

Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, August 3, 2010
6:30 p.m.
AGENDA

Members of the City Council

*Woody Fridae, Mayor
Cecilia Aguiar-Curry, Mayor Pro-Tempore
Harold Anderson
Michael Martin
Tom Stone*

*John W. Donlevy, Jr., City Manager
John Wallace, City Attorney
Nanci Mills, City Clerk*

PLEASE NOTE – The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Mayor or Councilmembers. Public comments time may be limited and speakers will be asked to state their name.

Roll Call

Pledge of Allegiance

Approval of Agenda

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS

At this time, any member of the public may address the City Council on matters, which are not listed on this agenda. Citizens should reserve their comments for matter listed on this agenda at the time the item is considered by the Council. An exception is made for members of the public for whom it would create a hardship to stay until their item is heard. Those individuals may address the item after the public has spoken on issues that are not listed on the agenda. Presentations may be limited to accommodate all speakers within the time available. Public comments may also be continued to later in the meeting should the time allotted for public comment expire.

CONSENT CALENDAR

All matters listed under the consent calendar are considered routine and non-controversial, require no discussion and are expected to have unanimous Council support and may be enacted by the City Council in one motion in the form listed below. There will be no separate discussion of these items.

However, before the City Council votes on the motion to adopt, members of the City Council, staff, or the public may request that specific items be removed from the Consent Calendar for separate discussion and action. Items(s) removed will be discussed later in the meeting as time permits.

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, July 6, 2010 (pp. 1-5)
- B. Minutes of the Joint Meeting of the Winters City Council and Winters Planning Commission Held on Tuesday, July 13, 2010 (pp. 6-8)
- C. Resolution 2010-44 Confirming Delinquent Utility Bills (pp. 9-11)
- D. Resolution 2010-43 Intention to Approve an Amendment to the Contract Between the Board of Administration of the Public Employees' Retirement System (CalPERS) and the City Council of the City of Winters to Provide 2% @ 50 Retirement Formula for Local Fire Members and Introduction of Ordinance 2010-06 Authorizing Amendment of the CalPERS Contract (pp. 121-14)
- E. Resolution 2010-46 Confirming Weed Abatement Invoices (pp. 15-17)
- F. Resolution 2010-42 Rescinding Resolution 2010-34 and Adopting a Budget of Estimated Revenues and Expenditures for Fiscal Year 2010-2011 and 2011-2012 For the City of Winters (pp. 18-21)
- G. Resolution 2010-41, A Resolution of the City Council of the City of Winters Approving the Application for Grant Funds for the Sustainable Communities Planning Grant and Incentives Program Under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for the development of a Climate Action Plan (pp. 22-24)
- H. Street Closure Request – Winters District Chamber of Commerce is Requesting Approval of a Temporary Street Closure on August 27th for the Earthquake Street Festival. Closure would be Main Street from Railroad Avenue to First Street (pp. 25-28)
- I. Revised Project Budget Sheet, and Construction Contract for Grant Ave. (SR 128) Widening and Safety Improvements, Phase 2 – Walnut Avenue Realignment, Project No. 09-05 (pp. 29-32)
- J. Contract with Matriscope for Materials Sampling and Testing for Grant Ave. (SR 128) Widening and Safety Improvements, Phase 2 – Walnut Avenue Realignment, Project No. 09-05 (pp. 33-34)
- K. Amplified Sound Permit Application – First Baptist Church Youth Group (pp. 35-38)

PRESENTATIONS

None

DISCUSSION ITEMS

1. Ordinance 2010-07, An Urgency Ordinance of the City of Winters Adopting an Interim Flood Area Storm Drainage Fee Which Would Be Applied to All Construction in the Flood Overlay Zone as Identified within the General Plan of the City of Winters (pp. 39-73)
 2. Update on Fire Consolidation Agreement- City of Winters and Winters Fire District (pp. 74-85)
 3. Railroad Ave./Russell St. Intersection- Petition (pp. 86-91)
 4. Discussion Regarding Dog Bites in the Community. (pp. 92-113)
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COMMUNITY DEVELOPMENT AGENCY

CONSENT CALENDAR

1. Approve Annual Contribution to the Yolo County Visitors Bureau as per the original Consultant Services Agreement (pp. 114-129)
 - 2.. Resolution 2010-45 Rescinding Resolution 2010-3 and Adopting a Budget of Estimated Revenues and Expenditures for Fiscal Year 2010-2011 and 2011-2012 For the Winters Community Development Agency (pp. 130-132)
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CITY MANAGER REPORT

INFORMATION ONLY

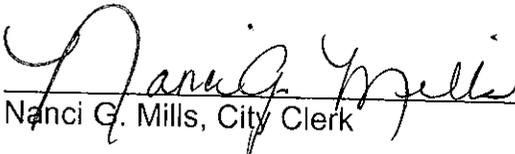
EXECUTIVE SESSION

Personnel Matters Pursuant to Section 54957.6 of the Government Code - Labor Negotiations

City Manager Performance Evaluation Pursuant to Section 54957 of the Government Code

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the August 3, 2010 regular meeting of the Winters City Council was personally delivered to each Councilmember's mail boxes in City Hall and posted on the outside public bulletin board at City Hall, 318 First Street on July 29, 2010, and made available to the public during normal business hours.



Nanci G. Mills, City Clerk

Questions about this agenda – Please call the City Clerk’s Office (530) 795-4910 ext. 101. Agendas and staff reports are available on the city web page www.cityofwinters.org/administrative/admin_council.htm

General Notes: Meeting facilities are accessible to persons with disabilities. To arrange aid or services to modify or accommodate persons with disability to participate in a public meeting, contact the City Clerk.

Staff recommendations are guidelines to the City Council. On any item, the Council may take action, which varies from that recommended by staff.

The city does not transcribe its proceedings. Anyone who desires a verbatim record of this meeting should arrange for attendance by a court reporter or for other acceptable means of recordation. Such arrangements will be at the sole expense of the individual requesting the recordation.

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City Council agenda packets are available for review or copying at the following locations:

Winters Library – 708 Railroad Avenue

City Clerk’s Office – City Hall – 318 First Street

During Council meetings – Right side as you enter the Council Chambers

City Council meetings are televised live on City of Winters Government Channel 20 (available to those who subscribe to cable television) and replayed following the meeting.

Wednesday at 10:00 a.m.

Videotapes of City Council meetings are available for review at the Winters Branch of the Yolo County Library.

Minutes of the Winters City Council Meeting
Held on Tuesday, July 6, 2010

Mayor Michael Martin called the meeting to order at 6:30 p.m.

Present: Council Members Cecilia Aguiar-Curry, Harold Anderson, Woody Fridae, Tom Stone, and Mayor Michael Martin.

Absent: None

Staff: City Manager John Donlevy, City Attorney John Wallace, City Clerk Nanci Mills, Housing Programs Manager Dan Maguire, Director of Financial Management Shelly Gunby, Environmental Services Manager Carol Scianna, Grant Writer Dawn Van Dyke, Police Chief Bruch Muramoto, and Fire Chief Scott Dozier

Lynn and Colwyn Martin let the Pledge of Allegiance.

Approval of Agenda: Motion by Council Member Aguiar-Curry, second by Council Member Anderson. Motion carried unanimously

COUNCIL/STAFF COMMENTS

Council Member Fridae thanked Congressman Mike Thompson for his visit to Winters that included a barbecue lunch with the local firefighters and police officers, toured the new library, and several city projects. Council Member Aguiar-Curry went on a tour of the Community Garden and met with Valley Vision. Councilmember Stone stated that the next mixer was going to be held on E. Baker at David Kelley's new business. Mayor Martin also thanked Congressman Mike Thompson for taking time out of his busy schedule and visiting Winters.

PUBLIC COMMENTS

At this time, any member of the public may address the City Council on matters, which are not listed on this agenda. Citizens should reserve their comments for matter listed on this agenda at the time the item is considered by the Council. An exception is made for members of the public for whom it would create a hardship to stay until their item is heard. Those individuals may address the item after the

public has spoken on issues that are not listed on the agenda. Presentations may be limited to accommodate all speakers within the time available. Public comments may also be continued to later in the meeting should the time allotted for public comment expire.

None.

CONSENT CALENDAR

All matters listed under the consent calendar are considered routine and non-controversial, require no discussion and are expected to have unanimous Council support and may be enacted by the City Council in one motion in the form listed below. There will be no separate discussion of these items. However, before the City Council votes on the motion to adopt, members of the City Council, staff, or the public may request that specific items be removed from the Consent Calendar for separate discussion and action. Items(s) removed will be discussed later in the meeting as time permits.

