.

- A. Address Sign: A sign listing the street address and, in the case of a residential use, the name of the occupants of the premises.
- B. Animated Sign: A sign that conveys its message or attracts attention through moving, rotating, changing, or flashing lights or components.
- C. Awning: A hood or cover that projects from the wall of a building and is composed of rigid or non-rigid materials.
- D. Awning Sign: A sign or graphic attached to or printed on an awning (see Sign Illustrations).
- E. Banner: A temporary commercial, ~~or~~ noncommercial, or community event sign of lightweight fabric, plastic, paper, or similar material that is mounted on a building or street light pole (see Sign Illustrations).

- F. **Billboard:** A sign that directs attention to a product, place, activity, person, institution, business, or subject that is not entirely related to the premises on which the sign is located.
- G. **Building Marker:** A sign indicating the name of a building, date of construction, and incidental information about its construction, which is cut into masonry or made of bronze or other permanent material.
- H. **Building Sign:** A permanent sign attached to a building or other structure that is an integral part of a building. A building sign includes an awning sign, a projecting sign, a suspended sign, a wall sign, and a window sign, an address sign, and a building marker.
- I. **Canopy (or Marquee):** A permanent roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of some durable material such as metal, wood, glass, or plastic.
- J. **Commercial Center Entry Sign:** A sign located at the entry to a shopping center, business area, or office park identifying the center, area, or park and identifying the businesses located therein.
- K. **Commercial Sign:** Any sign with an image or message which primarily concerns the commercial or economic interests of the sign sponsor or intended audience, or which proposes a commercial transaction.
- ~~K.L.~~ **Community Event Sign:** A banner advertising a City of Clayton community event as defined by the City Council in its policies pertaining to the usage of signage in the public right-of-way per Resolution 46-2007 or any subsequent revisions thereafter.
- ~~L.M.~~ **Directory Sign:** A sign or set of similarly designed individual signs displayed in sequence that lists tenants or occupants within a building or business center, and is designed or be viewed primarily by pedestrians (see Sign Illustrations).
- ~~M.N.~~ **Flag:** Fabric, banner, or bunting containing distinctive colors, patterns, or symbols.
- ~~N.O.~~ **Ground Sign (or Freestanding Sign):** A permanent sign supported by one or more uprights, poles, or braces in or upon the ground or placed upon a planter, wall, retaining wall, or other structure that is not an integral part of a building. A ground sign includes a monument sign, a pole sign, a kiosk sign, commercial center entry sign, directory sign, multiple address sign, neighborhood/district entry sign.
- ~~O.P.~~ **Incidental Sign:** An informational sign, whose purpose is secondary to the use of the lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives.
- ~~P.Q.~~ **Interior Sign:** A sign located in the interior of a building, mall, court, standing or enclosed lobby intended for interior viewing only.
- ~~Q.R.~~ **Kiosk Sign:** A sign located on a small freestanding structure which has three (3) or more surfaces.
- ~~R.S.~~ **Mobile Billboard:** Any vehicle, or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard for the primary purpose of advertising. Mobile billboard shall not include (1) any vehicle which displays an advertisement or business identification of its owner, so long as such vehicle is engaged in the usual business or regular work of the owner, and not used merely, mainly or primarily to display advertisements; (2) buses; or (3) taxicabs.
- ~~S.T.~~ **Monument Sign:** A type of ground sign constructed upon a solid appearing base or pedestal (see Sign Illustrations).

- | T.U. Multiple Address Sign: A sign or set of similarly designed individual signs displayed in sequence placed at the entrance of a private residential street or area that lists the street address and names of the occupants of the residences along the street or within the area.
- | U.V. Mural: A work of art, containing no commercial message, applied to and made an integral part of an exterior wall.
- | V.W. Neighborhood/District Entry Sign: A sign identifying a neighborhood or district (see Sign Illustrations).
- | W.X. Noncommercial Sign: Any sign displaying a message that is not commercial.
- | X.Y. Noncommercial Location Sign: A sign identifying a noncommercial use.
- | Y.Z. Nonconforming Sign: A sign legally existing at the time of the effective date of this Chapter which does not conform to the provisions of this Chapter.
- | Z.AA. Off-Site Sign: A sign directing attention to a business, service, product, or entertainment that is not sold or offered on the site where the sign is located, including billboards and other outdoor advertising signs.
- | AA.BB. On-Site Sign: A sign directing attention to a business, service, product, or entertainment that is sold or offered on the site where the sign is located.
- | BB.CC. Parapet or Parapet Wall: That portion of a building wall that rises above the roof level or eave line.
- | CC.DD. Pennant: A sign of lightweight fabric, plastic, or similar material that is attached to a pole at one edge (see Sign Illustrations).
- | DD.EE. Permanent Sign: Any sign intended for use for a period greater than thirty (30) calendar days.
- | EE.FF. Personal Property Sale Sign: A temporary commercial sign advertising a sale of personal property.
- | FF.GG. Pole Sign: A type of ground sign mounted to or hanging from a pole or similar structure (see Sign Illustrations).
- | GG.HH. Portable Sign: A sign not permanently attached to the ground, building, or other permanent structure and designed to be transported, including but not limited to: signs designed to be transported by means of wheels; signs in the form of A-frames or T-frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked in or visible from the public right of way, unless said vehicle is used in the normal day-to-day operations of the business. Portable signs do not include mobile billboards.
- | HH.II. Projecting Sign: A sign extending from a building face or wall so that the sign face is perpendicular or at an angle to the building face or wall (see Sign Illustrations).
- | H.JJ. Real Estate Sign: A commercial sign advertising the sale, lease, or rent of property and the identification of the firm handling the sale, lease, or rent.
- | JJ.KK. Residential Open House Sign: A temporary commercial sign advertising an open house for a house for sale.
- | KK.LL. Roof Sign: A sign erected upon or above a roof or parapet of a building or structure. A sign mounted on a vertical extension of a wall that extends above a roof structure is considered a wall sign.
- | LL.MM. Sign: Any name, identification, description, symbol, display, illustration, or device, including any structure, machine (including vending machine), component parts and paint, viewable by the general public that directs attention to a product, place, activity, person, institution, or business.

- | MM-NN. Sign Area: The area within a perimeter which forms the outside shape, including any frame, and forms an integral part of the display, but excluding the necessary supports, poles, or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas visible from any position at one (1) time will be totaled.
- | NN-OO. Sign Face: The visible portions of a sign including all characters and symbols, but excluding structural elements not an integral part of the display.
- | OO-PP. Sign Illustrations: Examples of various signs in pictorial format incorporated into Section 15.08.020 of the Clayton Municipal Code.
- | PP-QO. String Pennant: A lightweight plastic, fabric, or other material, whether or not containing a message or symbols, suspended from a rope, wire, or string in series, usually designed to move in the wind.
- | QQ-RR. Subdivision Marketing Pole Pennant: A single piece of lightweight plastic, fabric, or other material, whether or not containing a message of any kind that is temporarily suspended from a pole and is designed to move in the wind to promote the sale of newly subdivided lots and/or newly constructed dwellings.
- | RR-SS. Subdivision Marketing Signs: Temporary commercial signs, including ground signs, wall-mounted signs, pole signs, pennants, and real estate signs, designed to promote the sale of newly subdivided lots and/or newly constructed dwellings (see Sign Illustrations).
- | SS-TT. Suspended Sign: A sign attached to and located below any permanent eave, roof, or canopy (see Sign Illustrations).
- | TT-UU. Temporary Commercial Sign: Any commercial sign intended for use for a period of less than thirty (30) days.
- | UU-VV. Temporary Noncommercial Sign: Any noncommercial temporary sign displaying an ideological, political or other noncommercial message, that is constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other similar lightweight materials, with or without frames which is designed or intended to be displayed for a limited period of time.
- | VV-WW. Wall Sign: A sign not exceeding six (6) inches in thickness that is painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of said wall (see Sign Illustrations).
- | WW-XX. Window Sign: A sign displayed on window glass (including the glass of doors) or within three (3) feet of a window, designed to be viewed from the exterior of the window (see Sign Illustrations).

15.08.030 Permit Procedures.

- A. City Review - General. City review and approval is required for all signs except those specified by this Chapter as exempt or prohibited. No City review or approval is required for a change of copy on an existing permitted sign that is in full compliance with the requirements and standards of this Chapter. In addition to meeting the requirements of this Chapter, all signs shall comply with all applicable California Building Code requirements. No sign shall be constructed, placed, erected, or modified unless such construction, placement, erection, or modification is authorized by the owner, or his or her representative, of the property upon which the sign is to be placed. Application for sign review and approval shall be accompanied by written authorization from the

property owner, or his or her authorized representative, for placement of the proposed sign or signs.

B. City Review and Approval. The City shall review and approve signs according to the following procedures:

1. Administrative Review and Approval. The following signs shall be reviewed and approved administratively by the Community Development Department if they conform to the general sign requirements and standards of Section 15.08.060 and the regulations for special signs of Section 15.08.070.
 - a. Directory signs provided the sign does not exceed ten (10) square feet in area, nor a height of six (6) feet.
 - b. Any sign proposed for a property consistent in terms of size, number, and location with a previously-approved master sign plan, unless otherwise specified in an applicable master sign plan.
 - c. All building and ground signs proposed for individual businesses that are located on a property that have a previous approval for similar signage, and the proposed sign(s) are consistent in terms of size, number, and location with the previous approval. (This provision does not apply to a Corner Lot or Through Lot where signage is being proposed along multiple property frontages)
2. Exception. Any sign proposal considered within the parameters of this subsection that in the judgment of the Community Development Director may not comply with the intent or purpose of this Chapter may be referred to the Planning Commission for consideration.
3. Planning Commission Review and Approval. The following signs shall be reviewed and approved by the Planning Commission in accordance with Chapter 17.64 of the Clayton Municipal Code.
 - a. Master sign plans.
 - b. Neighborhood/district entry signs.
 - c. Commercial center entry signs.
 - d. Subdivision marketing sign program.
 - e. Noncommercial locational signs.
 - f. Directory signs that exceed ten (10) square feet in area and six (6) feet in height.
 - g. All building and ground signs for individual businesses that are located on a property that have not had previous approval for signage, involve signage on multiple frontages, and/or involve an increase in the previously-approved signage area, increase in the number of signs, or substantially change the location of signage.
 - h. Any sign proposal that, in the judgment of the Community Development Director, may not comply with the intent or purpose of this Chapter.
4. Variance. A variance shall be required from the Planning Commission for any deviations from the general sign requirements and standards of Section 15.08.060 or the regulations for special signs of Section 15.08.070 of this Chapter according to the procedures set out in Chapter 17.52 of the Clayton Municipal Code.

15.08.040 Exempt Signs. The following signs shall not require review and approval by City:

- A. Address signs, provided the sign does not exceed two (2) square feet in area.
- B. Public information, identification, civic event, and directional signs erected by a public agency or public utility.
- C. Incidental signs.
- D. Legal notices posted by law.
- E. Building markers, provided the sign does not exceed four (4) square feet in area and is not illuminated.
- F. Signs displayed by private individuals, when required by law or regulations of any governmental agency.
- G. Temporary noncommercial signs on private real property, provided the aggregate signage displayed at one time does not exceed ~~thirty~~ (30) square feet in area per parcel.
- H. Wall signs indicating the historical significance of a site or building, provided the sign does not exceed four (4) square feet in area and is not illuminated.
- I. Signs displayed in the interior of a building, mall, court, stadium, or enclosed lobby more than three (3) feet from an exterior window or door and intended for interior viewing only.
- J. Multiple address signs, provided the individual signs do not exceed four (4) inches by twenty-four (24) inches.
- K. Residential open house signs for a home sale in accordance with the standards of Section 15.08.070 of this Chapter.
- L. Flags, provided they are not used in a commercial manner or to advertise a business or its location.
- M. Murals containing no commercial message, provided the mural has intrinsic artistic value or appeal regardless of the business in the building on whose wall the mural is painted. Murals shall take into consideration the overall architecture of the building and shall not be placed on decorative surfaces or finishes. The colors and materials used shall be reasonably harmonious with those in the area.
- N. Personal property sale signs, in accordance with the standards of Section 15.08.070 of this Chapter.
- O. Real estate signs in accordance with the provisions of Section 15.08.070 of this Chapter.
- P. Portable signs in accordance with the provisions of Section 15.08.070 of this Chapter.
- Q. Banners and pennants in accordance with the provisions of Section 15.08.070 of this Chapter.
- Q.R. Community event signs not exceeding twenty-four (24) square feet in area.-

15.08.050 Prohibited Signs. The following signs are prohibited anywhere in the City:

- A. Animated signs.
- B. Flags used in a commercial manner or to advertise a business or its location.
- C. Signs that by color, wording, design, location, or illumination resemble or conflict with any traffic-control device or with safe and efficient flow of traffic.
- D. Signs that obstruct the free and clear vision of or create confusion for motorists or pedestrians.
- E. Signs with lighting detrimental to surrounding property or prevents peaceful enjoyment of residential uses.
- F. Banners and pennants, except as provided in Section 15.08.070 of this Chapter.
- G. Roof signs.

- H. String pennants.
- I. Balloons and similar inflatable signs.
- J. Permanent signs mounted on fences or deck/balcony railings.
- K. Portable signs except as provided in Section 15.08.070 of this Chapter.
- L. Temporary signs are prohibited in the public right-of-way except for signs for City-sponsored community events in location(s) approved by the City.
- M. Signs located on private property without the property owner's approval.
- N. Off-site signs except for:
 - 1. Temporary noncommercial signs.
 - 2. Residential open house signs.
 - 3. Garage or yard sale signs.
 - 4. Signs attached to trees, shrubs, or other natural features.
- O. Mobile billboard operating on a street or other public place within the city in which the public has the right of travel.

15.08.060 General Sign Requirements and Standards.

- A. Signs in the R-10, R-12, R-15, R-20, R-40, R-40-H, M-R, M-R-M, M-R-H, PF, and A Districts - Sign Permits. A sign permit is required in the R-10, R-12, R-15, R-20, R-40, R-40-H, M-R, M-R-M, M-R-H, PF, and A Districts for all non-exempt signs as follows:
 - 1. Noncommercial locational signs in accordance with the standards of Section 15.08.070 of this Chapter.
 - 2. Neighborhood/district entry signs in accordance with the standards of Section 15.08.070 of this Chapter.
 - 3. Subdivision marketing sign program in accordance with the standards of Section 15.08.070 of this Chapter.
 - 4. No other non-exempt signs are allowed in these districts.
- B. Signs in the L-C District - Sign Permits. A sign permit is required in the L-C District for all non-exempt signs as follows:
 - 1. Noncommercial locational signs in accordance with the standards of Section 15.08.070 of this Chapter.
 - 2. Neighborhood/district entry signs in accordance with the standards of Section 15.08.070 of this Chapter.
 - 3. Master sign plan in accordance with the standards of Section 15.08.070 of this Chapter.
 - 4. Commercial center entry signs in accordance with the standards of Section 15.08.070 of this Chapter.
 - 5. Subdivision marketing sign program in accordance with Section 15.08.070 of this Chapter.
- C. Signs in the L-C District - Standards. Ground and building signs relating to on-site commercial activities are authorized in the L-C Districts in accordance with the following standards:
 - 1. The aggregate sign area of any combination of ground signs and building signs for a building or a business shall not exceed one (1) square foot per lineal foot of building frontage or store frontage. Exempt signs, directory signs, commercial center entry signs, pennants, and portable signs are not subject to this aggregate sign limit.

2. Monument signs (ground signs) shall not exceed eight (8) feet in height, and the size of such signs may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty-four (24) square feet.
 3. Pole signs (ground signs) shall not exceed eight (8) feet in height, and the size of such signs may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty-four (24) square feet.
 4. Kiosk signs (ground signs) shall not exceed twenty-four (24) square feet in area (all faces) and shall not exceed seven (7) feet in height.
 5. Projecting signs (building signs) shall not exceed twelve (12) square feet in area and shall maintain a vertical clearance of at least eight (8) feet.
 6. Suspended signs (building signs) oriented toward pedestrian areas or walkways shall not exceed six (6) square feet in area and shall maintain a vertical clearance of at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path.
 7. Suspended signs (building signs) oriented toward street traffic and/or parking lots shall maintain a vertical clearance of at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path, and may not be displayed over vehicular access. The size of such a suspended sign may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty (20) square feet.
 8. Window signs (building signs) shall not cover more than forty (40) percent of the glazed area of an individual window panel or more than twenty (20) percent of the aggregate glazed area on any one building frontage or store frontage.
 9. Wall Signs (building signs) - one (1) square foot per lineal foot of building or store frontage.
 10. Awning Signs (building signs) - one (1) square foot per lineal foot of building or store frontage.
- D. Signs in the PD District. Signs in the PD District shall conform to the standards or signs for uses defined in the applicable General Plan designation. For signs in areas designated residential, cultural center, institutional, school, or open space by the General Plan, the requirements and standards for signs in the R-10, R-12, R-15, R-20, R-40, R-40-H, M-R, M-R-M, M-R-H, PF, and A Districts shall apply. For signs in areas designated commercial by the General Plan, the requirements and standards for signs in the L-C District shall apply unless otherwise specified by a master sign plan.

15.08.070 Regulations for Special Signs.

- A. Neighborhood/District Entry Signs. Neighborhood/district entry signs are allowed in all districts subject to the following standards:
 1. The sign shall include only the name of the neighborhood or district.
 2. Lettering shall not exceed eighteen (18) inches in height.
 3. The top of the letters shall not exceed six (6) feet in height.
- B. Commercial Center Entry Signs. Commercial center entry signs are allowed in commercial districts subject to the following standards:
 1. One (1) sign may be located near each main vehicular entrance to the shopping center, business area, or office park fronting on a public roadway.

2. The sign may be a pole sign or monument sign.
3. The sign shall not exceed eight (8) feet in height.
4. Lettering shall not exceed twenty-two (22) inches in height.

C. Banners. Banners for new or relocated businesses are allowed temporarily in commercial districts subject to the following standards:

1. Banner in lieu of permanent sign:
 - a. The banner shall be secured on all sides.
 - b. The banner may only be displayed for up to thirty (30) days, with up to an additional thirty (30) day extension if approved administratively by the Community Development Department.
 - c. The banner must conform to the sign area dimensions and location of Section 15.08.060 C of this Chapter.
2. Promotional banner. A second banner in addition to that noted above may be allowed subject to the following standards:
 - a. The banner may be a wall, window, or suspended sign.
 - b. The banner may only be displayed for up to thirty (30) days.
 - c. The banner may be no larger than the banner as approved per Section 15.08.070 C1 and must conform to the sign area dimensions of Section 15.08.060 C of this Chapter.

D. Pennants. Pennants are allowed in commercial districts subject to the following standards.

1. Only one (1) pennant may be displayed by any one (1) business.
2. The pennant shall be secured to a pole on one (1) side and shall be hanging.
3. The pennant shall not exceed two (2) feet in width or four (4) feet in length.
4. The pennant shall be made in a professional manner and workmanship of fabric, plastic, or similar material designed to withstand at least six (6) months of outdoor exposure. Paper pennants shall not be allowed.
5. The bottom of a pennant shall be at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path. A pennant may not be displayed over a street, driveway, or vehicular access.

E. Portable Signs. Portable signs are allowed in commercial districts subject to the following standards:

1. Only one (1) portable sign may be displayed by any one (1) business.
2. The sign shall only be in the form of an A-frame, sandwich board, menu board, or umbrella.
3. The sign shall not exceed three (3) feet in height or two (2) feet in width per face, except for an umbrella.
4. The sign shall be displayed only during the hours the business is open to the public and shall be removed during non-business hours.
5. The sign shall be displayed immediately adjacent to the business it advertises.
6. The sign shall not be displayed in a public right-of-way nor shall it obstruct a pedestrian walkway.
7. The sign shall be constructed out of a stable and rigid material (i.e., PVC is not considered an acceptably rigid material).

F. Residential Open House and Personal Property Sale Signs. Residential open house and personal property sale signs are allowed for residential uses subject to the following standards:

1. A total of one (1) on-site sign and up to six (6) off-site signs.
 2. Only one (1) off-site sign may be displayed at any one intersection for each residential open house or personal property sale.
 3. The signs shall not exceed three (3) feet in height or two (2) feet in width.
 4. The signs shall only be displayed up to one (1) hour before, during, and up to one (1) hour following the residential open house or personal property sale.
 5. The signs shall not be displayed in a public right-of-way nor shall they obstruct a pedestrian walkway, except signs shall be allowed behind the sidewalk or behind the curb if there is no sidewalk.
 6. No signs shall be displayed on private property without the prior consent of the property owner.
 7. Balloons, flags, pennants, animated devices, and similar objects are prohibited. (see Section 17.16.020E of the Municipal Code for further regulations for Personal Property Sales).
- G. Noncommercial Locational Signs. Noncommercial locational signs are allowed in all districts subject to the following standards:
1. The signs may include building signs and ground signs.
 2. The aggregate sign area may not exceed twenty-four (24) square feet for a lot up to forty thousand (40,000) square feet in size. For lots larger than forty thousand (40,000) square feet, sign area may be increased subject to specific Planning Commission review and approval.
 3. No ground or pole sign shall exceed eight (8) feet in height.
- H. Real Estate Signs. Real estate signs are allowed in all districts subject to the following standards:
1. Only one (1) on-site real estate sign may be displayed on a front or side yard frontage. An additional real estate sign may be displayed on a rear yard frontage.
 2. Real estate signs in residential districts shall not exceed six (6) square feet in area. Real estate signs in commercial districts shall not exceed twelve (12) square feet in area.
 3. The sign may be in the form of a pole sign or a wall sign.
 4. The sign shall not exceed six (6) feet in height.
 5. The sign shall be removed within ten (10) days of the lot or building(s) being sold, leased, or rented.
 6. Real estate signs located off-site of the subject property (e.g., at nearby intersection, public landscape, public property, public right of way) are not allowed.
- I. Subdivision Marketing Sign Program. Subdivision marketing signs are allowed in residential districts subject to the approval of a subdivision marketing sign program in accordance with the following standards:
1. The program may include a combination of temporary ground signs, wall signs, subdivision marketing pole pennants, and real estate signs.
 2. All subdivision marketing signs shall be displayed within the boundaries of the subdivision.
 3. Subdivision marketing pole pennants shall not exceed twenty-five (25) feet in height or be located closer than every fifty (50) feet.

4. All subdivision marketing signs shall be removed within thirty (30) days of the opening of escrow for sale of the last home in the subdivision.
 5. The dimensions of any sign shall not exceed eight (8) feet in length, nor eight (8) feet in height, nor a total area of sixty (60) square feet.
- J. Master Sign Plan. At the discretion of the City or one or more property owners, a master sign plan may be established for a shopping center, business area, office park, or similar identifiable geographic area. Such master sign plan may impose sign requirements and standards addressing the number, height, area, color, or other sign characteristics in a manner more restrictive than that allowed by the general sign requirements and standards of Section 15.08.060 of this Chapter. Such a master sign plan may be established to promote an enhanced sense of identity, aesthetic value, or other feature. A master sign plan will not only identify and describe those sign characteristics that are more restrictive than those allowed by the general sign requirements and standards of Section 15.08.060 of this Chapter, but also the purpose or goal for which the master sign plan is established.

15.08.080 Computation of Sign Area and Height. The following principles shall govern the computation of sign area and height.

- A. Computation of Area of Individual Signs. The sign area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative wall when such wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
- B. Computation of Area of Multi-Faced Signs. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.
- C. Computation of Height. The height of a sign shall be computed as the distance from the grade at the edge of the public way along which a sign is placed or oriented to the highest point of the sign, or any structural or architectural component of the sign. When the grade at the edge of the public way is higher than the site on which the sign is placed, that portion of the sign below the grade at the edge of the public way shall not be included in determining the sign's overall height.
- D. Computation of Total Permitted Sign Area. The total area of all individual signs permitted on a lot shall be computed according to Section 15.08.060 C of this Chapter. Property fronting two (2) or more streets are allowed the permitted sign area specified in Section 15.08.060 C for each such street frontage.

15.08.090 Maintenance. All signs shall be maintained in good repair and shall be cleaned, painted, and replaced as necessary to present a neat appearance at all times.

15.08.100 Nonconforming Signs.

- A. Except for regular maintenance, no non-conforming sign shall be altered, modified, added to, or increased in area, unless the entire sign is brought into conformity with the requirements and standards of this Chapter.
- B. Any non-conforming sign that is damaged or destroyed to the extent of fifty (50) percent or more of its estimated market value shall not be replaced or repaired except by a sign that conforms to the requirements and standards of this Chapter.
- C. Any non-conforming sign relating to a business that has not operated for six (6) consecutive months shall be removed.

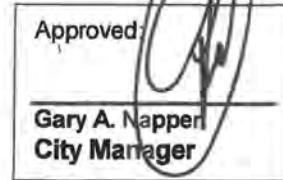
15.08.105 Substitution. In each instance and under the same conditions to which this Chapter permits any sign, a sign containing an ideological, political or other noncommercial message that is constructed to the same physical dimensions of the permitted sign shall be permitted.

15.08.110 Enforcement. Any person erecting, displaying, or maintaining a sign in violation of this Chapter is guilty of an infraction and shall be subject to enforcement and penalties set out in Chapters 1.12, 1.14, 1.16, and 1.20 of Title 1 of the Clayton Municipal Code.



Agenda Date: 7-18-2017

Agenda Item: 8a



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: MAINTENANCE SUPERVISOR
DATE: July 18 2017
SUBJECT: AWARD OF CONTRACT FOR THE HVAC REPLACEMENT PROJECT AT CLAYTON CITY HALL AND ALLOCATION OF FUNDS FOR THE CAPITAL REPLACEMENT PROJECT

RECOMMENDATIONS

It is recommended the City Council approve and authorize the following necessary actions to replace an aging and dysfunctional 20-year old HVAC system including the following major components: VAV Air Handling Unit, Split-System Condensing, System Controller, and Hot Water Boiler at Clayton City Hall:

1. Award a low-bid competitive contract to Servi-Tech Controls, Inc. in the amount of \$253,398.00 for replacement of the HVAC Replacement at the Clayton City Hall, per the Bid Specifications dated May 2017 which include the following components: VAV Air Handling Unit, Split-System Condensing, Hot Water Boiler and labor for installation; and
2. Approve the additional allocation of \$170,126.06 from either the City General Fund Reserve or the Clayton Financing Authority's unrestricted funds to the City Hall HVAC Systems Replacement Project.

BACKGROUND

In February 2012 the City commissioned an on-site technical study performed by Entek Engineering on the various HVAC systems at the City's two main public buildings: Clayton City Hall and the Clayton Community Library. The report was presented to the Clayton City Council in March 2013 with its findings on the condition of the facilities' HVAC systems. One of the most pressing concerns at the time was the HVAC chiller unit in the Clayton Community Library. It was noted in the Report this particular chiller was coming to the end of its useful operational life (20 years) and was originally undersized for the cooling load expected of it during the warmer summer months. The Clayton City Council subsequently awarded a contract for the replacement of the Clayton Community Library Chiller in February 2014 with the work completed by that summer.

In the same HVAC report dated 2013 the Clayton City Hall building's HVAC systems were also evaluated and the report noted the following:

The service life of the air handler is fifteen (15) years and the boiler is twenty five (25) years.

Now, the City Hall equipment has aged to twenty (20) years old with the air handler already past its expected operational life and the boiler is failing before its full expected operational life span of twenty five (25) years. In that Report it was also noted the HVAC system was of a fairly modern design and was actually meeting the cooling and heating demands of the building. However, over the past year the HVAC condensing units have started to fail from a total of five (5) units normally working to cool the 3-story building to now only two (2) units still in operation. This brought down the total cooling capacity of the building to 40% of its normal operation, which during hot days does not meet the cooling demands of the building or provide an adequate temperature-controlled environment for the employees. During this same time period the boiler also started to fail with a leak to its heating coil; the boiler has now completely failed this past April and it was shut down. With the boiler being shut down the result is there is no longer any heating capacity at this time for City Hall.

BID SPECIFICATIONS AND PROJECT BIDDING

With both the heating and cooling systems starting to fail, the City asked Marken Mechanical Service, Inc. (the City's current HVAC maintenance service company) for a quote to replace both the existing HVAC cooling system and the boiler with like-kind equipment. Its quoted pricing came in at \$85,375.00 for a 25-ton package A/C unit and a new boiler using the building's existing electrical and piping with no upgrades to the overall HVAC system or addressing applicable Building or Electrical Code upgrades that may be needed. Since this contemplated work is subject to the State of California Public Works Competitive Bidding statutes for being over the \$5,000 threshold in cost for a public works project, the City was obligated to submit this work to a competitive bid process.

Staff solicited a proposal from the Diseno Group to evaluate and prepare the necessary bid specs and drawings for the proposed replacement of the cooling and heating system at Clayton City Hall. Their work was started in March 2017 and the Diseno Group also evaluated any deficiencies in the existing HVAC systems for the building; this technical review included any equipment that would be coming to the end of its useful life. Another concern was to ensure any new system installed would be fit within the confined spaces of the existing historic building with the proper alignment of any new equipment for the purpose of vent hook-ups between the inside to the outside of the building. This requirement was important to the project so as to limit any structural changes to the buildings walls of historic City Hall or to the HVAC equipment pad. The City Hall walls are made of rock and reinforced concrete that are over two feet thick in this location and the existing pad has limited area to accommodate equipment and make the necessary hook-ups to the existing utilities.

As preparation of the bid sets was moving forward some issues became apparent to the Diseno Group engineer that some of the HVAC system did not meet current code requirements. Two of the largest Code upgrades needed were to properly and adequately vent the boiler to the outside, and the electrical disconnects for the boiler pumps that are

oddly located behind the boiler need to be relocated. Since these two components were not up to current codes, each needed to be addressed in the replacement project and added to the bid specifications and project cost. Further technical discoveries identified some other major equipment that needed to be replaced at the same time as the replacement of the HVAC systems; these included the controller that operates the HVAC system, an electrical phase converter for the new cooling equipment, a new damper for the hot water heater, and various valves and gauges.

The City's technical consultant (Diseno Group engineer) also evaluated making upgrades to the types of equipment used to cool and heat the building for better energy efficiency. After reviewing some of the options, the added initial costs of the new equipment or the ongoing higher maintenance costs did not support the expense upgrade to a higher efficiency system (note: this critique was also performed when the City commissioned an HVAC Evaluation Report in 2012, and the earlier investigation arrived at the same conclusion). These evaluated conclusions were present in either the type of cooling systems used (chilled water cooling coil vs refrigerant cool coil), or raising the efficiency rating of the hot water boiler (from 80% to 95% efficiency), which would require changing out all the zone hot-water re-heat coils to achieve the energy savings for use of a new high efficiency boiler (note: there are twenty (20) zones located throughout the building). The newly-designed HVAC system proposed for funding and specified to heat and cool City Hall does meet and conform to all current State of California energy efficient standards under Title 24 of the Building Code.

At the advertised bid opening, the City received seven (7) timely bids ranging from a low bid of \$253,398.00 to a high bid of \$372,000.00, with the lowest responsive and responsible bidder being Servi-Tech Controls, Inc., in the amount of \$253,398.00. Its bid came within our HVAC technical consulting engineer's estimated cost for this project of \$256,229.00.

Staff recommends the City Council accept Servi-Tech Controls, Inc. bid since:

- 1) It meets the City's bid specifications for installation of the equipment associated with the HVAC replacement at the Clayton City Hall;
- 2) It is within the estimated cost prepared by the City's technical engineering firm (Diseno Group) for this installation; and
- 3) If a City Council determination is to reject the bid and reopen bidding, the probable time line moves this critical project into the winter months before installation could be completed, which action results in a City facility worksite having no source of heating, adequate cooling, and with no guarantee the City would receive better pricing.

LOW BIDDER

Out of the seven (7) bids received, Servi-Tech Controls, Inc. is the lowest responsive and responsible bidder. City staff contacted several of Servi-Tech Controls, Inc.'s references and each had positive reports on the HVAC projects they were involved in with no complaints. The references listed by Servi-Tech Controls, Inc. were of similar projects with retrofit and replacement of HVAC components such as the project the City is currently undertaking.

Subsequent to the bid opening, the City did receive a protest from one of the unsuccessful bidders that successful bidder Servi-Tech Controls, Inc. did not list all of its sub-contractors, as per City bid specifications. The protest claimed that Servi-Tech Controls, Inc. should have included a sub-contractor for the crane work that was not listed on the City's sub-contractor form section 00440; the protester alleged this work constituted more than the 0.5% of the cost of the project and that any bidding contractor must list a sub-contractor that is above the 0.5% of total contract costs. After City staff contacted the apparent low bidder about this protest, Servi-Tech Controls informed the City the cost for its crane operations is below the 0.5% of the overall contract amount so it is not obligated to list that item on the City's sub-contractor form section 00440 of the bid forms that were submitted with its bid package to the City.

FISCAL IMPACT

The total capital cost of this facility maintenance/replacement project will be \$253,398.00.

In February 2017, the City Council allocated \$94,902 in FY 2015-16 General Fund excess monies to address this facility capital replacement need. To date, costs incurred in the project are:

Diseno Group – project & bid specifications:	\$ 7,950.00
City Engineer review/bid preparation:	\$ 1,880.06
Costs Expended to date:	\$ 9,830.06

Funds required for completion of this Capital Project:

Servi-Tech Controls, Inc. HVAC replacement Bid:	\$ 253,398.00
Diseno Group construction mgt. services:	\$ 1,800.00
Total Funds Needed:	\$ 255,198.00

Minus Project funds allocated and available to date:

FY 2015-16 General Fund excess monies:	(\$ 84,071.94)
Project Gap Funds required:	\$ 170,126.06

OPTIONS FOR PROJECT FUNDS

1. General Fund Reserves

This significant facility maintenance issue is beyond the City's normal operating budget for repairs and maintenance to the HVAC system using General Fund monies. In FY 2017-18, the entire budget allocated \$10,000 for minor HVAC repairs and maintenance. In addition, the City treasury does not receive sufficient annual revenues to create sinking funds for the replacement and significant repair of its public facilities. Consequently, the major source of

eligible funds for an expense of this size would be the City's General Fund Reserves, which balance as of June 30, 2017 is \$5,764,845.

2. Clayton Financing Authority Land Sale Proceeds

When the Clayton Financing Authority (CFA) sold the underlying real property to Endashiaan, Inc. for its lease-build of the Longs Drugs Store (aka CVS/Pharmacy), the CFA realized a net proceed of \$805,000. In previous years the CFA approved a partial use of these monies to aid the City's picnic and tot lot facilities at Clayton Community Park. The present balance of these unrestricted funds is \$714,729, and may be a source of project gap funding (note: if use of CFA funds for this project are preferred, the August 1, 2017 regular meeting will include a CFA agenda with a Consent Calendar item authorizing allocation of these CFA funds to this capital project).

City Council action is requested in its motion to designate which source of funds should be allocated for the remaining Project funding of \$170,126.06.

- Exhibits:
1. Servi-Tech Controls, Inc. bid
 2. Engineer's Estimate for HVAC replacement
 3. Diseno Group proposal for construction management services
 4. Photos - Air Handler Pad (2) Boiler Room (2)

SECTION 00400
BID FORM

EXHIBIT 1

BID FORM

NAME OF BIDDER: Servi-Tech Controls, Inc.

The undersigned, hereby declare that we have carefully examined the location of the proposed Work, and have read and examined the Contract Documents, including all plans, specifications, and all addenda, if any, for the following Project:

HVAC REPLACEMENT AT THE CLAYTON CIVIC CENTER

We hereby propose to furnish all labor, materials, equipment, tools, transportation, and services, and to discharge all duties and obligations necessary and required to perform and complete the Project in strict accordance with the Contract Documents for the following **TOTAL BID PRICE**:

\$ 253,398.00

BID PRICE (IN NUMBERS)

Two Hundred & Fifty Three Thousand, Three Hundred & Ninety Eight Dollars

BID PRICE (IN WRITTEN FORM)

In case of discrepancy between the written price and the numerical price, the written price shall prevail.

SECTION 00405
CONTRACTOR'S CERTIFICATE REGARDING WORKERS' COMPENSATION

CONTRACTOR'S CERTIFICATE REGARDING WORKERS' COMPENSATION

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this Contract.

Name of Bidder Servi-Tech Controls, Inc.

Signature 

Name Janelle Silva

Title Corporate Secretary

Dated 07/03/2017

END OF CONTRACTOR'S CERTIFICATE REGARDING WORKERS' COMPENSATION

SECTION 00410
BID BOND

BID BOND

The makers of this bond are SERVI-TECH CONTROLS, INC., as Principal, and NATIONWIDE MUTUAL INSURANCE COMPANY, as Surety and are held and firmly bound unto the City of Clayton, hereinafter called the City, in the penal sum of TEN PERCENT (10%) OF THE TOTAL BID PRICE of the Principal submitted to City for the work described below, for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH that whereas the Principal has submitted the accompanying bid dated JULY 6, 20 17, for CITY OF CLAYTON (INSERT PROJECT NAME). HVAC REPLACEMENT AT THE CLAYTON CIVIC CENTER PROJECT

If the Principal does not withdraw its bid within the time specified in the Contract Documents; and if bid is rejected or, in the alternate, the Principal is awarded the Contract, signs the Contract and provides all documents to the City as required by the Contract Documents; then this obligation shall be null and void. Otherwise, this bond will remain in full force and effect and upon default of the Principal shall be forfeited to the City, it being expressly understood and agreed that the liability of the Surety for any and all default of the Principal shall be the amount of this obligation as herein stated, as liquidated damages.

Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract Documents shall affect its obligation under this bond, and Surety does hereby waive notice of any such changes.

IN WITNESS WHEREOF, the above-bound parties have executed this instrument under their several seals this 5TH day of JULY, 20 17, the name and corporate seal of each corporation.

(Corporate Seal)



(Corporate Seal)

(Attach Attorney-in-Fact Certificate)

SERVI-TECH CONTROLS, INC.
Contractor/ Principal
By Glenn L. Johnson
Title GLENN L. JOHNSON, PRESIDENT
NATIONWIDE MUTUAL INSURANCE COMPANY
Surety
By Mark J. Stimmell
Attorney-in-Fact
MARK J. STIMMELL
Title ATTORNEY-IN-FACT

SECTION 00410
BID BOND

Notary Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF Fresno

On July 5, 2017, before me, Debra Ann White, Notary Public, personally appeared ^{Date} Mark J Stimmell ^{Name And Title Of Officer (e.g. "Jane Doe, Notary Public")}, who proved to me on the basis of satisfactory ^{Name(s) of Signer(s)}

evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

Debra Ann White
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

CAPACITY CLAIMED BY SIGNER

DESCRIPTION OF ATTACHED DOCUMENT

- Individual
- Corporate Officer

bond - ServiTech

Title or Type of Document

- Partner(s) Limited
- General

Number of Pages

- Attorney-In-Fact
- Trustee(s)
- Guardian/Conservator
- Other:

07-05-2017

Date of Document

Signer is representing:
Name Of Person(s) Or Entity(ies)

Nationwide Mutual Ins Co

Signer(s) Other Than Named Above

Power of Attorney

NOW ALL MEN BY THESE PRESENTS THAT:

Nationwide Mutual Insurance Company, an Ohio corporation
Farmland Mutual Insurance Company, an Iowa corporation
Nationwide Agribusiness Insurance Company, an Iowa corporation

AMCO Insurance Company, an Iowa corporation
Allied Property and Casualty Insurance Company, an Iowa corporation
Depositors Insurance Company, an Iowa corporation

hereinafter referred to severally as the "Company" and collectively as the "Companies," each does hereby make, constitute and appoint:

WALTER R. REINHARDT MARK J. STIMMELL

FRESNO CA

each in their individual capacity, its true and lawful attorney-in-fact, with full power and authority to sign, seal, and execute on its behalf any and all bonds and undertakings, and other obligatory instruments of similar nature, in penalties not exceeding the sum of

ONE MILLION AND NO/100 DOLLARS \$ 1,000,000.00

and to bind the Company thereby, as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Company; and all acts of said attorney pursuant to the authority given are hereby ratified and confirmed.

This power of attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the board of directors of the Company:

"RESOLVED, that the president, or any vice president be, and each hereby is, authorized and empowered to appoint attorneys-in-fact of the Company, and to authorize them to execute and deliver on behalf of the Company any and all bonds, forms, applications, memorandums, undertakings, recognizances, transfers, contracts of indemnity, policies, contracts guaranteeing the fidelity of persons holding positions of public or private trust, and other writings obligatory in nature that the business of the Company may require; and to modify or revoke, with or without cause, any such appointment or authority; provided, however, that the authority granted hereby shall in no way limit the authority of other duly authorized agents to sign and countersign any of said documents on behalf of the Company."

"RESOLVED FURTHER, that such attorneys-in-fact shall have full power and authority to execute and deliver any and all such documents and to bind the Company subject to the terms and limitations of the power of attorney issued to them, and to affix the seal of the Company thereto; provided, however, that said seal shall not be necessary for the validity of any such documents."

This power of attorney is signed and sealed under and by the following bylaws duly adopted by the board of directors of the Company.

Execution of Instruments. Any vice president, any assistant secretary or any assistant treasurer shall have the power and authority to sign or attest all approved documents, instruments, contracts, or other papers in connection with the operation of the business of the company in addition to the chairman of the board, the chief executive officer, president, treasurer or secretary; provided, however, the signature of any of them may be printed, engraved, or stamped on any approved document, contract, instrument, or other papers of the Company.

IN WITNESS WHEREOF, the Company has caused this instrument to be sealed and duly attested by the signature of its officer the



Terrance Williams, President and Chief Operating Officer of Nationwide Agribusiness Insurance Company and Farmland Mutual Insurance Company; and Vice President of Nationwide Mutual Insurance Company, AMCO Insurance Company, Allied Property and Casualty Insurance Company, and Depositors Insurance Company

ACKNOWLEDGMENT

STATE OF IOWA, COUNTY OF POLK: ss
On this 13th day of February, 2014, before me came the above-named officer for the Companies aforesaid, to me personally known to be the officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, deposes and says, that he is the officer of the Companies aforesaid, that the seals affixed hereto are the corporate seals of said Companies, and the said corporate seals and his signature were duly affixed and subscribed to said instrument by the authority and direction of said Companies.

Sandy Alitz
Notarial Seal - Iowa
Commission Number 152785
My Commission Expires March, 24, 2017

Sandy Alitz

Notary Public
My Commission Expires
March 24, 2017

CERTIFICATE

Robert W Homer III, Secretary of the Companies, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney issued by the Company; that the resolution included therein is a true and correct transcript from the minutes of the meetings of the boards of directors and the same has not been revoked or amended in any manner; that said Terrance Williams was on the date of the execution of the foregoing power of attorney the duly elected officer of the Companies, and the corporate seals and his signature as officer were duly affixed and subscribed to the said instrument by the authority of said board of directors; and the foregoing power of attorney is still in full force and effect.

WITNESS WHEREOF, I have hereunto subscribed my name as Secretary, and affixed the corporate seals of said Companies this 5TH day of JULY, 2017.

Robert W Homer III
Secretary

This power of Attorney Expires 02/11/19

**SECTION 00420
NON-COLLUSION DECLARATION**

NON-COLLUSION DECLARATION

TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID

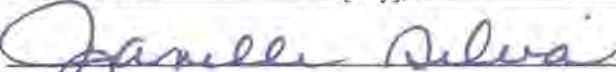
The undersigned declares:

I am the Corporate Secretary of Servi-Tech Controls, Inc., the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on 07/03/2017 [date], at Fresno [city], CA [state].



(Signature) Janelle Silva

(Print Name) Corporate Secretary

(Print Title) 07/03/2017

(Date)

END OF NON-COLLUSION DECLARATION

**SECTION 00430
CONTRACTOR INFORMATION AND EXPERIENCE FORM**

CONTRACTOR INFORMATION AND EXPERIENCE FORM

A. INFORMATION ABOUT BIDDER

Failure to completed all information may render your bid non-responsive. [**Indicate not applicable ("N/A") where appropriate.**]

NOTE: Where Bidder is a joint venture, pages shall be duplicated and information provided for all parties to the joint venture.

1.0 Name of Bidder: Servi-Tech Controls, Inc.

2.0 Type, if Entity: Corporation

3.0 Bidder Address: 2612 N. Business Park Ave Fresno, CA 93727

559-264-0841

Facsimile Number

559-264-6679

Telephone Number

4.0 How many years has Bidder's organization been in business as a Contractor?
39 Yrs

5.0 How many years has Bidder's organization been in business under its present name?
39 Yrs

5.1 Under what other or former names has Bidder's organization operated?:

6.0 If Bidder's organization is a corporation, answer the following:

6.1 Date of Incorporation: 1980

6.2 State of Incorporation: CA

6.3 President's Name: Glenn L. Johnson

6.4 Vice-President's Name(s): Glenn L. Johnson

6.5 Secretary's Name: Janelle Silva

6.6 Treasurer's Name: Glenn L. Johnson

**SECTION 00430
CONTRACTOR INFORMATION AND EXPERIENCE FORM**

~~7.0~~ If an individual or a partnership, answer the following:

7.1 Date of Organization: _____

7.2 Name and address of all partners (state whether general or limited partnership):

~~8.0~~ If other than a corporation or partnership, describe organization and name principals:

9.0 List other states in which Bidder's organization is legally qualified to do business.

N/A

10.0 What type of work does the Bidder normally perform with its own forces?

HVAC Mechanical, Controls, Service Work

11.0 Has Bidder ever failed to complete any work awarded to it? If so, note when, where, and why:

NO

12.0 Within the last five years, has any officer or partner of Bidder's organization ever been an officer or partner of another organization when it failed to complete a contract? If so, attach a separate sheet of explanation:

No

**SECTION 00430
CONTRACTOR INFORMATION AND EXPERIENCE FORM**

13.0 List Trade References:

Schneider Electric 815-637-5074

Graybar Electric 209-574-1488

Refrigeration Supply Dist. 949-380-7878

14.0 List Bank References (Bank and Branch Address):

Wells Fargo Bank 8405 N. Fresno St. Fresno, CA 559-437-3019 Brian Donovan

15.0 Name of Bonding Company and Name and Address of Agent:

National Insurance Mark Stimmel Reinhardt Insurance

499 W. Shaw Suite 130 Fresno, CA 93704

559-226-4700

**SECTION 00430
CONTRACTOR INFORMATION AND EXPERIENCE FORM**

B. LIST OF CURRENT PROJECTS (Backlog)

[**Duplicate Page if needed for listing additional current projects.**]

Project	Description of Bidder's Work	Completion Date	Cost of Bidder's Work	Contact Name/ Phone Number

*SEE ATTACHED
RESUME*

**SECTION 00430
CONTRACTOR INFORMATION AND EXPERIENCE FORM**

C. LIST OF COMPLETED PROJECTS - LAST THREE YEARS

[**Duplicate Page if needed for listing additional completed projects.**]

Please include only those projects which are similar enough to demonstrate Bidder's ability to perform the required Work.

Project Client	Description of Bidder's Work	Period of Performance	Cost of Bidder's Work	Contact Name/ Phone Number
SEE ATTACHED RESUME				

**SECTION 00430
CONTRACTOR INFORMATION AND EXPERIENCE FORM**

SECTION 00430
CONTRACTOR INFORMATION AND EXPERIENCE FORM

D. EXPERIENCE AND TECHNICAL QUALIFICATIONS QUESTIONNAIRE

Personnel:

The Bidder shall identify the key personnel to be assigned to this project in a management, construction supervision or engineering capacity.

1. List each person's job title, name and percent of time to be allocated to this project:

2. Summarize each person's specialized education:

3. List each person's years of construction experience relevant to the project:

4. Summarize such experience:

Bidder agrees that personnel named in this Bid will remain on this Project in their designated capacities until completion of all relevant Work, unless substituted by personnel of equivalent experience and qualifications approved in advance by the City.

SECTION 00430
CONTRACTOR INFORMATION AND EXPERIENCE FORM

Additional Bidder's Statements:

If the Bidder feels that there is additional information which has not been included in the questionnaire above, and which would contribute to the qualification review, it may add that information in a statement here or on an attached sheet, appropriately marked:

E. VERIFICATION AND EXECUTION

These Bid Forms shall be executed only by a duly authorized official of the Bidder:

I declare under penalty of perjury under the laws of the State of California that the foregoing information is true and correct:

Name of Bidder Servi-Tech Controls, Inc.

Signature 

Name Janelle Silva

Title Corporate Secretary

Dated 07/03/2017

END OF CONTRACTOR INFORMATION AND EXPERIENCE FORM

SECTION 00440
LIST OF SUBCONTRACTORS FORM

LIST OF SUBCONTRACTORS FORM

In compliance with the Subletting and Subcontracting Fair Practices Act of the Public Contract Code of the State of California, each bidder shall set forth below: (a) the name, contractor's license number, DIR registration number and the location of the place of business of and (b) the portion of the work which will be done by each subcontractor who will perform work or labor or render service to the Contractor in or about the construction of the work in an amount in excess of one-half of one percent (1/2%) of the Contractor's Total Bid Price. Notwithstanding the foregoing, if the work involves streets and highways, then the Contractor shall list each subcontractor who will perform work or labor or render service to Contractor in or about the work in an amount in excess of one-half of one percent (1/2%) of the Contractor's Total Bid Price or \$10,000, whichever is greater. The City may, within its sole discretion, grant additional time to provide the below requested information.

If no subcontractor is specified for a portion of the Work, or if more than one subcontractor is specified for the same portion of Work, to be performed under the Contract in excess of one-half of one percent (1/2%) of the Contractor's Total Bid Price or \$10,000, whichever is greater, or if the work involves streets or highways, then the Contractor shall be deemed to have agreed that it is fully qualified to perform that Work, and that it shall perform that portion itself.

Portion of Work	Subcontractor Name and CSLB License Number	Location of Business	DIR Registration Number
INSULATION	RESTEC CSLB#499893	HAYWARD	1000004922
BALANCE	PACIFIC TEST + BALANCE CSLB#951355	FAIRFIELD	1000003126
SHEET METAL	MODERN AIR CSLB#569680	MERCED	1000002692
Controls	Johnson Controls CSLB#22445	Hayward	1000000593

SECTION 00440
LIST OF SUBCONTRACTORS FORM

Portion of Work	Subcontractor Name <u>and</u> CSLB License Number	Location of Business	DIR Registration Number

Name of Bidder Servi-Tech Controls, Inc.

Signature 

Name and Title Janelle Silva Corporate Secretary

Dated 07/03/2017

END OF LIST OF SUBCONTRACTORS FORM

**SECTION 00441
PUBLIC WORKS CONTRACTOR REGISTRATION CERTIFICATION**

PUBLIC WORKS CONTRACTOR REGISTRATION CERTIFICATION

If this bid is due on or after March 1, 2015, then pursuant to Labor Code sections 1725.5 and 1771.1, all contractors and subcontractors that wish to bid on, be listed in a bid proposal, or enter into a contract to perform public work must be registered with the Department of Industrial Relations. See <http://www.dir.ca.gov/Public-Works/PublicWorks.html> for additional information.

No bid will be accepted nor any contract entered into without proof of the contractor's and subcontractors' current registration with the Department of Industrial Relations to perform public work.


Bidder hereby certifies that it is aware of the registration requirements set forth in Labor Code sections 1725.5 and 1771.1 and is currently registered as a contractor with the Department of Industrial Relations.

Name of Bidder: Servi-Tech Controls, Inc.

DIR Registration Number: 1000003753

Bidder further acknowledges:

1. Bidder shall maintain a current DIR registration for the duration of the project.
2. Bidder shall include the requirements of Labor Code sections 1725.5 and 1771.1 in its contract with subcontractors and ensure that all subcontractors are registered at the time of bid opening and maintain registration status for the duration of the project.
3. Failure to submit this form or comply with any of the above requirements may result in a finding that the bid is non-responsive.

Signature: 

Name and Title: Janelle Silva Corporate Secretary

Dated: 07/03/2017

END PUBLIC WORKS CONTRACTOR REGISTRATION CERTIFICATION

**SECTION 00442
IRAN CONTRACTING ACT CERTIFICATION**

IRAN CONTRACTING ACT CERTIFICATION

(Public Contract Code section 2200 *et seq.*)

As required by California Public Contract Code section 2204, the Contractor certifies subject to penalty for perjury that the option checked below relating to the Contractor's status in regard to the Iran Contracting Act of 2010 (Public Contract Code section 2200 *et seq.*) is true and correct:

- The Contractor is not:
- (i) identified on the current list of persons and entities engaging in investment activities in Iran prepared by the California Department of General Services in accordance with subdivision (b) of Public Contract Code section 2203; or
 - (ii) a financial institution that extends, for 45 days or more, credit in the amount of \$20,000,000 or more to any other person or entity identified on the current list of persons and entities engaging in investment activities in Iran prepared by the California Department of General Services in accordance with subdivision (b) of Public Contract Code section 2203, if that person or entity uses or will use the credit to provide goods or services in the energy sector in Iran.
- City has exempted the Contractor from the requirements of the Iran Contracting Act of 2010 after making a public finding that, absent the exemption, City will be unable to obtain the goods and/or services to be provided pursuant to the Contract.
- The amount of the Contract payable to the Contractor for the Work does not exceed \$1,000,000.

Signed Janelle Silva

Titled Janelle Silva Corporate Secretary

Firm Servi-Tech Controls, Inc.

Date 07/03/2017

Note: In accordance with Public Contract Code section 2205, false certification of this form shall be reported to the California Attorney General and may result in civil penalties equal to the greater of \$250,000 or twice the Contract Price, termination of the Contract and/or ineligibility to bid on contracts for three years.

END OF IRAN CONTRACTING ACT CERTIFICATION

**SECTION 00500
CONTRACT**

CONTRACT

THIS CONTRACT is made this _____ day of _____, 20____, in the County of Contra Costa, State of California, by and between the City of Clayton, hereinafter called City, and _____, hereinafter called Contractor. The City and the Contractor for the considerations stated herein agree as follows:

ARTICLE 1. SCOPE OF WORK. The Contractor shall perform all Work within the time stipulated the Contract and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5 below for the following Project:

HVAC REPLACEMENT PROJECT AT THE CLAYTON CIVIC CENTER

The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION. Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within 120 calendar days from the commencement date stated in the Notice to Proceed, herein after the Contract Time. By its signature hereunder, Contractor agrees the Contract Time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE. The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of _____ Dollars (\$ _____), hereinafter the Contract Price. Payment shall be made as set forth in the General Conditions.

ARTICLE 4. LIQUIDATED DAMAGES. The Contractor acknowledges that the City will sustain actual damages for each and every day completion of the Project is delayed beyond the Contract Time. Because of the nature of the Project, it would be impracticable or extremely difficult to determine the City's actual damages. Accordingly, as provided in Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum of **\$250.00** for each and every calendar day of delay in completing the Work beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event the Liquidated Damages are not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Article does not affect the City's rights to other damages or remedies specified in the Contract Documents or allowed by law.

Should Contractor be inexcusably delayed in the performance of the Work, City may deduct Liquidated Damages based on its estimate of when Contractor will achieve Final Completion or other milestones. City need not wait until Final Completion to withhold Liquidated Damages from Contractor.

SECTION 00500
CONTRACT

Liquidated Damages are not a penalty but an agreed upon estimate of the actual damages that would be sustained by the City for delay, including but not limited to loss of revenue, inconvenience to the City and the public, and increased Project administration expenses, such as extra inspection, construction management, staff time and architectural and engineering expenses. Liquidated Damages do not include actual damages the City incurs on account of claims by third parties against the City on account of any delay.

Should money due or to become due to the Contractor be insufficient to cover Liquidated Damages or other offsets due, then Contractor forthwith shall pay the remainder of the assessed liquidated damages to City.

ARTICLE 5. COMPONENT PARTS OF THE CONTRACT. The "Contract Documents" include the following documents, each of which is incorporated into this Contract by reference:

- Notice Inviting Bids
- Instructions to Bidders
- Bid Form
- Contractor's Certificate Regarding Workers' Compensation Bid Bond
- Designation of Subcontractors
- Information Required of Bidders
- Non-Collusion Declaration form
- Public Works Contractor Registration Certification
- Iran Contracting Act Certification
- Contract
- Performance Bond
- Payment Bond
- Environmental documents and approvals
- General Conditions
- Special Conditions
- Technical Specifications
- Addenda
- Plans and Drawings
- Approved and fully executed change orders
- Any other documents contained in or incorporated into the Contract.

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the Contract Documents and not by others shall be done as if required by all. This Contract shall supersede any prior agreement of the parties.

**SECTION 00500
CONTRACT**

ARTICLE 6. PROVISIONS REQUIRED BY LAW. Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including but not limited to, the provisions of the California Labor Code and Public Contract Code applicable to this Project.

ARTICLE 7. INDEMNIFICATION. Contractor shall provide indemnification as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES. Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at Cities Engineer or may be obtained online at <http://www.dir.ca.gov/dlsr>. and which must be posted at the job site.

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

[NAME OF CONTRACTOR]

CITY OF CLAYTON

By: _____

By: _____

Name and Title:

Name: _____

Its: _____

License No.

Attest. _____

City Clerk

END OF CONTRACT

SERVI-TECH CONTROLS, INC.

-CORPORATE RESUME-



**OUR
ENGINEERING
& SYSTEM
INSTALLATION**



**OUR
SERVICE**



**YOUR
SAVINGS**



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I. ORGANIZATIONAL INFORMATION

A. *Company History*

Servi-Tech Controls, Inc. was established in 1975 as a temperature control systems contractor. Initially based in Bakersfield, California, and during our inception served primarily Kern County, then in 1979 added an office in Fresno. At that time and for several years to come, both Robertshaw and Barber-Colman Controls were the two manufacturers most prevalent in STC installations. Servi-Tech Controls was officially incorporated in California in 1980, which is when the present ownership took over. At that time, Servi-Tech began its expansion throughout central California and the central coast. In 1989, STC expanded its services to lighting retrofits, performance contracts, and also hired its first service mechanic to establish a mechanical service department. With the start of the service department, we could now service and maintain the equipment we were already controlling with our systems. 1990 was the true highlight year of STC breaking into the lighting retrofit market. Since at that time our company's main customer base was educational institutions and hospitals, it made for a natural transition. These lighting projects ranged from small lamp and ballast change outs, to completely engineered new fixture installations. The installations ranged from \$20,000 to over \$600k.

The next few years brought more expansion to the company. The number of employees grew from under fifteen to over seventy-five, and annual sales volume grew from the average of six million to just over ten million by 1995. It was also at this time some other significant changes began to happen. When the Siebe Corporation purchased Robertshaw and Barber-Colman, STC became the sole representative for both manufacturers, and influenced the company's territory expansion to encompass Stockton to Bakersfield and the central coast on down to Ventura. In later years Siebe became Invensys, which is now owned by and re-branded to the present-day Schneider Electric. It was also at this time that STC developed its mechanical service customer base and grew our team of qualified mechanics.

The following are a few points that illustrate the experience and expertise that make Servi-Tech Controls, Inc. the leader in energy efficiency, lighting retrofits, building automation, mechanical maintenance, and facility management services:

- Servi-Tech Energy Efficiency Services was chosen by Onsite Energy for their major energy efficiency up-grade projects at California State University, Fresno. This \$3,000,000 project was a major lighting retrofit where we installed over 40,000 lamps, associated ballasts and new lighting fixtures.
- Largest provider of Performance Contracts in the Central Valley in the nineties, with over thirty-five school districts under contract for a minimum of ten years.

- Named Employer of the Year in 1995 by the Fresno Private Industry Council for setting standards for safety, training and hiring practices.
- Chosen by Schneider Electric as the sole-source provider of I/A Series and SmartStruxure energy management systems in the Central California and Coastal area.
- Flat-specified building automation provider for Saint Agnes Medical Center, Bakersfield City Schools, State Center Community College District, Merced City School District, Bakersfield Heart Hospital, County of Tulare, City of San Luis Obispo, Kern County, and many Clovis Unified School District sites.
- Servi-Tech Controls received the Daikin-Goodman award for the highest volume purchase of package units of any contractor in 2012.
- STC re-built the chillers that condition the Save Mart Center in 2015.
- STC was chosen by the County of Kern for their piping and controls retrofits to the (4) major County buildings in Bakersfield in 2016.
- Lance-Kashian chose STC to perform a survey of all their mechanical equipment at various sites in 2016, in order to develop an action plan for end-of-life of their tenants' mechanical equipment, and replacement costs/budgets.
- Companies like Harris Ranch Beef, Fresno County Federal Credit Union (FCFCU), Harris Almonds, Edwards Cinema, Lemoore Naval Air Station, Saint Agnes Medical Center, Northside Christian Church, University of California San Francisco (Fresno Branch), Cal Fire, California Highway Patrol, Atascadero State Hospital, Clovis Hills Church, Stone Brothers, Bakersfield Heart Hospital, and many more have chosen STC as their service provider.

In 2013, STC brought on an experienced estimator and project manager, in order to further expand the operation of the business, namely to develop our new construction mechanical abilities. As a registered P.E. with 8 years of design experience, he has allowed the company to submit its own mechanical drawings for city plan check, and furthermore begin our endeavors in the design/build market as a mechanical contractor and design team. In this manner, we can now design the mechanical and controls system, perform the installation of both, execute the mechanical startup, functional testing, commissioning, and provide a maintenance contract after project completion, to make our clients a lifelong customer. We are honored to proclaim that we just finished construction of our eighth design/build project, have also performed a number of successful plan/spec mechanical installations, and to date have completed over six million dollars in mechanical new construction and retrofit projects.

The corporate office was located at 2480 S. Cherry near Jensen and 99 for nearly 30 years, but we are proud to announce that in February of 2016 we acquired and relocated to a newer, nicer, and bigger facility at 2612 N. Business Park. This new facility is not only an upgrade, but has the room to allow for the business growth we are experiencing now, and for future years to come.

B. Services

1. Mechanical & Controls System Engineering

HVAC system design is a science requiring experience and training in the field of heating, ventilating, and air-conditioning. On a single project, this can encapsulate hydronics, refrigeration, air-moving systems, as well as electrical and programming efforts. It also incorporates an appreciation for architectural design while allowing for occupant comfort and system control which is inherently important in addressing HVAC system design topics and scenarios.

It is our job and responsibility to provide designs that mesh with what the architect is trying to deliver in the building design. Functionality and visual appeal is of the utmost importance, while also maintaining energy efficiency, indoor air quality, and occupant comfort to its highest degree. We are most successful when our systems blend into the overall design, which is accomplished with pre-construction design and attention to detail, coordination with other trades, and an overall collaborative effort amongst the design team.

We have a full staff of both mechanical and controls engineers, with years of experience to take on projects of varying size, complexity and system type. We have Professional Engineers on staff, that are both registered in the State of California and LEED accredited, which empowers us with the "one-stop shop" ability to design your HVAC system. From conceptual design to weighing system alternatives appropriate for the project at hand, you can be assured the design of your HVAC system is in good hands. From submitting for city plan-check approval and addressing energy/building code-related items, to addressing plan check comments before pulling a permit, all steps of the design process are meticulously analyzed long before construction begins. The "design/build" delivery is the best method for any project because there is no middle-man when it comes to design changes and their implementation, while allowing construction costs to be controlled to adhere to the project goals and owner's expectations.

2. Building & Energy Management Systems

Servi-Tech Controls, Inc. was incorporated in 1980 and has spent the last 35+ years installing energy management systems throughout the San Joaquin Valley and Central Coast of California. Our estimators, project managers, engineers, technicians, and field staff have worked with contractors from across the state and have brought forth their experiences and expertise to see projects through from conception and estimating, to implementation, installation, functional testing, balance, and commissioning for a complete and properly functioning HVAC system at project closeout, before the building is turned over to the owner and operators.

Our systems provide for maximum productivity and efficiency for the entire life of the facility. We are dedicated to helping you implement a new design or put forth best practices in retrofitting an existing facility in order to provide an efficiently controlled environment while reducing your energy costs. By staying on the cutting edge of technology, we continue to be on the forefront of our industry.

The following are some of the advantages of using STC as your controls and energy management system provider:

- Years of knowledge and experience
- Trusted name in the industry
- Coordination with all trades, prior to construction
- Quality installation
- Industry-leading programming & in-house panel building
- U.L. listed panel shop
- Systems knowledge
- Attention to detail and thoroughness
- Improved comfort levels
- Substantial energy cost savings (especially in retrofit applications)
- Maximum efficiency
- Remote Access to your system
- Proactive project management
- Locally owned and managed



3. Proactive Preventative Maintenance

Throughout the years, we have expanded our services in the HVAC industry beyond just controls and energy management systems. In 1989, STC hired its first mechanic and quickly formed a mechanical service department. The idea was to support our client base and specifically end-users in a better manner by being able to service the mechanical equipment our energy management systems control.

STC can handle your HVAC service and repair needs for heating, filtration, air-conditioning, refrigeration, hydronics, and building automation. We can troubleshoot most any system, diagnose the problem, and recommend the best course of action. From there, we work efficiently with our engineering staff to get your system back up and running, providing the peace of mind you deserve through our proven services:

STC can customize a planned maintenance program to fit your facility's needs. From routine filter changes to a comprehensive planned maintenance program, our experienced mechanics will keep your equipment and systems operating at peak efficiency. If there are improvements to be made and potential energy savings to be gained – our engineering staff, estimators and project managers will lay out the options at hand in order to best fit your budget and window of time for the required work. We will survey your equipment, free of charge, and formulate a detailed preventative maintenance proposal, curtailed to your needs and desires. It is through this methodology that we keep your equipment and system at its peak operating condition, regardless of the system type or manufacturer of equipment.

Our Guaranteed Maintenance Program takes planning to a new level of flexibility. It can include individual buildings or an entire campus of buildings and systems, as necessary. The program is backed by our expert factory-trained mechanics, with a 24/7 365 service department. The maintenance program ensures the reliability, efficiency, and performance you need for successful facility management with a controlled cost to you, as the customer.

4. Mechanical Construction

As our service department developed over the years, equipment replacement and retrofit projects become a necessity as some of our customer's equipment began to reach its end-of-life. After taking on equipment replacement projects for a number of years, it sparked the need for an ability to also perform mechanical system design and engineering, and we now perform new system installations as well. Our commitment to efficiency, is consistent in both our controls and mechanical teams, and is by design. By evaluating mechanical system design alternatives in collaboration with our customers and partners, we can weigh investment costs, operating costs, and make educated decisions that add value – without stalling schedules or inflating budgets.

Successful construction is a coordinated effort. This is why STC offers integrated strategies to streamline construction workflow from cross-trade and spatial coordination to fabrication to providing key input of construction schedules to the tenant's first day of occupancy in their new building. We incorporate key constructability principles to ensure your facility is sustainable and affordable from its first day and through the entire life of the building. Plus, we're your single point of contact for every step of the construction process for seamless control that expedites construction, minimizes errors, and reduces total cost of ownership.

Whether it's a new construction or retrofit project, our team can take a conceptual idea on paper from estimating to engineering, installation and equipment start-up, to controls integration and commissioning. With our staff today, we have the ability to also analyze existing mechanical systems and resolve problems from an engineering standpoint, while providing our customers with effective solutions to meet their budget constraints.

Whether it's a simple repair or a complex design and installation, you can be sure the job is done thoroughly and professionally with our team. Our knowledge of various system types is extensive and as a company we proficiently design, install, control, and service the following types of equipment and systems:



- Evaporative coolers
- Single-zone natural gas-fired (or propane) heating / electric DX cooling package units
- Multi-zone air-handling units (AHU's)
- VAV rooftop DX AHU's
- AHU's with chilled and hot water coils
- "Built-up" systems
- Heat pumps (refrigeration based)
- Water source heat pumps
- Walk-in coolers, meat and beverage display cases (self-contained or with remote condensers)
- Variable Refrigerant Flow (VRF) systems
- Variable Air Volume (VAV) boxes
- Split systems
- Hydronic systems – including control valves, pumps, expansion tanks, air separators, suction diffusers, strainers, cooling coils, heating coils, etc.
- Heat exchangers – steam, hot water, air-to-air, & waterside economizer applications
- Boilers
- Cooling towers
- Chillers (both air and water-cooled)

II.

**CERTIFICATIONS
& LICENSES**

California State Contractor License Number

397383

Certified Small Business

0032233

U.S. General Services Administration (GSA) Schedule Number

GS-21F-0125X

Department of Industrial Relations (DIR) Number

1000003753

Contractor's Licenses held by STC:

C-7: Low Voltage Systems

C-10: Electrical

C-20: Warm-Air Heating, Ventilating, & Air-Conditioning

STC is PARTNERS with the following groups or organizations:

Schneider Electric

American Society of Heating, Refrigerating & Air-Conditioning Engineers (ASHRAE)

Inside IQ

Belimo

Veris

United States Green Building Council (USGBC)

Leadership in Energy & Environment Design (LEED)

National Society of Professional Engineers (NSPE)

Mechanical Contractors Association of America (MCAA)

Dell Partner Program

Microsoft Partner Program



III.

MANAGEMENT TEAM

Management Team

Both at the office and in the field, the team at Servi-Tech Controls represents some of the best and brightest HVAC industry talent. Our skill sets are both specialized and diversified, which means we can create innovative solutions for our customers. Our network of field employees allows us to customize and deploy a team of virtually any size and our company-wide commitment to customer care means each project will be handled with the highest level of professionalism.

Meet our managers:

Corporate Officers

Glenn Johnson

President/CEO

Janelle Silva

Secretary

Operations Managers

Clint Petty – Controls

Nicholas Johnson – Mechanical

Project Managers

Arie Verkaik

Austin Lopez



Contractor's License #397383

Mechanical Design, Installation & Service; Energy Management Systems and Controls

2612 N. Business Park
Fresno, CA 93727

Telephone (559) 264-6679
Fax (559) 264-0841
info@servi-techcontrols.com

Glenn Johnson - President/CEO

Glenn has over 40 years of experience in the HVAC industry. He is a graduate of California Polytechnic San Luis Obispo with a Bachelor of Science Degree in Mechanical Engineering. Glenn has the experience of working with all types of mechanical HVAC systems, DDC Control Systems, Commissioning and Energy Efficiency efforts. He is a member of the Mechanical Contractors Association (MCA) and ASHRAE.

Clint Petty - Controls Operations Manager

Clint has over 10 years of experience in the HVAC industry. He is a graduate of Fresno State with a Bachelor of Science Degree in Mechanical Engineering. He brings with him extensive experience in the controls industry as a Project Manager and Controls Engineer, having worked for not only other contractors, but also for controls distributors. He is TRIDIUM AX and N4 certified with training in Honeywell SPYDER, Schneider Electric, Johnson FX, Johnson PCG, and heads our Controls Department. Clint is also a member and past president of ASHRAE.

Nicholas Johnson - Mechanical Operations Manager

Nick has over 8 years of experience in the HVAC industry. He graduated from California Polytechnic San Luis Obispo in 2009 with his Bachelor of Science Degree in Mechanical Engineering. At Cal Poly, he took third place in the national ASHRAE design competition. He has a broad experience in mechanical design, estimating, and project management. His 6 years of experience in the bay area allowed him the opportunity to be involved in many design/build projects from both a design engineering, estimating and project management standpoint for companies like Apple, Google, Facebook, as well as many biotech/pharmaceutical firms, and he now heads up our Mechanical Department here at STC. Nick is a Registered Professional Engineer (Mechanical License # 36992) and is a LEED Accredited Professional. He has his OSHA 10 Hour Certification, is an ASHRAE member and served on the San Jose ASHRAE board while working in the bay area, is a member of S.M.A.C.N.A. where he completed the Project Management Certificate Program, and has also completed the HVAC post-graduate program at UC Berkley.

Corporate Office
2612 N. Business Park
Fresno, CA 93727
(559)264-6679
(559)264-0841 Fax
info@servi-techcontrols.com

6903 Meany Avenue
Bakersfield, CA 93308
(661)588-8050
(661)588-0960 Fax
info@servi-techcontrols.com

2112 Eastman Avenue, Suite 105
Ventura, CA 93003
(805)650-4882
(805)650-9436 Fax
info@servi-techcontrols.com



Arie Verkaik - Controls Project Manager

Arie has over 5 years of experience in the HVAC industry. He graduated from California State University Fresno in 2010 with a mechanical engineering degree, and has excelled working in the HVAC Controls Industry. Arie has his TRIDIUM AX and N4 certifications and is a member of the American Society of Mechanical Engineers (ASME).

Blake Simon - Lead Controls Technician

Blake has over 30 years in the HVAC Controls industry. As a seasoned technician he has worked on various systems including Robertshaw, Barber Colman, TRIDIUM R2, AX, N4 and Schneider Electric SMARTSRUXTURE. Blake graduated from California State University Fresno. He is certified in R2, AX, and SMARTSTUXURE.

Austin Lopez - Mechanical Project Manager & Estimator

Austin has over 14 years in the HVAC industry, with his background emphasis in plumbing and HVAC piping. His true on-the-job experience is something most managers do not possess, as he spent the first 8 years of his career working as a plumber and pipe-fitter in the field. He was in the apprenticeship program as a pipe-fitter and completed at the Fresno area local UA-246 in 2011. This was followed by a shift in position at his previous employer, geared towards estimating and project management. The last 6 years have included estimating and management of plumbing, HVAC piping, and both ductwork/architectural sheet metal fabrication and installation. He has experience estimating and managing projects of all types, sizes and varying complexity, with utmost proficiency in plan and spec work including hospitals, schools, military and processing facility expansions, renovations, and new construction. Furthermore, he has had some exposure to commercial design/build estimating and project management applications as well. He is the newest member of the STC family, but is no stranger to the HVAC industry!

IV.

**PROJECT PROFILE &
REFERENCES**

**Project: Fresno Armory - Hammer Field Vehicle
Exhaust**

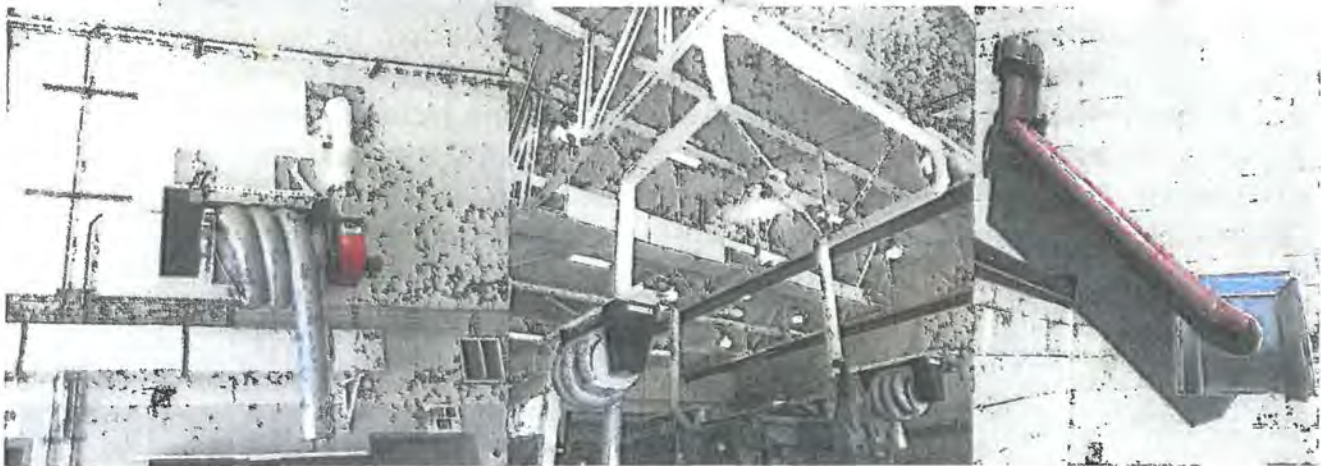
Description: Plan/spec installation of new vehicle exhaust systems for military facility in Fresno including specialty exhaust fans and accompanying ductwork system, powder-coating all new ductwork to match with ascetics of the existing building (interior & exterior), Class 1 Electrical work, air-balance, and start-up.

Approximate contract amount: \$220,000.00

Contracted with: California Military Department

Reference:

- Company: California Military Department
- Name: Garth S. Page
- Position: Project Manager - Facilities & Engineering
- Email: garth.s.page.nfg@mail.mil
- Phone number: (916) 952-9525



Project: Caltrans Fresno – Chiller Replacement & Controls Upgrade

Description: Design/build project for Caltrans office building in Fresno. A project designed and installed by STC, including load calculations for right-sizing the new equipment, engineered drawings, demolition of the existing chilled water plant, including piping, pumps and chiller. Installation of new high-efficiency air-cooled chiller, new distribution pumps, electrical, controls, insulation, start-up, and hydronic balance.



Approximate contract amount:
\$325,000.00

Contracted with:
California Department of
Transportation (CALTRANS)

Reference:

- **Company:** CALTRANS
- **Name:** David Ross
- **Position:** Project Manager
- **Email:** david.ross@dot.ca.gov
- **Phone number:** (916) 653-2760



Project: Patterson Logistics – HVAC Energy Efficiency Upgrade

Description: Design/Assist project for energy efficiency improvements of mixed-use office/warehouse for a large dental and veterinarian distribution center in Dinuba. The project included replacement of rooftop package units with high-efficiency units and VFD's, installation of new DDC system for to control and monitoring, which was tied into the existing Energy Management System. The project also included new smoke detectors and tie-in to fire alarm system, adding VFD's to the exhaust and transfer fans serving the electrical and compressor rooms, Class 1 Electrical work, startup, and air-balance.