- A. Minutes of the Regular Meeting of the City Council of the City of Winters Held on Tuesday, June 15, 2010 (pp 1-10)
- B. Minutes of the Special Meeting of the City Council of the City of Winters Held on Monday, June 21, 2010 (pp 11-12)
- C. Letter of Support for Yolo County's Application for Federal TIGER II (Transportation Investment Generating Economic Recovery) Rural Set-aside Funds for County Road 31 Improvement Project (pp 13-14)
- D. Update on the Winters Farmers Market (pp 15)

City Manager Donlevy gave a brief overview. Council Member Aguiar-Curry suggested a word change in the minutes of June 15th. Council Member Fridae made a motion to approve the consent calendar with the stated change and was seconded by Council Member Stone. Motion carried unanimously.

PRESENTATIONS

Administration of Oath was Given by Congressman Mike Thompson for New Council Members, and Offices of City Treasurer and City Clerk

Designation of Mayor and Mayor Pro Tempore (Ordinance 2004-04, relating to Selection of the Mayor and Mayor Pro Tempore, is included as information only) (pp 16-17)

Councilmember Stone made a motion to designate Councilmember Woody Fridae as Mayor and Councilmember Aguiar-Curry to Mayor Protempore. Seconded by Councilmember Martin. Motion carried unanimously.

City Manager Donlevy listed all the accomplishments of Mayor Mike Martin. Mayor Fridae presented him with a plaque.

DISCUSSION ITEMS

1. Fiscal Year 2010-11 Budget- Measure W Allocations

City Manager Donlevy gave an overview.

Director of Financial Management Shelly Gunby passed out a calculation of impacts on property tax and tax increments of approximately 10.5% reduction. If all 10.5% is realized it will be \$129,373.34 to the General Fund and \$200,125.91 to the Redevelopment Agency. Ms. Gunby also went over the assess value history.

The City Manager and the Director of Financial Management will be meeting with the County Tax Assessor to see what properties have been reassessed, and will bring this issue back to Council.

City Manger Donlevy went over some possible scenarios and will bring back the costs of each scenario.

Council concurred to start the recruitment of an additional police officer now, looking it to enhancement of police services from both a technological and manpower basis, begin the process of possibly transitioning to a sleeper program in the Fire Department, placing money in to recreation, and in to business rebates.

2. Update on Putah Creek Bridge Replacement, Project No. 01-05

This item was carried over the next Council Meeting.

3. Economic Development Program- Jobs and Business Development

City Council received a presentation for City Manager Donlevy on possible economic development strategies and direction points.

4. Winters Theater Company – Community Center Contribution

Councilmember Stone made a motion that the City Council accept the direct contribution of %3,500 from the Winters Theatre Company in lieu of hourly charges for use for the Community Center.

5. Authorize City Manager to Execute Contract with David Nelson Consulting to Provide Economic Development Consulting Services for the State Community Development Block Grant ("CDBG") Program

Housing Programs Manager Dan Maguire gave an overview.

Councilmember Stone made a motion to authorize the City Manager to execute a contract with David Nelson Consulting to provide Economic Development Consulting Services for the State Community Block Grant (CDBG) Program. Seconded by Councilmember Martin. Motion carried unanimously.

6. Solano County Water Agency Contract Amendment

City Attorney John Wallace indicated that the Solano County Water Agency has requested an encroachment easement to bring in 35,000 cubic yards of soil as part of the Putah Creek restoration project. The Winters Putah Creek Committee estimates the soil and its transportation cost to be worth over \$100,000 non of which the city would have to pay.

Putah Creek Committee Chair Kurt Balasek expressed concern over the potential noise and dust pollution from the project. Mr. Balasek indicated that efforts will be made to mitigate disruption n the area during the project..

Councilmember Martin indicated that there needed to be some outreach to the community putting them on notice.

Councilmember Aguiar-Curry made a motion to approve. Seconded by Councilmember Anderson. Motion passed unanimously.

7. Designation of a Voting Delegate and Alternates for the League of California Cities Annual Conference

Councilmember Stone made a motion to appoint Councilmembers Aguiar-Curry and Anderson. Seconded by Councilmember Martin. Motion carried unanimously.

8. Liaison Appointments (pp 70-72)

This item will be brought back.

COMMUNITY DEVELOPMENT AGENCY

1.

CITY MANAGER REPORT

INFORMATION ONLY

EXECUTIVE SESSION

Council went in to Executive Session at 9:40 p.m.

City Manager Performance Evaluation Pursuant to Government
Code Section 54957

ADJOURNMENT

The City Council meeting adjourned at

Woody Fridae, Mayor

ATTEST:

Nanci G. Mills, City Clerk

**MINUTES OF THE WINTERS SPECIAL JOINT CITY COUNCIL & PLANNING
COMMISSION MEETING HELD ON TUESDAY, JULY 13, 2010**

Planning Commission Chairman Pierre Neu called the meeting to order at 6:30 p.m.

CITY COUNCIL

PRESENT: Council Members Aguiar-Curry, Anderson, Martin, Stone, Mayor Fridae

ABSENT: None

PLANNING COMMISSION

PRESENT: Commissioners Cowan, , Guelden, Meisch, and Chairman Neu

ABSENT: Commissioners Martinez, DeVries, Tramontana

STAFF: City Manager John Donlevy, City Engineer Nick Ponticello, Community Development Director Nelia Dyer, Contract City Attorney Laura Hollender, Administrative Assistant Jenna Moser, Management Analyst Dawn Van Dyke

Commissioner Tramontana led the Pledge of Allegiance.

GRANT AVENUE AND SR 28/RUSSELL BOULEVARD COMPLETE STREETS

City Manager Donlevy provided an overview of the staff report and introduced the CalTrans team members, as well as Lou Hexter of MIG. Mr. Hexter provided background on the project and provided a slide-show presentation.

Councilmember Martin asked why choose roundabouts. Mukul Malhotra, CalTrans, explained that roundabouts provide access to facilities, ways to pass through traffic for pedestrians, and have been found to allow large trucks and agricultural equipment to pass through without problems as long as they are designed correctly. Martin stated that the Dutton Street area is a difficult place. Malhotra replied that Dutton is a complex area, but there is a solution that can be accomplished.

City Engineer Nick Ponticello added that a phased approach to a roundabout project is right for Winters, stating that roundabouts would most likely be constructed one at a time, giving residents time to get used to the idea before another roundabout is constructed at the next intersection.,

Chairman Neu asked about the bike lanes crossing I-505. Malhotra responded that the area crossing I-505 is a high conflict area for bikes and stated that more technical work needs to be done to address it.

Council member Aguiar-Curry added that she drives through the new roundabouts in Davis along Harbison and that as the construction was going on

**MINUTES OF THE WINTERS PLANNING COMMISSION SPECIAL MEETING
HELD ON TUESDAY, JULY 13, 2010**

she spoke to the workers and they over time have really liked using the roundabouts, adding that the roundabouts really kept the traffic flowing.

Mayor Fridae stated that he favored a phasing plan that would put in an easy roundabout first, then move on to more complex arrangements.

Council member Aguiar-Curry added that Winters has a lot of large trucks, recreational vehicles, and agricultural equipment that needs to be accommodated. Malhotra stated that all of those can be accommodated. Rebecca Mowrie, CalTrans, stated that they will design this to accommodate those types of vehicles and stated that a roundabout will help maintain a two-lane road longer than signals.

Council member Anderson asked about the phasing of the roundabouts. City Engineer Nick Ponticello replied that Winters would most likely start with a roundabout at Walnut Lane and Grant Avenue, as there is preparatory work already being done at that intersection. Council Member Anderson asked why not start at Morgan. City Engineer Ponticello responded that it was planned at Walnut because of the commercial development coming in that area.

Council member Anderson asked about possible temporary improvements near Lorenzo's Market. Rick Montre, CalTrans District 3, stated that some temporary improvements could include pedestrian islands.

Council member Aguiar-Curry asked if it were possible to decrease the speed limit, extending the 35mph zone. Rick Montre responded that in order to decrease the speed limit, a radar study must be done and that there must be legal precedence for changing a speed limit.

Mayor Fridae reported that a two-lane road reduces accidents compared to a four-lane. Malhotra stated that yes, accidents decrease, and reducing speed limits reduce fatalities.