Contracted with: NRG; Patterson Logistics

Contract amount: \$275,500.00

Reference:

- **Company:** NRG; Patterson Logistics
- **Name:** Ricky Austin; Paul Schutz & Guillermo Salazar
- **Email:** ricky.austin@nrg.com; paul.schutz@pattersoncompanies.com & Guillermo.salazar@pattersoncompanies.com
- **Phone number:** (480)521-9996; (559)595-1450





**Project: Fresno County Federal Credit Union –
Corporate Office T.I.**

Description: Design/build project for tenant improvements to Fresno County Federal Credit Union's corporate office in Fresno. HVAC load calculations were performed to determine the new zoning layout of the package units and ductwork distribution. Installation of new plenums for existing package units, new ductwork distribution system, grilles, registers, diffusers, touchscreen thermostats with remote monitoring capability and associated programming, start-up, and air-balance.

Contracted with: Johnston Contracting (General Contractor)

Contract amount: \$95,000

Reference:

- **Company:** Johnston Contracting, Inc.
- **Name:** Jeff Johnston - owner
- **Phone Number:** (559)432-9070

Project: Taft High School – Steam-to-Hot Water Retrofit

Description: Design/Build project to retrofit the existing heat exchanger serving the campus heating hot water loop. Through HVAC load calculations we were able to “right-size” the heat exchanger and decrease from the original 1960’s selection by 40%. We installed the new heat exchanger, replaced the expansion tank, re-built the hydronic pump, replaced the motor, installed a new 4” main steam valve, integrated the controls with the exiting building automation system, insulated the piping, and performed the hydronic balance.

Contracted with: Taft High School

Contract amount: \$168,000.00

Reference:

- Company: Taft High School
- Name: Rocky O’Neill - Maintenance & Operations Manager
- Email: roneill@taft.k12.ca.us
- Phone number: (661)763-2300



Project: Fresno Unified School District - Easterby Elementary Boiler & HHW System Upgrades

Description: Plan/Spec project for replacement of the existing non-condensing boiler with a new high-efficiency condensing boiler and all associated piping. Additional work included a new HHW pump, VFD, expansion tank, new Johnson FX controls for the boiler plant, new floor drain in the mechanical room, Class 1 Electrical work, insulation, start-up, and balance.

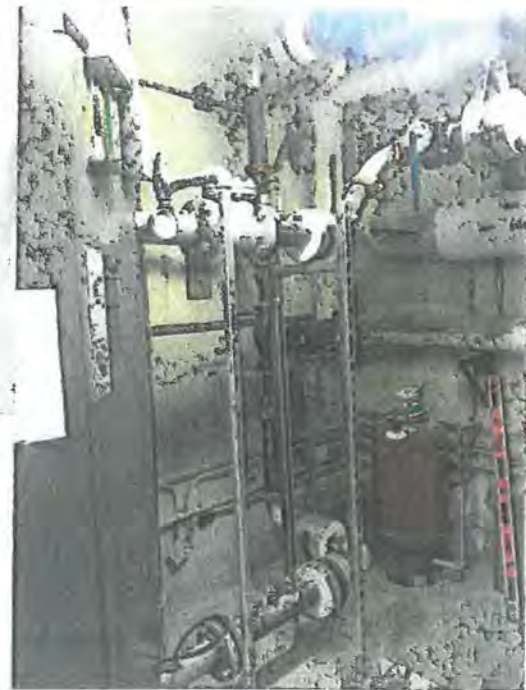
Contracted with:

Fresno Unified School District

Contract amount: \$191,895.00

Reference:

- **Company:** Mechanical Design Concepts (Engineer of Record)
- **Name:** Gary Hughes
- **Email:** garyh@mdcengr.com
- **Phone number:** (559)437-0376



Project: Lemoore Naval Air Station - Load Calculations for Central Plant

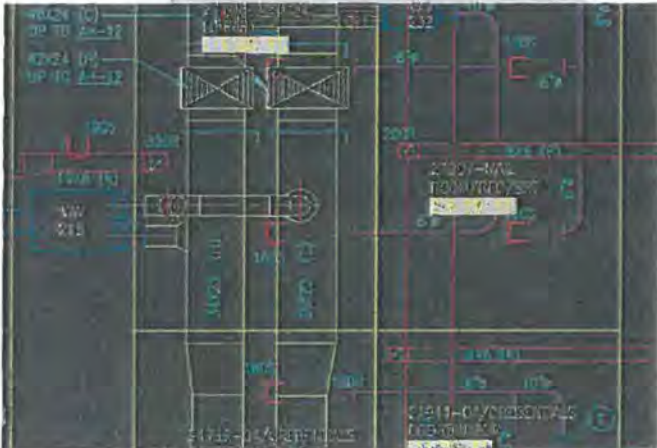
Description: Engineering project only, to perform HVAC load calculations for the entire hospital, to determine total heating and cooling loads for sizing of new central plant equipment: Chillers, boilers, and pumping/hydronic distribution to the hospital chilled water and heating hot water coils in the existing Air Handling Units (AHU's).

Contracted with: Emcor Government Services, Inc.

Contract amount: \$24,000.00

Reference:

- Company: J&J Worldwide Services (formerly Rigo was with Emcor Government Service)
- Name: Rigoberto (Rigo) Marquez
- Email: rigo.marquez@jjwws.com
- Phone number: (559)998-0355



**Project: City of Fresno – Municipal Service Center,
Chaffee Zoo, & Veteran's Memorial Hall**

Description: Replacement of the city's major HVAC equipment at (3) different sites, including the evaporative coolers, package units, and duct heaters. Demolition and safe-off of all electrical, plumbing, and mechanical components, replacement of equipment and new ductwork transitions and final connections.

Contracted with: City of Fresno

Contract amount: \$80,000+

Reference:

- Company: City of Fresno
- Name: Levi Winebrenner & Allen Suvanto
- Email: Levi.Winebrenner@fresno.gov & allen.suvanto@fresno.gov
- Phone Number: (559)246-7382 & (559)621-1221



Project: Ventura Armory

Description: Design/build project for improvements to the Armory's heating system. Scope of work included demolition and safe-off, new ductwork transition, new natural gas piping, condensate, and disconnect switches. Replacement of (8) natural gas fired air handling units and duct-mounted unit heaters.

Contracted with: Avila Construction

Contract amount: \$172,530.00

Reference:

- **Company:** Avila Construction
- **Name:** Mike Avila - Owner
- **Email:** mike@avilaconstruction.net
- **Phone number:** (805)462-1801



Project: Bakersfield Heart Hospital – Cardiac Rehab

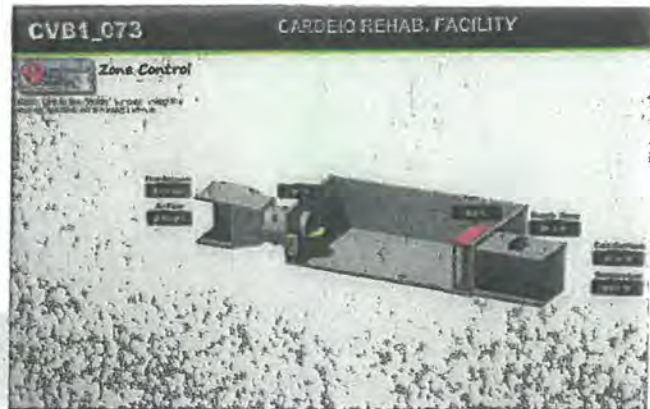
Description: New 1st floor plan/spec tenant build-out for Cardiac Rehabilitation Clinic at Bakersfield Heart Hospital. Demolition, new VAV boxes, associated ductwork, reheat piping, tie-in to existing building automation system, insulation, start-up, air and water balance.

Contracted with: Bakersfield Heart Hospital

Contract amount: \$186,200.00

Reference:

- Company: Bakersfield Heart Hospital
- Name: Zeke Esquivel
- Email: ezequiel.esquivel@bakersfieldhearthospital.com
- Phone number: (661)316-6000



Project: UCSF (Fresno Site) – Split System Retrofit

Description: New split systems for UCSF server rooms. Required new electrical feeds to the condensing unit on the roof, (3) floors of refrigerant piping, all associated controls and tie-in to the existing energy management system, insulation, and start-up.

Contracted with: University of California San Francisco (UCSF)

Reference:

- Company: UCSF
- Name: Adom Smith
- Email: ASmith@fresno.ucsf.edu
- Phone number: (559)499-6686

V.

**Projects in
Construction**

Mechanical Projects Currently in Design or Construction:

1. CALTRANS Stockton

- a. Description: Design/Build project with new chillers, CHW pumps, piping, and controls upgrade from pneumatic to DDC
- b. Contract Amount: \$348,692.00
- c. Contracted with: California Department of Transportation

2. Park Place

- a. Description: Design/Build project with new cooling tower, boiler, distribution pumps, associated piping, and controls retrofit
- b. Contract Amount: \$187,895.00
- c. Contracted with: GEAHI, in conjunction with the Kern County Housing Authority

3. NASL - Hospital Boiler Retrofit

- a. Description: Design/Build project for retrofitting the outdated steam boiler to new high-efficiency condensing boilers, and associated piping
- b. Contract Amount: \$195,989.00
- c. Contracted with: J&J Worldwide Services

4. Sherwood Executive Center

- a. Description: Design/Assist project for new CHW plant, boiler plant, primary pumps, secondary distribution pumps, and controls upgrade from pneumatic to DDC
- b. Contract Amount: \$735,570.00
- c. Contracted with: Stone Brothers, Inc. (Developer)

5. FUSD - Terronez Middle School

- a. Description: Plan/Spec project for replacement of the existing rooftop makeup air units, exhaust fans, Class 1 Electrical work, fire alarm integration, and controls integration
- b. Contract Amount: \$329,124.00
- c. Contracted with: Fresno Unified School District

CONSTRUCTION PROGRAM - ESTIMATE WORKSHEET					DATE							
					6/5/2017							
PROJECT NO.	LOCATION		PROJECT NAME			TYPE OF ESTIMATE						
	CLAYTON, CA		HVAC REPLACEMENT									
ESTIMATOR	NEW	ALT	INDEX NO.	BUILDING		DRAWING NO.						
	X			CITY OF CLAYTON CIVIC CENTER								
SYSTEM/SUBSYSTEM				LABOR		MATERIALS			TOTAL			
				QTY	UNIT	\$/UNIT	TOTAL	QTY	UNIT	\$/UNIT	TOTAL	TOTAL
DIVISION 23 - MECHANICAL												
DEMOLISH AIR HANDLER				1	LS	\$1,100.00	\$1,100.00					\$1,100.00
DEMOLISH CONDENSING UNITS				5	EA	\$435.00	\$2,175.00					\$2,175.00
DEMOLISH BOILER				1	LS	\$2,300.00	\$2,300.00					\$2,300.00
DEMOLISH DUCTWORK				1	LS	\$650.00	\$650.00					\$650.00
CARRIER 39MW SIZE 25 AND 38APD0305H				1	EA	\$6,066.25	\$6,066.25	1	EA	\$52,900.00	\$52,900.00	\$58,966.25
RIGGING				1	EA	\$2,070.25	\$2,070.25					\$2,070.25
0.75 HP INLINE PUMP				1	EA	\$490.00	\$490.00	1	EA	\$1,610.00	\$1,610.00	\$2,100.00
LAARS PNCH 500 BOILER				1	EA	\$4,370.00	\$4,370.00	1	EA	\$11,500.00	\$11,500.00	\$15,870.00
PIPE, STEEL A-53, 2" W/HANGERS/FITTINGS (HOT WATER)				45	FT	\$15.30	\$688.28	45	FT	\$8.57	\$385.54	\$1,073.81
ELBOW, 90, GROOVED				9	EA	\$24.00	\$216.00	9	EA	\$43.00	\$387.00	\$603.00
BUTTERFLY VALVE, GROOVED-END				2	EA	\$15.74	\$31.48	2	EA	\$275.00	\$550.00	\$581.48
BALANCING VALVE				1	EA	\$15.75	\$15.75	1	EA	\$520.00	\$520.00	\$535.75
PIPE SUPPORTS				1	ls	\$1,850.00	\$1,850.00					\$1,850.00
COMBUSTION AIR FAN				1	EA	\$402.50	\$402.50	1	EA	\$753.25	\$753.25	\$1,155.75
SHOT FEEDER				1	EA	\$621.00	\$621.00	1	EA	\$312.80	\$312.80	\$933.80
AIR SEPARATOR				1	EA	\$167.90	\$167.90	1	EA	\$1,225.00	\$1,225.00	\$1,392.90
RELOCATE EXPANSION TANK				1	EA	\$100.63	\$100.63					\$100.63
MISC DUCTWORK				526	LBS	\$5.25	\$2,762.81	526	LBS	\$1.12	\$589.12	\$3,351.93
BAROMETRIC DAMPERS				2	EA	\$28.50	\$57.00	2	EA	\$103.00	\$206.00	\$263.00
FLUE DAMPER				1	EA	\$250.00	\$250.00	1	EA	\$465.00	\$465.00	\$715.00
BOILER VENTING				12	FT	\$17.20	\$206.40	12	FT	\$75.00	\$900.00	\$1,106.40
PIPE, STEEL A-53, 1.5" W/SUPPORTS/FITTINGS (GAS)				85	FT	\$10.65	\$905.25	85	FT	\$6.79	\$576.73	\$1,481.98
REFRIGERANT LINE SET 100', 1-5/8" / 7/8", INSULATED				1	LS	\$1,750.00	\$1,750.00	1	LS	\$1,188.53	\$1,188.53	\$2,938.53
TEST AND BALANCE				1	EA	\$4,500.00	\$4,500.00					\$4,500.00
STARTUP				1	EA	\$1,350.00	\$1,350.00					\$1,350.00
AS-BUILTS				1	EA	\$750.00	\$750.00					\$750.00
PAGE TOTAL							\$35,846.49					\$109,915.45



31 Seneca Lane
San Ramon, CA 94583
www.disenogroup.com
925.302.6051

June 5, 2017

Mark Janney, Maintenance Supervisor
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Subject: City of Clayton Civic Center Air Handler Replacement
Proposal for Construction Period Services

Dear Mr. Janney,

We are pleased to present our proposal in the amount of \$1,800 (One thousand eight hundred dollars). As we understand it, our scope of work for this project involves the following:

Provide construction management services which include submittal review, RFI (Request for Information) responses, and site inspection. We have included two site visits in the above cost.

The amount listed above represents a not to exceed number and the actual work will be invoiced on a time and materials basis. If additional services are required we will inform you prior to undertaking any additional work.

Exclusions

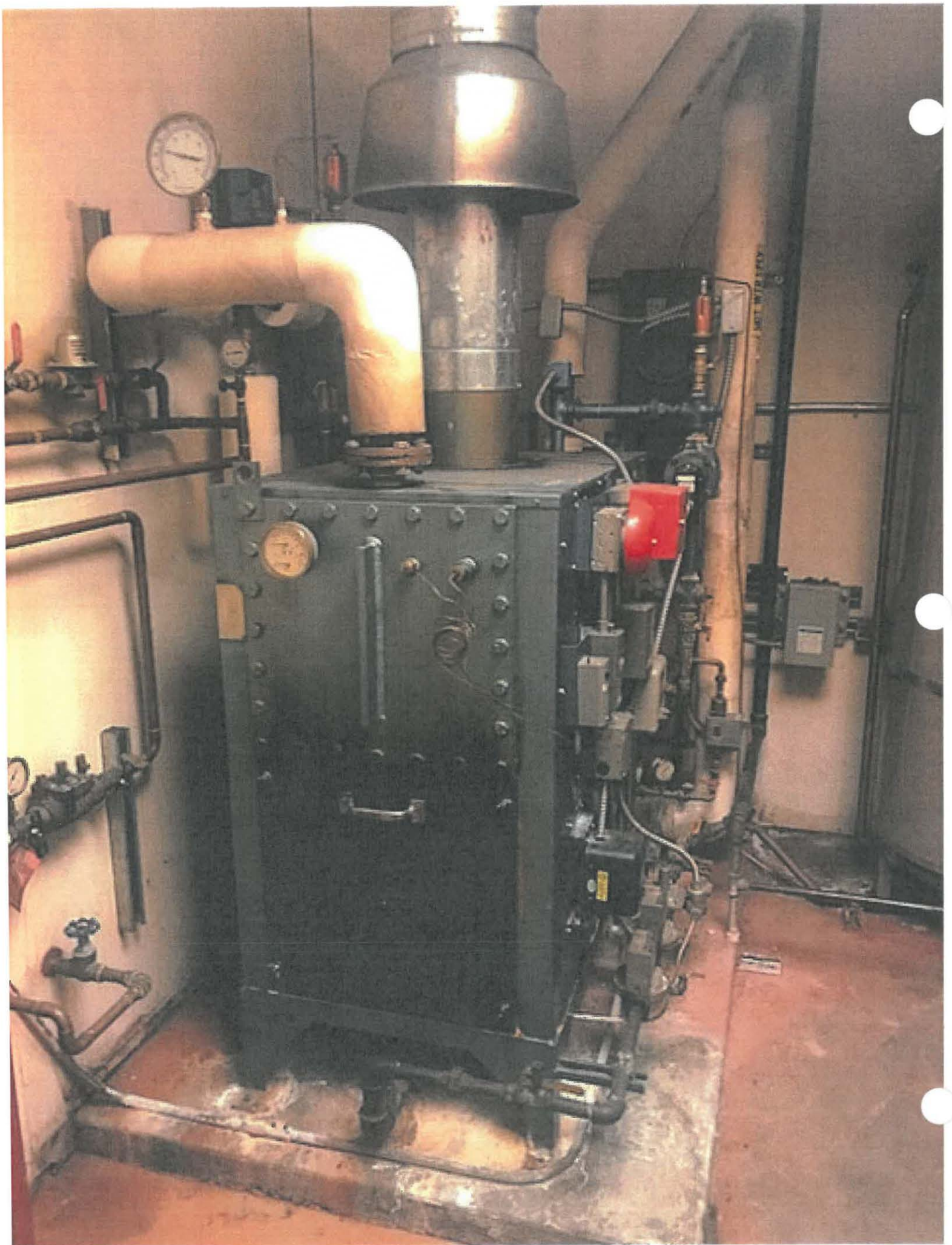
Architectural services, test and balance, and anything not specifically included above.

Regards,
Brad Albi
Senior Project Engineer
brad@diseno-group.com









HVAC Evaluation

Final Report

City of Clayton Civic Center and Community Library



February 4, 2012



ENTEK
812 Grayson Road
Pleasant Hill, CA 94523
925-947-1400

1

INTRODUCTION

2

EXECUTIVE SUMMARY

3

DISCUSSION

4

**DATA TABLES AND
EQUIPMENT CUT SHEETS**

5

DRAWINGS

Introduction

We were retained by the City of Clayton to review the HVAC systems serving the Civic Center and the Community Library and produce a report.

In order to prepare this report, we visited the site, examined existing drawings and spoke to operating personnel.

This report includes an Introduction in Tab 1, Executive Summary in Tab 2, the Discussion in Tab 3, Equipment Cutsheets in Tab 4, and drawings in Tab 5.

Executive Summary

In this report we have presented descriptions of the existing HVAC systems at the City of Clayton Civic Center and Community Library. With some noted exceptions the systems at both of these facilities are of a modern design and reasonably energy-efficient in comparison to other typical buildings of this size. The equipment appears well-maintained and clean. Many pieces of the equipment are nearing the end of their expected service life and will require replacement . While specific repairs can be made on an as-needed basis, if budgets permit, a plan for the replacement of these units would be recommended to avoid unnecessary downtime and disruption.

In addition to end-of-life equipment replacements options, we have also presented potential modifications and upgrades to several of these systems. Some of these options will result in decreased energy usage, while others will provide improved maintenance opportunities.

Costs shown in this report are estimated based on standard cost estimating guides and quoted equipment and include overhead, profit, general conditions, and a 25% contingency.

The energy savings presented herein are approximate and are based on a fixed number of equivalent full-load operating hours. More detailed energy analysis would require previous year utility bills and a more in-depth building load simulation.

On the next page we have summarized the options with their estimated construction costs. These options are more fully described in TAB 3, and representative equipment cut-sheets included in TAB 4.

Civic Center

Replace Existing Temperature Sensors with Thermostats - \$ 20,952

Replace Existing Terminal Unit Controllers - \$ 35,450

Replace Existing Condensing Unit - \$ 3,500

Replace Inline Exhaust Fan - \$ 4,500

Building HVAC Retro-Commissioning - \$ 11,400

Replace DX Air Handler - \$ 109,000

Replace DX Air Handler with Chilled Water Air Handler and Air Cooled Chiller - \$ 152,340

Replace DX Air Handler with Chilled Water Air Handler and Water-cooled Chiller - \$ 178,000

Community Library

Modify Air Distribution System – Meeting Room - \$ 14,530

Install DDC Interface – Network Controller - \$ 17,000

Re-duct Exhaust Fans - \$ 8,100

Building HVAC Retro-commissioning - \$ 17,100

Occupancy Sensors - \$ 7,020

Replace Existing Air-Cooled Chiller - \$ 128,024

Replace Existing Air-Cooled Chiller with Water-Cooled Unit - \$ 165,724

Replace Existing Air Handlers FC-1 and FC-2 - \$ 54,230 (each)

Replace Existing Air Handler FC-3 - \$ 88,920

Replace Existing FC-1 and FC-2 with Rooftop AHU - \$ 232,270

Replace Existing Underground Chilled Water Piping - \$ 99,550

Civic Center

Building and HVAC System Description

The City of Clayton Civic Center is located at 6000 Heritage Trail, Clayton, CA. The building is housed in what was originally the De Martini Winery. The original structure was built in 1885. In 1997 the building was renovated and now houses the City of Clayton Civic Center and Police Department. The structure comprises three-stories with an approximate area of 10,000 square feet. The lower two stories are constructed of 2-foot thick limestone walls and interior shotcrete lining. The 3rd floor and interior framing is original post and beam construction with interior partitions of standard stud construction. The 3rd floor walls are insulated with R-11 batt while the roof is insulated with 2" thick foam panels. The glazing appears to be a mix of standard ¼ inch clear and ¼ inch light tint glass. The building is set back into a small knoll and is surrounded by trees and vegetation. The building was placed on the NRHP (National Register of Historic Places) in 1984.

The current HVAC system was installed in 1997 in conjunction with the building renovation. The system is composed of the following components: single-zone VAV (variable air volume) outdoor air handler with 90% efficiency filtration, economizer, 9,500 CFM (cubic feet per minute) supply fan and a 5-circuit direct-expansion (DX) cooling coil. The cooling coil is connected to five 60,000 BTU/H (British thermal unit per hour) condensing units. The condensing units are rated at 12.0 EER (energy efficiency ratio). The air handler supplies cold air (approximately 55°F) via insulated sheet metal ductwork to all three floors. Each zone is served (see existing zone map on sheet X) by a VAV terminal unit with a hot-water re-heat coil. Air is returned to the air handler from each zone via insulated sheet metal ductwork. The bathrooms and miscellaneous service spaces are exhausted via a 2,300 CFM inline exhaust fan located in the 3rd floor ceiling space. Hot water for the terminal units is supplied by a 480 MBH (thousand British thermal units per hour) atmospheric natural gas boiler located in the ground floor mechanical room. The boiler is approximately 80% efficient. The terminal unit hot water re-heat coils utilize mostly 2-way control valves with a small number of 3-way control valves to maintain the minimum flow requirement.

The HVAC system is controlled by a Johnson Controls DDC (direct-digital control) system and incorporates individual controllers at each terminal unit. Each terminal unit is connected to a zone

temperature sensor. A separate controller is provided for the air handler and one for the boiler. Additionally, an NCE (network control engine) has been recently installed and will allow access and monitoring of the building controls on remote computers via a web-browser and appropriate login credentials.

HVAC System Current Operation

The current HVAC system serving the Civic Center appears to be well-maintained and in reasonable working condition. Maintenance staff have not reported any major operating deficiencies or temperature control issues. The building appears to be well-situated and shaded to reduce solar heat gain loads and is reasonably well insulated to reduced transmission losses through the walls and roof. The 3rd floor has an exposed ceiling and a cupola which tends to collect warm air during the heating season, thusly requiring more heating capacity than would otherwise be required; however, the roof insulation and glazing limit some of the wasted heat transfer and given the historical character of the building there are few reasonable solutions to enclose this space.

The building has an average airflow of approximately 1 CFM/FT² and a cooling capacity of 325 FT²/TON. Both of these figures are reasonable values for this type of facility. The zoning appears reasonable with spaces segregated according to orientation and use. See drawings 5-1, 5-2, and 5-3 in TAB 5 for the existing zone layout.

The overall system is of a fairly modern design and incorporates a variable air volume scheme at the air handler to reduce energy usage. The air handler also incorporates an economizer cycle to reduce energy usage. The economizer utilizes cool outdoor air in lieu of mechanical refrigeration during those hours of the year when the outside temperature permits. The condensing units connected to the air handler cooling coil are rated at 12.0 EER and exceed the current State of California appliance efficiency requirements. The hot water heating boiler is of a standard efficiency for this type of unit. The boiler is operated in an on-off scheme.

One of the condensing units serving the air handler is currently out-of-service and will need to be replaced prior to the summer cooling season.

The inline exhaust fan on the 3rd floor is currently generating an objectionable noise. It appears that this is caused by worn bearings.

The estimated service life for the air handler is 15 years, for the boiler 25 years, for the terminal units 20 years and for the ductwork 30 years. These estimated service lives are sourced from the 2010 ASHRAE (American Society for Heating Refrigeration and Air-conditioning Engineers) "Applications Handbook."

Repairs, Upgrades, and Modifications

Replace Existing Temperature Sensors with Thermostats

Replacing the existing zone temperature sensors with thermostats allow for individual users to adjust the temperature. A unit which incorporates an occupancy sensor is also recommended; this will allow the terminal unit to completely close when the space is vacant, allow a reduction in fan horsepower. There are approximately existing 20 zone temperature sensors. See page 4-4 for a typical thermostat.

Estimated Construction Cost: \$ 20,952

Estimated Engineering Cost: \$ 0

Replace Existing Terminal Unit Controls

Replacing the existing VAV terminal unit controllers with recent model controllers will allow these units to fully communicate with the new building controller recently installed. See page 4-1 for a typical VAV controller.

Estimated Construction Cost: \$ 35,450

Estimated Engineering Cost: \$ 0

Replace Condensing Unit

As noted, one of the existing condensing units connected to the outdoor air handler is non-operational. If no other upgrades are planned, this unit should be replaced.

Estimated Construction Cost: \$ 3,5000

Estimated Engineering Cost: \$ 0

Replace Inline Exhaust Fan

The existing bathroom exhaust fan in the 3rd floor is currently generating objectionable noise. The inline exhaust fan on the 3rd floor can be repaired with new bearings, etc, however given it's age we recommend replacing the whole unit with a new model. Since the fan is located in the space, a unit with a low noise transmission value and insulated housing should be selected. See page 4-7 for samples of an inline direct drive exhaust fan and a belt-driven variant.

Estimated Construction Cost: \$ 4,500

Estimated Engineering Cost: \$ 0

Building HVAC Retro-Commissioning

In order to minimize the energy usage and ensure that the system is operating as designed, the building HVAC systems should be commissioned. This would involve verification and adjustment of the DDC sequences and set points in conjunction with an air and water test and balance. An experienced contractor and engineer would perform these services and then verify the process by logging the operation of the control system for a minimum of two-weeks, preferably one session during the summer months and one sessions during the winter months. If equipment replacement options are considered, the commissioning process would take place after the systems have been fully installed and verified operational. The energy savings for this option are difficult to estimate prior to performing the work, however verifying that the mechanical control sequences are operating in the most energy efficient way will typically result in yearly energy savings.

Estimated Construction Cost: \$ 0

Estimated Engineering Cost: \$ 11,400

Replace Existing DX Air Handler with Packaged AC Unit

The current air handler serving the building is nearing the end of its expected life. As budget considerations permit this unit should be replaced with a new unit. A modern packaged DX unit complete with condensing section (as opposed to the current scheme of separate condensers) is

suggested. Due to the high efficiency of the existing unit (new condition) the energy savings are projected to be small. See page 4-9 for a typical packaged AC unit.

Estimated Construction Cost: \$ 109,000

Estimated Engineering Cost: \$ 6,500

Replace Existing Air Handler with Chilled Water Air Handler and Air-Cooled Chiller

This option is similar to the Packaged DX Option but would utilize a new air handler with a chilled water cooling coil and an external air-cooled chiller. The inclusion of a chilled water cooling coil versus a refrigerant (DX) coil allows for almost continuous modulation of the leaving air temperature and a better match between cooling load and cooling capacity. This typically results in slightly better temperature and humidity control. Overall efficiency would be approximately equal to the Packaged DX Unit Option. This equipment would result in a small additional energy cost per year. See page 4-11 for a typical outdoor air handler and page 4-13 for a typical air-cooled chiller.

Estimated Construction Cost: \$ 152,340

Estimated Engineering Cost: \$ 9,143

Estimated Energy Cost Savings (per year): \$ 0

Replace Existing DX Air Handler with Chilled Water Air handler and Water-Cooled Chiller

This option is similar to the Packaged AC Unit and Air-Cooled Chiller Option but would utilize a water-cooled chiller versus an air-cooled unit. Water cooled chillers are approximately 25% more energy efficient than air-cooled models. Water cooled chillers do require a cooling tower or closed-loop water cooler and condenser water pumps which will result in increased maintenance costs. See page 4-15 for a typical water-cooled chiller and page 4-17 for a typical cooling tower.

Estimated Construction Cost: \$ 178,000

Estimated Engineering Cost: \$ 10,670

Estimated Energy Cost Savings (per year): \$ 778

Estimated Additional Maintenance Cost: \$ 2,860

Clayton Community Library

Building and HVAC System Description

The Clayton Community Library is located at 6125 Clayton Road, Clayton, CA. The building is a single-story structure of approximately 15,000 square feet. The building construction is slab-on-grade and utilizes structural steel and engineered wood beams with a cement plaster (stucco) exterior and built-up roof. All exterior walls are insulated with R-12 batt insulation and the roof is insulated with R-30 batt insulation. Glazing appears to be ¼" light tint glass.

The library has two primary HVAC systems. One system which is located in an attic space mechanical room serves the west side of the building including the large meeting room (city council chambers), the main entrance, support spaces, and the audio/visual room. The other system serves the eastern portion of the building primarily including the main library stacks.

The west system is comprised of an indoor air handler (FC-3) with a 10,000 CFM supply fan, chilled water coil, economizer, 50% filtration. Cold supply air at approximately 55° is ducted via insulated sheet metal ducts to the space. At each zone, a VAV terminal unit equipped with a hot water re-heat coil modulates in response to a thermostat, increasing or reducing the volume of air and / or the flow of hot water as required. Air is returned to the unit from the spaces via insulated sheet metal ducting. Two exhaust fans are located on the main return ducts, whose function is apparently to provide space pressurization control.

The East system is comprised of two identical indoor air handlings units, FC-1 and FC-2. Each unit is located in a soffit, one on each side of the stacks room. Each of these units consist of a 5,500 CFM supply fan, economizer, 50% efficient filtration, and a gas-fired duct heater.

Air handlers FC-1, FC-2, and FC-3 receive their chilled water via an air-cooled chiller located approximately 30 ft east of the library in a fenced enclosure. The chiller is a reciprocating air-cooled unit with an approximately 8.6 EER. 150 GPM (gallons per minute) of chilled water is pumped from the chiller through two underground chilled water pipes to the building.

Hot water for unit FC-3 and the terminal unit re-heat coils is supplied via a 480 MBH input atmospheric natural gas boiler and accompanying distribution pump. This boiler appears newer than the other HVAC equipment in the building.

The HVAC system is controlled by a Johnson Controls DDC (direct-digital control) system and incorporates individual controllers at each terminal unit. Each terminal unit is connected to a zone temperature sensor. A separate controller is provided for the air handlers and one for the boiler.

HVAC System Current Operation

The current HVAC system serving the Library appears to be well-maintained and in reasonable working condition. Maintenance staff have indicated a few operating deficiencies which are discussed below. The building appears to be well-situated and (internally) shaded to reduce solar heat gain loads and is reasonably well insulated to reduced transmission losses through the walls and roof.

The overall system is of a fairly modern design and incorporates a variable air volume scheme at the air handler FC-3 to reduce energy usage. Air handlers FC-1, FC-2, and FC-3 also incorporate an economizer cycle to reduce energy usage. The economizer utilizes cool outdoor air in lieu of mechanical refrigeration during those hours of the year when the outside temperature permits

The building as a whole has an average airflow of approximately 1.4 CFM/FT² and a cooling capacity of 238 FT²/TON. Both of these figures are reasonable values for this type of facility. The zoning appears reasonable with spaces segregated according to orientation and use. See drawing 5-4 in TAB 5 for the existing zone layout.

The existing air-cooled chiller has been reported to experience faults and shutdowns related to condenser high head pressure. This occurs especially during the hotter summer months. This tends to indicate that the chiller is slightly undersized for the load it is serving. The chiller has approached its expected service life of 20 years and its condenser coil is suffering from fairly severe corrosion which further reduces its capacity.

The condition of the underground chilled water piping is indeterminate, however it too is approaching its service lifetime. Visual inspection from aboveground indicates that the insulation may have absorbed water which would reduce its insulating capability and also increase the load on the existing chiller.

As noted previously, units FC-1 and FC-2 are located in soffits in the main stacks wing. The access clearance around these units ranges from limited to zero. Additionally, to obtain access requires the use of a twenty foot ladder to unscrew a hinged access panel in the ceiling and then lifting

oneself up into the soffit. At best this represents an unsafe condition for maintenance personnel and makes it extremely difficult to effect repairs.

An existing exhaust fan serving one of the toilet rooms has been out-of-service for some time.

The main source of temperature complaints in library is the large conference room where city council meetings are held. This room has a high (approximately 18') ceiling with a single strip of supply air diffusers running down the center. This current configuration is not effective in distributing air in a uniform manner to the space.

The exhaust fan serving the bathrooms adjacent to the council meeting room and the exhaust fan serving the remainder of the building are ducted into the return / relief ductwork system which leads directly to air handler FC-3. This is a non-standard arrangement and has apparently resulted in occasional odors.

The existing DDC control system has no interface for maintenance personnel to monitor the systems in a graphical fashion, either on-site or remotely.

Repairs, Upgrades, and Modifications

Modify Air Distribution System – Meeting Room

As discussed, the air distribution system serving the large meeting room cannot provide effective uniform heating and cooling. The single-strip of linear diffusers which run through the center of the room cannot provide adequate mixing and results in temperature stratifications and comfort complaints. Modifying the existing system by providing additional air diffusers at the perimeter should help to mitigate this problem. The ductwork would be fully insulated and could be painted to match the interior color. A proposed layout is shown on drawing 5-5.

Estimated Construction Cost: \$ 14,530

Estimated Engineering Cost: \$ 1,740

Install DDC Interface

The installation of a new network controller will allow maintenance staff to supervise the operation of the equipment remotely via any compatible PC equipped with a web-browser. They will also be able to monitor alarm status, etc in order to dispatch personnel. A typical network controller is shown on page 4-18.

Estimated Construction Cost: \$ 17,100

Estimated Engineering Cost: \$ 1,020

Re-duct Exhaust Fans

As mentioned previously, the bathroom exhaust fans are connected to the building return air system, which is a non-standard configuration and appears to contribute to the occasional odor complaint. We propose to disconnect the exhaust fans from the return air duct and provide separate dedicated ducts through the roof for each fan.

Estimated Construction Cost: \$ 8,100 (each)

Estimated Engineering Cost: \$ 486 (each)

Building HVAC Retro-Commissioning

In order to minimize the energy usage and ensure that the system is operating as designed, the building HVAC systems should be commissioned. This would involve verification and adjustment of the DDC control sequences and set points in conjunction with an air and water test and balance. This option would also An experienced contractor and engineer would perform these services and then verify the process by logging the operation of the control system for a minimum of two-weeks, preferably one session during the summer months and one sessions during the winter months. If equipment replacement options are considered, the a final commissioning process would take place after the new systems have been fully installed and verified operational. The energy savings for this option are difficult to estimate prior to performing the work, however verifying that the mechanical control sequences are operating in the most energy efficient way will typically result in yearly energy savings.

Estimated Construction Cost: \$ 0

Estimated Engineering Cost: \$ 17,100

Occupancy Sensors

Adding occupancy sensors to control the lighting and the terminal units will allow both systems to shutdown whenever no one is present for a set period of time (adjustable).

Estimated Construction Cost: \$ 7,020

Estimated Engineering Cost: \$ 0

Replace Existing 60-ton Air-cooled Chiller with 70-ton Air-cooled chiller

As noted, the existing air-cooled chiller has reached the end of its expected service life and is suffering from operational issues. A new larger unit should be installed in approximately the same location as the existing and connected to the existing piping. The existing piping appears to be large enough to provide for the slightly increased capacity. A new air-cooled unit will have a slightly higher EER than the existing. See page 4-19 for a typical air-cooled chiller.

Estimated Construction Cost: \$ 128,104

Estimated Engineering Cost: \$ 7,690

Replace existing 60-ton air cooled chiller with 70-ton water-cooled chiller

Water-cooled chillers in this range have EERs approaching 16. Replacing the existing air-cooled chiller with a water-cooled unit will result in an energy savings of approximately 57,000 kWh per year. A water-cooled chiller will also require a matching cooling tower and condenser water pumps; this will result in slightly higher maintenance costs than a comparable air-cooled unit. Modifications to the existing air-cooled chiller pad, and an enlarged enclosure fence would also be required. See page 4-21 for a typical water-cooled chiller and 4-23 for a typical cooling tower. See drawing 5-6 for the proposed location and size of a new water-cooled chiller and tower.

Estimated Construction Cost: \$ 165,724

Estimated Engineering Cost: \$ 9,950

Estimated Energy Cost Savings (per year): \$ 3,420

Estimated Additional Maintenance Cost: \$ 2,860

Replace existing air handlers FC-1 and FC-2 with similar

Units FC-1 and FC-2 are nearing the end of their expected service life. These units could be replaced with similar units if budgets do not permit their relocation. Due to their location in a soffit, these units would likely need to be removed in sections through the existing outside air louvers on the South side of the Library. See page 4-24 for a typical replacement air handler.

Estimated Construction Cost: \$ 54,230 (each)

Estimated Engineering Cost: \$ 3,250 (each)

Estimated Energy Cost Savings (per year): \$ 0

Replace Existing Air Handler FC-3

This unit appears to be in reasonable condition, however given the length of it's service life, it should be replaced if budgets permit. The proposed new unit would incorporate a VAV supply fan, economizer, chilled water coil, and improved filtration. See page 4-26 for a typical replacement air handler.

Estimated Construction Cost: \$ 88,920

Estimated Engineering Cost: \$ 5,330

Estimated Energy Cost Savings (per year): \$ 0

Replace existing air handlers FC-1, FC-2 with Rooftop AHU

Units FC-1 and FC-2 are nearing the end of their expected service life. Additionally, access to the units FC-1 and FC-2 presents a safety issue and discourages proper maintenance. A more optimal solution would be to demolish these existing units and replace them with one new unit. Units FC-1 and FC-2 could possibly be abandoned in-place rather than undergoing the expense of removing them. A probable location for the new unit would be the flat roof section in between the stacks wing and the library proper. New supply and return ducts would need to be routed to the existing

distribution system in the east and west soffits in the stacks area. The flat roof area would need to be evaluated for its structural suitability and the existing structure modified as required to support the new unit. A new sight screen would also need to be installed to shield the unit from view. In either case, configuring this unit to use hot water instead of gas-fire duct furnaces will provide for increased turndown and more stable temperature control. If these units are converted to hot water, either the existing boiler would need to be replaced with a unit approximately 200 MBH larger or a new small hot water boiler would need to be added. See page 4-28 for a typical rooftop AHU. See drawing 5-6 for the proposed location and size of a rooftop AHU.

Estimated Construction Cost: \$ 232,270

Estimated Engineering Cost: \$ 14,000

Estimated Energy Cost Savings (per year): \$ 0

Replace Existing Underground Chilled Water Piping

The existing underground chilled water piping is nearing the end of its expected service life. It is recommended that a portion of the existing piping be excavated to verify its condition and an ultra-sonic pipe test performed. The ultra-sonic pipe test will indicate the amount of pipe wall left in service and will provide an estimate of the amount of service life left. Based on the result of the testing, if the insulation and piping are in acceptable condition, the piping can remain, if not, the underground piping should be replaced with pre-insulated direct-buried chilled water piping. See page 4-30 for a typical pre-insulated chilled water piping system.

Estimated Construction Cost (inspection only) : \$ 3,250

Estimated Construction Cost (pipe replacement) : \$ 98,550

Estimated Engineering Cost (pipe replacement): \$ 5,915

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COMMUNITY LIBRARY

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VMA16 Variable Air Volume Controller Series

Description

The Variable Air Volume (VAV) Modular Assembly (VMA) 16 controllers are programmable digital controllers that communicate via BACnet® Master-Slave/Token-Passing (MS/TP) Protocol. Both the VMA1610 and VMA1620 controllers have a pressure sensor and actuator in a pre-wired unit. The VMA16 controllers connect easily to the NS Series Network Sensors for zone and discharge air temperature sensing.

The VMA16 controllers can be configured for both single-duct and dual-duct VAV applications. The VMA1610 and VMA1620 controllers require an additional damper actuator and Differential Pressure Transducer (DPT) sensor for dual-duct or supply/exhaust applications.

Refer to the *Metasys® System Field Equipment Controllers and Related Products Product Bulletin (LIT-12011042)* for important product application information.

Features

- BACnet MS/TP protocol communication — provides open system compatibility.
- Writable flash memory — allows standard or customized applications to be downloaded from the Controller Configuration Tool (CCT).
- Integrated pressure sensor and actuator — reduces installation time.
- Wireless capabilities via ZFR1800 Series Wireless Field Bus System enable wireless mesh connectivity between VMA16s to WRZ Series Wireless Room Temperature Sensors, and to Network Automation Engine (NAE) and Network Control Engine (NCE) devices — facilitate easy initial location and relocation.
- The fast response actuator — drives the damper from full open to full closed (90°) in 60 seconds to reduce commissioning time.
- Point capacity can be expanded by adding Input/Output Modules (IOMs) to the Sensor Actuator bus — providing further application flexibility.
- Patented proportional adaptive control (P-Adaptive) and Pattern Recognition Adaptive Control (PRAC) technologies — provide continuous loop tuning.



VMA16 Controller

Repair Information

If the VMA16 controller fails to operate within its specifications, replace the unit. For a replacement VMA, contact the nearest Johnson Controls® representative.

Selection Charts

VMA Series Point Type Counts per Model

Point Types	Signals Accepted	VMA1610	VMA1620
Universal Input (UI)	Analog Input, Voltage Mode, 0–10 VDC Analog Input, Resistive Mode, 0–2k ohm, RTD (1k NI [Johnson Controls], 1k PT, A99B SI), NTC (10k Type L, 2.252k Type 2) Binary Input, Dry Contact Maintained Mode	1	1
Binary Output (BO)	24 VAC Triac	0	3
Configurable Output (CO)	Analog Output, Voltage Mode, 0–10 VDC Binary Output Mode, 24 VAC Triac	0	2
Integrated Actuator	Internal	1	1
Integrated Flow Sensor	Internal	1	1
Zone Sensor Input	On SA Bus	up to 4 NS Series Network Zone sensors up to 9 WRZ wireless zone sensors	
Discharge Air Sensor Input	On SA Bus	up to 5 discharge air sensors	

Ordering Information

Product Code Number	Description
MS-VMA1610-0	Integrated VAV Controller/Actuator/Pressure Sensor (Cooling only), FC Bus, and SA Bus
MS-VMA1620-0	Integrated VAV Controller/Actuator/Pressure Sensor (with Reheat and Fan Control), FC Bus, and SA Bus

Ordering Information for UL Listed, File S4977, UUKL 864 - 9th Edition, Smoke Control Equipment

Product Code Number ¹	Description
MS-VMA1610-0U	Integrated VAV Controller/Actuator/Pressure Sensor (Cooling only), FC Bus, and SA Bus
MS-VMA1620-0U	Integrated VAV Controller/Actuator/Pressure Sensor (with Reheat and Fan Control), FC Bus, and SA Bus

1. These devices are UL Listed, File S4977, UUKL 864 - 9th Edition, Smoke Control Equipment.



VMA16 Variable Air Volume Controller Series (Continued)

Accessories (Order Separately)


Product Code Number	Description
Y64T15-0	Transformer, 120/208/240 VAC Primary to 24 VAC Secondary, 92 VA, Foot Mount, 30 in. Primary Leads and 30 in. Secondary Leads, Class 2
Y65A13-0	Transformer, 120 VAC Primary to 24 VAC Secondary, 40 VA, Foot Mount (Y65AS), 8 in. Primary Leads and 30 in. Secondary Leads, Class 2
Y65T42-0	Transformer, 120/208/240 VAC Primary to 24 VAC Secondary, 40 VA, Hub Mount (Y65SP+), 8 in. Primary Leads and Secondary Screw Terminals, Class 2
Y65T31-0	Transformer, 120/208/240 VAC Primary to 24 VAC Secondary, 40 VA, Foot Mount (Y65AR+), 8 in. Primary Leads and Secondary Screw Terminals, Class 2
AP-TBK1002-0	2-Position Screw Terminal that Plugs onto VMA output point Spade Lugs
AP-TBK1003-0	3-Position Screw Terminal that Plugs onto VMA output point Spade Lugs
AP-TBK4SA-0	Replacement MS/TP SA Bus Terminal, 4-Position Connector, Brown, Bulk Pack
AP-TBK4FC-0	Replacement MS/TP FC Bus Terminal, 4-Position Connector, Blue, Bulk Pack
AP-TBK3PW-0	Replacement Power Terminal, 3-Position Connector, Gray, Bulk Pack
MS-BTCVT-1	Wireless Commissioning Converter, with Bluetooth® technology
MS-BTCVTCBL-700	Cable replacement Set for the MS-BTCVT-1 or the NS-ATV7003-0; includes one 5 ft (1.5 m) retractable cable.
MS-ZFR1810-0	Wireless Field Bus Coordinator, 10 mW Transmission Power. Functions with NAE35xx, NAE45xx, NAE55xx, and NCE25xx Models.
MS-ZFR1811-0	Wireless Field Bus Router, 10 mW Transmission Power. Functions with Metasys BACnet FECs, VMA1600s, and WRZ-TTx Series Wireless Mesh Room Temperature Sensors.
MS-ZFRCBL-0	Wire Harness for use with ZFR1811 Router. Allows ZFR1811 Router to function with FEC1820; and with FEC1610, VMA1610, or VMA1620 controllers in conjunction with NS Series Sensors, Wireless Commissioning Converter, or DIS1710 Local Controller Display.

Technical Specifications

VMA Series	
Product Code Numbers	MS-VMA1610-0: Cooling Only MS-VMA1620-0: Cooling with Reheat and Fan Control
Supply Voltage	24 VAC (nominal, 20 VAC minimum/30 VAC maximum), 50/60 Hz, power supply Class 2 (North America), Safety Extra-Low Voltage (SELV) (Europe)
Power Consumption	10 VA typical, 14 VA maximum Note: VA rating does not include any power supplied to the peripheral devices connected to Binary Outputs (BOs) or Configurable Outputs (COs), which can consume up to 12 VA for each BO or CO for a possible total consumption of an additional 60 VA (maximum).
Ambient Conditions	Operating: 0 to 50°C (32 to 122°F) Storage: -40 to 70°C (-40 to 158°F)
Terminations	Inputs/Outputs: 6.3 mm (1/4 in.) spade lugs FC Bus, SA Bus, and Supply Power: 4-Wire and 3-Wire Pluggable Screw Terminal Blocks Sensor Port: RJ-12 6-Pin Modular Jacks
Controller Addressing	DIP switch set; valid field controller device addresses 4–127 (Device addresses 0–3 and 125–255 are reserved and not valid field controller addresses.)
Communications Bus	BACnet MS/TP, RS-485: 3-wire FC Bus between the supervisory controller and field controllers 4-wire SA Bus from the VMA controller, network sensors, and other sensor/actuator devices, includes a terminal to source 15 VDC supply power from VMA to SA Bus devices. ¹
Analog Input/Analog Output Resolution and Accuracy	Analog Input: 15-bit resolution Analog Output: 16-bit resolution and ±200 mV in 0-10 VDC applications
Air Pressure Differential Sensor	Setra transducer, differential pressure to electrical, 0 to 38.1 mm (0 to 1.5 in) WC, 0.5 to 4.5 VDC, 5 VDC supply, aluminum plated. Performance Characteristics: Combined Repeatability and Hysteresis Error: ±0.05% of Full Span Maximum Non-linearity Errors (Best Fit Method): ±1.0% of Full Span Maximum Response Time (to within 63% of Full Scale Pressure with Step Change on Input): 15 ms Temperature Error from 15.6 to 48.9°C (60 to 120°F) Null: ±0.08% of Full Span per °F Maximum Span: ±1.5% of Full Span Maximum Stability, Null: ±0.5% of Full Scale Maximum, 1 Year Minimum Stability, Span: ±2.0% of Full Scale Maximum, 1 Year Minimum
Mounting	Mounts to damper shaft using single set screw, and to duct with single mounting screw.
Actuator Rating	4 N·m (35 lb-in) minimum shaft length = 44 mm (1-3/4 in.)
Dimensions	(Height x Width x Depth): 182 x 182 x 64 mm (7-3/16 x 7-3/16 x 2-1/2 in.) Center of Output Hub to Center of Anti-rotation Slot: 160 mm (6-5/16 in.)
Weight	0.86 kg (1.9 lb)

The performance specifications are nominal and conform to acceptable industry standards. For applications at conditions beyond these specifications, consult the local Johnson Controls office. Johnson Controls, Inc. shall not be liable for damages resulting from misapplication or misuse of its products. © 2010 Johnson Controls, Inc. www.johnsoncontrols.com

VMA16 Variable Air Volume Controller Series (Continued)

VMA Series	
	United States: UL Listed, File E107041, CCN PAZX, UL 916, Energy Management Equipment; UL Listed, File S4977, UUKL 864 - 9th Edition, Smoke Control Equipment (MS-VMA1610-0U, MS-VMA1620-0U only); FCC Compliant to CFR47, Part 15, Subpart B, Class A
	Canada: UL Listed, File E107041, CCN PAZX7, CAN/CSA C22.2 No. 205, Signal Equipment; Industry Canada Compliant, ICES-003
	Europe: CE Mark – Johnson Controls, Inc., declares that the VMA16 Variable Air Volume Controllers are in compliance with the essential requirements and other relevant provisions of the EMC Directive 2004/108/EC, and the Low Voltage Directive 2006/95/EC.
	Australia and New Zealand: C-Tick Mark, Australia/NZ Emissions Compliant.
	BACnet International: BACnet Testing Laboratories (BTL) 135-2004 Listed BACnet Application Specific Controller (B-ASC)

1. For more information, refer to the *MS/TP Communications Bus Technical Bulletin (LIT-12011034)*.

TEC21x6-4, TEC21x6H-4, and TEC21x6H-4+PIR

TEC21x6(H)-4 and TEC21x6H-4+PIR Series N2 Networked Thermostat Controllers with Dehumidification Capability, Fan Control, and Occupancy Sensing Capability

Description

The TEC21x6(H)-4 and TEC21x6H-4+PIR Series Thermostat Controllers are N2 networked devices that provide control of two- or four-pipe fan coils, cabinet unit heaters, or other equipment using on/off, floating, or proportional 0 to 10 VDC control input, three speeds of fan control, and dehumidification capability. The TEC21x6H-4+PIR Series Thermostat Controllers have occupancy sensing capability built into the device. These devices maximize up to 30% energy savings in high-energy usage light commercial buildings, such as schools and hotels, during occupied times by using additional standby setpoints.

The technologically advanced TEC21x6(H)-4 and TEC21x6H-4+PIR Series Thermostat Controllers feature a Building Automation System (BAS) N2 Bus communication capability that enables remote monitoring and programming for efficient space temperature control. Specific models are available to accommodate commercial and hospitality applications.

The TEC21x6(H)-4 and TEC21x6H-4+PIR Series Thermostat Controllers feature an intuitive User Interface (UI) with backlit display that makes setup and operation quick and easy. The thermostat controllers also employ a unique, Proportional-Integral (PI) time-proportioning algorithm that virtually eliminates temperature offset associated with traditional, differential-based thermostat controllers.

Refer to the *TEC21x6(H)-4 and TEC21x6H-4+PIR Series N2 Networked Thermostat Controllers with Dehumidification Capability, Fan Control, and Occupancy Sensing Capability Product Bulletin (LIT-12011601)* for important product application information.



TEC21x6-4 Series
Thermostat Controller



TEC21x6H-4+PIR Series
Thermostat Controller

Features

- BAS N2 Open communication — provides compatibility with a proven communication network; N2 Bus is widely accepted by Heating, Ventilating, and Air Conditioning (HVAC) control suppliers
- onboard occupancy sensor (Passive Infrared [PIR] Models) — provides energy savings without additional installation time and cost
- password protection option — protects against unwanted thermostat controller tampering
- integral humidity sensing capability (dehumidification models) — increases occupancy comfort by providing dehumidification
- backlit Liquid Crystal Display (LCD) — offers real-time control status of the environment in easy-to-read, English plain text messages with constant backlight that brightens during user interaction
- on/off, floating, or proportional 0 to 10 VDC control — offers additional application flexibility by providing more advanced control signals
- three speeds of fan control — provide easy FAN speed selection via the interface key, to meet the application requirements
- single/dual setpoint adjustment — enables user setpoint options to accommodate application
- override interface key (commercial models) — allows easy access for temporarily overriding the unoccupied mode
- temperature scale selector key (hospitality models) — offers guests the ability to select a Fahrenheit (°F) or Celsius (°C) temperature scale display
- two configurable binary inputs — provide additional inputs for advanced functions such as remote night setback, service or filter alarms, motion detector, and window status
- over 20 configurable parameters — enable the thermostat to adapt to any application, allowing installer parameter access without opening the thermostat cover
- optional discharge air sensor — monitors unit efficiency

Repair Information

If a TEC21x6(H)-4 or TEC21x6H-4+PIR Series Thermostat fails to operate within its specifications, replace the unit. For a replacement thermostat, contact the nearest Johnson Controls® representative.

Selection Chart

Thermostat Controller Models

Code Number	Control Outputs	Onboard Occupancy Sensor	Dehumidification Capability	Application
TEC2116-4	Two On/Off	No	No	Commercial Market
TEC2116H-4	Two On/Off	No	No	Hospitality Market
TEC2116H-4+PIR	Two On/Off	Yes	No	Hospitality Market
TEC2126-4	Two On/Off or Floating	No	No	Commercial Market
TEC2126H-4	Two On/Off or Floating	No	No	Hospitality Market
TEC2126H-4+PIR	Two On/Off or Floating	Yes	No	Hospitality Market
TEC2136-4	Two On/Off or Floating	No	Yes	Commercial Market
TEC2136H-4	Two On/Off or Floating	No	Yes	Hospitality Market

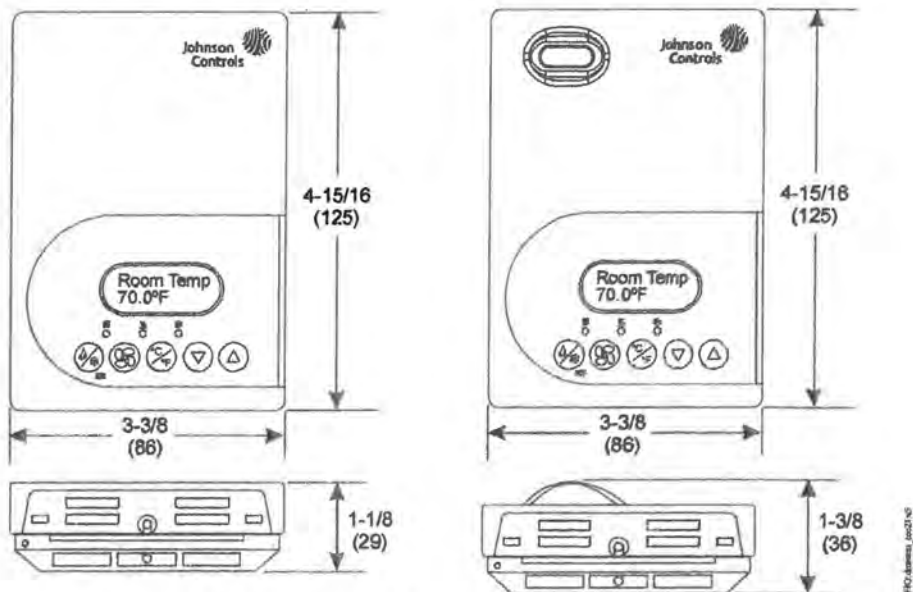


TEC21x6(H)-4 and TEC21x6H-4+PIR Series N2 Networked Thermostat Controllers with Dehumidification Capability, Fan Control, and Occupancy Sensing Capability

Thermostat Controller Models

Code Number	Control Outputs	Onboard Occupancy Sensor	Dehumidification Capability	Application
TEC2136H-4+PIR	Two On/Off or Floating	Yes	Yes	Hospitality Market
TEC2146-4	Two Proportional 0 to 10 VDC	No	No	Commercial Market
TEC2146H-4	Two Proportional 0 to 10 VDC	No	No	Hospitality Market
TEC2146H-4+PIR	Two Proportional 0 to 10 VDC	Yes	No	Hospitality Market
TEC2156-4	Two Proportional 0 to 10 VDC	No	Yes	Commercial Market
TEC2156H-4	Two Proportional 0 to 10 VDC	No	Yes	Hospitality Market
TEC2156H-4+PIR	Two Proportional 0 to 10 VDC	Yes	Yes	Hospitality Market

Dimensions



TEC21x6H-4 and TEC21x6H-4+PIR Thermostat Controller Dimensions, in. (mm)

Accessories (Order Separately)

Code Number	Description
SEN-600-1	Remote Indoor Air Temperature Sensor
TE-6361M-1 ¹	Duct Mount Air Temperature Sensor
SEN-600-4	Remote Indoor Air Temperature Sensor with Occupancy Override and LED
TE-636S-1	Strap-Mount Temperature Sensor
TEC-6-PIR ²	Commercial Fan Coil Cover with Occupancy Sensor
TEC-6H-PIR ²	Hospitality Fan Coil Controller Cover with Occupancy Sensor

1. Additional TE-636xx-x Series 10k ohm Johnson Controls Type II Thermistor Sensors are available; refer to the *TE-6300 Series Temperature Sensors Product Bulletin (LIT-216320)* for more details.
2. The TEC-6-PIR and TEC-6H-PIR Accessory Covers can be used to replace the existing cover on a non-PIR TEC21x6(H)-4 Series Thermostat Controller to provide occupancy sensing capability.



TEC21x6(H)-4 and TEC21x6H-4+PIR Series N2 Networked Thermostat Controllers with Dehumidification Capability, Fan Control, and Occupancy Sensing Capability

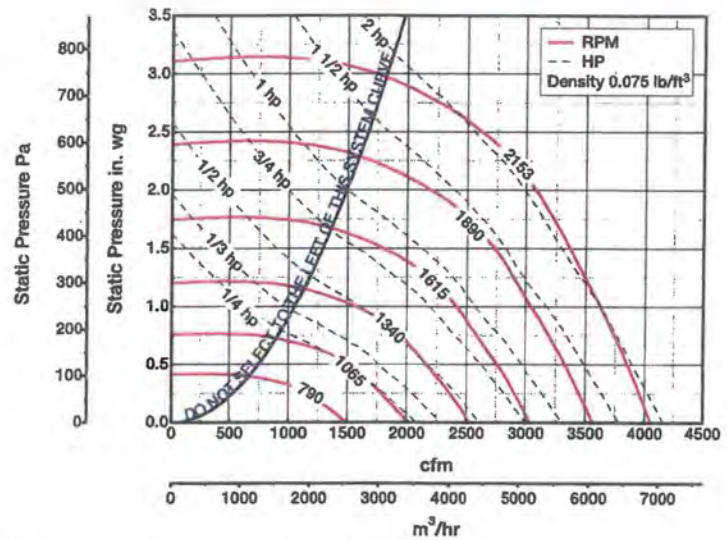
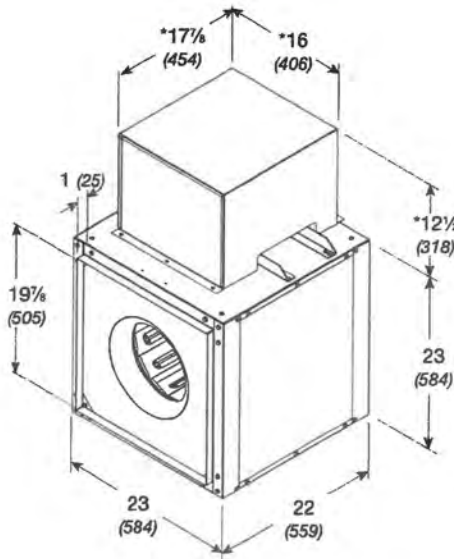
Technical Specifications

TEC21x6(H)-4 and TEC21x6H-4+PIR Series N2 Networked Thermostat Controllers with Dehumidification Capability, Fan Control, and Occupancy Sensing Capability

Power Requirements		19 to 30 VAC, 50/60 Hz, 2 VA (Terminals 4 and 5) at 24 VAC Nominal, Class 2 or Safety Extra-Low Voltage (SELV)
Relay/Triac Contact Rating	On/Off and Floating Control	19 to 30 VAC, 1.0 A Maximum, 15 mA Minimum, 3.0 A In-Rush, Class 2 or SELV
Analog Output Rating	Proportional Control	0 to 10 VDC into 2k ohm Resistance (Minimum)
Fan Relay Output Rating		19 to 30 VAC, 1.0 A Maximum, 15 mA Minimum, 3.0 A In-Rush
Auxiliary Output Rating	Triac Output	19 to 30 VAC, 1.0 A Maximum, 15 mA Minimum, 3.0 A In-Rush
Analog Inputs		Resistive Inputs (RS and UI3) for 10k ohm Johnson Controls Type II Negative Temperature Coefficient (NTC) Thermistor Sensors
Binary Inputs		Voltage-Free Contacts across Terminal Scom to Terminals BI1, BI2, or UI3
Temperature Sensor Type		Local 10k ohm NTC Thermistor
Wire Size		18 AWG (1.0 mm Diameter) Maximum, 22 AWG (0.6 mm Diameter) Recommended
Temperature Range	Backlit Display	-40.0°F/-40.0°C to 122.0°F/50.0°C in 0.5° Increments
	Heating Control	40.0°F/4.5°C to 90.0°F/32.0°C
	Cooling Control	54.0°F/12.0°C to 100.0°F/38.0°C
Accuracy	Temperature	±0.9°F/±0.5°C at 70.0°F/21.0°C Typical Calibrated
	Humidity	±5% RH from 20 to 80% RH at 50 to 90°F (10 to 32°C)
Default Minimum Deadband		2°F/1°C between Heating and Cooling
Ambient Conditions	Operating	32 to 122°F (0 to 50°C); 95% RH Maximum, Noncondensing
	Storage	-22 to 122°F (-30 to 50°C); 95% RH Maximum, Noncondensing
Compliance	United States	UL Listed, File E27734, CCN XAPX, Under UL 873, Temperature Indicating and Regulating Equipment FCC Compliant to CFR 47, Part 15, Subpart B, Class A
	Canada	UL Listed, File E27734, CCN XAPX7, Under CAN/CSA C22.2 No. 24, Temperature Indicating and Regulating Equipment Industry Canada, ICES-003
	Europe	CE Mark, EMC Directive 2004/108/EC
	Australia and New Zealand	C-Tick Mark, Australia/NZ Emissions Compliant
Shipping Weight		TEC21x6(H)-4 Models: 0.75 lb (0.34 kg) TEC21x6H-4+PIR Models: 0.77 lb (0.35 kg)

The performance specifications are nominal and conform to acceptable industry standards. For applications at conditions beyond these specifications, consult the local Johnson Controls office. Johnson Controls, Inc. shall not be liable for damages resulting from misapplication or misuse of its products. © 2010 Johnson Controls, Inc. www.johnsoncontrols.com

BSQ 140 - Belt Drive



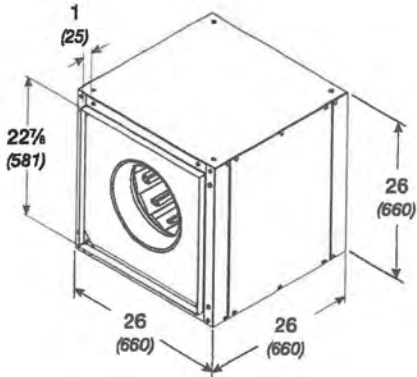
Damper size = 20 x 20 (508 x 508)
 Unit weight** = 111 (50)
 Housing thickness = 18 ga

Dimensions shown in inches (millimeters) and weight is shown in pounds (kilograms).
 *Motor cover is optional. Size may be greater depending on motor.
 **Weight shown is largest cataloged Open Drip Proof motor.

Model Number	Motor HP	Fan RPM	CFM / Static Pressure in Inches wg																		
			0.125	0.250	0.500	0.750	1.000	1.500	1.750	2.000	2.500	2.750									
BSQ-140-4	1/4	800	CFM	1362	1185																
			BHP	0.10	0.11																
			Sones	6.3	6.7																
BSQ-140-3	1/3	1076	CFM	1927	1810	1538															
			BHP	0.24	0.25	0.26															
			Sones	10.7	10.7	10.2															
BSQ-140-5	1/2	1185	CFM	2142	2039	1807	1463														
			BHP	0.32	0.33	0.35	0.34														
			Sones	12.1	11.9	12.0	10.6														
BSQ-140-7	3/4	1271	CFM	2311	2217	2006	1741	1199													
			BHP	0.39	0.41	0.43	0.43	0.39													
			Sones	13.3	13.0	13.1	13.0	12.7													
BSQ-140-10	1	1356	CFM	2476	2392	2197	1979	1636													
			BHP	0.48	0.49	0.51	0.52	0.51													
			Sones	14.2	13.9	13.8	13.8	13.8													
BSQ-140-15	1 1/2	1553	CFM	2858	2787	2626	2449	2253	1447												
			BHP	0.71	0.73	0.75	0.78	0.79	0.70												
			Sones	16.2	16.0	16.0	15.6	15.3	13.9												
BSQ-140-20	2	1631	CFM	3008	2941	2790	2625	2446	1865												
			BHP	0.82	0.84	0.86	0.89	0.91	0.87												
			Sones	17.1	16.9	16.9	16.6	16.1	14.8												
BSQ-140-15	1 1/2	1709	CFM	3159	3094	2953	2798	2635	2177	1752											
			BHP	0.95	0.96	0.99	1.02	1.05	1.03	0.97											
			Sones	18.2	18.0	17.9	17.7	17.2	16.1	15.1											
BSQ-140-15	1 1/2	1956	CFM	3633	3576	3461	3330	3193	2894	2705	2457										
			BHP	1.41	1.43	1.47	1.49	1.53	1.57	1.57	1.55										
			Sones	24	23	24	24	23	22	21	20										
BSQ-140-20	2	2055	CFM	3822	3769	3662	3537	3410	3136	2982	2777	2168									
			BHP	1.63	1.66	1.70	1.73	1.75	1.82	1.82	1.81	1.70									
			Sones	27	26	28	27	26	25	24	23	21									
BSQ-140-20	2	2153	CFM	4009	3958	3856	3741	3622	3365	3225	3078	2627	2260								
			BHP	1.88	1.90	1.95	1.98	2.00	2.08	2.10	2.10	2.05	1.95								
			Sones	30	30	31	31	30	28	28	27	25	23								

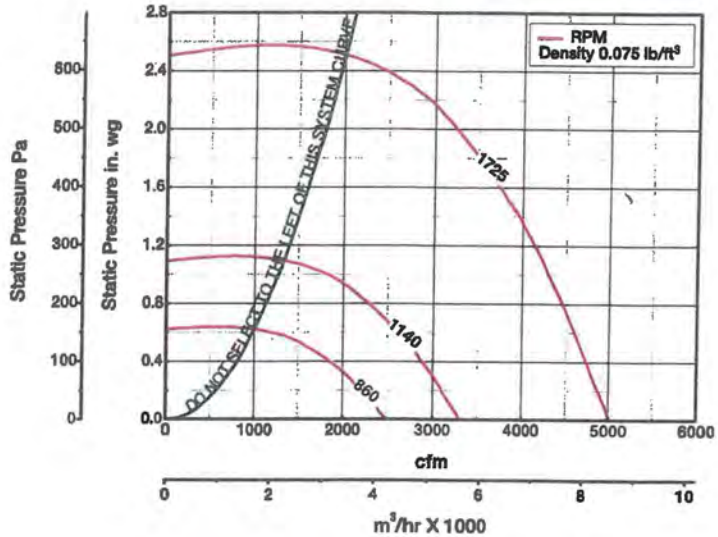
Performance certified is for installation type B: Free inlet, Ducted outlet. Performance ratings do not include the effects of appurtenances (accessories). Power rating (Bhp) does not include transmission losses. The sound ratings shown are loudness values in fan sones at 1.5 m (5 feet) in a hemispherical free field calculated per AMCA Standard 301. Values shown are for installation type B: free inlet hemispherical fan sone levels.

SQ 160 - Direct Drive



Damper size = 23 x 23 (584 x 584)
 Unit weight** = 160 (73)
 Housing thickness = 18 ga
 Outlet velocity = 0.275 x cfm

Dimensions shown in inches (millimeters) and weight is shown in pounds (kilograms).
 **Weight shown is largest cataloged Open Drip Proof motor.



Model Number	Motor HP	Fan RPM	CFM / Static Pressure in Inches wg												
			0.000	0.250	0.500	0.750	1.000	1.250	1.500	1.750	1.875	2.000			
SQ-160-C	1/4	860	CFM	2506	2147	1605									
			BHP	0.20	0.23	0.24									
			Sones	8.8	7.2	6.5									
SQ-160-B	1/2	1140	CFM	3322	3061	2773	2388	1808							
			BHP	0.47	0.51	0.54	0.56	0.51							
			Sones	14.0	12.8	11.9	11.4	10.8							
SQ-160-A	2	1725	CFM	5027	4856	4683	4504	4312	4094	3845	3575	3414	3236		
			BHP	1.64	1.69	1.74	1.80	1.85	1.89	1.93	1.95	1.94	1.91		
			Sones	26	25	24	24	24	24	24	24	24	24	24	

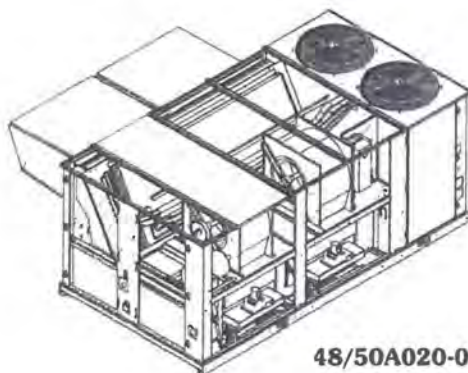
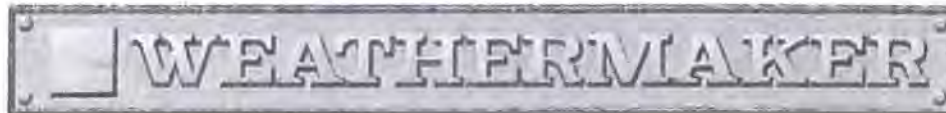
Performance certified is for installation type B: Free Inlet, Ducted outlet. Performance ratings do not include the effects of appurtenances (accessories).
 The sound ratings shown are loudness values in fan sones at 1.5 m (5 feet) in a hemispherical free field calculated per AMCA Standard 301.
 Values shown are for installation type B: free Inlet hemispherical fan sone levels.



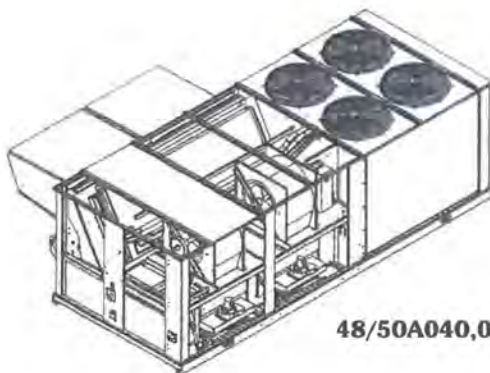
Product Data

WEATHERMAKER® 48/50A2,A3,A4,A5020-060 Single-Package Gas Heating/Electric Cooling Rooftop Units and Electric Cooling Rooftop Units with Optional Electric Heat with **COMFORTLINK™** Controls and **PURON®** Refrigerant (R-410A)

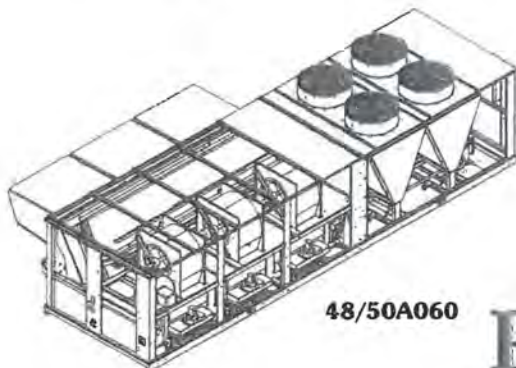
20 to 60 Nominal Tons



48/50A020-035



48/50A040,050



48/50A060



Carrier's 48/50A Series commercial packaged rooftops offer:

- Puron (R-410A) environmentally sound refrigerant
- Novation® heat exchanger technology with microchannel coil
- An easy-to-use, plain language display on the *ComfortLink* controls
- EERs (energy efficiency ratios) meet ASHRAE (American Society of Heating, Refrigeration, and Air Conditioning Engineers) Standard 90.1-2007 (effective 1/1/2010)
- Meets ASHRAE Standard 62
- Constant or variable volume
- Communicating controls
- Accurately match building loads with up to 5 steps of capacity
- VFD (variable frequency drive) on all VAV (variable air volume) units
- Mechanical cooling operation at outdoor ambient temperatures as low as 32 F (-20 F with optional Motormaster® V fan speed control)

Features/Benefits

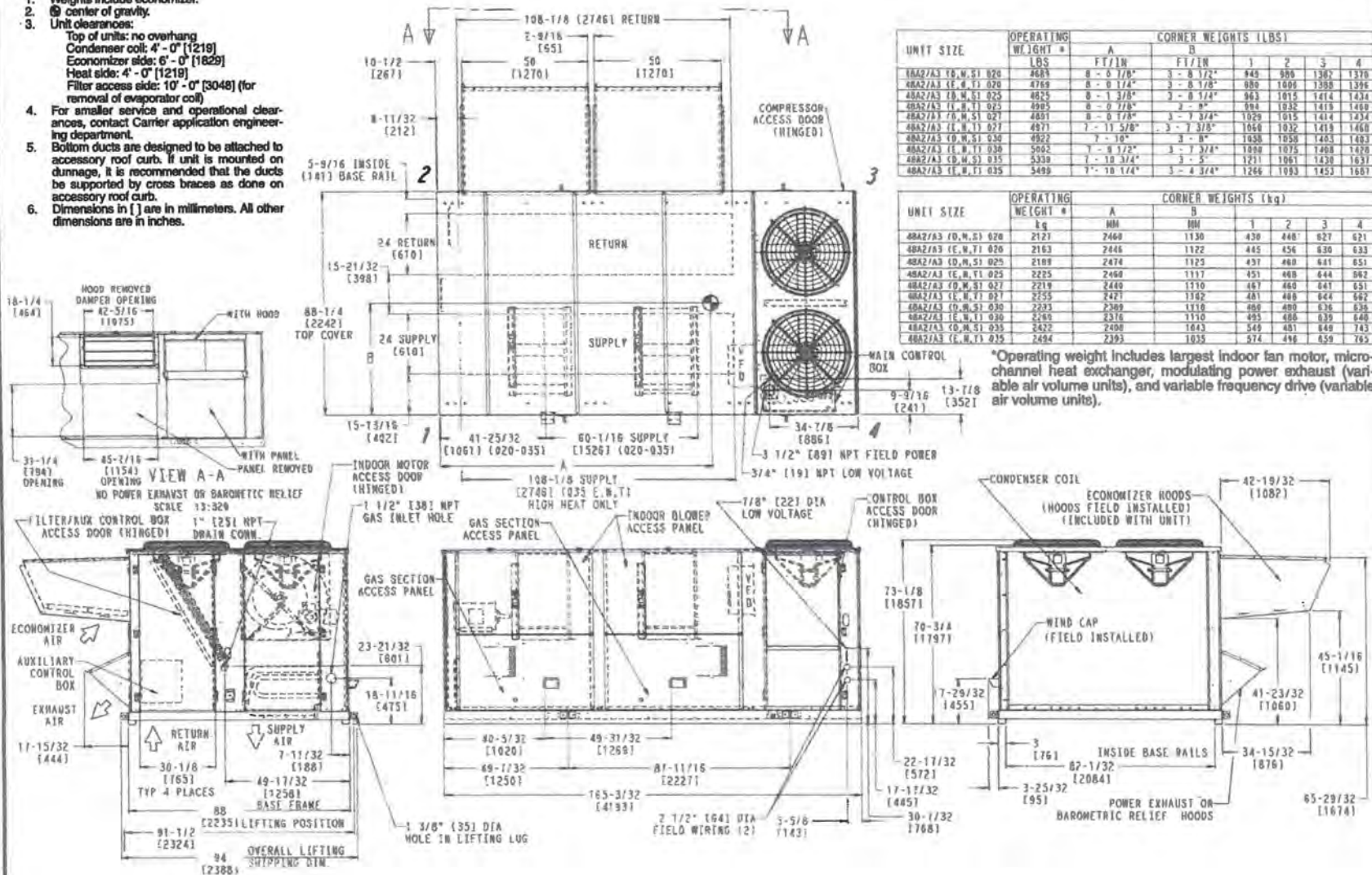
Carrier's 48/50A commercial packaged unit offers design flexibility, quality, reliability, and *ComfortLink* controls.