Council Member Anderson stated that the City of Lincoln has reduced the speed limit to accommodate electric vehicles. Malhotra said that he is unfamiliar with the specifics of Lincoln, but they are exploring options.

City Engineer Ponticello stated that the city is not going to go to a four-lane road without a major need for it, but the city will reserve the right-of-way for four lanes and landscaping.

Joe Aguiar, Winters resident, asked about provisioning for bike lanes over I-505. City Engineer Nick Ponticello responded that there is not a current plan for bike lanes over I-505, as it is a costly endeavor.

**MINUTES OF THE WINTERS PLANNING COMMISSION SPECIAL MEETING
HELD ON TUESDAY, JULY 13, 2010**

Commissioner Guelden asked if CalTrans has ever installed three roundabouts in a row. Rebecca Mowrie responded that she remembers two in a row, and also that some communities have a roundabout corridor area.

Community Development Director Dyer reported that there is not a date set to bring this back, but that September is a general timeframe.

Council Member Stone thanked CalTrans and staff, and also thanked CalTrans for extending the study area to include El Rio Villa.

The meeting was adjourned at 8:00 p.m.

ATTEST:

Jenna Moser, CDD Admin

Pierre Neu, Chairman



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: August 3, 2010
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Resolution 2010-44 Confirming Delinquent Utility Bills

RECOMMENDATION:

Staff recommends that the City Council approve Resolution 2010-44 A Resolution of the City Council of the City of Winters Confirming Delinquent Utility Bills.

BACKGROUND:

The City of Winters bills each property owner for water, sewer and municipal services tax on a monthly basis. The Finance Department has procedures in place to collect charges that are not paid on a timely basis., This resolution allows for the unpaid amounts to be placed on the property owner's property as a lien, and be assessed to the property owner on the property tax bill issued by the County of Yolo. Past due amounts are collected by the County of Yolo at the time property taxes are paid, and then remitted to the City of Winters, thereby preventing accounts from becoming uncollectible.

FISCAL IMPACT:

None

City of Winters

Delinquent Utility Accounts

Attachment A-Resolution 2010-44

Amount	Parcel #	Amount	Parcel #						
\$291.56	003-501-012	\$217.16	003-242-010	\$289.61	038-204-004	\$182.60	003-274-001	\$245.14	003-404-009
\$117.37	030-381-001	\$281.79	003-516-003	\$182.60	003-492-026	\$271.04	003-492-006	\$254.45	038-201-007
\$111.15	038-180-018	\$182.60	003-492-020	\$279.88	003-153-017	\$208.77	003-471-020	\$464.78	003-271-026
\$182.60	038-170-017	\$182.60	003-491-004	\$271.04	003-492-019	\$465.49	003-410-032	\$179.42	003-130-024
\$182.60	003-513-001	\$182.60	003-461-003	\$452.07	003-463-009	\$182.60	003-160-005	\$554.10	003-183-036
\$182.60	003-172-015	\$377.17	030-371-009	\$248.98	030-361-029	\$182.60	003-272-016	\$271.04	003-402-014
\$182.60	003-155-013	\$352.80	003-492-003	\$279.88	003-480-056	\$182.60	003-183-027	\$231.04	003-465-004
\$104.05	003-421-013	\$271.04	003-514-003	\$279.88	038-190-038	\$399.54	003-492-010	\$182.60	038-190-049
\$340.74	003-380-012	\$182.60	038-170-003	\$290.59	003-360-016	\$271.04	003-472-008	\$474.45	003-146-001
\$271.04	003-471-008	\$271.04	003-380-025	\$179.11	030-381-007	\$380.46	003-423-011	\$182.60	038-201-014
\$377.17	038-190-003	\$171.04	003-402-005	\$271.04	003-514-002	\$182.60	003-392-013	\$182.60	003-173-015
\$182.60	030-361-009	\$279.88	003-450-004	\$182.60	003-380-018	\$287.50	003-442-022	\$534.44	003-154-010
\$382.87	003-273-007	\$377.17	030-382-008	\$279.88	003-183-025	\$279.98	003-173-013	\$279.88	003-391-002
\$182.60	038-180-040	\$182.60	038-180-030	\$300.41	003-462-004	\$279.61	003-442-004	\$199.35	003-524-018
\$171.04	003-501-003	\$182.60	003-370-024	\$489.06	003-272-011	\$182.60	038-202-013	\$279.88	038-190-004
\$377.01	003-473-001	\$377.17	003-503-025	\$279.88	003-281-013	\$271.04	003-130-034	\$325.36	038-205-005
\$182.60	003-480-046	\$182.60	003-492-053	\$181.04	003-182-081	\$182.60	003-221-001	\$271.04	003-480-059
\$170.36	003-512-004	\$182.60	038-203-014	\$182.60	003-404-001	\$389.88	003-471-017	\$177.13	003-521-006
\$170.07	003-501-006	\$377.17	030-372-001	\$254.87	003-472-008	\$139.48	003-146-020	\$182.60	003-173-010
\$474.45	003-424-021	\$182.60	003-230-017	\$182.60	030-391-011	\$321.21	003-524-017	\$710.44	003-183-037
\$182.04	003-492-031	\$279.88	038-203-008	\$271.85	030-371-022	\$271.04	003-442-020	\$203.45	003-155-009
\$377.17	003-450-005	\$261.93	003-360-015	\$271.04	003-492-058	\$217.16	003-341-028	\$182.60	003-502-010
\$182.60	003-510-009	\$177.92	003-392-015	\$361.60	003-510-016	\$182.60	030-371-010	\$182.60	003-242-004
\$493.65	003-143-008	\$279.88	003-445-003	\$147.00	003-152-010	\$182.04	003-465-002	\$254.45	003-272-004
\$271.04	003-503-010	\$476.09	003-461-004	\$291.56	038-201-008	\$182.60	038-190-053	\$271.04	003-524-002
\$271.04	003-501-034	\$364.45	003-441-020	\$182.60	030-371-002	\$182.60	003-141-015	\$182.60	003-524-004
\$289.91	038-189-029	\$459.88	038-205-017	\$182.60	003-160-044	\$259.68	038-202-002	\$213.69	003-141-013
\$182.60	003-466-007	\$271.04	038-205-013	\$377.17	038-203-007	\$264.55	003-460-013	\$1,887.94	003-204-008
\$271.04	003-281-008	\$165.05	003-183-044	\$182.48	038-204-006	\$182.60	003-424-029	\$900.63	003-201-015
\$424.31	003-410-016	\$182.60	003-342-022	\$279.88	003-144-005	\$493.91	003-410-042	\$754.29	003-204-005
\$171.04	003-424-026	\$220.12	030-371-020	\$296.58	003-466-009	\$279.88	003-171-021	\$617.21	003-322-003
\$373.74	003-492-030	\$159.48	003-480-062	\$380.37	038-205-016	\$271.04	003-230-009	\$373.49	003-450-014
\$182.60	003-492-052	\$238.02	030-371-004	\$186.23	003-423-013	\$191.44	003-282-024	\$325.36	038-205-005
\$365.60	003-341-009	\$238.02	003-523-008	\$111.04	003-171-001	\$182.60	003-501-036	\$317.62	003-153-007
\$469.37	003-130-002	\$182.60	030-371-005	\$377.17	003-341-035	\$182.60	003-462-003	\$203.45	003-201-015
\$469.37	003-42-007	\$377.17	003-450-007	\$278.40	003-405-006	\$132.12	030-392-005	\$124.17	003-523-003
\$182.60	003-513-009	\$279.88	003-422-012	\$280.74	003-492-056	\$474.45	038-205-014		
\$103.05	003-473-013	\$377.17	003-171-016	\$182.60	003-274-006	\$173.92	003-341-007		
\$271.04	003-273-001	\$182.60	038-170-019	\$271.04	003-341-039	\$474.45	003-441-016		
\$182.60	003-380-026	\$182.60	003-201-001	\$182.60	003-510-011	\$179.48	003-513-006		
\$271.04	003-342-023	\$183.26	003-441-006	\$271.04	038-203-021	\$279.88	003-146-018		
\$121.04	003-342-016	\$202.76	003-160-014	\$295.86	038-203-001	\$271.04	003-473-008		
\$296.53	003-444-001	\$182.69	003-461-008	\$182.60	003-272-017	\$182.60	003-442-018		

RESOLUTION 2010-44

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
CONFIRMING DELINQUENT UTILITY BILLS**

WHEREAS, the City of Winters provides utility services within the city limits;
and

WHEREAS, the Municipal Code of the City of Winters by its terms provides that the owners of the respective real properties are the recipient of said services, and liable for the costs therefor; and

WHEREAS, several of said property owners have failed to pay for said utility services;

NOW THEREFORE, the City Council of the City of Winters does hereby resolve as follows:

The City of Winters has delinquent accounts regarding the accounts and in the amounts included on Attachment A.