Design flexibility

Dedicated vertical supply/return units (A2,A3) are ideal for new construction or retrofit to existing installations. The low unit profile is maintained when the unit is installed on the accessory roof curb. The ducts are attached directly to the roof curb to allow all ductwork to be completed before the unit is positioned.

NOTES:

1. Weights include economizer.
2. Ⓞ center of gravity.
3. Unit clearances:
 Top of units: no overhang
 Condenser coil: 4" - 0" [1219]
 Economizer side: 6" - 0" [1829]
 Heat side: 4" - 0" [1219]
 Filter access side: 10" - 0" [3048] (for removal of evaporator coil)
4. For smaller service and operational clearances, contact Carrier application engineering department.
5. Bottom ducts are designed to be attached to accessory roof curb. If unit is mounted on downage, it is recommended that the ducts be supported by cross braces as done on accessory roof curb.
6. Dimensions in [] are in millimeters. All other dimensions are in inches.



UNIT SIZE	OPERATING WEIGHT #	CORNER WEIGHTS (LBS)			
		A	B	1	2
48A2/A3 (E, W, S) 020	4681	8 - 0 7/8"	3 - 8 1/2"	945	890
48A2/A3 (E, W, S) 020	4769	8 - 0 1/4"	3 - 8 1/8"	880	1095
48A2/A3 (E, W, S) 025	4825	8 - 1 3/8"	3 - 8 1/4"	863	1015
48A2/A3 (E, W, S) 025	4985	8 - 0 7/8"	3 - 8"	894	1032
48A2/A3 (E, W, S) 027	4801	8 - 0 1/8"	3 - 7 3/4"	1029	1015
48A2/A3 (E, W, S) 027	4871	7 - 11 5/8"	3 - 7 3/8"	1060	1032
48A2/A3 (E, W, S) 030	4922	7 - 10"	3 - 8"	1038	1058
48A2/A3 (E, W, S) 030	5092	7 - 8 1/2"	3 - 7 3/4"	1080	1075
48A2/A3 (E, W, S) 035	5330	7 - 10 3/4"	3 - 8"	1221	1061
48A2/A3 (E, W, S) 035	5499	7 - 10 1/4"	3 - 4 3/4"	1266	1093

UNIT SIZE	OPERATING WEIGHT #	CORNER WEIGHTS (kg)			
		A	B	1	2
48A2/A3 (E, W, S) 020	2121	2460	1130	430	448
48A2/A3 (E, W, S) 020	2163	2446	1122	445	456
48A2/A3 (E, W, S) 025	2189	2474	1125	457	460
48A2/A3 (E, W, S) 025	2225	2460	1117	451	468
48A2/A3 (E, W, S) 027	2219	2440	1110	467	460
48A2/A3 (E, W, S) 027	2255	2427	1102	481	468
48A2/A3 (E, W, S) 030	2233	2389	1116	480	480
48A2/A3 (E, W, S) 030	2295	2316	1110	495	488
48A2/A3 (E, W, S) 035	2422	2408	1043	549	481
48A2/A3 (E, W, S) 035	2494	2393	1035	574	496

*Operating weight includes largest indoor fan motor, micro-channel heat exchanger, modulating power exhaust (variable air volume units), and variable frequency drive (variable air volume units).

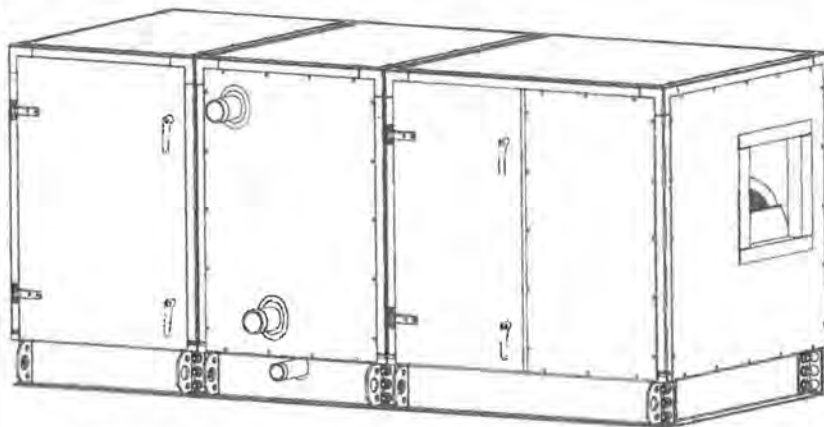




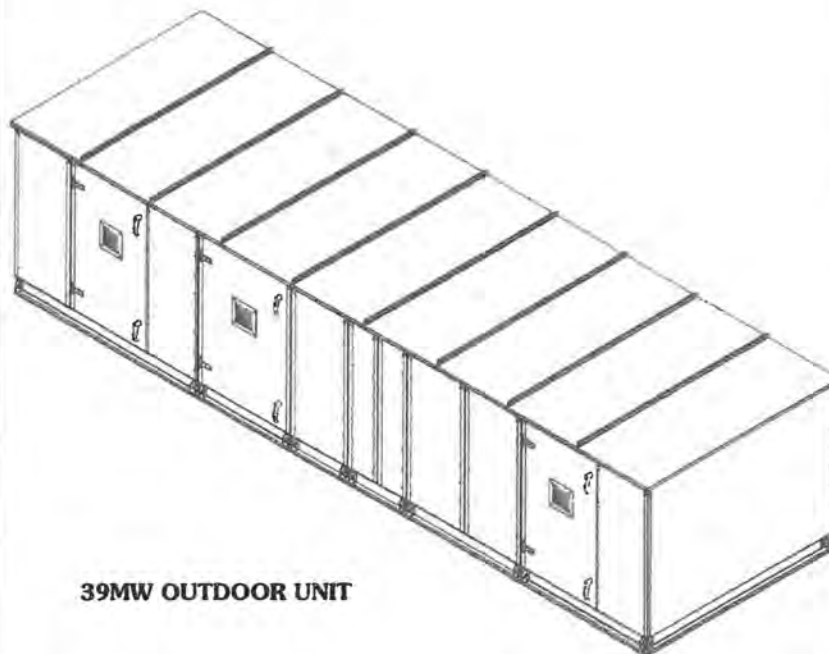
Product Data

AERO® 39MN, MW03-110 Indoor and Weathertight Outdoor Air Handlers

1,500 to 60,500 Nominal Cfm



39MN INDOOR UNIT



39MW OUTDOOR UNIT

Carrier's 39M air handlers offer:

- Units are shrink wrapped for complete protection while in transit
- Factory-supplied variable frequency drives that are programmed and started up at the factory
- Sealed panel double-wall R-13 insulation system
- Stacked indoor unit configurations for application versatility and maximum space utilization
- Outdoor weathertight cabinets have sloped roofs to prevent standing water, and are gasketed in all critical areas.
- Factory-installed integral face and bypass coils for extreme conditions
- Factory-installed humidifiers for precise indoor climate conditioning
- Available factory-mounted controls, starters, disconnects and variable frequency drives
- **AHUBuilder®** software for easy unit selection
- Optional prepainted unit exterior
- Optional AgION® anti-microbial coated panel interior
- Optional factory-installed UV-C germicidal lamps

Features/Benefits

The Aero 39M air handler is the only unit on the market that practically installs itself.

Easy installation

Frames, corners and base rails of the 39M air handler are all easily disassembled and reassembled in minutes with as little as 3 standard tools. Carrier's 39M units can be ordered with shipping splits, which speed section to section assembly. All panels are easily removed in one piece for cleaning or access to components.

Unit height: 5'-1 7/8"
 Bag Filter 6 - 12 IN. Side Loading
 Qty (6) 24in. x 24in.
 Pre Filter : 2In. Flat Filter
 Qty (6) 24in. x 24in.
 Hot Water 1 Row 8 FPI Half Circuit (qty. 1)
 Chilled Water 4 Row 8 FPI Half Circuit (qty. 1)

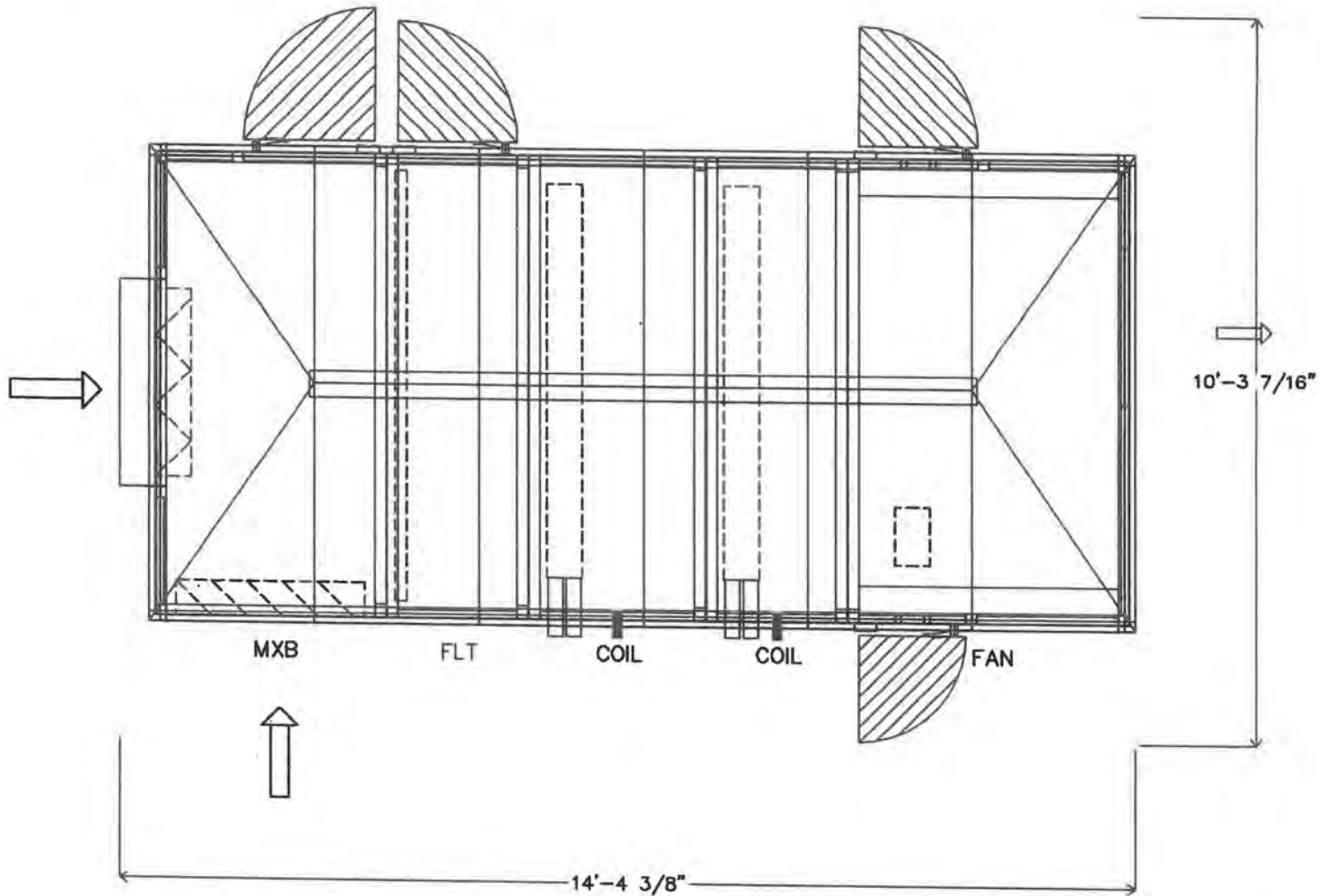
Draw-Thru Supply Fan
 20 HP Premium Efficiency TEFC 230 / 460 3Ph 60Hz 1800 RPM
 Operating weight: 3995.0 lbs.
 Upstream Corner Weight (each): 937.0 lbs.
 Downstream Corner Weight (each): 1060.0 lbs.



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39MW



DATE 1/31/2012	Configurator Ver. v6.20 09/30/11	39M Central Station Air-Handler, Size 21 Clayton: Untitled JAN 31,2012 11-59-01 Assembly Drawing	REVISION Top View
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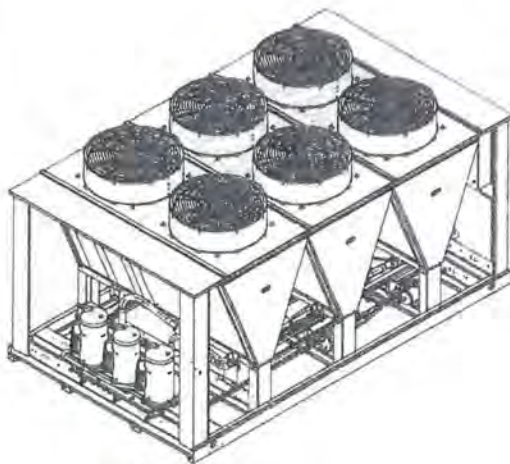
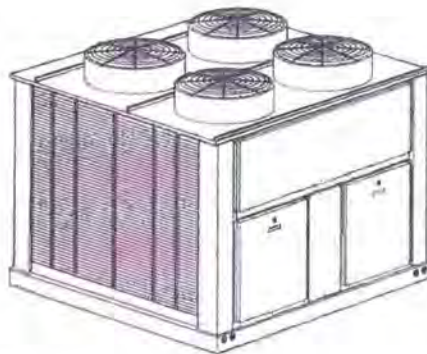


Product Data

AQUASNAP® 30RAP010-090 Air-Cooled Chillers with PURON® Refrigerant (R-410A)

10 to 90 Nominal Tons
(35 to 316 Nominal kW)

AQUASNAP®



The AquaSnap chiller is an effective all-in-one package that is easy to install and easy to own. AquaSnap chillers operate quietly and efficiently. Value-added features include:

- Rotary scroll compression
- HFC Puron® refrigerant (R-410A)
- Low-sound AeroAcoustic™ fan system
- Easy to use ComfortLink™ controls
- Optional integrated hydronic pump package with VFD (variable frequency drive) compatible motors, with optional VFD on 070-090 models
- Microchannel condenser coil technology
- Accessory fluid storage tank on 010-060 models
- Optional digital scroll compressors

Features/Benefits

Carrier's superior chiller design provides savings at initial purchase, at installation, and for years afterward.

Costs less right from the start

Carrier's AquaSnap chillers feature a compact, all-in-one package design that installs quickly and easily on the ground or the rooftop. The optional pump and hydronic components are already built in; this costs less than buying and installing the components individually. The chiller's fully integrated and pre-assembled hydronic system installs in minutes. No other chiller in this class installs so easily and inexpensively. The preassembled and integrated hydronic module utilizes top-quality components and pumps to ensure years of reliable operation.

Use of the optional fluid storage tank, available on size 010-060 models, reduces installation costs and ensures sufficient fluid volume is available for close-coupled and process cooling applications. The AquaSnap unit's high efficiency keeps costs down.

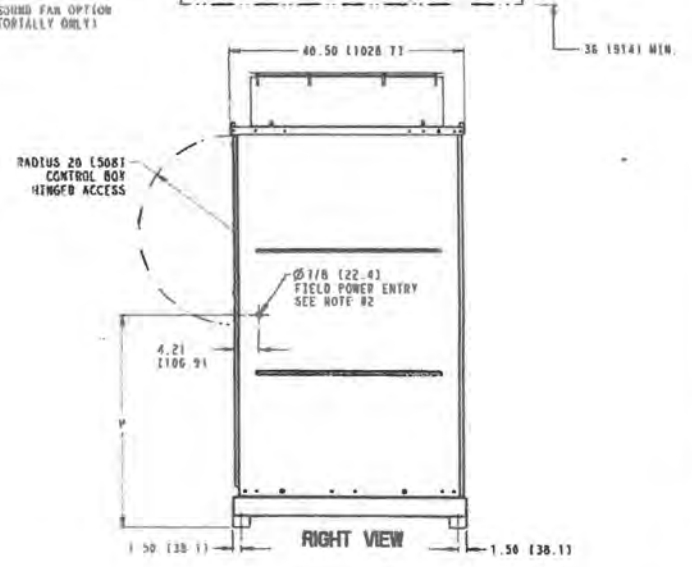
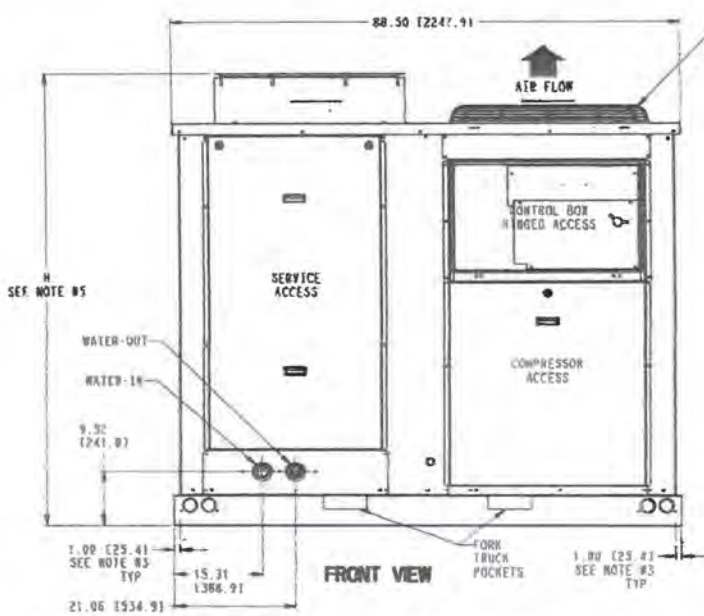
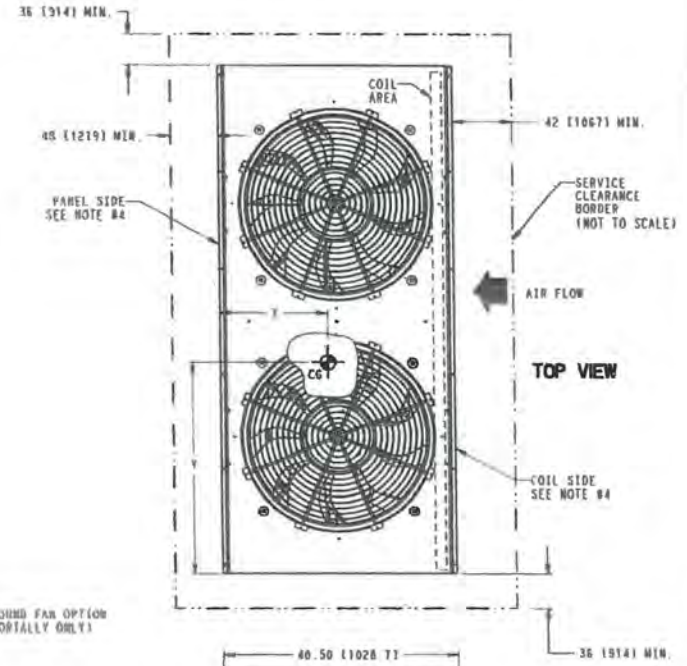

Puron
the environmentally sound refrigerant

**ASHRAE
90.1
COMPLIANT**

UNIT	CENTER OF GRAVITY		UNIT HEIGHT		POWER ENTRY	VICIHALIC CONNECTIONS
	X	Y	H (STANDARD)	H (VALUE SOUND)		
30RA018	18.37 (467.1)	38.77 (985)	66.5 (1689)	61.0 (1549)	24.9 (631)	2"
30RA020	18.38 (467.1)	38.79 (985)	66.5 (1689)	61.0 (1549)	24.9 (631)	2"
30RA025	18.38 (467.2)	38.93 (989)	78.5 (1994)	73.0 (1854)	36.9 (936)	2"
30RA030	18.59 (472)	38.98 (990)	78.5 (1994)	73.0 (1854)	36.9 (936)	2"

NOTES:

- DO NOT CAP OR OTHERWISE OBSTRUCT THE LIQUID LINE TEMPERATURE RELIEF.
- $\varnothing 7/8$ [22.4] PILOT HOLE PROVIDED FOR LOCATING FIELD POWER WIRING. ACTUAL HOLE REQUIRED DEPENDS ON FIELD WIRE SIZING.
- $\varnothing 0.437$ [11.10] HOLE USED FOR MOUNTING UNIT.
- UNIT MUST HAVE CLEARANCES AS FOLLOWS:
TOP - DO NOT RESTRICT.
COIL SIDE - 42 [1067] FROM SOLID SURFACE.
PANEL SIDE - 48 [1219] PER NEC.
- SEE TABLE COLUMN H; DIMENSION FOR STANDARD FAN OR VALUE SOUND FAN OPTION.
- CARRIER DOES NOT RECOMMEND INSTALLATION IN A PIT.
- UNIT CAN BE HANDLED USING THE FORK TRUCK LIFT POCKETS.
- WATER CONNECTIONS RECESSED 2-3/8 INCHES INSIDE UNIT.
- DIMENSIONS ARE IN INCHES. DIMENSIONS IN [] ARE IN MILLIMETERS



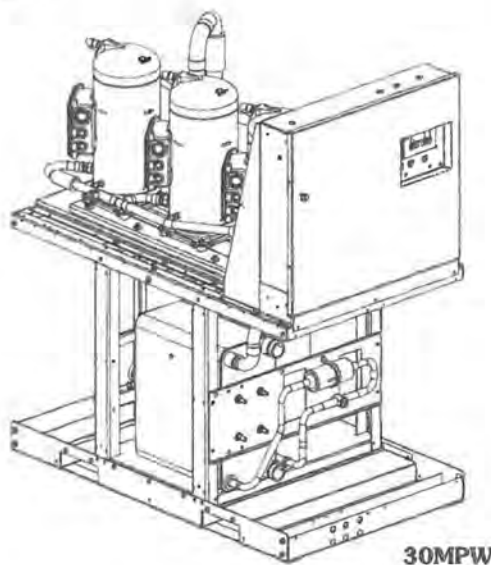
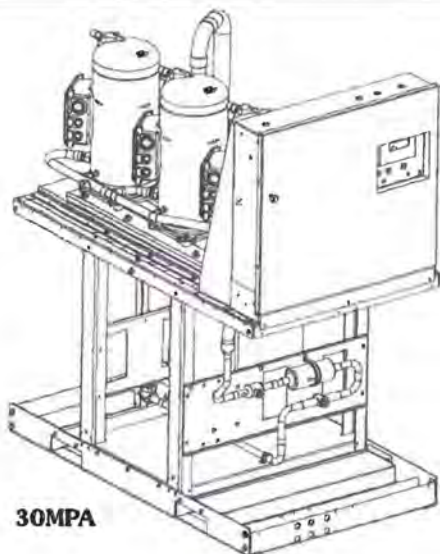


Product Data

AQUASNAP® 30MPA, MPW015-045 Liquid Chillers with Scroll Compressors and COMFORTLINK™ Controls

15 to 45 Nominal Tons
(53 to 158 kW)

AQUASNAP®



**ASHRAE
50A
COMPLIANT**

SEISMIC COMPLIANT

* Meets IBC 2006, ASCE-7-05, CBC 2007, and OSHPD seismic requirements.

AquaSnap packaged liquid and condenserless chillers feature a rugged, compact modular design for quick and easy installation. This single-circuit modular chiller covers a wide range of applications from ice to heat recovery and various combinations can be easily combined to meet the required plant capacity. Flexible modular design, compact size, and user friendly controls make the 30MP chillers an optimal choice for reliable cooling.

Value-added features include:

- rotary scroll compression
- HFC Puron® refrigerant (R-410A)
- low sound
- easy to use *ComfortLink* controls
- application flexibility
- energy efficiency
- modular design
- optional digital scroll compressors

Features/Benefits

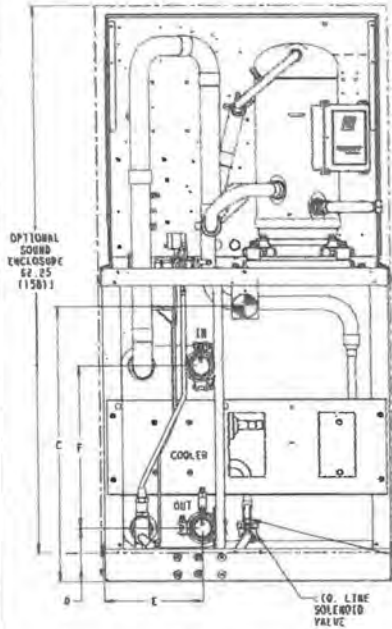
Easy to install, scroll chillers offer cost-effective and reliable cooling.

Installation ease

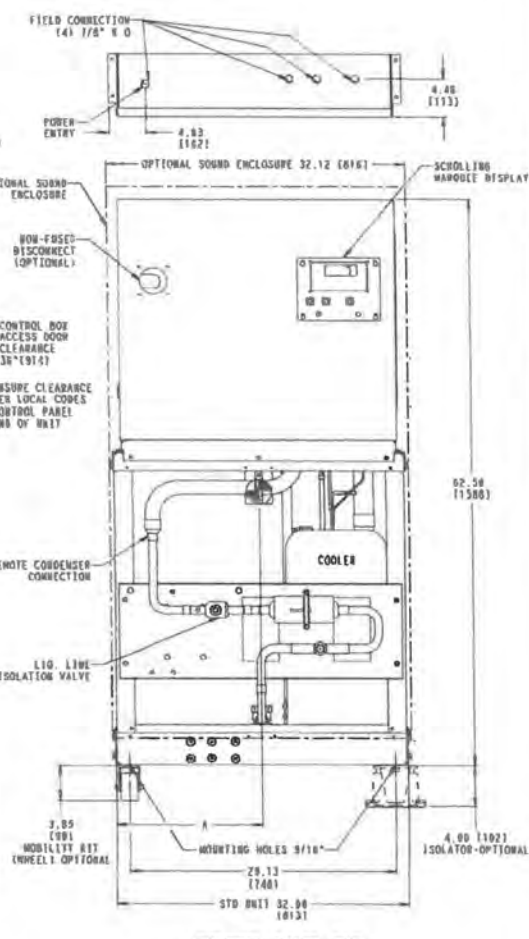
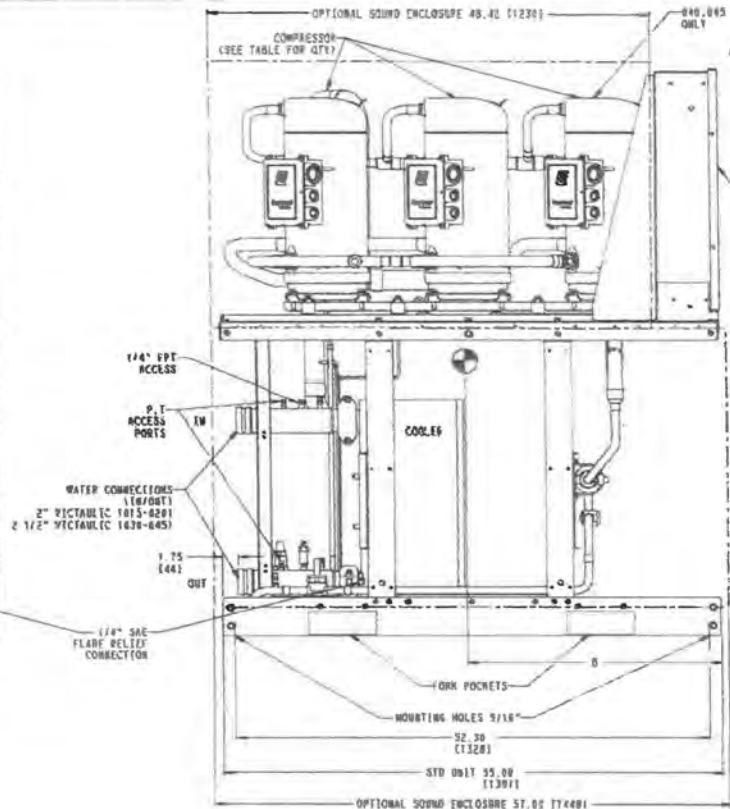
The 30MP units are designed to reduce installation time and costs. They arrive at the jobsite able to fit easily through a standard 36-in. (762 mm) door opening due to their compact design. The 30MP units include fork pockets in the frame for use with forklifts or pallet jacks. Optional mobility and height adjustment kits allow units to quickly roll into place and mate with existing piping. Mobility kit wheels are rubber type, pivot for easy unit maneuvering, and are lockable for safety.

30MPA015-045 (AIR-COOLED CHILLERS)

UNIT	OPERATING WEIGHT (lb)	A	B	C	D	E	F	NO OF COMPRESSORS
30MPA015	626 (284 kg)	17.00 (432 mm)	25.18 (639 mm)	31.40 (800 mm)	3.54 (91 mm)	6.44 (164 mm)	78.50 (2000 mm)	2
30MPA020	643 (291 kg)	17.60 (448 mm)	25.28 (644 mm)	31.35 (800 mm)	3.54 (91 mm)	6.44 (164 mm)	78.50 (2000 mm)	2
30MPA036	722 (327 kg)	17.60 (448 mm)	26.86 (682 mm)	30.65 (778 mm)	5.81 (148 mm)	11.32 (288 mm)	11.85 (301 mm)	2
30MPA040	913 (414 kg)	17.50 (443 mm)	25.90 (658 mm)	33.50 (853 mm)	5.99 (152 mm)	11.00 (279 mm)	11.72 (300 mm)	2
30MPA045	834 (424 kg)	17.40 (442 mm)	26.00 (660 mm)	33.89 (861 mm)	5.99 (152 mm)	12.79 (325 mm)	14.50 (368 mm)	2



OPPOSITE CONTROL PANEL END



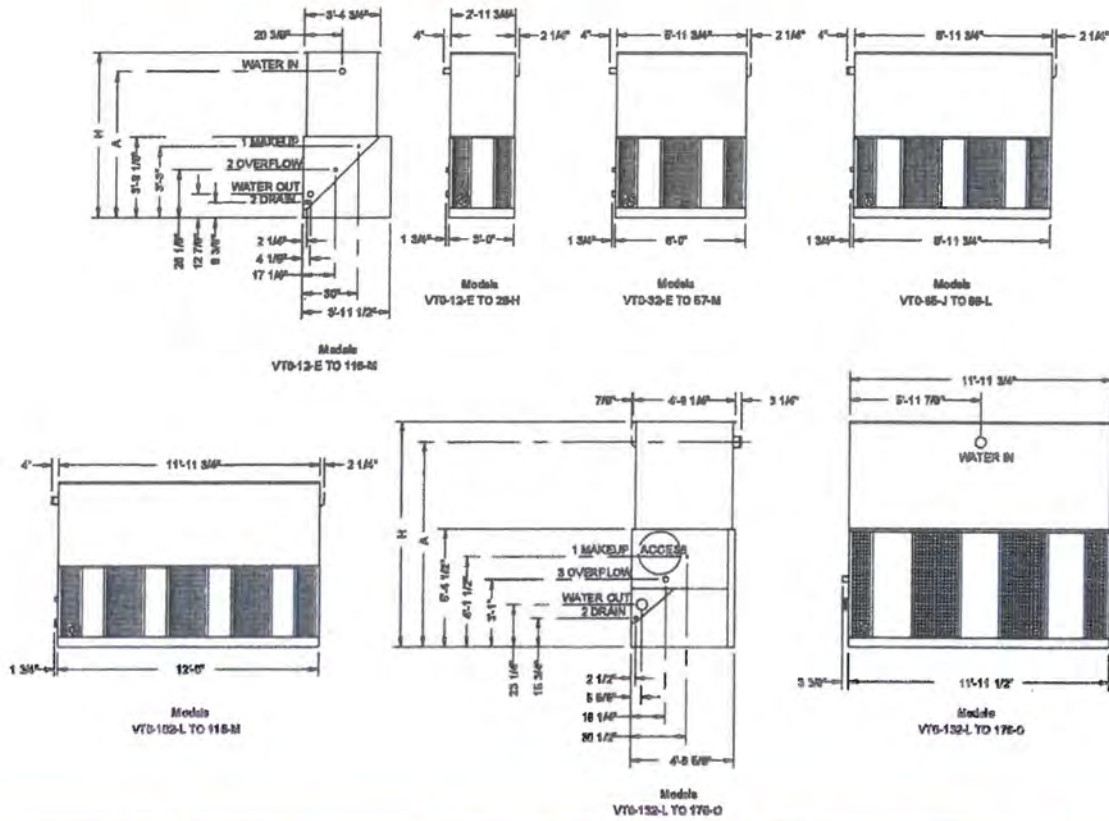
CONTROL PANEL END

NOTES:

1. Operating weight includes weight of water and refrigerant.
2. ⊙ Denotes center of gravity.
3. Dimensions are shown in inches. Dimensions in [] are in millimeters.
4. Allow 36-in. (914 mm) clearance on control panel end, opposite control panel end and above the unit. All clearances must be in accordance with local codes.
5. --- Denotes accessory or factory-installed option.



VT0 Engineering Data



Model Number	Nominal Tonnage ¹	Motor HP ¹	Airflow (CFM)	Weights (lbs)		Dimensions			Connections ²		
				Operating ¹	Shipping	A	H	B	Inlet	Outlet	Overflow
VT0-12-E	12	1.5	4,970	960	790	6' 7-7/8"	7' 6-1/8"	12-7/8"	3"	3"	2"
VT0-14-F	14	2	5,460	970	800	6' 7-7/8"	7' 6-1/8"	12-7/8"	3"	3"	2"
VT0-19-G	19	3	6,190	990	820	6' 7-7/8"	7' 6-1/8"	12-7/8"	3"	3"	2"
VT0-24-G	24	3	5,945	1,050	950	8' 1-7/8"	9' 0-1/8"	12-7/8"	3"	3"	2"
VT0-28-H	28	5	6,980	1,170	970	8' 1-7/8"	9' 0-1/8"	12-7/8"	3"	3"	2"
VT0-32-H	32	5	11,820	1,590	1,230	6' 7-7/8"	7' 6-1/8"	12-7/8"	3"	3"	2"
VT0-41-J	41	7.5	13,435	1,650	1,290	6' 7-7/8"	7' 6-1/8"	12-7/8"	3"	3"	2"
VT0-52-J	52	7.5	12,980	1,780	1,540	8' 1-7/8"	9' 0-1/8"	12-7/8"	3"	3"	2"
VT0-57-K	57	10	14,180	1,790	1,550	8' 1-7/8"	9' 0-1/8"	12-7/8"	3"	3"	2"
VT0-65-J	65	7.5	18,860	2,580	2,000	8' 1-7/8"	9' 0-1/8"	12-7/8"	4"	4"	2"
VT0-75-K	75	10	18,435	2,590	2,010	8' 1-7/8"	9' 0-1/8"	12-7/8"	4"	4"	2"
VT0-78-K	78	10	17,990	2,710	2,130	9' 7-1/8"	10' 6-1/8"	12-7/8"	4"	4"	2"
VT0-88-L	88	15	20,420	2,770	2,190	9' 7-1/8"	10' 6-1/8"	12-7/8"	4"	4"	2"
VT0-102-L	102	15	25,060	3,310	2,500	8' 1-7/8"	9' 0-1/8"	12-7/8"	4"	4"	2"
VT0-107-L ²	107	15	24,480	3,680	2,870	8' 7-1/8"	10' 6-1/8"	12-7/8"	4"	4"	2"
VT0-116-M ²	116	20	26,670	3,740	2,930	9' 7-1/8"	10' 6-1/8"	12-7/8"	4"	4"	2"
VT0-132-L	132	15	30,600	5,190	3,820	10' 9-7/8"	11' 9-1/8"	23-1/4"	6"	6"	3"
VT0-145-M	145	20	33,670	5,200	3,830	10' 9-7/8"	11' 9-1/8"	23-1/4"	6"	6"	3"
VT0-155-N	155	25	36,240	5,250	3,880	10' 9-7/8"	11' 9-1/8"	23-1/4"	6"	6"	3"
VT0-166-N ²	166	25	35,265	5,650	4,280	12' 3-7/8"	13' 3-1/8"	23-1/4"	6"	6"	3"
VT0-176-O ²	176	30	37,330	5,680	4,310	12' 3-7/8"	13' 3-1/8"	23-1/4"	6"	6"	3"

Do not use for construction. Refer to factory certified dimensions.

Network Control Engine

Product Bulletin

MS-NCE25xx-x

Code No. LIT-12011283
 Software Release 5.2
 Issued December 20, 2011
 Supersedes May 13, 2011

Refer to the QuickLIT Web site for the most up-to-date version of this document.

The Metasys® Network Control Engine (NCE) Series controllers combine the network supervisor capabilities and Internet Protocol (IP) network connectivity of a Network Automation Engine (NAE) with the Input/Output (I/O) point connectivity and direct digital control capabilities of a Field Equipment Controller (FEC). NCEs provide a cost-effective solution designed for integrating central plants and large built-up air handlers into your Metasys networks.

All NCE models provide IP Ethernet network connectivity, the Metasys Site Management Portal User Interface (UI), and the network supervisory capabilities featured on NAE35/NAE45 Series network automation engines.

NCEs provide connectivity to and supervisory control of a specified field bus trunk with up to 32 field controllers. Depending on the model, an NCE supports either a BACnet® Master-Slave/Token-Passing (MS/TP) trunk, an N2 Bus trunk, or a LONWORKS® network trunk; except the MS-NCE2000-0 and MS-NCE2506-0 models, which do not provide a physical field controller trunk connection.



NCE25 Network Control Engine

All NCE models feature 33 integral I/O points and a Sensor Actuator (SA) Bus, which allow you to increase the NCE's I/O field point capacity and also integrate NS Series Network Sensors and Variable Frequency Drives (VFDs) into your NCE application.

Some NCE models feature an integral field controller display screen with a navigation keypad. In addition, some NCE models feature an internal modem that supports standard dial-up capabilities.

Table 1: Features and Benefits

Features	Benefits
Use of Commonly Accepted Information Technology (IT) Standards at the Automation and Enterprise Level	Allows you to install the NCE on the existing IT infrastructure within a building or enterprise and use standard IT communication services over the company intranet, Wide Area Network (WAN), or public Internet with firewall protection.
Web-Based User Interface	Allows you to access, monitor, and control the NCE from a supported Web browser connected to the network, including remote users connected by dial-up telephone or an Internet Service Provider (ISP).
Supervision of Either an N2 Bus, LONWORKS Network, or BACnet MS/TP Bus Field Controller Trunk	Supports connectivity to open network standards for flexibility in the selection of field devices. Supports up to 32 field controllers on either a BACnet MS/TP bus, LONWORKS network, or N2 Bus trunk.
Multiple Connection Options for Data Access	Allow connection of a Web browser via the Internet Protocol (IP) network using the Ethernet port. For a dial-up connection, use the optional internal or external modem.
Integral Field Controller with 33 I/O Points	Provides field level control of central plant and large air-handler applications combined with enterprise level IP network connectivity.
Expandable I/O Point Capacity, NS Sensor Connectivity, and VFD Control on Field Controller SA Bus	Allow you to connect multiple Input/Output Modules (IOMs), NS Series Network Sensors, and VFDs to the field controller SA Bus, which greatly expands the NCE's field level control capabilities.

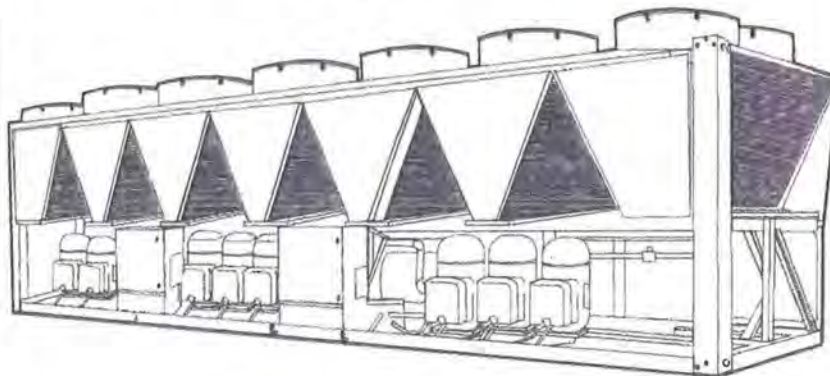
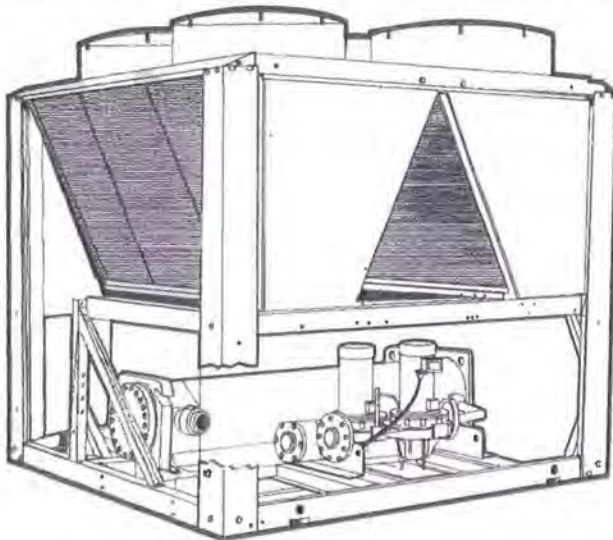


Product Data

AQUASNAP® 30RB060-390 Air-Cooled Chillers

60 to 390 Nominal Tons
(210 to 1370 kW)

AQUASNAP®



The AquaSnap chiller is an effective all-in-one package that is easy to install and easy to own. AquaSnap chillers cost less to purchase and install, and then operate quietly and efficiently. Value-added features include:

- Rotary scroll compression
- Puron® HFC refrigerant (R-410A)
- Quiet AeroAcoustic™ fan system
- Easy to use *ComfortLink*™ controls
- Optional full heat reclaim package
- Optional integrated hydronic pump package, available with variable frequency drive (VFD)
- Novation® heat exchanger technology with microchannel coil

Features/Benefits

Carrier's superior chiller design provides savings at initial purchase, at installation, and for years afterward.

Costs less right from the start

Carrier's AquaSnap chillers feature a compact, all-in-one package design that installs quickly and easily on the ground or the rooftop. The optional pump and hydronic components are already built in; this costs less than buying and installing the components individually. The chiller's fully integrated and pre-assembled hydronic system installs in minutes. No other chiller in this class installs so easily and inexpensively. The preassembled and integrated hydronic module (available with VFD) utilizes top-quality components and pumps to ensure years of reliable operation. The AquaSnap unit's high efficiency keeps operating costs down.

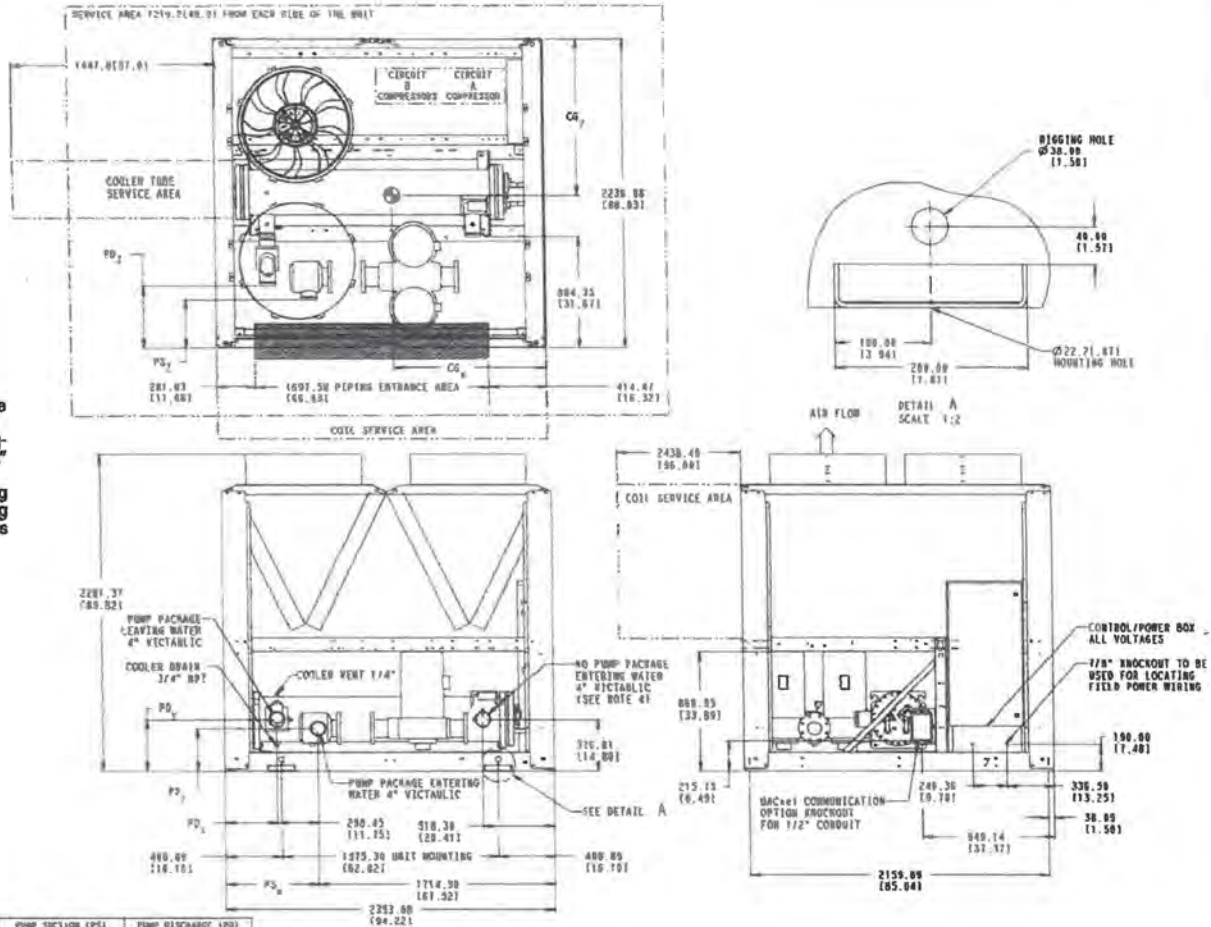

the environmentally sound refrigerant

ASHRAE
90.1
COMPLIANT

SEISMICOMPLIANT

* Meets IBC 2006, ASCE-7-05, CBC 2007, and OSHPD seismic requirements.

30RB060, 070 AIR-COOLED CHILLER



NOTES:

1. Unit must have clearances as follows:
 Top — Do not restrict.
 Sides and End — 6' from solid surface.
2. All pumps have drains located at the bottom of volute for draining.
3. Temperature relief devices located on suction line, liquid line and filter drier of each circuit and have 1/4" flare connection.
4. Units without a pump package have the same leaving water connection, Y and Z dimensions (entering water), and Pump Discharge X dimensions as units with a pump package.
5. Dimensions are in mm [inches].

REF. CODE	MAX. COIL COPAL	MAX. REFR. CAPAL	MAX. WEIGHT	MAX. HEIGHT	WEIGHT	MAX. HEIGHT	CENTER OF GRAVITY				PUMP SUCTION (PSI)				PUMP DISCHARGE (PSI)															
							CS	CG	F	T	F	T	F	T	F	T	F	T												
2000-300	1711	4040	4520	5626	3700	4676	1184	1000	673.6	309.9	253.1	320.4	482.6	198.4	180.4	1865	1865	2247	2088	2406	1116	2994	145.82	148.66	126.61	112.21	112.51	115.01	119.01	127.41
3000-070	2317	5150	6190	5632	3978	4811	1165	1412	675.6	309.9	352.1	381.6	482.6	198.4	188.0	1932	1932	2641	2197	2360	1884	2182	145.86	145.86	126.61	112.21	112.51	115.01	119.01	127.41

MCHX — Microchannel Condenser Coil

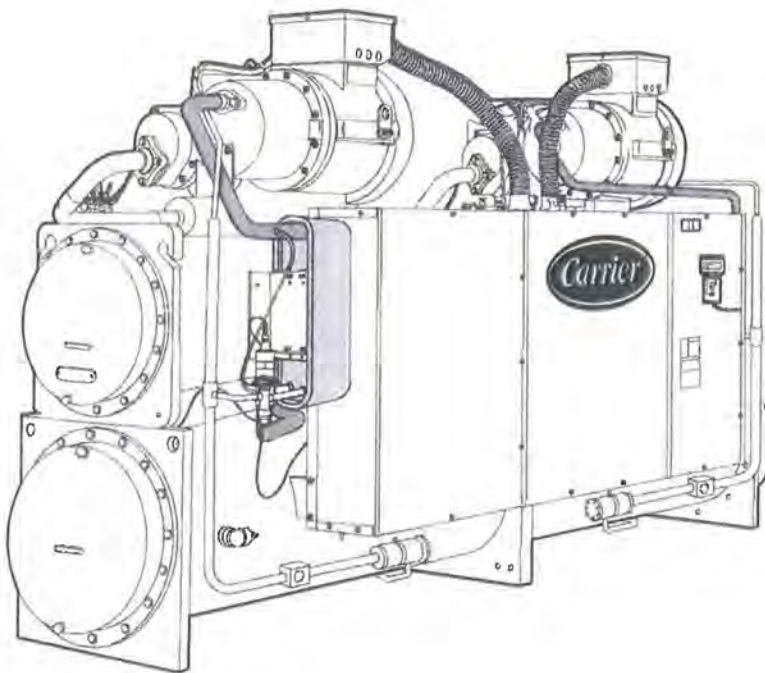




Product Data

EVERGREEN®
30HXA, HXC076-271
Condenserless and Water-Cooled
Liquid Chillers with
COMFORTLINK™ Controls
50/60 Hz
75 to 265 Nominal Tons
(264 to 931 kW)

Evergreen® CHILLERS



ASHRAE
50.1
COMPLIANT

Water-cooled and condenserless chillers designed from the ground up to meet the needs of today and tomorrow:

- Unit fits through a standard door with no disassembly required
- Chlorine-free HFC-134a refrigerant
- Dual independent refrigerant circuits
- Smooth compression using twin screw compressors
- AHRI certified IPLV efficiencies to 0.51 kW/ton

Features/Benefits

Quality design and construction make the 30HXC (water-cooled) and 30HXA (condenserless) units the preferred chillers.

Easy installation

The 30HX chiller has a compact design that fits through a standard door opening and requires minimal indoor space. The 30HX chiller is delivered as a complete package for easy installation. There are no extra controls, clocks, starters, or other items to install.


The 30HX unit also provides a single location electrical power entrance (using the accessory field-installed control power transformer) and quick, easy piping (using victaulic-type clamp-on couplings).

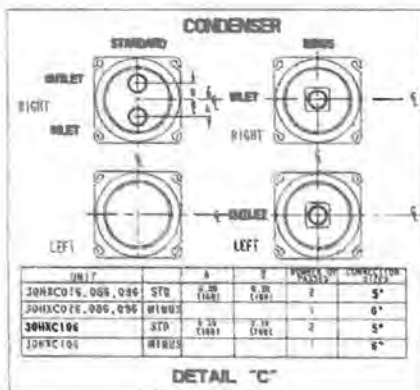
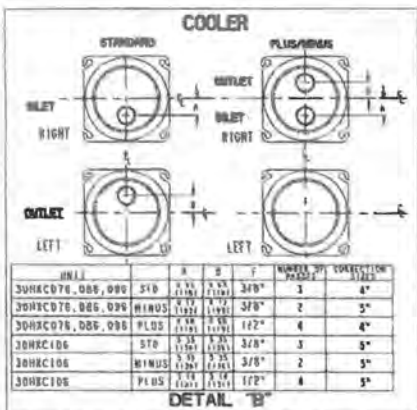
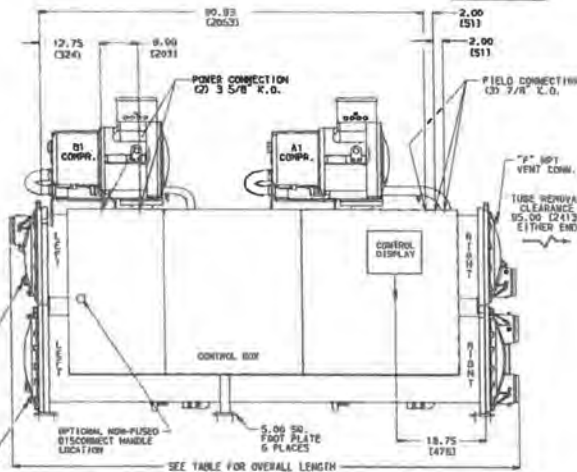
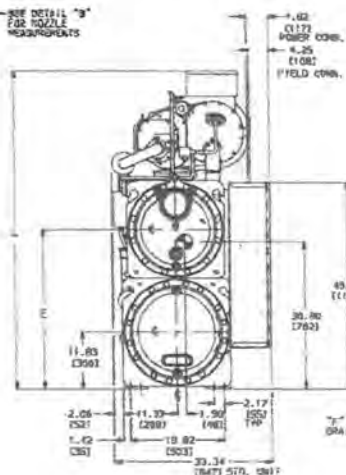
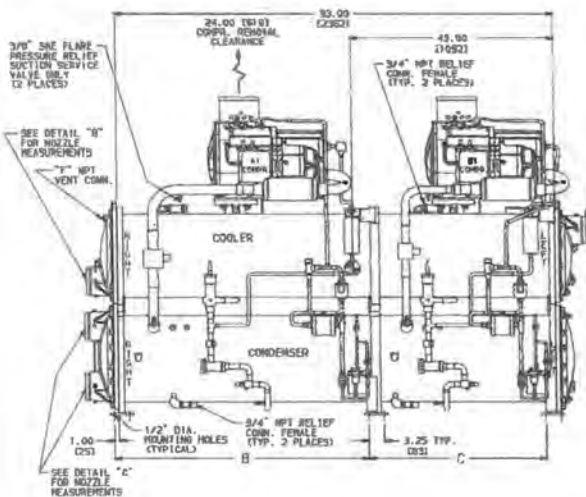
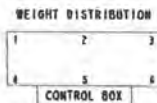
The 30HX 208/230-v, 230-v, 460-v and 575-v 60 Hz units are designed in accordance with UL (Underwriters Laboratory, U.S.A.) and UL, Canada (Underwriters Laboratory, Canada) standards to minimize electrical inspection time.

30HXC076-106

UNIT	OPERATING WEIGHT - lb (kg)	B	C	E	L	WGT DISTRIBUTION AT EACH MTG PLATE - lb (kg)					
						1	2	3	4	5	6
30HXC076	5700 (2586)	45.87 (1165)	45.87 (1165)	32.50 (826)	65.22 (1657)	738 (335)	943 (428)	595 (270)	1110 (503)	1418 (643)	896 (406)
30HXC086	5723 (2597)	45.87 (1165)	45.87 (1165)	32.50 (826)	65.22 (1657)	738 (335)	947 (430)	597 (271)	1112 (504)	1427 (647)	902 (409)
30HXC096	5855 (2657)	54.12 (1375)	37.63 (956)	32.50 (826)	65.22 (1657)	686 (311)	968 (439)	693 (314)	1027 (466)	1447 (656)	1034 (469)
30HXC106	6177 (2803)	54.12 (1375)	37.63 (956)	33.50 (851)	67.22 (1707)	730 (331)	1028 (466)	744 (337)	1073 (487)	1510 (685)	1092 (495)

NOTES:

- Operating weight includes weight of water and refrigerant.
-  Denotes center of gravity.
- Dimensions are in inches (mm).
- Recommended service clearance around machine is 36 in. (914.4 mm).
- Victaulic nozzles are standard on all models. Flow switch factory installed in cooler inlet victaulic nozzle.

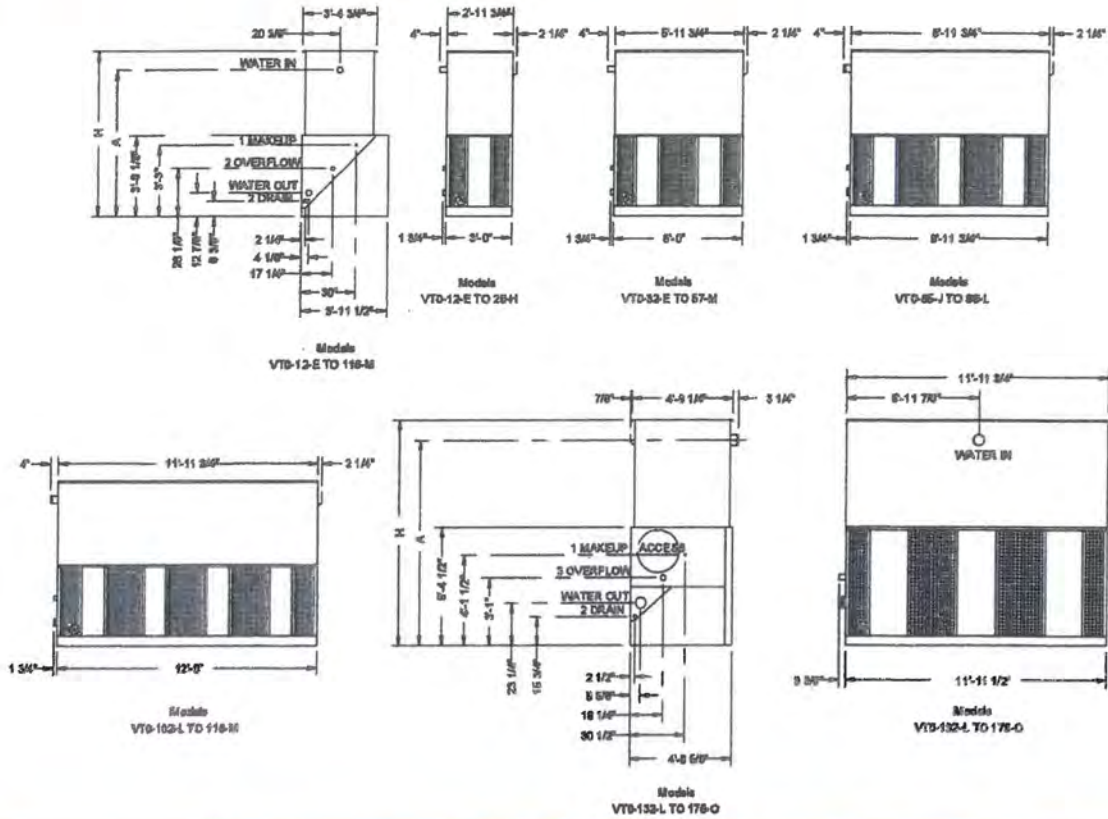


COOLER	CONDENSER	OVERALL LENGTH BTG. 086, 090	OVERALL LENGTH 106
STANDARD COOLER	STANDARD CONDENSER	106.39 (2703)	196.78 (4988)
STANDARD COOLER	PLUS ONE PASS CONDENSER	113.00 (2870)	113.00 (2870)
PLUS ONE PASS COOLER	STANDARD CONDENSER	104.85 (2663)	104.85 (2663)
PLUS ONE PASS COOLER	PLUS ONE PASS CONDENSER	113.00 (2870)	113.00 (2870)
PLUS ONE PASS COOLER	STANDARD CONDENSER	102.00 (2591)	102.00 (2591)
PLUS ONE PASS COOLER	PLUS ONE PASS CONDENSER	113.00 (2870)	113.00 (2870)



VT0 Engineering Data

Series V Engineering Data



Model Number	Nominal Tonnage ¹	Motor HP ¹	Airflow (CFM)	Weights (lbs)		Dimensions			Connections ²		
				Operating ¹	Shipping	A	H	B	Inlet	Outlet	Overflow
VT0-12-E	12	1.5	4,970	960	790	6' 7-7/8"	7' 6-1/8"	12-7/8"	3"	3"	2"
VT0-14-F	14	2	5,460	970	800	6' 7-7/8"	7' 6-1/8"	12-7/8"	3"	3"	2"
VT0-19-G	19	3	6,190	990	820	6' 7-7/8"	7' 6-1/8"	12-7/8"	3"	3"	2"
VT0-24-G	24	3	5,945	1,050	950	8' 1-7/8"	9' 0-1/8"	12-7/8"	3"	3"	2"
VT0-28-H	28	5	6,960	1,170	970	8' 1-7/8"	9' 0-1/8"	12-7/8"	3"	3"	2"
VT0-32-H	32	5	11,820	1,590	1,230	6' 7-7/8"	7' 6-1/8"	12-7/8"	3"	3"	2"
VT0-41-J	41	7.5	13,435	1,650	1,290	6' 7-7/8"	7' 6-1/8"	12-7/8"	3"	3"	2"
VT0-52-J	52	7.5	12,960	1,780	1,540	8' 1-7/8"	9' 0-1/8"	12-7/8"	3"	3"	2"
VT0-57-K	57	10	14,180	1,790	1,550	8' 1-7/8"	9' 0-1/8"	12-7/8"	3"	3"	2"
VT0-65-J	65	7.5	16,860	2,580	2,000	8' 1-7/8"	9' 0-1/8"	12-7/8"	4"	4"	2"
VT0-75-K	75	10	18,435	2,590	2,010	8' 1-7/8"	9' 0-1/8"	12-7/8"	4"	4"	2"
VT0-78-K	78	10	17,990	2,710	2,130	9' 7-1/8"	10' 6-1/8"	12-7/8"	4"	4"	2"
VT0-88-L	88	15	20,420	2,770	2,190	9' 7-1/8"	10' 6-1/8"	12-7/8"	4"	4"	2"
VT0-102-L	102	15	25,060	3,310	2,500	8' 1-7/8"	9' 0-1/8"	12-7/8"	4"	4"	2"
VT0-107-L	107	15	24,460	3,680	2,870	9' 7-1/8"	10' 6-1/8"	12-7/8"	4"	4"	2"
VT0-116-M	116	20	26,670	3,740	2,930	9' 7-1/8"	10' 6-1/8"	12-7/8"	4"	4"	2"
VT0-132-L	132	15	30,600	5,190	3,820	10' 9-7/8"	11' 9-1/8"	23-1/4"	6"	6"	3"
VT0-145-M	145	20	33,870	5,200	3,830	10' 9-7/8"	11' 9-1/8"	23-1/4"	8"	6"	3"
VT0-155-N	155	25	36,240	5,250	3,880	10' 9-7/8"	11' 9-1/8"	23-1/4"	6"	6"	3"
VT0-166-N	166	25	35,265	5,650	4,260	12' 3-7/8"	13' 3-1/8"	23-1/4"	6"	6"	3"
VT0-176-O	176	30	37,330	5,680	4,310	12' 3-7/8"	13' 3-1/8"	23-1/4"	6"	6"	3"

Do not use for construction. Refer to factory certified dimensions.



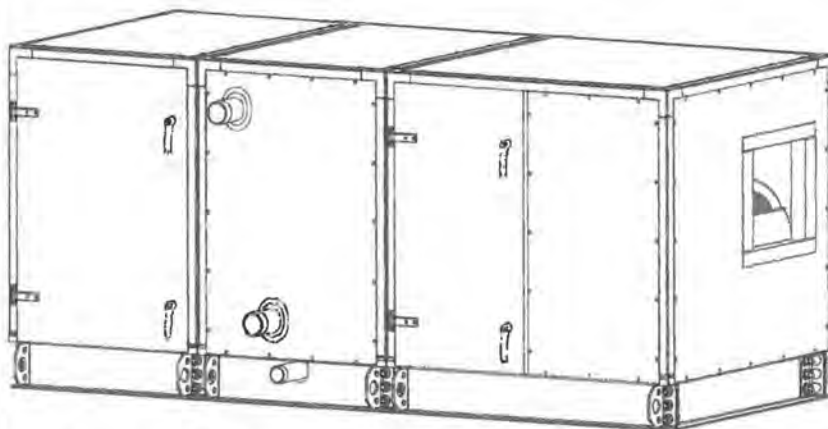
Baltimore Aircoil Company



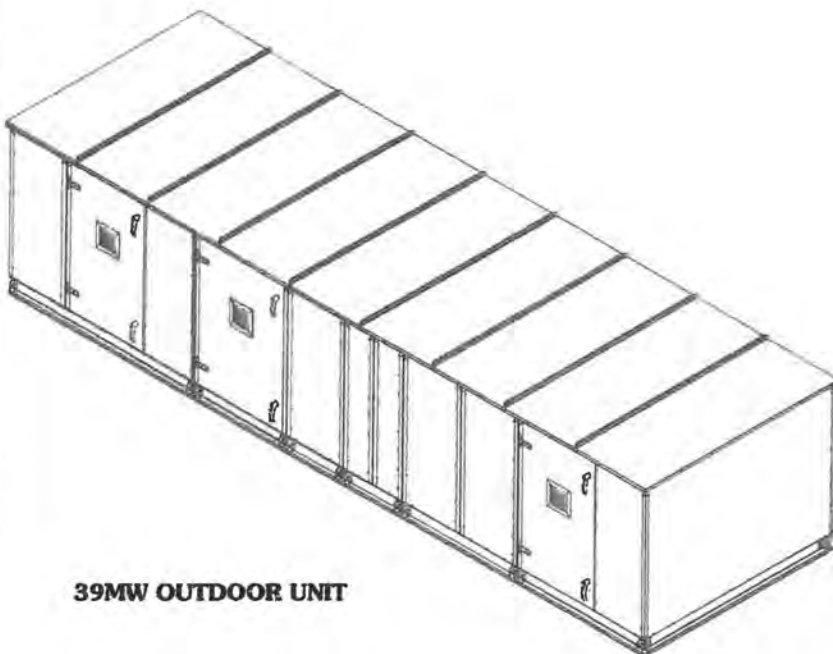
Product Data

AERO® 39MN, MW03-110 Indoor and Weathertight Outdoor Air Handlers

1,500 to 60,500 Nominal Cfm



39MN INDOOR UNIT



39MW OUTDOOR UNIT

Carrier's 39M air handlers offer:

- Units are shrink wrapped for complete protection while in transit
- Factory-supplied variable frequency drives that are programmed and started up at the factory
- Sealed panel double-wall R-13 insulation system
- Stacked indoor unit configurations for application versatility and maximum space utilization
- Outdoor weathertight cabinets have sloped roofs to prevent standing water, and are gasketed in all critical areas.
- Factory-installed integral face and bypass coils for extreme conditions
- Factory-installed humidifiers for precise indoor climate conditioning
- Available factory-mounted controls, starters, disconnects and variable frequency drives
- **AHUBuilder®** software for easy unit selection
- Optional prepainted unit exterior
- Optional AglON® anti-microbial coated panel interior
- Optional factory-installed UV-C germicidal lamps

Features/Benefits

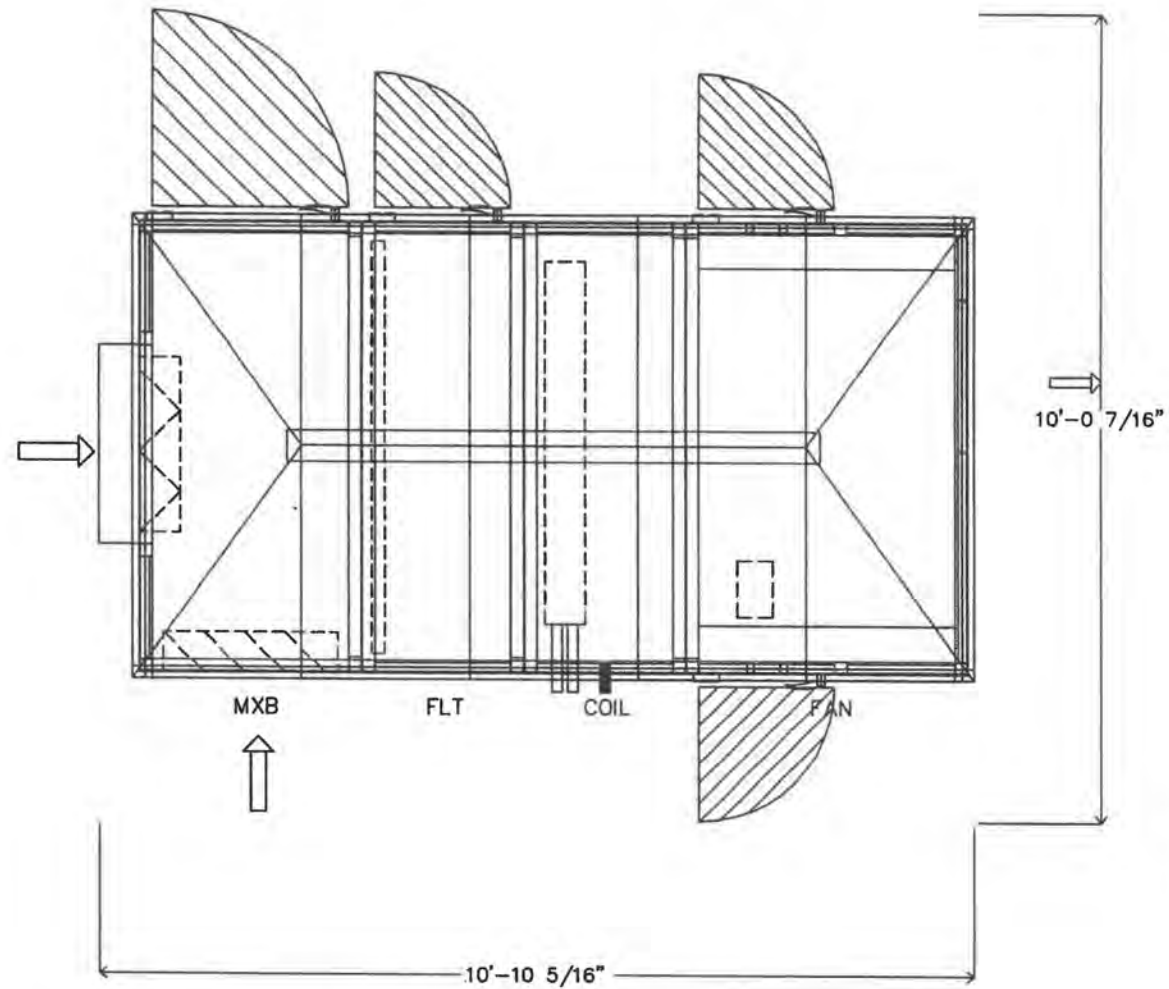
The Aero 39M air handler is the only unit on the market that practically installs itself.

Easy installation

Frames, corners and base rails of the 39M air handler are all easily disassembled and reassembled in minutes with as little as 3 standard tools. Carrier's 39M units can be ordered with shipping splits, which speed section to section assembly. All panels are easily removed in one piece for cleaning or access to components.

Unit height: 4'-0 7/8"
 Bag Filter 6 - 12 IN. Side Loading
 Qty (2) 24in. x 24in.
 Qty (3) 12in. x 24in.
 Pre Filter : 2in. Flat Filter
 Qty (2) 24in. x 24in.
 Qty (3) 12in. x 24in.

Chilled Water 4 Row 8 FPI Half Circuit (qty. 1)
 Draw-Thru Supply Fan
 7.5 HP Premium Efficiency TEFC 230 / 460 3Ph 60Hz 1800 RPM
 Operating weight: 2557.0 lbs.
 Upstream Corner Weight (each): 607.0 lbs.
 Downstream Corner Weight (each): 671.0 lbs.



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39MM

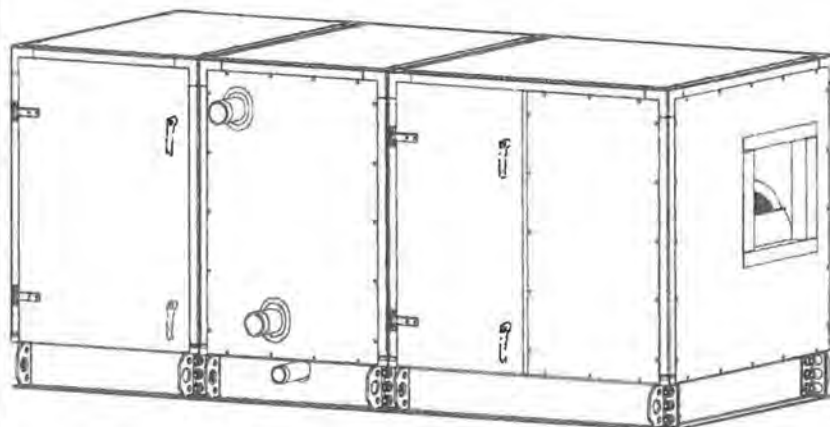
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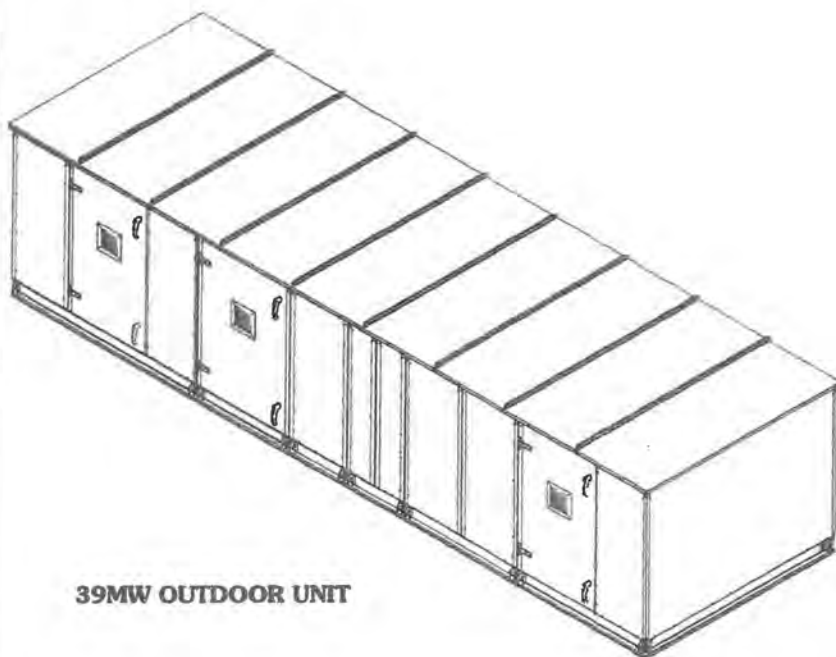
Product Data

AERO® 39MN, MW03-110 Indoor and Weathertight Outdoor Air Handlers

1,500 to 60,500 Nominal Cfm



39MN INDOOR UNIT



39MW OUTDOOR UNIT

Carrier's 39M air handlers offer:

- Units are shrink wrapped for complete protection while in transit
- Factory-supplied variable frequency drives that are programmed and started up at the factory
- Sealed panel double-wall R-13 insulation system
- Stacked indoor unit configurations for application versatility and maximum space utilization
- Outdoor weathertight cabinets have sloped roofs to prevent standing water, and are gasketed in all critical areas.
- Factory-installed integral face and bypass coils for extreme conditions
- Factory-installed humidifiers for precise indoor climate conditioning
- Available factory-mounted controls, starters, disconnects and variable frequency drives
- **AHUBuilder®** software for easy unit selection
- Optional prepainted unit exterior
- Optional AglON® anti-microbial coated panel interior
- Optional factory-installed UV-C germicidal lamps

Features/Benefits

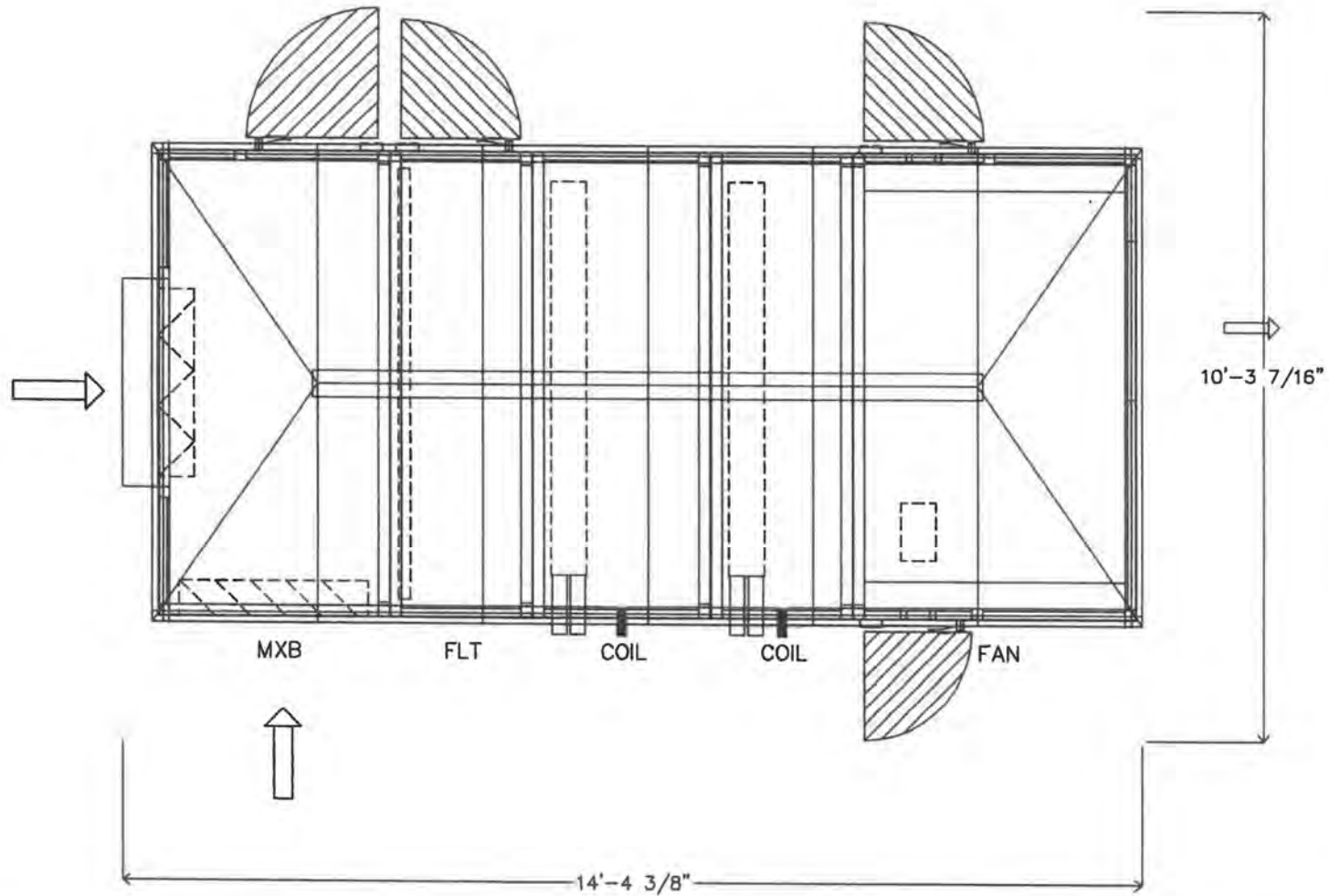
The Aero 39M air handler is the only unit on the market that practically installs itself.