PASSED AND ADOPTED by the City Council, City of Winters, this 3rd day of August 2010 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Woody Fridae, Mayor

ATTEST:

Nanci G. Mills, CITY CLERK

TO: Honorable Mayor and Council Members
DATE: August 3, 2010
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nanci G. Mills, Director of Administrative Services/Recreation *Nanci*
SUBJECT: Resolution of Intention to Approve an Amendment to the Contract Between the Board of Administration of the Public Employees' Retirement System (CalPERS) and the City Council of the City of Winters to Provide 2% @ 50 Retirement Formula for Local Fire Members and Introduction of Ordinance Authorizing Amendment of the CalPERS Contract

RECOMMENDATION:

That the Council take the following action:

1. Adopt a Resolution 2010-43, a Resolution approving an amendment to the contract between the Board of Administration of the California Public Employees' Retirement System and the City Council of the City of Winters.
2. Introduce and waive the first reading of an Ordinance authorizing an amendment to the contract between the City Council of the City of Winters and the Board of Administration of the California Public Employees Retirement System and authorize staff to bring back the Ordinance for adoption on September 7, 2010.

BACKGROUND:

Approval of the attached Resolution of Intention and associated documents will initiate the process to amend the City's contract with the California Public Employees' Retirement System to provide the 2% at 50 full formula for local fire members effective January 1, 2010, as part of the process that is necessary in order to facilitate the consolidation of the Winters Fire Department.

FISCAL IMPACT:

The employer contribution will be less for the City of Winters versus the employer contribution that was paid by the Winter Fire Protection District

RESOLUTION No. 2010-43

**A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO
CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF WINTERS
AND THE BOARD OF ADMINISTRATION OF CALIFORNIA
PUBLIC EMPLOYEES RETIREMENT SYSTEM**

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 21362 (2% @ 50 Modified formula) for local fire members.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

PASSED AND ADOPTED ON August 3, 2010, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Woody Fridae, Mayor

ATTEST:

Nanci G. Mills, City Clerk

ORDINANCE 2010-06

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE
CITY OF WINTERS AND THE BOARD OF ADMINISTRATION OF THE
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

WHEREAS, THE City Council of the City of Winters does ordain as follows:

That an amendment to the contract between the City of Winters and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made a part thereof as though herein set out in full.

WHEREAS, the City Manager of the City of Winters is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

WHEREAS, this Ordinance shall take effect thirty (30) days after the date of its adoption and shall be published at least one (1) time in the Winters Express, a newspaper of general circulation, published and circulated in Winters and thenceforth and thereafter the same shall be in full force and effect.

This Ordinance was introduced at a regular meeting of the City Council of the City of Winters on Tuesday, August 3, 2010 and adopted at a regular meeting of the City Council of the City of Winters on _____, 2010 by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Woody Fridae, Mayor

ATTEST:

Nanci G. Mills, City Clerk



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: August 3, 2010
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Resolution 2010-46 Confirming Weed Abatement Nuisance Costs

RECOMMENDATION:

Staff recommends that the City Council approve Resolution 2010-46, A Resolution of the City Council of the City of Winters Confirming Weed Abatement Nuisance Costs.

BACKGROUND:

The City of Winters and the Winters Fire Protection District notifies each property owner where a weed nuisance existed, and most property owner's removed the weeds. Certain property owner's did not remove the weeds, and the City of Winters arranged for the removal of the weeds at an expense to the City of Winters.

Invoices were sent to those property owners to reimburse the City for the cost of the weed abatement and the invoices remain unpaid at this time.

This resolution allows for the amounts that have not been collected through the normal billing process to be placed on the property tax bill issued by the County of Yolo. These amounts are then collected by the County of Yolo at the time property taxes are paid, and are then remitted to the City of Winters, thereby preventing accounts from being uncollectible.

FISCAL IMPACT:

None by this action

**COMMUNITY DEVELOPMENT AGENCY
RESOLUTION 2010-46**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
CONFIRMING WEED ABATEMENT NUISANCE COSTS**

WHEREAS, the City of Winters and the Winters Fire Protection District proceeded under Government Code section 39501-39588 and declaring as a public nuisance all weeds growing upon streets, sidewalks and private property in the City; and

WHEREAS, a minimum of two notices were provided to all owners of property within the City when a nuisance existed; and

WHEREAS, most property owners removed the nuisance on their property and the City proceeded to remove the remaining nuisance at a cost to the City; and

WHEREAS, the Municipal Code of the City of Winters by its terms provides that the owners of the respective properties are the recipients of said services and liable for the costs thereof.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Winters does hereby resolve as follows:

The City of Winters has performed and incurred the following costs for nuisance weed abatement:

Parcel #	Amount	Parcel #	Amount	Parcel #	Amount
030-392-006	\$ 1,141.38	038-050-018	\$ 2,255.41	003-462-001	\$ 310.86
038-190-035	\$ 2,265.30	030-381-001	\$ 237.04	003-430-012	\$ 4,965.03
003-050-063	\$ 1,490.64	030-382-005	\$ 529.26	038-070-035	\$ 1,453.98

PASSED AND ADOPTED by the City of Winters Community Development Agency this 3rd day of August by the following vote:

**AYES;
NOES;
ABSTAIN;
ABSENT;**

Woody Fridae, Mayor

ATTEST:

Nanci G. Mills, City Clerk



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: August 3, 2010
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: City of Winters 2010-2011 and 2011-2012 Budget

RECOMMENDATION:

City Council adopt Resolution 2010-42, A Resolution of the City of Winters Rescinding Resolution 2010-34 and Approving and Adopting a Budget of Estimated Expenditures for Fiscal Years 2010-2011 and 2011-2012.

BACKGROUND:

The City of Winters is required to adopt a budget each fiscal year and the City Council adopted Resolution 2010-34 on June 15, 2010 before the results of Measure W included on the June 8, 2010 election were known. Subsequent to the adoption of Resolution 2010-34, Measure W was certified as having passed, and the staff received information regarding the assessed value of properties within the City of Winters. Both of these circumstances made it apparent to staff that the budget needed to be adjusted.

The estimated revenue from Measure W is \$400,000 per year. On July 6, 2010 staff asked for direction from the City Council to prioritize the expenditure of the Measure W funds. Included in the 2010-2011 budget in expenditures are the following:

- Authorization to hire one (1) additional Police Officer for the Police Department
- Funding for a Police Technology Program of \$95,000
- Funding for Start up of the Fire Sleeper Program (to provide 24/7 coverage from the Fire Station.
- Funding to supplement the City Wide Assessment District so that no streetlights are turned off.
- Balance of funding remains in the general fund to help fund general fund programs.

These programs and items have been included in the budget and the resolution before you. Previously the use of fund balance forward for 2010-2011 was \$116,602 and utilizing the Measure W Funding, the use of fund balance forward for 2010-2011 is now \$97,946.

For 2011-2012 the Measure W funding will provide the following:

- Authority to hire one (1) additional Police Officer (this is in addition to the one hired in 2010-2011).
- Full funding for the Fire Sleeper Program to provide 24/7 coverage from the fire station.
- Funding for additional police technology
- Balance of funding remains in the general fund to help fund general fund programs.

These items have been included in the budget and in the resolution before you.

In addition to the Measure W issue, staff learned from the Yolo County Assessor's Office that assessed values overall in the city declined by 10.3% overall, and in the non-redevelopment area, assessed values declined by 9.46%. This reduction in assessed value has caused a reduction in Property taxes for 2010-2011 of \$52,514 and in Property Tax in lieu of VLF of \$43,383 for a total reduction in general fund revenues of \$96,582. These amounts have been included in the budget and the resolution before you.

The impact for 2011-2012 of the reduction in assessed value is that the base upon which the growth of assessed value has been reduced. Based on discussions with the Assessor Office and viewing other sources, staff has included a projection of a 1% increase in assessed value, and therefore property taxes and property tax in lieu of VLF in the 2011-2012 budget. This has caused a reduction in revenues (prior to Measure W) of \$154,018 from that included in the budget as presented on June 15, 2010

FISCAL IMPACT:

The budget gives hiring and spending authority to staff for the Fiscal Years 2010-2011 and 2011-2012.

**CITY COUNCIL
RESOLUTION 2010-42**

A RESOLUTION OF THE CITY OF WINTERS RESCINDING RESOLUTION 2010-34 AND APPROVING AND ADOPTING A BUDGET OF ESTIMATED EXPENDITURES FOR FISCAL YEARS 2010-2011 AND 2011-2012.

WHEREAS, every local agency is required to adopt a budget for the subsequent fiscal year for estimated revenues and expenditures; and

WHEREAS, every local governmental agency shall file with the county auditor of the county in which the agency conducts its principal operations, a budget for the fiscal year then in progress; and

WHEREAS, the City of Winters has determined that a 2 year budget is appropriate for the City to prudently plan it's financial future; and

WHEREAS, the City Council of the City of Winters adopted Resolution 2010-34 prior to the certification of results of the Measure W election held on June 8, 2010; and

WHEREAS, the City of Winters Operating Budget has changed as the result of the passage of Measure W by the citizens of the City of Winters; and

WHEREAS, the City Council and Staff members have thoroughly reviewed and analyzed the proposed budget in order to determine the needs of the City of Winters;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Winters that:

Resolution 2010-34 adopted on June 15, 2010 is hereby rescinded and

A budget for the Fiscal Year 2010-2011 and 2011-2012, a copy of which is on file in the City Clerk's Office, is hereby adopted for the City of Winters as follows;

Section 1. For the Fiscal Year 2010-2011, General Fund estimated revenues of \$3,398,858, use of available fund balance of \$97,946, for a total source of funds of \$3,496,804 and total appropriations of \$3,496,804.

For the Fiscal Year 2011-2012, General Fund estimated revenues of \$3,304,598, use of available fund balance of \$285,885, for a total source of funds of \$3,590,453 and total appropriations of \$3,590,453.

Section 2. For the Fiscal Year 2010-2011, Special Revenues Funds estimated revenues of \$2,346,272, use of available fund balance of \$-0- for a total source of funds of \$2,346,272 and total appropriations of \$2,283,639.

For the Fiscal Year 2011-2012, Special Revenues Funds estimated revenues of \$974,991, use of available fund balance of \$-0- for a total source of funds of \$974,991 and total appropriations of \$770,983.

Section 3. For Fiscal Year 2010-2011 Capital Revenue Funds estimated revenues of \$1,009,821, use of available fund balance of \$2,917,277 for total source of funds of \$3,927,098 and total appropriations of \$3,927,098.

For Fiscal Year 2011-2012 Capital Revenue Funds estimated revenues of \$677,692, use of available fund balance of \$-0- for total source of funds of \$677,692 and total appropriations of \$207,896.

Section 4. For Fiscal Year 2010-2011 Water O & M Fund estimated revenues of \$1,038,059 use of available fund balance of \$-0- for total source of funds of \$1,038,059 and total expenses of \$844,108.

For Fiscal Year 2011-2012 Water O & M Fund estimate estimated revenues of \$1,058,103, use of available fund balance of \$35,888 for total source of funds of \$1,093,991 and total expenses of 1,093,991.

Section 5. For Fiscal Year 2010-2011 Sewer O & M estimated revenues of \$1,318,570, use of available fund balance of \$-0- for a total source of funds of \$1,318,570 and total expenses of \$1,219,648.

For Fiscal Year 2011-2012 Sewer O & M estimated revenues of \$1,463,063, use of available fund balance of \$-0- for a total source of funds of \$1,463,063 and total expenses of \$1,208,854.

PASSED AND ADOPTED by the City of Winters this 3rd day of August 2010 by the following vote:

AYES;
NOES;
ABSTAIN;
ABSENT;

Woody Fridae, Mayor

ATTEST:

Nanci G. Mills, City Clerk



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council Members
THROUGH: John W. Donlevy, Jr., City Manager
DATE: August 3, 2010
FROM: Dawn Van Dyke, Management Analyst, 
SUBJECT: Resolution Number 2010-41 A Resolution of the City Council of the City of Winters Approving the Application for Grant Funds for the Sustainable Communities Planning Grant and Incentives Program Under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84)

RECOMMENDATION: The City Council approve Resolution Number 2010-41 A Resolution of the City Council of the City of Winters Approving the Application for Grant Funds for the Sustainable Communities Planning Grant and Incentives Program Under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) to fund the development of a Climate Action Plan.

BACKGROUND: In 2006, voters approved Proposition 84 to fund various grant programs related to water quality and the environment. One of the recently released programs is the Sustainable Communities Planning Grant and Incentives Program. There are a variety of eligible projects that could be funded through the grant program including:

- General Plan Updates
- Specific Plans/Infill Plans/Zoning Ordinances
- Climate Action Plans
- Regional Plans
- Rural Blueprints or plans that voluntarily implement SB 375

Funded projects must promote infill development, protect, preserve and enhance environmental and agricultural lands and natural resources, reduce greenhouse gas emissions, meet reduction targets and be consistent with the state's planning priorities and Global Warming Solutions Act of

Staff has analyzed the application guidelines and is recommending that an application be submitted to fund the development of a Climate Action Plan (CAP) for the City of Winters. Development of such a plan would require specific expertise in measuring the City's existing greenhouse gas emissions and developing realistic a plan for achieving reductions as outlined in AB 32. Proposition 84 funding would be used to pay for consultant services for the development of the plan. While there are commonalities amongst CAPs, there is no mandated template for how an individual plan should look. Staff will work to develop a scope of work for the CAP that is unique to the City of Winters and could include elements such as:

- Emissions analysis by sector (municipal buildings, wastewater treatment facility, etc.)
- Vehicle trips analysis: Statistical information on Winters residents including where they work, how far they drive to work, etc.
- Goals to reduce impacts
- Incorporation of existing General Plan policies

Although the requirement for local governments to develop CAPs has not yet been fully mandated through AB 32, it is included in the AB 32 Scoping Plan. In addition, CAPs have become common tools for cities seeking to begin implementation of policies that will help achieve AB 32 goals. (AB 32 sets a goal of reducing Greenhouse Gas (GHG) emissions in two phases: the first is 30% by 2020 and the second is 80% by 2050. Reducing the GHG emissions 30 % by 2020 is equivalent to reducing GHG emissions about 10-15% from current levels.) Yolo County and the cities of Davis and Woodland have completed CAPs; the City of West Sacramento's CAP is currently underway.

Also, related legislation (SB375) requires the 17 metropolitan planning organizations (MPOs) in California to address greenhouse gas levels in transportation planning. The City of Winters is a member of SACOG, which has incorporated these principles in the planning process and is the process of updating its Metropolitan Transportation Plan.

Staff believes the information that is collected and goals that are set through development of such a plan could be of great value in developing projects and plans in the City of Winters.

FISCAL IMPACT: None by this action. The application could result in additional funding to develop a Climate Action Plan.

Resolution 2010-41 - A Resolution of the City Council of the City of Winters Approving the Application for Grant Funds for the Sustainable Communities Planning Grant and Incentives Program Under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84)

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above; and

WHEREAS, the Strategic Growth Council has been delegated responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by the Strategic Growth Council require a resolution certifying the approval of application(s) by the Applicants' governing board before submission of said application(s) to the State; and

WHEREAS, the Applicant, if selected, will enter into an agreement with the State to carry out the development of the proposal.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Winters:

1. Approves the filing of an application for the City of Winters Climate Action Plan in order to become a sustainable community;
2. Certifies that the Applicant understands the Assurances and Certification in the Application, and
3. Certifies that the Applicant or title holder will have sufficient funds to develop the Proposal or will secure the resources to do so, and
4. Certifies that the Proposal will comply with any applicable laws and regulations.
5. Appoints the City Manager, or designee, as the agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests, and so on, which may be necessary for the completion of the aforementioned project(s).

Approved and adopted this 3rd day of August, 2010. I the undersigned, hereby certify that the foregoing Resolution Number 2010-41 was duly adopted by the City Council of the City of Winters.

Following Roll Call Vote:

Ayes _____

Noes _____

Absent _____

Nanci Mills, City Clerk, City of Winters



STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: August 3, 2010
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Dan Maguire, Housing Programs Manager *DM*
SUBJECT: Street Closure Request by Winters Chamber of Commerce for Annual Earthquake Festival to be Held on August 27, 2010

RECOMMENDATION:

Approve the closure of Main Street between Railroad Avenue and First Street to allow for the Chamber of Commerce Earthquake Street Festival.