Easy installation

Frames, corners and base rails of the 39M air handler are all easily disassembled and reassembled in minutes with as little as 3 standard tools. Carrier's 39M units can be ordered with shipping splits, which speed section to section assembly. All panels are easily removed in one piece for cleaning or access to components.

Unit height: 5'-1 7/8"
 Bag Filter 6 - 12 IN. Side Loading
 Qty (6) 24in. x 24in.
 Pre Filter : 2In. Flat Filter
 Qty (6) 24in. x 24in.
 Hot Water 1 Row 8 FPI Half Circuit (qty. 1)
 Chilled Water 4 Row 8 FPI Half Circuit (qty. 1)

Draw-Thru Supply Fan
 20 HP Premium Efficiency TEFC 230 / 460 3Ph 60Hz 1800 RPM
 Operating weight: 3995.0 lbs.
 Upstream Corner Weight (each): 937.0 lbs.
 Downstream Corner Weight (each): 1060.0 lbs.



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39MWW

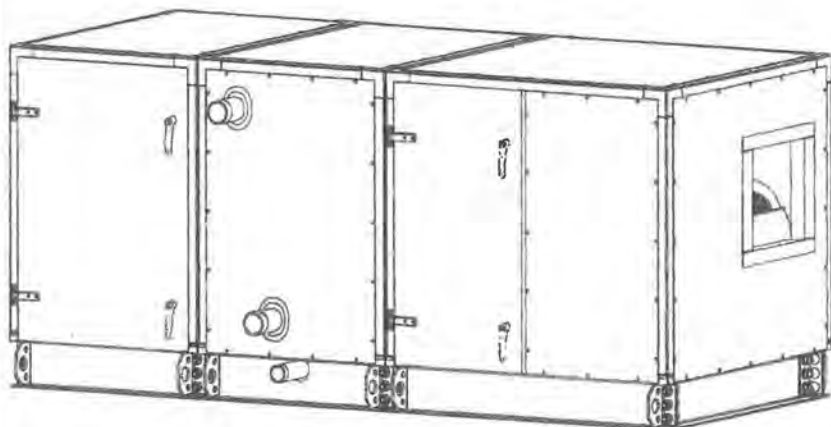
DATE 1/31/2012	Configurator Ver. v6.20 09/30/11	39M Central Station Air-Handler, Size 21 Clayton: Untitled JAN 31,2012 11-59-01 Assembly Drawing	REVISION Top View
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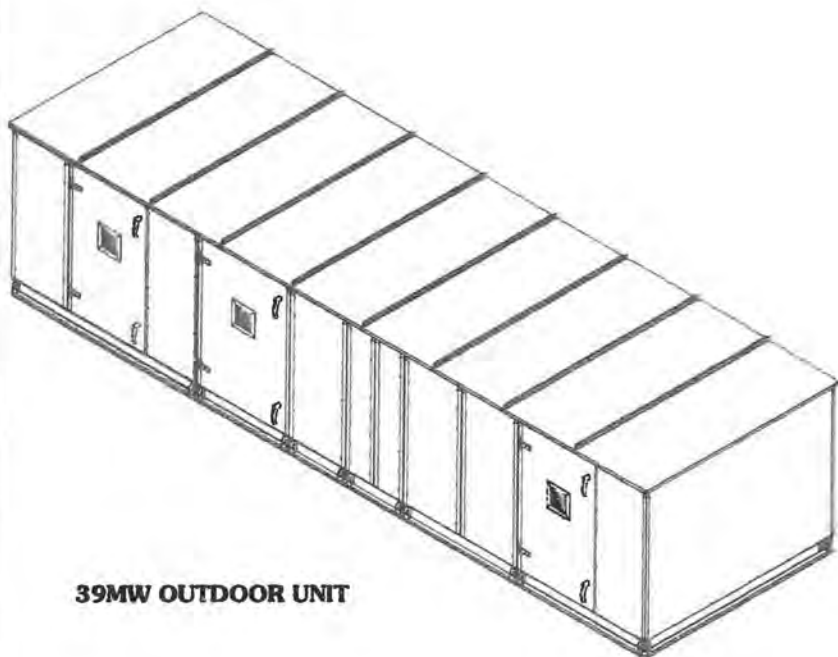
Product Data

AERO® 39MN, MW03-110 Indoor and Weathertight Outdoor Air Handlers

1,500 to 60,500 Nominal Cfm



39MN INDOOR UNIT



39MW OUTDOOR UNIT

Carrier's 39M air handlers offer:

- Units are shrink wrapped for complete protection while in transit
- Factory-supplied variable frequency drives that are programmed and started up at the factory
- Sealed panel double-wall R-13 insulation system
- Stacked indoor unit configurations for application versatility and maximum space utilization
- Outdoor weathertight cabinets have sloped roofs to prevent standing water, and are gasketed in all critical areas.
- Factory-installed integral face and bypass coils for extreme conditions
- Factory-installed humidifiers for precise indoor climate conditioning
- Available factory-mounted controls, starters, disconnects and variable frequency drives
- **AHUBuilder®** software for easy unit selection
- Optional prepainted unit exterior
- Optional AgION® anti-microbial coated panel interior
- Optional factory-installed UV-C germicidal lamps

Features/Benefits

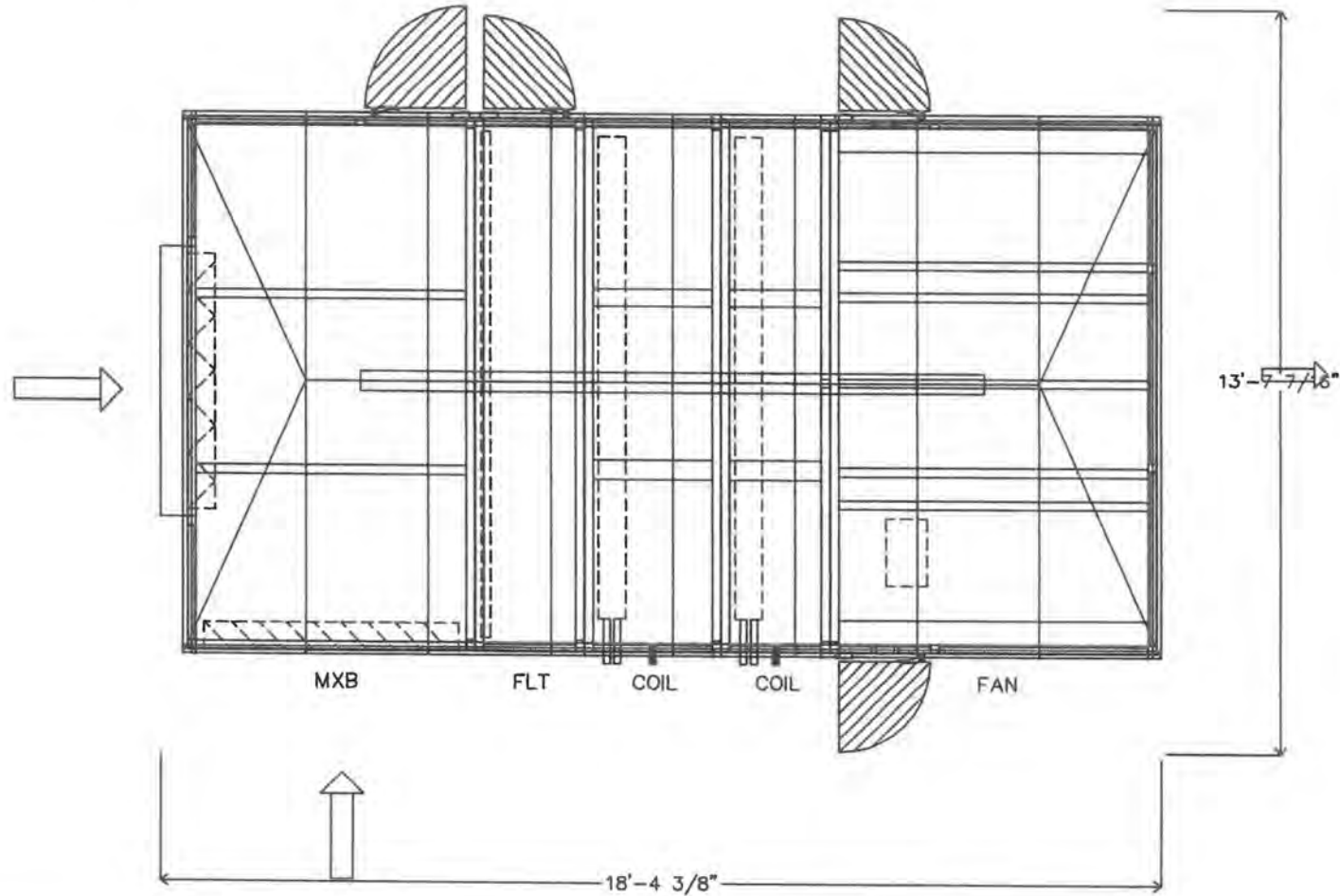
The Aero 39M air handler is the only unit on the market that practically installs itself.

Easy installation

Frames, corners and base rails of the 39M air handler are all easily disassembled and reassembled in minutes with as little as 3 standard tools. Carrier's 39M units can be ordered with shipping splits, which speed section to section assembly. All panels are easily removed in one piece for cleaning or access to components.

Unit height: 7'-5 3/8"
 Bag Filter 6 - 12 IN. Side Loading
 Qty (3) 12in. x 24in.
 Qty (12) 24in. x 24in.
 Pre Filter : 2In. Flat Filter
 Qty (3) 12in. x 24in.
 Qty (12) 24in. x 24in.
 Hot Water 1 Row 8 FPI Half Circuit (qty. 2)

Chilled Water 4 Row 8 FPI Half Circuit (qty. 2)
 Draw-Thru Supply Fan
 25 HP Premium Efficiency TEFC 230 / 460 3Ph 60Hz 1800 RPM
 Operating weight: 7917.0 lbs.
 Upstream Corner Weight (each): 1812.0 lbs.
 Downstream Corner Weight (each): 2146.0 lbs.



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39MMW

DATE
1/31/2012

Configurator Ver.
v6.20 09/30/11

39M Central Station Air-Handler, Size 50
 Clayton: Untitled JAN 31,2012 11-59-01
 Assembly Drawing

REVISION
Top View

POLY-THERM

Fiberglass Jacketed Polyurethane Insulated Piping System

The premium-quality performance piping system for the distribution of liquids from -320°F to 250°F



4-30

PERMA-PIPE®

POLY-THERM® APPLICATIONS

Domestic Hot Water Systems
Geothermal Collection & Distribution
Waste Heat Recovery
Cryogenic Piping
Solar Collection & Distribution

District Heating and Cooling
Process Fluid Transport
Fuel & Heavy Oil Transport
Condensate Return
Chilled Water Distribution

Filament-Wound Fiberglass Jacket

PERMA-PIPE's multidirectional filament winding process produces a high strength fiberglass-reinforced polyester FRP resin jacket over the insulation for maximum insulation protection from the environment. PERMA-PIPE applies this high strength fiberglass jacket to systems having an outside insulation diameter as large as 48 inches. The POLY-THERM jacket is excellent for both below ground and aboveground installations as ultra-violet inhibitors can be added to the resin to retard U.V. degradation for aboveground applications.

Insulation Integrity

In contrast to foam injected insulated piping systems, the POLY-THERM spray process assures void-free insulation. By applying insulation before the jacket is applied, complete visual inspection of the insulation is performed, thus assuring void-free insulation and therefore, maximum thermal efficiency to provide optimum thermal performance for cryogenic and high-temperature distribution systems.

Piping Materials For Any Application

Steel, stainless steel, copper, ductile iron, HDPE, PVC and FRP can all be supplied with the POLY-THERM system. These materials can be supplied in a wide range of sizes with your exact insulation thickness to meet the needs of your application.

Fully Engineered

The POLY-THERM piping system is completely engineered by PERMA-PIPE's experienced engineering staff. Thermal stress, heat loss/gain, soil loading and piece part layout are all completed by PERMA-PIPE. The POLY-THERM system is engineered to reduce field costs by providing custom-made, factory-fabricated fittings to reduce field connections as compared to the field kit method. By using a factory-engineered and prefabricated system, the contractor's time is spent installing pipe, not figuring out where the fitting should be installed and how much pipe to cut.

Steel POLY-THERM
The POLY-THERM steel system can be custom fabricated to job site dimensions.



PVC POLY-THERM
POLY-THERM can be supplied with PVC pipe for chilled water applications.



FRP POLY-THERM
For condensate return and low temperature hot water, POLY-THERM can be furnished with FRP service pipe.



Copper POLY-THERM
The POLY-THERM system can be supplied with Type K or L copper service pipe.



Electric Heat Traced (optional)

PERMA-PIPE provides a complete line of electric heat traced systems for freeze protection, temperature maintenance, heat up and reheat of the piping systems.

Heat traced systems ensure the cost effective, continuous flow of product through your pipeline. These systems supply only the heat necessary for the efficient flow of the product. Because variance is minimized, operating costs

are significantly reduced and time consuming and costly purging of the lines are also eliminated.

PERMA-PIPE's designs incorporate the use of heat traced tubes attached to the product pipe. Maintenance of the heat traced system is minimal; removal of the insulation and jacket is only required at a minimum number of field joint locations.

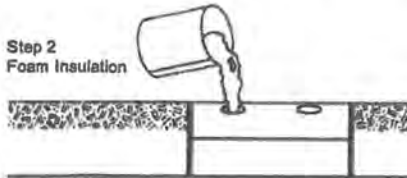
Contact PERMA-PIPE for more information on this option.

FIELD CLOSURE

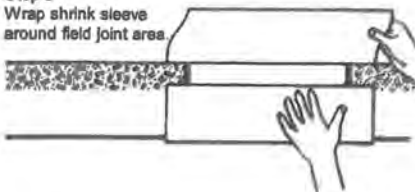
Step 1
Complete service pipe joint.



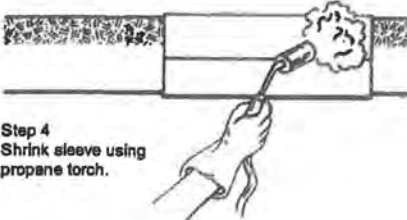
Step 2
Foam Insulation



Step 3
Wrap shrink sleeve around field joint area.



Step 4
Shrink sleeve using propane torch.



RECOMMENDED POLY-THERM INSULATION THICKNESS

PIPE SIZE (in)	1-6	8-14	16-24
INSULATION THICKNESS (In)			
CHILLED WATER	1	1	1.5
HOT WATER/CONDENSATE	1	1.5	2

TYPICAL PHYSICAL PROPERTIES OF POLYURETHANE AND FILAMENT WOUND FRP

POLYURETHANE		FILAMENT WOUND FRP	
Density	>2.0 lb/ft ³	Flexural Strength	
Compressive Strength		ASTM D-790	25,000 psi
ASTM D-1621	30 psi	Compressive Strength	
(Perpendicular to rise)	25 psi	ASTM D-695	60,000 psi
K-factor (initial @ 73°F)	.16 BTU-in	Tensile Strength	
ASTM C-518	hr-sq ft-°F	ASTM D-638	20,000 psi
Closed Cell		Heat Distortion Temp	
ASTM C-2856	90% Min	ASTM D-648	≥183°F
		Izod Impact	40-60 ft-lb
			in notch

GENERAL

All underground and aboveground chilled water, condensate return and hot water lines with fluid temperatures up to 250°F shall be the POLY-THERM type, as manufactured by PERMA-PIPE. All straight sections, fittings, anchors and other accessories shall be factory fabricated to job dimensions and designed to minimize the number of field welds. Each system layout shall be computer analyzed by the piping system manufacturer to determine stress on the service pipe and anticipated thermal movement of the service pipe. The system design shall be in strict conformance with ANSI B31.1, latest edition. Factory trained field technical assistance shall be provided for critical periods of installation; e.g., unloading, field joint instruction and testing.

SERVICE PIPE*

Internal piping shall be standard weight carbon steel, except for condensate return lines which shall be Schedule 80. All joints shall be butt-welded for 2.5 inches and greater, and socket or butt-welded for 2 inches and below. Where possible, straight sections shall be supplied in 40 foot random lengths with piping exposed at each end for field joint fabrication.

ACCESSORIES

End seals, gland seals and anchors shall be designed and factory fabricated to prevent the ingress of moisture into the system.

INSULATION

Service pipe insulation shall be spray applied nominal 4lb/ft³ density, .16 initial k-factor, polyurethane foam for straight

sections and preformed polyurethane foam for all fittings. All polyurethane foam insulation shall be minimum 90% closed cell. Open cell foams will not be allowed. To ensure no voids are present, all insulation shall be inspected by one of the following three methods: visually checked prior to application of the protective jacket, infrared inspection of the entire length, or x-ray inspection of the entire length. The insulation shall be applied to the minimum thickness specified below. The insulation thickness shall not be less than indicated in these specifications.

Pipe Size (in)	Insulation Thickness (in)	
	Chilled Water - Hot Water	
1 - 6	1	1
8 - 14	1	1.5
16 - 24	1.5	2

PROTECTIVE JACKET

All straight sections of the insulated piping system shall be filament wound, polyester resin/fiberglass reinforcement composite directly applied on the insulating foam. Thermoplastic casing material, e.g., PVC or PE, shall not be allowed.

The minimum thickness for FRP jacket shall be as follows:

Jacket Diameter	Thickness (in)
Up to 15 inches	.055
Between 15 & 24	.085
Between 24 & 30	.110
Between 30 & 48	.140

All fittings of the insulated piping system shall be prefabricated to minimize field joints and jacketed in a chopped spray-up, polyester resin/fiberglass-reinforced composite, directly applied onto the insulating foam to a thickness related to the filament-wound jacket thickness.

FIELD JOINTS

The internal pipe shall be hydrostatically tested to 150 psig or 1.5 times the operating pressure, whichever is greater. Insulation shall then be poured in place into the field weld area. All field applied insulation shall be placed only in straight sections. Field insulation of fittings shall not be acceptable. The installer shall seal the field joint area with a heat shrinkable adhesive-backed wrap or with wrappings of glass reinforcement fully saturated with a catalyzed resin identical in properties to the factory-applied resin. Backfilling shall not begin until the heat shrink wrap or the FRP lay-up has cured. All insulation and coating materials for making the field joints shall be furnished by PERMA-PIPE.

BACKFILL

A 4 inch layer of sand or fine gravel shall be placed and tamped in the trench to provide a uniform bedding for the pipe. The entire trench width shall be evenly backfilled with a similar material as the bedding in 6 inch compacted layers to a minimum height of 6 inches above the top of the insulated piping system. The remaining trench shall be evenly and continuously backfilled in uniform layers with suitable excavated soil.

*For alternative service pipe selections, contact PERMA-PIPE for specification details.

PERMA-PIPE®

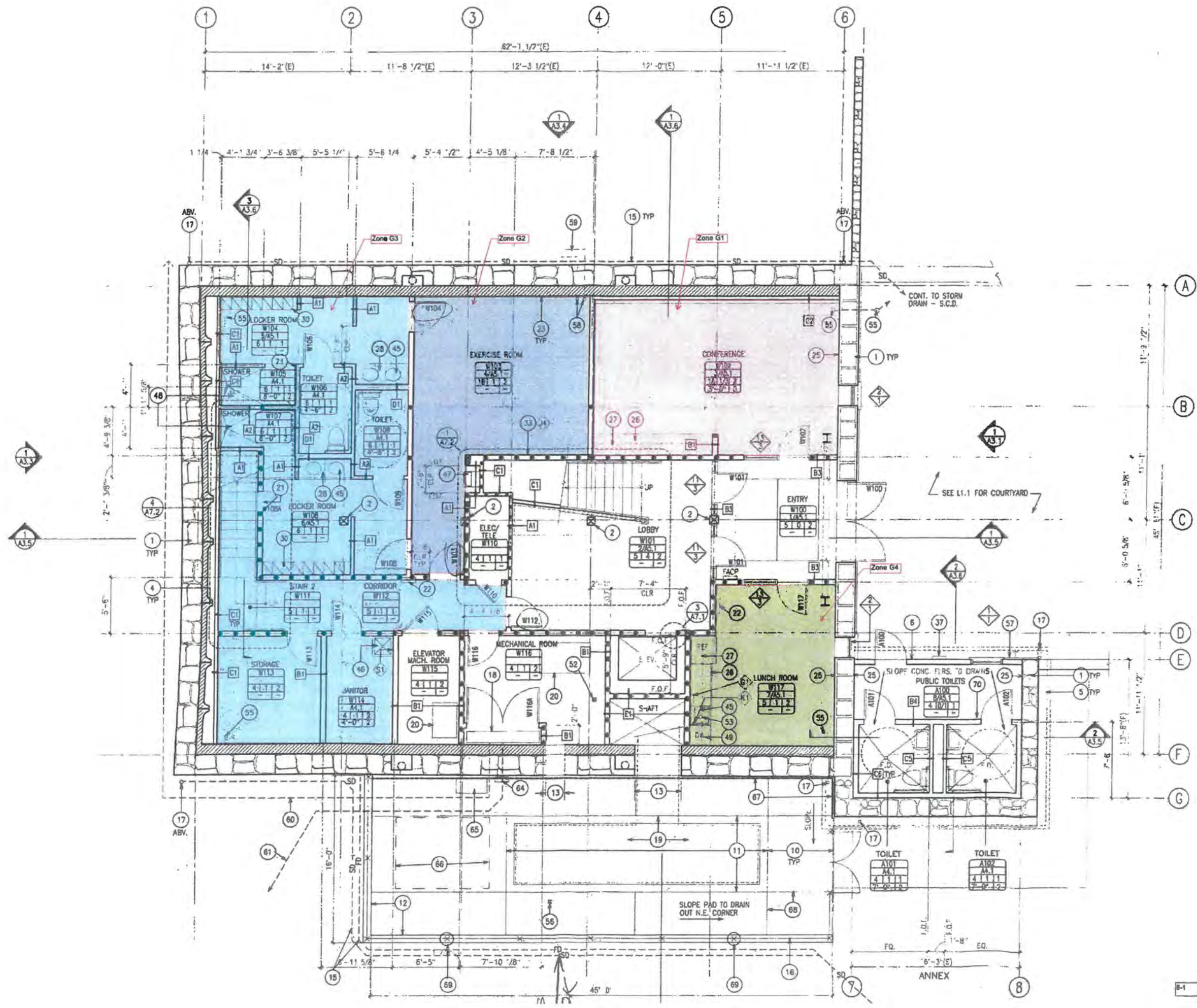
PERMA-PIPE, Inc.

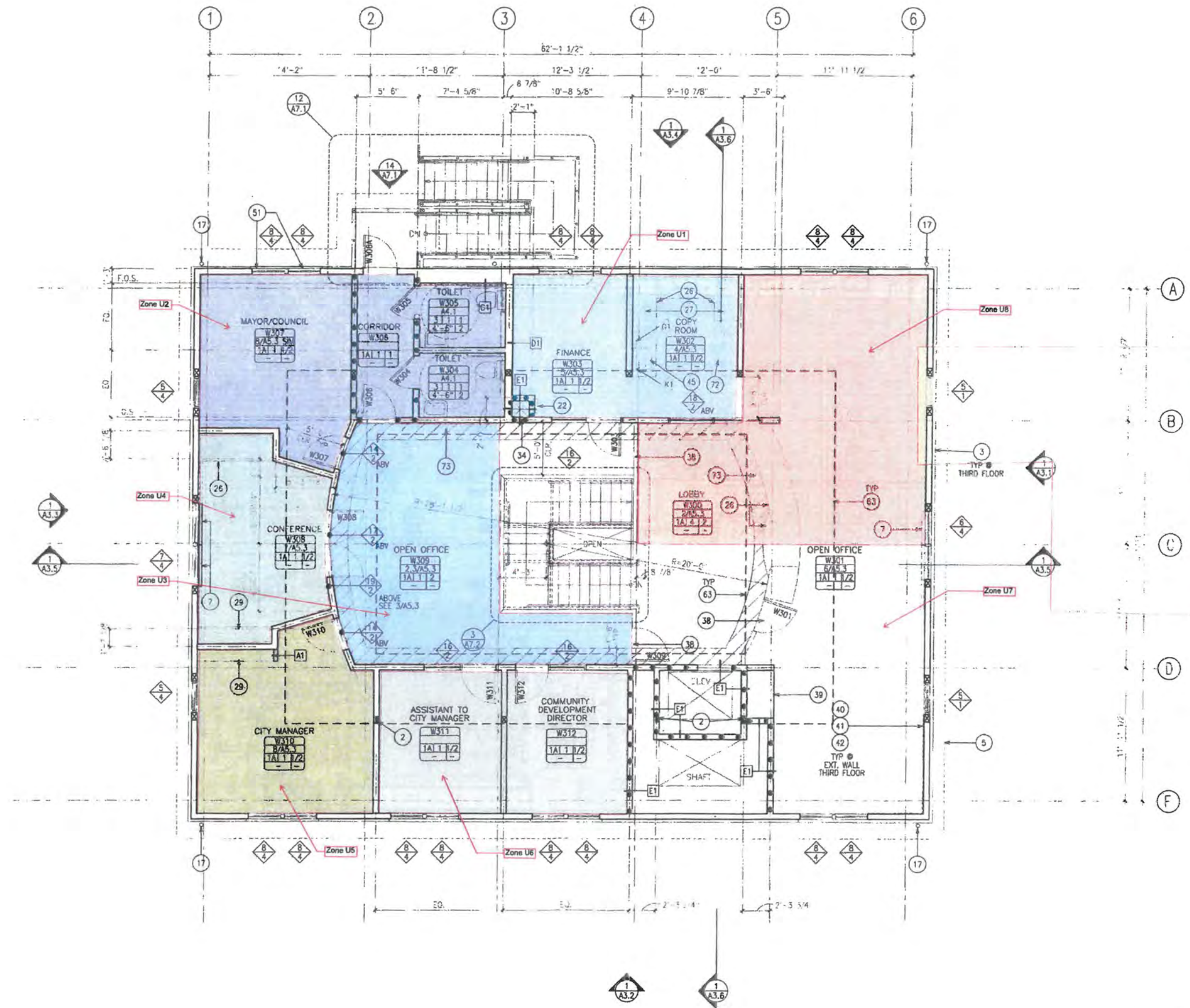
A Subsidiary of MFRI, Inc.
 7720 North Lehigh Avenue
 Niles, Illinois 60714-3491
 Phone (847) 966-2190
 Fax (847) 470-1204
 www.permapipe.com

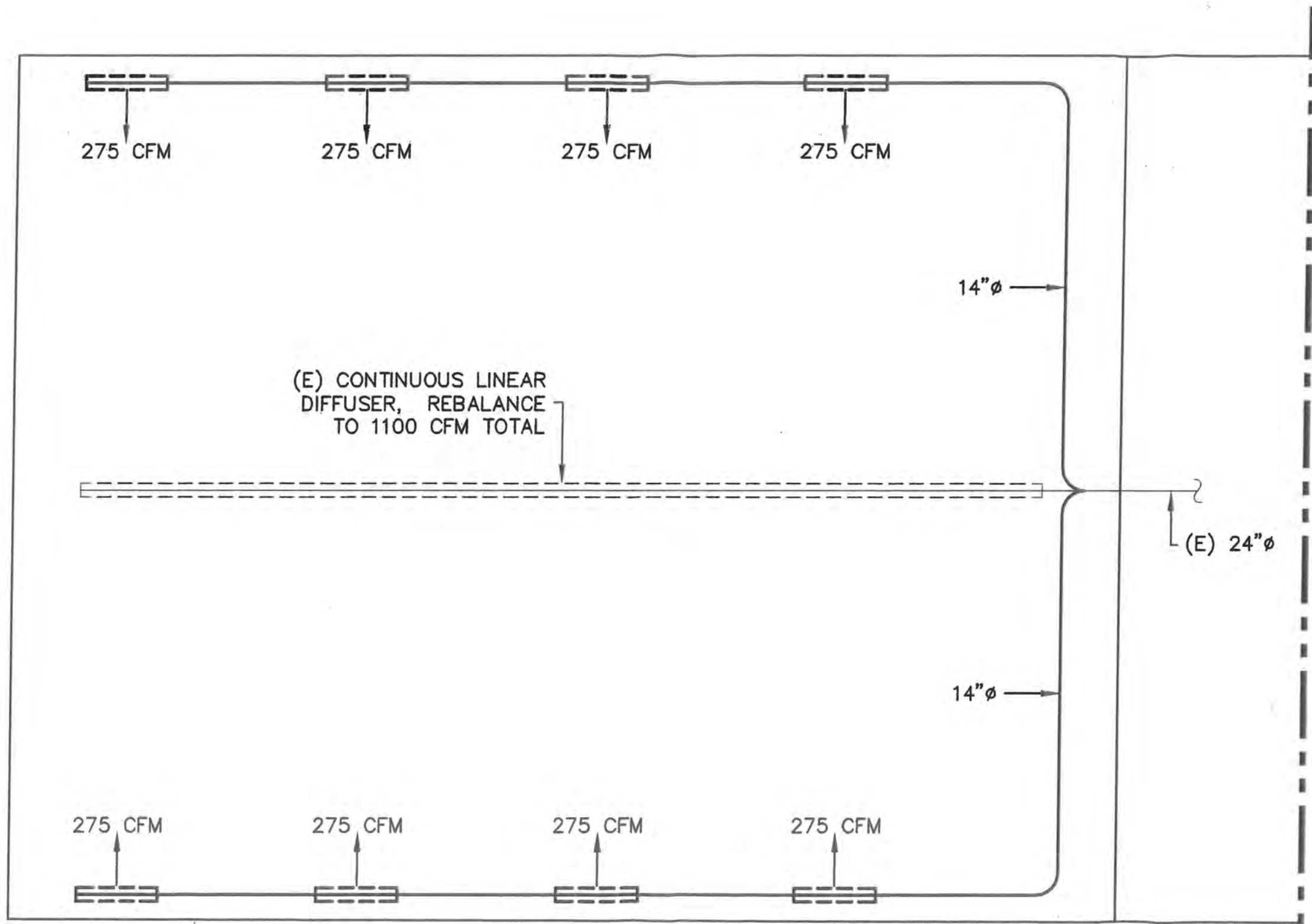
The information contained in this document is subject to change without notice. PERMA-PIPE believes the information contained herein to be reliable, but makes no representations as to its accuracy or completeness. PERMA-PIPE, Inc., a subsidiary of MFRI, Inc., sole and exclusive warranty is as stated in the Standard Terms and Conditions of Sale for these products. In no event will PERMA-PIPE be liable for any direct, incidental, or consequential damages.

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6. LIBRARY ROOFTOP AHU AND WATER-COOLED CHILLER	5-6







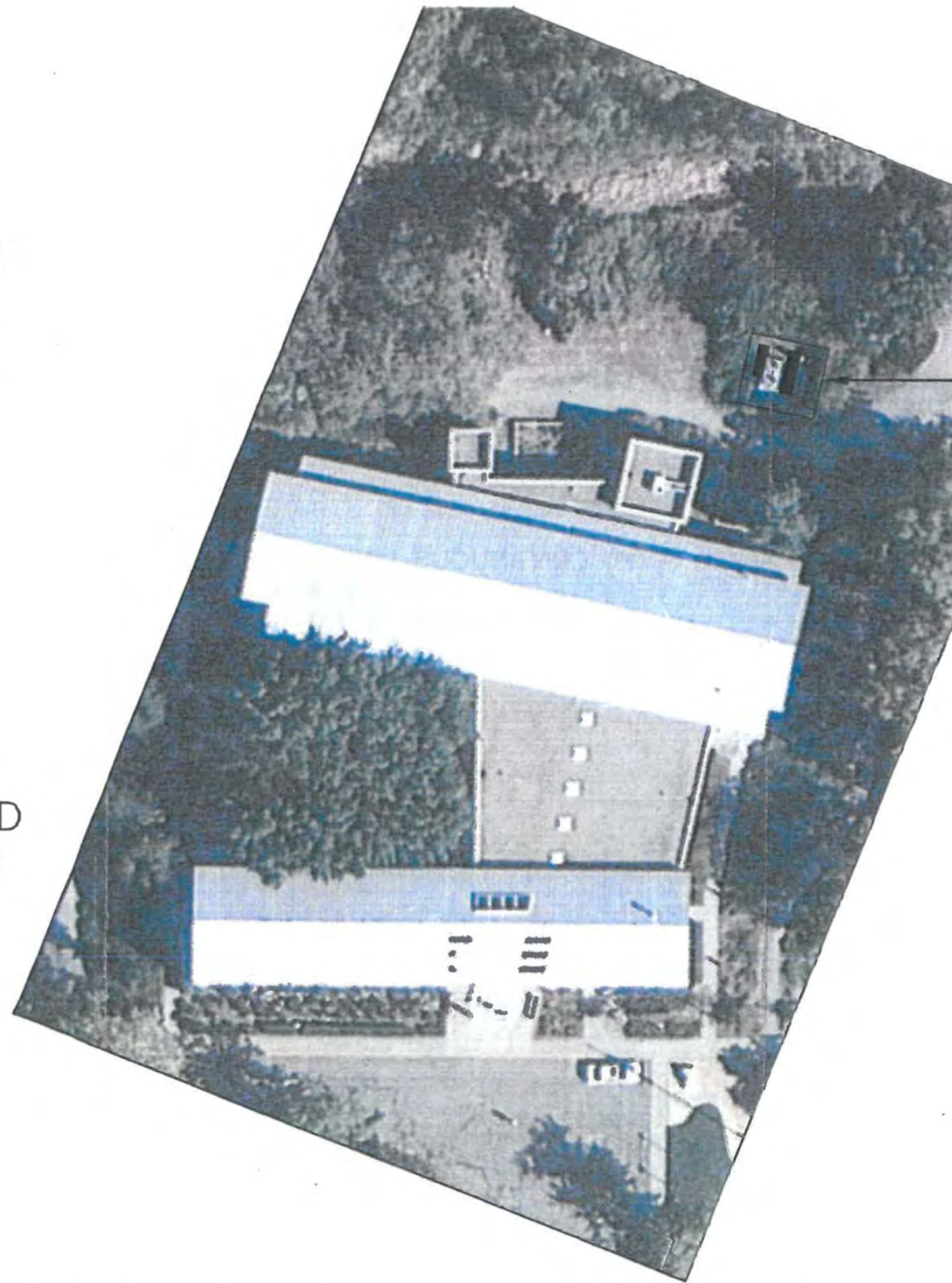
MODIFY AIR DISTRIBUTION SYSTEM - MEETING ROOM
NOT TO SCALE



AHU
PROPOSED
LOCATION

REPLACE FC-1, 2, 3 WITH AHU

NOT TO SCALE



TOWER AND
CHILLER
PROPOSED
LOCATION

WATER-COOLED CHILLER AND TOWER

NOT TO SCALE

MINUTES
REGULAR MEETING
OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT (GHAD)

June 20, 2017

1. **CALL TO ORDER AND ROLL CALL** – the meeting was called to order at 8:32 p.m. by Chairman Shuey. Board Members present: Chairman Shuey, Vice Chair Catalano, Board Members Diaz and Pierce. Board Members absent: Board Member Haydon. Staff present: City Manager Gary Napper, General Legal Counsel Mala Subramanian, and Secretary Janet Brown.

2. **CONSENT CALENDAR** – It was moved by Board Member Pierce, seconded by Vice Chair Catalano, to approve the Consent Calendar as submitted. (Passed; 4-0 vote).

(a) Approved the Board of Directors' minutes for its regular meeting of December 6, 2017.

3. **PUBLIC COMMENTS** – None.

4. **PUBLIC HEARINGS** - None.

5. **ACTION ITEMS**

(a) Presentation and consideration of a Resolution to approve the proposed Oakhurst Geological Hazard Abatement District (GHAD) Budget for Fiscal Year 2017-18 and set a Public Hearing to be held on July 18, 2017 to consider the levy of the corresponding real property tax assessments in FY 2017-18.

City Manager Gary Napper presented the Oakhurst Geological Hazard Abatement District (GHAD) Budget for Fiscal Year 2017-18 noting that District property owners in April 2000 approved the formation of the district to cover routine maintenance and operation needs of the district. The income from these property assessments now totals approximately \$40,000 per year offset by a proposed District expenditure plan of \$27,600 this year. The District Manager included in the GHAD Budget the most recent readings of Kelok Way Dewatering Wells Project, which GHAD project was completed in 2013; he noted a subsequent budgetary request, likely this summer, to take another look at the wells' effectiveness prior to the next rainy season.

Mr. Napper indicated the GHAD Budget maintains and sustains the District's minimal existence with one of its primary purposes of formation to allow the opportunity for real property owners to assess themselves if

there were infrastructure needs that were necessary in order to stabilize the movements on the hills.

The proposed expenses for the District this year include a reduced general liability insurance premium of \$7,000, a County tax collections charge of \$1,200 for the legally-separate district, District management and engineering services by Permco Engineering and Management in the amount of \$5,000, the V-ditches' inspection and maintenance of \$5,000, legal services of \$1,000, preparation of annual legal notices mailed to the property owners and District administrative expenses transferred to the General Fund \$7,244 to account for payroll, payment of bills and other things performed by the City directly related to District operations.