BACKGROUND:

The Winters Chamber of Commerce has requested the closure of Main Street between Railroad Avenue and First Street from 3:00 p.m. to 12:00 a.m. and have requested that barricades be placed at these intersections.

If approved, closure notification will be posted on all affected streets a minimum of 48 hours prior to the scheduled closures.

Per the City's Street Closure Ordinance, it requires Council approval on identified streets on the attached request form.

FISCAL IMPACT:

To be Determined (Police staff overtime, signage, barricade placement).



City of Winters Request for Street Closure

This application is for citizens or groups that have occasion to request that streets be temporarily closed for such things as bicycle races, running contests, block parties and other such events requiring the re-routing of traffic. For a parade or amplified sound an additional permit is required.

A request to close streets shall be filed with the Police and Public Works Departments at least ten (10) business days prior to the date the street would be closed.

There shall be no closure of the following streets without Council approval:

1. Main Street
2. Railroad Street
3. Grant Avenue
4. Valley Oak Drive
5. Abbey Street

Request to close these streets shall be processed in much the same manner except that the request shall be submitted to the City Council by the Police Department. Requests to close the streets herein listed shall be submitted at least thirty (30) business days prior to the street closure.

Requests for street closures that are not submitted by the minimum time lines may be granted only by the Winters City Council.

Name: Al Aldrete Organization: Winters Chamber of Commerce

Address: 11 Main St. Winters CA Mailing Address: Same

Telephone: 530 795 2329 Today's Date: 7/13/2010

Streets Requested: 1st block of Main Street (Main St. between Railroad & 1st)

Date of Street Closure: Friday August 27, 2010 Time of Street Closure: 3pm - midnight

Description of Activity: Earthquake Street Festival

Services Requested of City: barricades, no parking signage

APPROVED: _____ Police Department CMJ Public Works Department CS

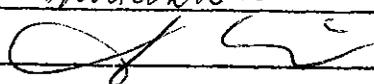
City of Winters Request for Street Closure

Please provide a listing of the names and signatures of people living on the street (s) to be closed and acknowledging that they know why the closure is requested and that they agree to the closure. Attach additional sheets if necessary.

Potah Creek Cote	1 Main	Lady Rodriguez
Cloth Carousel	9 Main	Dr. Bryant
Palm's Playhouse	13 Main	David Hemm
Chamber/VC	11 Main	Har Mann
Berryessa Gap	15 Main	Lu O'Neil
Eric Road	15 1/2 Main	
Casile's Hair	19 Main	
Howard Brown	19 Main	
WHC Medical	23 Main	
WHC Dental	31 Main	Vincent
Pacific Ace Hardware	35 Main	Tom
Realty World	37 Main	Cheryl Rheny
Velo City Bicycle	41 Main	M. Berne
El Pueblo	43 Main	Chae Arce
Metro PCS	47 Main	Frank
Buckhorn	2 Main	Lady Rodriguez
Winters Center for the Arts	14 Main	
Valley Floors	18 Main	
22 Main	22 Main	see Berryessa Gap
Ireland Agency	26 Main	
Estrada's	30 Main	Carmen Estrada
Wiscombe Funeral	34 Main	Vera Smith per Jim Meyer
La Bodega	36 Main	Frank Martin

City of Winters Request for Street Closure

Please provide a listing of the names and signatures of people living on the street (s) to be closed and acknowledging that they know why the closure is requested and that they agree to the closure. Attach additional sheets if necessary.

Tienda Deliculous 44 Main Middleton
First Northern Bank 48 Main 



TO: Honorable Mayor and Council Members
DATE: August 3, 2010
THROUGH: John W. Donlevy, Jr., City Manager *[Signature]*
FROM: Nicholas J. Ponticello, City Engineer
SUBJECT: Revised Project Budget Sheet, and Construction Contract for Grant Ave. (SR128)
Widening and Safety Improvements, Phase 2 – Walnut Avenue Realignment, Project No. 09-05

RECOMMENDATION: Staff recommends the City Council (1) Approve the revised Project Budget Sheet (PBS) for Grant Avenue Widening and Safety Improvements, Phase 2 – Walnut Lane Realignment, Project No. 09-05; (2) award a construction contract to Vintage Paving in the amount of \$174,831; (3) authorize the City Manager to execute the Contract on the City's behalf; and (4) authorize expenditures in the amount of \$192,314 for construction.

BACKGROUND: The City submitted two federally-eligible transportation projects to SACOG in anticipation of receiving the balance of the first round of American Recovery and Reinvestment Act (ARRA-1) funds left-over from the Grant Avenue Widening Project, which was constructed last year. The priority project was the realignment of Walnut Lane.

The project will realign Walnut Lane at Grant Ave. to provide a right-angle tee intersection to improve vehicular safety movements. It includes pavement widening, overlay, storm drain pipe, pavement striping and sidewalk. An AT&T pole has already been relocated. The project will tie-in with the improvements constructed with the Grant Avenue Widening and Safety Improvements project.

The construction documents were advertised for bid and the bid opening was held on June 17, 2010. Three bids were received. The results are attached for review.

Based on the bid results, it is recommended that the contract be awarded to Vintage Paving as the low responsive, responsible bidder, in the amount of \$174,831. The requested amount for construction expenditures (\$192,314) includes a 10% contingency, which is typical for this type of project. The Engineer's estimate is \$175,000.

Construction should commence in mid-August with completion slated for mid-October.

The City Engineer will provide construction inspection and management, in conjunction with Caltrans inspection.

ALTERNATIVES: None recommended by staff.

FISCAL IMPACT: On October 6, 2009, Council approved a Project Budget Sheet, which identified the balance of ARRA-1 funds along with Local Transportation TDA Funds, with the understanding that if the ARRA-1 funds were not approved for the project, then only TDA Funds would be used. Unfortunately, the availability of the balance of the first round of ARRA was uncertain and the construction documents were completed. Therefore, only local TDA funds are utilized.

The revised budget sheet includes additional funding for project management due to extensive coordination with Caltrans for environmental, utility relocation, right of way certification, and the encroachment permit. Also, extensive coordination with AT&T for relocation of their overhead lines, as

well as processing of a Parcel Map for the Woodland Eye Clinic in exchange for right of way needed for the project, resulted in more effort to manage the project. The budget for construction is also increased to reflect actual bids. The previous cost was exceeded after coordination with Caltrans on meeting their requirements for the intersection.

Attachments: Revised PBS
Bid Results

GRANT AVE. (SR128) WIDENING AND SAFETY IMPROVEMENTS, PHASE 2

Project Budget Sheet

CIP#: 09-05

MPFP#(s):

Last Updated: July-10

Original Approval: September-09

Project Owner: Public Works

Revision One

Project Manager: Alan Mitchell

Project Resource: City Engineering

Description:

The project will realign Walnut Lane at Grant Ave. to provide a right-angle tee intersection to improve vehicular safety movements. It includes pavement widening, overlay, storm drainage pipe, pavement striping and sidewalk, and at&t pole relocation. Project will tie-in with the Grant Avenue Widening project constructed under PN 09-01.

Authority:

General authority to maintain the existing city street infra-structure. This project will enhance vehicle safety.

Budget:							
Item	%	Amount	Item	%	Amount		
Project Management		\$ 18,000	Investigations		\$ -		
Testing and CM/Inspection		\$ 15,000	Land		\$ -		
Design		\$ 23,000	Construction		\$ 193,000		
RW Consultant		\$ -	Other		\$ 5,000		
CEQA		\$ -	Project Total:		\$ 254,000		

Financing Schedule:		Project Start: 2009		Project Completion: 2010			
Phases:							
Fund Code:	294						
Name:	TDA	Blank	Blank	Blank	Blank	Blank	FY Totals
Prior FY:	\$ -						\$ -
FY 09/10:	\$ 42,000						\$ 42,000
FY 10/11:	\$ 212,000						\$ 212,000
Fund Totals:	\$ 254,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 254,000

Recommended for Submittal

Alan Mitchell, Project Manager 6/23/2010

Recommended for Approval (Dept. Head)

Nicholas J Ponticello, City Engineer (date)

Finance Department Approval

Shelly Gunby, Director of Finance (date)

City Manager Approval

John Donlevy, City Manager (date)

**PROJECT NO. 09-05,
GRANT AVE WIDENING SAFETY IMPROVEMENTS PHASE -2 WALNUT AVENUE REALIGNMENT
BID OPENING - THURSDAY, JUNE 17, 2010 at 2:00 P.M.**

CONTRACTOR	TOTAL BASE BID
Vintage Paving, Winters	\$174,831.00
WR Forde Associates, Richmond	\$191,175.00
JA Gonsalves, Napa	\$192,329.00
ENGINEER'S ESTIMATE Base Bid	\$175,000.00
<p>Note: Error on JA Gonsalves Bid. Bid Item 30 Total entered as \$3,000 Total should have been \$6,000 (\$189,329.50 + \$3,000 = \$192,329.00)</p>	

READ BY: Nanci Mills, City Clerk

WITNESSED BY: Tracy Jensen, Administrative Assistant to the City Clerk



TO: Honorable Mayor and Council Members
DATE: August 3, 2010
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nicholas J. Ponticello, City Engineer
SUBJECT: Contract with Matriscope for Materials Sampling and Testing for Grant Ave. (SR128) Widening and Safety Improvements, Phase 2 – Walnut Avenue Realignment, Project No. 09-05

RECOMMENDATION: Staff recommends the City Council authorize the City Manager to execute Work Order No. 10-001 with Matriscope for materials sampling and testing services associated with the construction project and authorize expenditures in the amount not to exceed of \$6,892.05.

BACKGROUND: The construction contract for Grant Ave. (SR128) Widening and Safety Improvements, Phase 2 – Walnut Avenue Realignment, Project No. 09-05 is before council tonight for approval. The project will realign Walnut Lane at Grant Ave. to provide a right-angle tee intersection to improve vehicular safety movements. It includes pavement widening, overlay, storm drain pipe, pavement striping and sidewalk.

Materials (sub-grade, aggregate base rock, concrete, and asphalt) sampling and testing services are necessary to ensure conformance with the contract documents. Matriscope performed those services on the previous Grant Ave. Widening project, and they have provided a proposal to perform the same for the Walnut Lane Realignment.

Staff recommends Council authorization for the City Manager to sign Work Order No. 10-001 (attached), in the amount not to exceed \$6,892.05, for the materials sampling and testing services.

ALTERNATIVES: None recommended by staff.

FISCAL IMPACT: The project is funded out of TDA, in accordance with the approved Project Budget Sheet. Matriscope's services will be covered out of the project funds and are included in the \$15,000 programmed in the approved Project Budget Sheet for Testing and Inspection/CM.

STAFF REPORT

TO: Honorable Mayor and Council Members

DATE: August 3, 2010

THROUGH: John W. Donlevy, Jr., City Manager

FROM: Nanci G. Mills, Director of Administrative Services/City Clerk 

SUBJECT: Amplified Sound Permit Application

RECOMMENDATION:

Approve the amplified sound permit application.

BACKGROUND:

The First Baptist Church has requested the amplified sound permit in order to hold movie night/socials on Friday evenings.

If approved, notification will be given to the church with conditions as outlined in attachment.

Per the Noise Ordinance, it requires Council approval on the attached form.

FISCAL IMPACT:

None

Date Application Received: 7/13/10

Applicant: First Baptist Church Youth

Address: 512 First St.

Contact: Sherry Caskey

Conditions:

Initial:

- SC 1. The amplified sound shall not go beyond 10 pm.
- SC 2. As the sunset becomes earlier in the evenings, you will be required to adjust your times to start the program earlier.
- SC 3. There must be adequate levels of chaperones to supervise the program.
- SC 4. Complaints will result in a warning and a request to reduce volume.
- SC 5. Additional complaints will result in the cessation of amplified sound.
- SC 6. Complaints regarding any unreasonable noise before 10 pm or disruptive behavior may result in a warning and/or suspension or termination of this permit.
- SC 7. Minors {under 18 yrs old} must go directly home after event unless accompanied by a parent or legal guardian.
- SC 8. After 10 pm minors who are still on the premises shall remain in the company of Youth Program staff [adults] or wait inside the facility.
- SC 9. Unnecessary yelling or screaming will not be allowed during the program event.
- SC 10. Other: _____

I understand and agree to the conditional use of this Amplified Sound Permit and failure to adhere to these conditions may result in the suspension or termination of this permit.

Applicants Signature: Sherry Caskey

Date: 7/15/10

Approved by: [Signature]
Sergio Gutierrez, Lt.

Date of Application: 7/12/10 To City Council: _____

Name of Person(s)/ Organization: First Baptist Church Youth Contact: Sherry
Business Address: 512 First St. Telephone: (530)304-7987
Winters, CA
Telephone: 795-2821 OR my cell 304-7987

Type of Event: Movie night / Social
outreach / social

Purpose of Event: (ie; fundraiser, parade, festival, etc.): Youth Outreach
Date/Time of Event: Every Friday night From: 8pm To: 10:30pm
Location/Address of Event: First Baptist Church parking lot
612 First St. Winters - Beginning 7/16 thru 10/1/2010

Rated Output of Amplifier in Watts: _____ Number of Speakers: 2

I have provided a list of and contacted all property owners adjacent to and within 300 feet of the event. Their approval of this event is indicated by their signature on the attached petition. Complaints about the sound will result in a warning and a request to reduce the volume. Additional complaints will result in the cessation of amplified sound. All amplified sound must be extinguished no later 10:00 p.m. pursuant to Winters Municipal Code Title VI; Chapter 7-Noise Control. Signing below certifies that all information contained within this application is correct. In the event that any of this information is found to be fraudulent, it may result in an automatic denial of this application.

Signature: Sherry Caskey

For City Use Only

Proof of Insurance: N/A (Not City Property) Yes No

Rental Fee Paid: N/A (Not City Property) Yes No

Police Department: Approved Denied

Date: 7/15/10

Authorized Signature: _____

City Council: Approved Denied

Date: _____

Authorized Signature: _____



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: August 3, 2010
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Laura Hollender, Esq., Meyers Nave; Nick Ponticello, City Engineer
SUBJECT: Urgency Ordinance No. 2010-07 Establishing an Interim Fee Schedule for the Flood Overlay District

RECOMMENDATION: Staff recommends that the City Council adopt Urgency Ordinance No. 2010-07 establishing an interim fee schedule for the City's flood overlay district. Passage of Urgency Ordinance No. 2010-07 requires a four-fifths (4/5) vote of the City Council.

BACKGROUND:

Urgency Ordinance No. 2010-07 would establish an interim flood overlay area fee which would allow the City to establish a finalized citywide flood area fee schedule at a later date. General Plan Land Use Policy I.A.9 requires that before new development occurs in the flood overlay area, the City shall prepare and adopt a fee schedule or financing program for the implementation of the flood protection plan provided in the Storm Drainage Master Plan.

Applications for new development in the flood overlay area are currently proposed and in process. It is expected that additional applications for development may be submitted to the City for processing in the near future. Therefore, an urgency ordinance is needed to establish an interim fee schedule to be applied to all development in the flood overlay area, as required by General Plan Land Use Policy I.A.9, until such time as a finalized fee schedule is established for the flood overlay area.

The interim fee schedule would be established by Urgency Ordinance No. 2010-07, which is contained on page 3 of the attached document entitled, "Flood Area Storm Drainage Development Impact Fee Nexus Study." The interim fee schedule is based upon a nexus study conducted by Economic & Planning Systems (EPS) in 2005. Based upon the nexus study and in accordance with the requirements of the Mitigation Fee Act, Government Code Section 66000 *et*

seq., City staff is of the opinion that a reasonable relationship exists between the fees established and the purpose of the fee, which is to provide funding for storm drainage facilities needed for new development in the area to address flooding problems.

Urgency Ordinance No. 2010-07, if approved by four-fifths (4/5) vote of the City Council, would adopt an interim fee schedule for a period of thirty (30) days in accordance with Government Code Section 66017(b). After notice and a public hearing pursuant to Government Code Section 66016, the City Council may extend the interim authority for the fees for an additional thirty (30) days. Not more than two extensions may be granted, and each extension shall also require a four-fifths (4/5) vote of the City Council.

ATTACHMENTS:

1. Urgency Ordinance No. 2010-07
2. Flood Area Storm Drainage Development Impact Fee Nexus Study—Draft Report

**CITY COUNCIL
ORDINANCE 2010-07**

**AN URGENCY ORDINANCE OF THE CITY OF WINTERS ADOPTING AN INTERIM
FEE TO BE APPLIED TO ALL DEVELOPMENT IN THE FLOOD OVERLAY AREA
AS REQUIRED BY THE GENERAL PLAN OF THE CITY OF WINTERS**

The City Council of the City of Winters does ordain as follows:

Section 1. Purpose. The purpose of this ordinance is to establish an interim flood overlay area fee which would allow the City to establish a finalized citywide flood area fee schedule at a later date. General Plan Land Use Policy I.A.9 requires that before new development occurs in the flood overlay area, the shall City prepare and adopt a fee schedule or financing program for the implementation of the flood protection plan provided in the Storm Drainage Master Plan.