The proposed total expense is \$27,594 with an expected assessment income of \$40,000, which will provide an increase of \$12,456 to the GHAD's Fund Balance. Mr. Napper noted an upcoming expense of approximately \$10,000 is not included for the geotechnical services of Frank Berlogar & Associates to take a look at the installed inclinometers and piezometers and report on its findings.

Mr. Napper concluded the report noting the recommended tax rate increase is determined by the annual movement in the area's Consumer Price Index (CPI), which is 3.78%. Recent questions have arisen regarding Proposition 218 and whether this CPI increase to the assessment requires balloting of the affected property owners to provide them the opportunity to vote by ballot on the CPI-only rate increase. The legal answer is "No" because in years past, the property owners were balloted on and voted affirmatively to allow an annual CPI increase to the property tax assessment.

Chair Shuey opened the floor to receive public comments; no comments were offered.

It was moved by Board Member Pierce, seconded by Vice Chair Catalano, to adopt GHAD Resolution No. 01-2017 approving a budget and declaring intention to levy and collect assessments for the Oakhurst Geological Hazard Abatement District for Fiscal Year 2017-18, and giving notice of time and place for a hearing on the levy of the proposed assessment. (Passed; 4-0 vote).

6. **BOARD ITEMS** – None.

7. **ADJOURNMENT** - on call by Chairman Shuey the meeting adjourned at 8:39 p.m.

Respectfully submitted,

Janet Brown, Secretary

Approved by the Board of Directors
Oakhurst Geological Hazard Abatement District

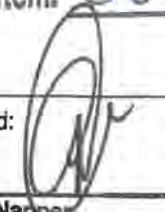
David T. Shuey, Chairman



Agenda Date: 7-18-2017

Agenda Item: 3b GHAD

Approved:


Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE CHAIRMAN AND BOARD MEMBERS
FROM: CITY MANAGER
DATE: 18 JULY 2017
SUBJECT: ACCEPTANCE OF RESIGNATION, GHAD GENERAL MANAGER

RECOMMENDATION

It is recommended, by Consent Calendar motion, that the Board of Directors of the Oakhurst Geological Hazard Abatement District (GHAD) accept the written resignation of its General Manager tendered on 12 July 2017.

BACKGROUND

By GHAD Resolution No. 1-90 at a public meeting held on 17 July 1990, the GHAD Board of Directors approved an agreement with Mr. Rick Angrisani (and by extension, the Permco Engineering and Management firm) to be the GHAD General Manager and perform specified and requested engineering services related to the day-to-day operations and management of the Oakhurst Geological Hazard Abatement District. The GHAD is a distinct political subdivision [special district] formed and established under the applicable laws of the state of California.

On 12 July 2017, Mr. Angrisani submitted his written resignation as the GHAD General Manager. Pursuant to Section 4.a. Termination, of the 1990 Agreement, there is a 30-day effective notice to the resignation. The City of Clayton is presently reviewing proposals by qualified engineering firms to serve as the replacement GHAD general manager as well as the city engineer for the City of Clayton.

Attachments: A. Resignation of GHAD General Manager [1 pg.]
B. GHAD Resolution and 1990 Agreement with Mr. Rick Angrisani [8 pp.]

ATTACHMENT A



COMMUNITY
DEVELOPMENT (925) 673-7340
ENGINEERING (925) 363-7433

6000 HERITAGE TRAIL • CLAYTON, CALIFORNIA 94517-1250
TELEPHONE (925) 673-7300 FAX (925) 672-4917

City Council
HOWARD GELLER, *MAYOR*
JIM DIAZ, *VICE MAYOR*
KEITH HAYDON, *COUNCILMEMBER*
JULIE K. PIERCE, *COUNCILMEMBER*
DAVID T. SHUEY, *COUNCILMEMBER*

July 12, 2017

Received

JUL 12 2017

City of Clayton

Mr. Gary Napper
City Manager
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Re: Resignation

Dear Gary:

Per the City Council's wishes and effective at close of business today, I hereby resign from my position of City Engineer and District Manager for the Oakhurst GHAD. Further, PERMCO will no longer provide any other services to the City, including responding to any staff or citizen inquiries or requests, unless otherwise requested and approved by you in writing.

While saddened by this turn of events, it has been an honor to represent the City for the last 30+ years. I feel very proud of what has been accomplished and Clayton is definitely no longer the small village I visited in my youth.

Sincerely,

Rick Angrisanl, P.E.

ATTACHMENT B

GHAD RESOLUTION NO. 1-90

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE OAKHURST GEOLOGIC HAZARD ABATEMENT DISTRICT, CITY OF CLAYTON, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, APPOINTING OFFICERS FOR THE OAKHURST GEOLOGIC HAZARD ABATEMENT DISTRICT AND APPROVING RELATED CONTRACTS.

WHEREAS, the City Council of the City of Clayton adopted Resolution No. 5-89, approving the formation of a geologic hazard abatement district (GHAD) for the Oakhurst area; and

WHEREAS, the City Council was appointed as the initial Board of Directors for the Oakhurst GHAD, for a term not to exceed four (4) years; and

WHEREAS, Public Resources Code Sections 26583 et seq. require the Board of Directors to appoint a Treasurer and Clerk of the GHAD and empower the Board to appoint other officers and delegate thereto such powers of the GHAD as may be appropriate in the circumstances; and

WHEREAS, City staff has recommended that the City Treasurer be appointed as the first Treasurer for the GHAD and the City Clerk be appointed as the First Clerk of the GHAD; and

WHEREAS, in order to operate efficiently, the GHAD must have a chief executive officer to manage and direct the day-to-day operations and staff of the GHAD and to perform such other duties as the Board may from time to time designate; and

WHEREAS, City staff has recommended that Mr. Rick Angrisani be appointed by the Board as the initial General Manager of the GHAD; and

WHEREAS, the City staff has also recommended the approval of an employment agreement between the GHAD and Mr. Angrisani, employing him as General Manager, said agreement having been approved as to form by the City Attorney;

NOW, THEREFORE, THE BOARD OF DIRECTORS HEREBY RESOLVES, FINDS, CERTIFIES AND ORDERS AS FOLLOWS:

1. The above listed recitals are true and correct.
2. The Board hereby appoints the City Treasurer to act as the initial Treasurer for the Oakhurst GHAD for a term that shall be coterminous with the term of the initial Board of Directors.

3. The Board hereby appoints the City Clerk to act as the initial Clerk of the Oakhurst GHAD for a term that shall be coterminous with the term of the initial Board of Directors.

4. The Board hereby appoints Mr. Angrisani to act as the initial General Manger of the Oakhurst GHAD and orders that the Employment Agreement by and between Mr. Angrisani and the Oakhurst GHAD, as presented to the Board, be and the same is approved and the Chair of the Board of Directors is authorized and directed to execute said Employment Agreement on behalf of the Oakhurst GHAD.

5. The Board hereby delegates to the General Manager of the Oakhurst GHAD, the powers of the District set forth in the Employment Agreement.

Adopted by the Board of Directors of the Oakhurst Geologic Hazard Abatement District at a meeting of said District held on July 17, 1990 by the following vote:

AYES: BOARD MEMBERS HALL, MANNING, MUSTO, VICE CHAIR HAWES, CHAIRMAN KENDALL.

NOES: NONE

ABSENT: NONE

ATTEST:

Ruth A. Scott
Secretary

R.C. Kendall
Chairperson

I hereby certify that the foregoing resolution was duly and regularly passed by the Board of Directors of the Oakhurst Geologic Hazard Abatement District at a meeting held on July 17, 1990.

Ruth A. Scott
Secretary

EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT ("Agreement") is made and entered into as of this 18 day of JULY, 1990, by and between RICK ANGRISANI ("Employee") and THE OAKHURST GEOLOGIC HAZARD ABATEMENT DISTRICT, a political subdivision of the State of California ("GHAD").

RECITALS:

A. GHAD is a political subdivision of the State of California governed by a Board of Directors.

B. Employee is a civil engineer and licensed as such by the State of California.

C. Employee currently holds the position of City Engineer for the City of Clayton and nothing within this Agreement is intended to alter in any way that relationship with the City of Clayton.

D. The primary purposes of GHAD are to inspect and maintain landscape and erosion control facilities, to evaluate, abate, repair and control landslides and erosion hazards on behalf of the owners of the lands within the boundaries of GHAD.

E. GHAD desires to employ Employee for his engineering expertise to undertake and supervise all necessary evaluations, abatements, repairs and controls and to oversee the day-to-day operations of GHAD, as its general manager.

AGREEMENT:

1. EMPLOYMENT AND TERM: GHAD hereby employs Employee during the term set forth below to act as General Manager of GHAD and in such capacity to manage and direct the day-to-day operations of GHAD and to perform such other duties as the Board of Directors of GHAD ("Board") may from time to time designate. Employee accepts this employment and agrees to discharge the duties and responsibilities assigned to him faithfully, diligently and to the best of his ability. The term of Employee's employment pursuant to this Agreement shall commence on the date of this Agreement and terminate pursuant to Section 4, below.

2. RIGHTS, DUTIES AND AUTHORITY OF GENERAL MANAGER: The Board hereby delegates to Employee the following powers of GHAD:

a. Employee shall have the following rights and duties in addition to others which may be assigned or granted from time to time:

(1) Management and direction of the day-to-day operations of GHAD;

(2) Preparation of appropriate revisions and modifications to GHAD's plan of control;

(3) Performing, or causing to be performed, all necessary evaluations, abatements, repairs and controls, including but not limited to, inspection and certification of work done by others under his direction and control;

(4) Specifically, performing or causing to be performed the following:

(i) inspection of all lined surface drainage ditches on slopes at least twice annually, one such inspection will be in the fall, prior to October 15;

(ii) inspection of the outlets of all subsurface drains shall be made in the fall and spring of each year and at other times as needed (the inspection shall include the measurement and recordation of the flow rate of water emerging from each outlet);

(iii) measurement of the level of ground water in piezometers and the horizontal position of the slope inclinometers quarterly, recordation of the results, retention of complete records of the same; and

(iv) inspection of all facilities and lands of GHAD on an annual basis by geologists and geotechnical engineers to evaluate the effectiveness of facilities and any landslide or erosion problems that may have occurred during the previous year. Such an inspection will occur annually, and an annual inspection or maintenance report shall be prepared within four (4) weeks of the annual inspection.

(5) Preparation of an annual budget, including proposed assessments, sufficient to carry out the purposes of GHAD;

(6) Attendance at all meetings of the Board and other public meetings of public bodies or agencies or homeowner associations at which matters relating to GHAD are considered; and

(7) Management and direction of all other agents and employees of GHAD, including but not limited to, independent consultants retained by GHAD to carry out its plan of control.

b. Employee shall have the following specific authority in addition to the general authority of the general manager of GHAD:

(1) To hire and/or fire all employees and consultants and to authorize compensation of the same;

(2) To retain consultants and contractors and to authorize compensation of the same;

(3) To authorize and expend GHAD funds which in Employee's opinion are reasonably necessary to repair damage caused by landslides or other geological failures or to prevent landslides, (as such terms are defined in the plan of control);

(4) To authorize and expend GHAD funds to accomplish all necessary inspections, monitoring and routine maintenance as deemed reasonably necessary or prudent in the sole judgment of Employee; and

(5) In accordance with procedures established by the Board to award and execute contracts for GHAD repair, maintenance and improvement projects and for professional and support services.

The authority listed above in subsections (3) and (4) is subject to the following condition: Except in the case of an emergency as declared by either Employee or the board, until such time as open space lands have been annexed into the District, this authority is limited to an expenditure no greater than Ten Thousand Dollars (\$10,000.00) for any given event, not to exceed in the aggregate Twenty-five Thousand Dollars (\$25,000.00) in any one year without obtaining Board approval prior to its expenditure. Upon annexation of open space lands into GHAD, this limitation shall automatically be extinguished and all such expenditures and authorizations shall be limited only by the professional judgment of Employee so long as any single contract or expenditure (excluding emergencies) does not exceed Twenty-five Thousand Dollars (\$25,000) without prior Board approval. The judgment of Employee may be appealed to the Board either by two (2) members of the Board or by owners of property owning at least ten percent (10%) by land area of the property then annexed into GHAD. Provided, however, that such appeal shall have no effect upon, and Employee shall not be liable for, monies already expended or services contracted for or works in progress.

3. COMPENSATION:

a. BASE COMPENSATION: It is recognized that from time to time Employee may perform certain duties during a time normally given to his position as the City Engineer for the City of Clayton. Under those circumstances, and with the concurrence of Employee, GHAD may pay such compensation directly to the City of Clayton.

During the term of this Agreement, GHAD shall pay Employee Eighty Dollars (\$80.00) per hour, or portion thereof, to be paid monthly within thirty (30) days after receipt by GHAD of a statement from Employee of his hours devoted to GHAD affairs during the previous month. Employee may also receive such benefits as may be approved from time to time by the Board.

b. ADJUSTMENT: The salary set forth in Section a., above, shall be adjusted annually effective on the anniversary date of this Agreement to reflect the increase, if any, from the last anniversary date, in the Consumer Price Index Table for All Urban Consumers, All Items, San Francisco-Oakland Metropolitan Area (1967=100) published by the United States Department of Labor, Bureau of Labor Statistics.

c. REIMBURSEMENT OF EXPENSES: During the term of this Agreement, GHAD shall pay for, or, if paid by Employee, GHAD shall reimburse Employee for, all reasonable clerical, office, travel, automobile, and similar expenses incurred by him in connection with the performance of his duties hereunder, and approved in advance by the Board; provided, however, that Employee may incur up to an aggregate of Five Hundred Dollars (\$500.00) for such expenses per month without the prior approval of the Board. GHAD shall reimburse Employee monthly for expenses incurred pursuant to this Section 2.c. within thirty (30) days after receipt by GHAD of a statement of such expenses. If such expenses are incurred by the City of Clayton, then such reimbursement shall be made as provided in subsection 3.a., above.

4. TERMINATION:

a. RIGHT TO TERMINATE: Either party may terminate this Agreement at any time, with or without cause, by giving thirty (30) days notice to the other party. This Agreement shall terminate upon the thirtieth (30th) day after notice was given, unless the parties mutually agree upon another date.

b. EFFECT OF COMPENSATION: In the event that this Agreement is terminated, Employee shall be entitled to the compensation earned by and vested in him prior to the date of termination as provided in this Agreement, computed up to and including that date. Employee shall be entitled to no further compensation as of the date of termination.

5. INDEMNIFICATION BY GHAD: GHAD shall defend, indemnify and hold Employee harmless against expenses, including reasonable attorney's fees, judgments, fines, settlements, and other amounts actually and reasonably incurred in connection with any proceeding arising by reason of Employee's employment with GHAD, except as a result solely of Employee's gross negligence or wilful misconduct.

6. DEVOTION OF TIME: Employee shall devote the amount of time necessary to performance of his duties under this Agreement. Employee shall perform his duties under this Agreement at any places or locations and at such times as Employee shall determine. Employee may represent, perform services for and be employed by such additional persons, firms or entities as Employee may see fit.

7. ACTIVITY REPORTS: Within fifteen (15) days after the close of each calendar quarter, Employee shall prepare and submit to the Board a report summarizing all activities and expenses of GHAD during the previous quarter and a projection of GHAD activities and expenses during the ensuing quarter. By July 31 of each year, Employee shall prepare and submit to the Board of Directors an annual report of all activities, income and expenses of GHAD during the previous fiscal year.

8. MISCELLANEOUS:

a. ENTIRE AGREEMENT, MODIFICATION, WAIVER: This Agreement constitutes the entire agreement between the parties pertaining to the subject matter contained therein, and supersedes all prior or contemporaneous, written or oral agreements, negotiations, negotiation proposals, counterproposals or notes, representations and understandings of the parties. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing by both parties. No waiver of any of the provisions of this Agreement shall be deemed, or shall constitute, a waiver of any other provision, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing by the party making the waiver.

b. SEVERABILITY: If any provision of this Agreement is held to be invalid or unenforceable in any jurisdiction, the other provisions shall remain in full force and effect in that jurisdiction and, to the extent permitted by applicable law, shall be construed in order to effectuate the purpose and intent of the parties as expressed by this Agreement. The invalidity or unenforceability of the provision in one jurisdiction shall not effect the validity or enforceability of that provision in any other jurisdiction.

c. NOTICES: All notices required or permitted by this Agreement shall be in writing and shall be given by first class mail, postage prepaid, addressed as follows:

GHAD: Oakhurst Geologic Hazard Abatement District
c/o City Clerk
City of Clayton
1005 Oak Street
Clayton, CA 94517

Employee: Rick Angrisani
City of Clayton
1005 Oak Street
Clayton, CA 94517

Notice shall be deemed given on the third business day after mailing. Either party may change his or her address for purposes of this section by giving written notice of the new address in the manner set forth in this section.

d. RECITALS: The recitals are specifically made a part of this Agreement.

e. GOVERNING LAW: This Agreement shall in all respects be governed by and construed in accordance with the laws of the State of California, except that this Agreement shall be given a fair and reasonable construction in accordance with the intent of the parties without regard to, or aid of, Section 1654 of the California Civil Code.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

GHAD: Oakhurst Geologic Hazard Abatement District, a political subdivision of the State of California

By: [Signature]
Chair, Board of Directors

Attest:

_____, Clerk of the Oakhurst Geologic Hazard Abatement District

By: [Signature]

Employee:

[Signature]
Rick Angrisani



Agenda Date: 7-18-2017
Agenda Item: 4a GHAD

GHAD STAFF REPORT

TO: HONORABLE CHAIRPERSON AND BOARDMEMBERS
FROM: RICK ANGRISANI, DISTRICT MANAGER
DATE: JULY 18, 2017
SUBJECT: CONSIDERATION OF A RESOLUTION ORDERING IMPROVEMENTS AND CONFIRMING REAL PROPERTY ASSESSMENTS FOR FY 2017-18

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The District's 2017-18 Budget, approved at the Board's June 21st meeting, recommended increasing real property assessments in the District by the allowable 3.78% increase in the annual San Francisco – Bay Area Consumer Price Index (CPI).

Tonight, the Board will hold the required public hearing to hear any comments or protests from its affected citizens [real property owners]. Upon completion of public testimony, the Board may close the public hearing and consider action on this Resolution.

OBJECTIONS TO LEVY OF ASSESSMENTS

No objections have been received as of the writing of this report.

FISCAL IMPACT

If this Resolution is not approved, the Oakhurst Geological Hazard Abatement District (GHAD) will not be able to fund any maintenance or monitoring work in the coming year, as the District has no other source of revenues other than this \$39,850.34 annual assessment paid by real property owners in the District. Further, no increase in assessment revenues (beyond the allowable CPI increase) can occur without property owners' affirmative vote.

Subject: Oakhurst GHAD – Confirmation of Assessments

Date: July 19, 2016

Page 2 of 2

CONCLUSION

Based upon the above, staff recommends the Board approve this Resolution ordering improvements and confirming assessments within the GHAD for FY 2017-18.

Attachments: Resolution confirming Assessments [3 pp.]
 Notice of Assessment mailed [2 pp.]
 District Budget
 Response to Mr. Beaty Questions

GHAD RESOLUTION NO. - 2017

**A RESOLUTION ORDERING IMPROVEMENTS AND CONFIRMING
REAL PROPERTY ASSESSMENTS FOR FISCAL YEAR 2017-18**

**THE BOARD OF DIRECTORS
Oakhurst Geological Hazard Abatement District
Clayton, California**

WHEREAS, by adoption of Resolution No. 01-2017 the Board of Directors of the Oakhurst Geological Hazard Abatement District (GHAD) approved the District's Budget, declared its intention to levy and collect real property assessments for fiscal year 2017-18, and set a public hearing thereon for July 18, 2017, at the regular meeting place of the Board of Directors; and

WHEREAS, notice of said hearing and the adoption of Resolution No. 01-2017 was duly given as required by the provisions of Division 17, Chapter 6 of the Public Resources Code (Section 26650 et seq.); and

WHEREAS, all owners of property to be assessed within the District were given written notice by first class mail of the proposed assessments in accordance with Public Resources Code Section 26652; and

WHEREAS, on July 18, 2017, the Board of Directors held a noticed public hearing on the proposed real property assessment for the fiscal year 2017-18 and heard and considered all oral statements and written communications made and filed thereon by interested persons;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors as follows:

1. The Board of Directors hereby orders the improvements as set forth in the District's Budget, dated June 21, 2017, and confirms the real property assessments as recommended by the District Manager.
2. The GHAD consists of a portion of the City of Clayton as shown on the boundary map on file with the District's Secretary.
3. A benefit allocation has been determined by the District Manager, upon consultation with the firm of Leptien, Cronin and Cooper, that establishes three areas and three categories of benefit. The Areas are as follows:
Area 1 Lower 6000's, Duets, lower Townhouses
Area 2 Upper 6000's and 8000's, upper Townhouses
Area 3 10000's.

The three categories are as follows:

- a. Single family homes, regardless of lot size, will be the basic unit of benefit, all lots in the same area to be charged equally.
- b. Duet parcels to be charged 75% of the basic unit due to increased density.
- c. Townhouse parcels to be charged 50% of the basic unit due to increased density.

The actual assessments for each lot in the listed subdivisions shall be:

<u>GHAD AREA</u>	<u>SUBD</u>	<u># UNITS</u>	<u>TYPE</u>	<u>\$ ASSESS PER LOT</u>	<u>TOTAL \$</u>
I	6990	92	sfd	\$22.02	\$2,025.84
I	7065	108	duets	\$16.50	\$1,782.00
I	7066	117	multi-family	\$11.06	\$1,294.02
I	7303	52	multi-family	\$11.06	\$575.12
I	7311	118	duets	\$16.50	\$1,947.00
I	7768	55	sfd	\$22.02	\$1,211.10
I	7769	53	sfd	\$22.02	\$1,167.06
II	7256	70	sfd	\$29.24	\$2,046.80
II	7257	60	sfd	\$29.24	\$1,754.40
II	7260	75	sfd	\$29.24	\$2,193.00
II	7261	70	sfd	\$29.24	\$2,046.80
II	7262	99	sfd	\$29.24	\$2,894.76
II	7263	101	sfd	\$29.24	\$2,953.24
II	7264	102	sfd	\$29.24	\$2,982.48
II	7766	35	sfd	\$29.24	\$1,023.40
II	7766	60	multi-family	\$14.70	\$882.00
II	7767	76	multi-family	\$14.70	\$1,117.20
III	7249	69	sfd	\$70.58	\$4,870.02
III	7255	72	sfd	\$70.58	\$5,081.76

4. The Board of Directors declares this Resolution to be, and the same shall constitute, the levy of an assessment for the fiscal year 2017-18 as hereinabove referred to.
5. The Board directs the Secretary immediately to have recorded a notice of assessment, as provided for in Section 3114 of the Street and Highways Code.
6. The Board also directs that the real property assessments are payable in the same manner as general taxes and hereby directs the Secretary to file the boundary map and assessment list, or certified copy thereof, together with a certified copy of this resolution, with the County Auditor.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Oakhurst Geological Hazard Abatement District at a regular public meeting thereof held on 18th day of July 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE BOARD OF DIRECTORS OF GHAD

David T. Shuey, Chairman

ATTEST:

Janet Brown, Secretary

I hereby certify that the foregoing resolution was duly and regularly passed by the Board of Directors of the Oakhurst Geological Hazard Abatement District at a regular public meeting held on July 18, 2017.

Janet Brown, Secretary

NOTICE OF PUBLIC HEARING ON THE LEVYING OF ASSESSMENTS ON REAL PROPERTY IN THE OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT PURSUANT TO PUBLIC RESOURCES CODE SECTION 26652.

KNOW ALL INTERESTED PARTIES BY THIS NOTICE THAT:

1. The District Manager did present on June 20, 2017, to the Board of Directors, his report dated June 20, 2017, indicating a total budget for FY 2017-18 of \$40,050.34 and recommending the real property assessments shown on the attached table to pay for the obligations of the Oakhurst Geological Hazard Abatement District ("District") during the 2017-18 Fiscal Year.

2. The Board of Directors accepted and approved the report on June 20, 2017, by adopting GHAD Resolution No. XX-2017, which set forth, among other things:

- a. The Board's intent to levy and collect a per unit assessment in accordance with the recommendations of the District Manager as specified to pay for the obligations of said District during the 2017-18 fiscal year.
- b. The date of Tuesday, July 18, 2017, at 7:00 p.m., at Hoyer Hall in the Clayton Community Library, situated at 6125 Clayton Road, Clayton, California, as the date, time and place for hearing protests against the levying of said assessments in the District for the cost of operating in fiscal year 2017-18.

3. The per unit assessments for the 2016-17 Fiscal Year were as shown on the attached table. The proposed per unit assessments represent an increase equal to the latest annual increase in the San Francisco, All Items, All Urban Consumers Index (3.78%; April '16 – April '17). The proposed assessments are in compliance with the annual increase formula previously approved by the voters of GHAD on April 18, 2000 and therefore do not constitute an increase in assessments.

4. A general description of the items to be maintained and operated in the District and paid for by the assessment is as follows: open space areas and geological hazard mitigation devices and improvements.

5. All interested parties may obtain further particulars concerning the proposed per unit assessments in the District and a description and map of the boundaries of the District by referring to GHAD Resolution XX-2017, and the report of June 20, 2017, which are on file with the Secretary in the Clayton City Office. In addition, interested parties may contact the District Manager directly by phone at (925) 363-7433 or in person at 1470 Civic Court, Suite 320, Concord, California, or view the reports at www.ci.clayton.ca.us.

NOW, THEREFORE, any and all persons having any interest in lands within the District liable to be assessed for the expenses of the District for Fiscal Year 2017-18, may appear at the public hearing, the time and place thereof being set forth above, and offer protest to said assessments, and any of said persons may also present any objections they may have by written protest filed with the Secretary, Oakhurst Geological Hazard Abatement District, City of Clayton, 6000 Heritage Trail, Clayton, California, 94517, at or before the time set for public hearing.

JANET BROWN
Secretary
Oakhurst Geological Hazard Abatement District

DATED: June 21, 2017

**OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT
PROPOSED ANNUAL ASSESSMENTS
FISCAL YEAR 2017/18**

<u>GHAD AREA</u>	<u>SUBD. NAME</u>	<u>SUBD. #</u>	<u># UNITS</u>	<u>TYPE</u>	<u>PROPOSED ASSESS.</u>	<u>2016-2017 ASSESS.</u>	<u>ANNUAL \$ INCREASE</u>
I	Windmill Canyon I	6990	92	6,000 sf	\$22.02	\$21.22	0.80
I	Black Diamond I	7065	108	Duets	\$16.50	\$15.90	0.60
I	Chaparral Springs I	7066	117	Multi-family	\$11.06	\$10.66	0.40
I	Chaparral Springs II	7303	52	Multi-family	\$11.06	\$10.66	0.40
I	Black Diamond II	7311	118	Duets	\$16.50	\$15.90	0.60
I	Oak Hollow IIA	7768	55	5,000 sf	\$22.02	\$21.22	0.80
I	Oak Hollow IIB	7769	53	5,000 sf	\$22.02	\$21.22	0.80
II	Eagle Peak I	7256	70	8,000 sf	\$29.24	\$28.18	1.06
II	Eagle Peak II	7257	60	8,000 sf	\$29.24	\$28.18	1.06
II	Falcon Ridge I	7260	75	8,000 sf	\$29.24	\$28.18	1.06
II	Falcon Ridge II	7261	70	8,000 sf	\$29.24	\$28.18	1.06
II	Windmill Canyon II	7262	99	6,000 sf	\$29.24	\$28.18	1.06
II	Windmill Canyon III	7263	101	6,000 sf	\$29.24	\$28.18	1.06
II	Windmill Canyon IV/Ironwood	7264	102	6,000 sf	\$29.24	\$28.18	1.06
II	Oak Hollow I	7766	35	5,000 sf	\$29.24	\$28.18	1.06
II	Diablo Ridge I	7766	60	Multi-family	\$14.70	\$14.16	0.54
II	Diablo Ridge II	7767	76	Multi-family	\$14.70	\$14.16	0.54
III	Peacock Creek I	7249	69	10,000 sf	\$70.58	\$68.00	2.58
III	Peacock Creek II	7255	72	10,000 sf	\$70.58	\$68.00	2.58

GHAD BUDGET REPORT

DATE: JUNE 21, 2017
TO: BOARD OF DIRECTORS
FROM: RICK ANGRISANI, DISTRICT MANAGER
RE: FISCAL YEAR 2017-18

BACKGROUND

In April 2000, the property owners within the Oakhurst Geological Hazard Abatement District (GHAD) approved, by ballot, assessments to cover the routine maintenance and operations needs of the District. The ballot measure also allowed increases in the annual assessment not to exceed the annual rise in the Bay Area Consumer Price Index (CPI). These annual assessments are the only source of revenues to the District as it is solely funded by the private property owners within the District. Without the real property owners' approval, the District cannot create or mandate additional revenues to fund hazard abatement or prevention services.

Kelok Way Dewatering Wells

The installation of six large dewatering wells and inclinometers to increase the stability of the large slope between Kelok Way and North Valley Park was completed in 2013. We received a monitoring report from Stevens, Farrone & Bailey (SFB - original geotechnical engineer) in August, 2016 indicating there was no significant change in water levels/pressure when compared to the levels at the time of the previous inspection (June, 2014). The inclinometer readings indicate very slight horizontal movement (0.1 to 0.2 inch) at depths of 88, 111, and 96 feet since the initial follow up readings in June, 2014.

Pebble Beach Movement

In July of 2016, with the Board's approval, we had Berlogar Stevens & Associates take readings on the two inclinometers installed along Pebble Beach Drive in March, 2007 and to inspect the v-ditches in the slope below Pebble Beach Drive. The inclinometer in the street (SI-1) indicates no significant movement since the last readings taken in August of 2014. The inclinometer in the slope below the street (SI-2) has pinched at a depth of 72 feet thereby prohibiting measurement below that depth. The readings in the upper 72 feet indicate the upper area has not internally moved significantly since the last readings (August, 2014).

While we are not aware of any impact due to the recent very wet winter, we are going to contact our two consultants (for Kelok and Pebble Beach) to determine the need for updated monitoring reports in both areas and the cost thereof.

V-ditch Inspection and Maintenance

As we move forward, we are finding the concrete v-ditches continue to move slightly and are requiring more and more crack sealing and, occasionally, removal and replacement.

We are again proposing to set aside \$5,000 in this year's budget for such work.

Fund Balance (reserves)

The GHAD's fund balance is expected to have a surplus of \$23,886.00 at the end of FY 2016-17. We are anticipating an excess from the proposed assessments \$12,456.34. This results in an anticipated June 30, 2018 ending fund balance of approximately \$36,342.34.

Presley Lawsuit Settlement Fund Balance

This fund balance is projected to stand at approximately \$123,983 in remaining funds from the original Presley lawsuit settlement (2003) on June 30, 2017. We are anticipating an increase of \$1,600 in the fund balance due to interest earnings resulting in an ending balance of \$125,583 on June 30, 2018.

It was, of course, originally intended the remaining original Presley lawsuit settlement funds be used to rehabilitate the street pavement in the Keller Ridge area once the ongoing movement ceased. While some pavement work has been accomplished, having no other reserves and no interest by the property owners in raising the annual assessments, the District ultimately has little option but to eventually use these funds to cover any of the District's funding shortfalls that may occur for as long as possible.

FY 2017-18 BUDGET

This Budget proposes to continue funding just the routine operations, along with the ongoing monitoring and legal defense costs, of the District through the allowable annual assessments. The year to year increase allowable per the most current CPI is 3.78% (April 2016 to April 2017, San Francisco-Oakland-San Jose, All Items, All Urban Consumers Index published by the U.S. Bureau of Labor Statistic).

Following is the recommended budget for the GHAD for FY 2017-18:

EXPENSES

Postage	\$750.00
Insurance Premium (transfer to General Fund)	7,000.00
County Collections Charge	1,200.00
Engineering Services	5,000.00
V-ditch Inspection/Maintenance	5,000.00
Legal Services	1,000.00
Legal Notices	100.00
Miscellaneous	300.00
District Administrative expenses (transfer to General Fund)	<u>7,244.00</u>
<i>TOTAL EXPENSES</i>	<i>\$27,594.00</i>

INCOME

Property Assessments	\$39,850.34
Interest on Funds	<u>200.00</u>
<i>TOTAL INCOME</i>	<i>\$40,050.34</i>
Increase to GHAD Fund Balance	\$12,456.34

FY 2017-18 PROPERTY ASSESSMENTS

As stated above, the annual assessment will be the same as last year except for an increase consistent with the increase in the CPI. Exhibit A explains the methodology of the assessments and provides a summary of the proposed assessment for this year.

EXHIBIT A

OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT

METHOD OF ASSESSMENT

A geological hazard abatement district is essentially a benefit assessment district. Therefore, the assessments must be apportioned to individual parcels according to the benefit received.

Based upon discussions with the City's consultant, Randy Leptien of Leptien, Cronin & Cooper, the various areas and types of development in Oakhurst require that the assessments be broken down by area as well as type of unit. The areas have been broken down to reflect, as much as possible, units with an equal amount of risk and benefit.

The total development has been divided into three areas for assessment:

Area 1	Lower 6000's, lower 5000's, Duets, and Townhouses
Area 2	Upper 6000's, upper 5000's, 8,000's, condominiums
Area 3	10000's

After reviewing the needs of each area and the benefits of the District to each area, we have assigned each area the following share of the District's costs (including reserves);

Area 1	25%
Area 2	50%
Area 3	25%

As will be noted, the number of units in each area is not considered a factor and the amount of assessment per unit will vary greatly from area to area. Since there are different types of housing mixed in Areas 1 and 2, we have assigned different assessment units to each type of housing as follows:

Single Family (regardless of size)	1.00
Duets	0.75
Multi-family	0.50

District Boundaries

As of FY 1999-00, the District was complete and consisted of 200 single family homes, 226 duets, and 169 townhouses in Area 1; 612 single family homes and 136 condos in Area 2; and 141 single family homes in Area 3.

SUMMARY OF ASSESSMENTS

AREA I 2017-18 ASSESSMENT			Total =	\$10,002.14		
Subarea	# Units	Type	Factor	Ass. Units	17/18 Asses	Total
Tr. 6990	92	sfd	1.00	92.00	\$22.02	\$2,025.84
Tr. 7065	108	duets	0.75	81.00	\$16.50	\$1,782.00
Tr. 7066	117	multifamily	0.50	58.50	\$11.06	\$1,294.02
Tr. 7303	52	multifamily	0.50	26.00	\$11.06	\$575.12
Tr. 7311	118	duets	0.75	88.50	\$16.50	\$1,947.00
Tr. 7768	55	sfd	1.00	55.00	\$22.02	\$1,211.10
Tr. 7769	53	sfd	1.00	53.00	\$22.02	\$1,167.06
Subtotals	595			454.00		\$10,002.14
AREA II 2017-18 ASSESSMENT			Total =	\$19,894.08		
Subarea	# Units	Type	Factor	Ass. Units	17/18 Asses	Total
Tr. 7256	70	sfd	1.00	70.00	\$29.24	\$2,046.80
Tr. 7257	60	sfd	1.00	60.00	\$29.24	\$1,754.40
Tr. 7260	75	sfd	1.00	75.00	\$29.24	\$2,193.00
Tr. 7261	70	sfd	1.00	70.00	\$29.24	\$2,046.80
Tr. 7262	99	sfd	1.00	99.00	\$29.24	\$2,894.76
Tr. 7263	101	sfd	1.00	101.00	\$29.24	\$2,953.24
Tr. 7264	102	sfd	1.00	102.00	\$29.24	\$2,982.48
Tr. 7766	35	sfd	1.00	35.00	\$29.24	\$1,023.40
Tr. 7766	60	multifamily	0.50	30.00	\$14.70	\$882.00
Tr. 7767	76	multifamily	0.50	38.00	\$14.70	\$1,117.20
Subtotals	748			680.00		\$19,894.08
AREA III 2017-18 ASSESSMENT			Total =	\$9,951.78		
Subarea	# Units	Type	Factor	Ass. Units	17/18 Asses	Total
Tr. 7249	69	sfd	1.00	69.00	\$70.58	\$4,870.02
Tr. 7255	72	sfd	1.00	72.00	\$70.58	\$5,081.76
Subtotals	141			141.00		\$9,951.78
Grand Totals	1,484			1,275.00		\$39,848.00



**OAKHURST GHAD
DISTRICT MANAGEMENT
925/363-7433**

Memorandum

To: Board of Directors
CC:
From: Rick Angrisani, District Manager
Date: July 12, 2017
Re: Citizen Inquiry related to FY 2017-18 Budget

We received a couple of e-mails from Joseph Beaty (Crow Place) requesting certain information regarding GHAD expenditures over the last five years. Following are the questions and my response:

- 1) How much does the city of Clayton pay the engineering company (Stevens Ferrone & Bailey) to perform annual Geotechnical Monitoring & Inspection Services on Inclinometers/Piezometers/Wells at Kelok Way? (Annual costs for the past 5 years)

FY 2017 - \$4,800
FY 2016 - \$4,800
FY 2015 - \$4,800
FY 2014 - \$0
FY 2013 - \$0

- 2) Does the city of Clayton pay for any maintenance of "open space areas" (e.g., V-ditches, cement drains, roads or other public spaces that may have been damaged by earth movement)? If so, which areas, and costs (past 5 years)

Rarely. Only time in the last 5 years occurred this past year to repair a subdrain on Keller Ridge Drive.

- 3) GHAD Newsletter 1 May 2000 describes an overflow if debris basin un the open space near the end of my street (Crow Place). Has any monitoring been done of this debris basin in the past (and if so, the results), and is monitoring done now?

Debris basins do not require monitoring. Their purpose is to capture offsite debris in the storm channels during rain events. When debris is captured, it is removed. To the best of my knowledge, there has been little debris flow since the 1998-99 storms.

- 4) GHAD Newsletter 1 May 2000 identifies approval of 8 inclinometers in the Eagle Peak Are and Keller Ridge Drive. Please identify the locations of these inclinometers and whether they are being read and included in the annual (engineering) report.

The inclinometers were installed in the slope are below Kelok Way. Most have been damaged over the years and only 2 or 3 are still readable. The readings have been included in the SFB reports.

- 5) What is the annual cost of the contract with an engineering firm to read inclinometers and other monitoring devices and produce an annual report?

Depends on the number of devices being inspected. For instance, Stevens Ferrone & Bailey charges \$4,800 for each inspection per their original contract for the well design and installation, while Berlogar Geotechnical charges between \$3 - \$4,000 for inspections at Pebble Beach.

- 6) Is this contract completed? If not, why not?

Both contracts have been completed. Future readings, if the GHAD desires, will be done on a time and material basis.

- 7) Has the City of Clayton incurred any expenses for mitigation (repair versus monitoring) of earth movement or subsidence in the past 5 years?

No.