Section 2. Authority. The City Council enacts this ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution and in accordance with subdivision (b) of Section 66017 of the California Government Code.

Section 3. Findings. This ordinance is adopted as an urgency ordinance and as such shall be immediately effective upon a four fifths (4/5) vote of the City Council. Based on evidence presented to the Council at its regular meeting of August 3, 2010, the Council hereby finds that based on the following, the preservation of public health and safety require that this ordinance take effect immediately.

- a) The City of Winters flood overlay area encompasses much of the undeveloped north area of the City. New development is proposed to occur and General Plan Land Use Policy I.A.9 directs staff to withhold development in the flood overlay area until such time that as fee schedule or a financing program has been prepared and established, which would implement the flood protection plan in the Storm Drainage Master Plan. Any development that occurs unregulated and unmitigated in the flood plain poses a direct threat to public health and safety.
- b) Applications for new development in the flood overlay area are currently proposed and in process. It is expected that additional applications for development may be submitted to the City for processing in the near future. Therefore, an urgency ordinance is needed to establish an interim fee schedule to be applied to all development in the flood overlay area, as required by General Plan Land Use Policy I.A.9, until such time as a finalized fee schedule is established for the flood overlay area.
- c) The interim fee schedule contained in the attached document is based upon a nexus study conducted by Economic & Planning Systems (EPS) in 2005. Based upon the nexus study and in accordance with the requirements of the requirements of the Mitigation Fee Act, Government Code Section 66000 *et seq.*, a reasonable relationship exists between

the fees established and the purpose fee, which is to provide funding for storm drainage facilities needed for new development in the area to address flooding problems.

Section 4. Action. The fee schedule contained in the attached document entitled, "Flood Area Storm Drainage Development Impact Fee Nexus Study-Draft Study" is hereby adopted as an interim fee to be applied to all construction in the flood overlay area. The fees identified in the attached document are hereby adopted as interim fees for a period of thirty (30) days in accordance with Government Code Section 66017(b). After notice and a public hearing pursuant to Government Code Section 66016, the City Council may extend the interim authority for the fees for an additional thirty (30) days. Not more than two extensions may be granted, and each extension shall also require a four-fifths (4/5) vote of the City Council.

Section 5. CEQA . Adoption of this Urgency Ordinance is exempt from the California Environmental Quality Act pursuant to CEQA Guideline Section 15061(b)(3).

Section 6. Severability. If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be giving effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 7. Effective Date and Notice. This ordinance shall take effect immediately following its passage. Within fifteen (15) days after its passage, it shall be published at least once in a newspaper of general circulation published and circulated within the City of Winters.

PASSES AND ADOPTED this 3rd day of August, 2010 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Woody Fridae, Mayor

ATTEST:

Nanci G. Mills, City Clerk



Economic &
Planning Systems

Public Finance
Real Estate Economics
Regional Economics
Land Use Policy

DRAFT REPORT

FLOOD AREA STORM DRAINAGE DEVELOPMENT IMPACT FEE NEXUS STUDY

Prepared for:

City of Winters

Prepared by:

Economic & Planning Systems, Inc.

November 4, 2005

EPS #15493

SACRAMENTO

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Sacramento, CA 95833-3647
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BERKELEY

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CONTACT INFORMATION

Flood Area Storm Drainage Development Impact Fee Nexus Study November 4, 2005

This nexus study was prepared by Economic & Planning Systems, Inc., (EPS) a firm specializing in real estate economics, regional economics, public finance, and land use policy. The report (EPS Project #15493) was commissioned by the City of Winters.

Tim R. Youmans served as principal-in-charge and oversaw all aspects of the assignment. Allison Shaffer served as project manager and conducted the nexus study.

The analyses, opinions, recommendations, and conclusions of this report are EPS's informed judgment based on market and economic conditions as of the date of this report. Changes in the market conditions or the economy could change or invalidate the conclusions contained herein. The contents of this report are based, in part, on data from secondary sources. While it is believed that these sources are accurate, EPS cannot guarantee their accuracy. The findings herein are based on economic considerations and, therefore, should not be construed as a representation or as an opinion that government approvals for development can be secured. Conclusions and recommended actions contained in this report should not be relied on as sole input for final business decisions regarding current and future development and planning, nor utilized for purposes beyond the scope and objectives of the current study.

Questions regarding the information contained herewith should be directed to:

Tim R. Youmans
Principal-in-Charge

or

Allison Shaffer
Project Manager

ECONOMIC & PLANNING SYSTEMS, INC.

1750 Creekside Oaks Drive, Suite 290
Sacramento, CA 95833
(916) 649-8010 Phone
(916) 649-2070 Facsimile

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I. EXECUTIVE SUMMARY

BACKGROUND

Much of the City of Winters (City) is located in an area referred to in this report as the “flood area” of the City. The flood area consists of the flood overlay area from the City’s General Plan plus some additional areas later determined through the City-wide *Storm Drainage Master Plan Study* to be in the floodplain and to have a need for storm drainage flood facilities. Development may not occur in the flood area until a comprehensive solution to its flooding problem has been identified and development impact fees established to fund the necessary storm drainage facilities. There are eight different storm drainage zones in the flood area, each with different requirements for storm drainage facilities.

The *Moody Slough Sub-basin Drainage Report* and the *Putah Creek/Dry Creek Sub-basins Drainage Report*, prepared by Wood Rodgers, Inc., identify a comprehensive flood solution, including the storm drainage facility requirements and estimated costs of the facilities needed to serve new development in the flood area. In addition, the *Draft Storm Drainage Cost Allocation Report* prepared by Wood Rodgers, Inc. contains a cost allocation of the needed facilities to the different flood area zones based on each zone’s facility requirements through buildout of the City’s General Plan.

PURPOSE

The purpose of this study is to adopt a storm drainage development impact fee (Flood Area Storm Drainage Fee or fee) to be assessed on all new development in the eight zones of the flood area and to establish the nexus between projected new development in this area through buildout of the City’s General Plan and the storm drainage facilities required to serve this development. This nexus will serve as the basis for requiring development impact fees under AB 1600 legislation, as codified by California Government Section 66000 et seq. This code section sets forth the procedural requirements for establishing and collecting development impact fees. These procedures require that “a reasonable relationship, or nexus, must exist between a governmental exaction and the purpose of the condition.” Specifically, each local agency imposing a fee must:

- Identify the purpose of the fee;
- Identify how the fee will be used;
- Determine how a reasonable relationship exists between the fee’s use and the type of development project on which the fee is imposed;

- Determine how a reasonable relationship exists between the need for the public facility and the type of development project on which the fee is imposed; and
- Demonstrate a reasonable relationship between the amount of the fee and the cost of public facility or portion of the public facility attributable to the development on which the fee is imposed.

The development fees to be collected for each land use in a zone are calculated based on the proportionate share of the zone's total facility use that each land use represents.

SUMMARY OF FINDINGS

To solve the flooding problem in the flood area, the City will need to construct additional storm drainage facilities to serve new development through buildout of the General Plan. Using the flood area facilities requirements, facilities costs, and cost allocation to flood area zones presented in the Wood Rodgers, Inc. reports discussed previously, Economic & Planning Systems, Inc., (EPS) calculated the Flood Area Storm Drainage Fees by flood area zone needed to fund the facilities. These fees are shown in Table 1.

ORGANIZATION OF REPORT

The report is divided into five chapters, including this Executive Summary, as follows:

- **Chapter II** describes the future development and storm drainage facility needs for the flood area.
- **Chapter III** provides the cost allocation and fee calculation methodology used to establish the Flood Area Storm Drainage Fees.
- **Chapter IV** provides the nexus findings required to establish the fees.
- **Chapter V** describes the implementation of the fee program and reporting requirements.

DRAFT

Table 1
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Fee Summary

Land Use	Flood Area Storm Drainage Fee per Net Acre							
	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 5a	Zone 5b	Zone 6
Rural Residential	\$ 48,855	\$ 65,294	\$ 56,431	\$ 31,812	\$ 33,442	\$ 48,194	\$ 29,210	\$ 41,283
Low-Density Residential	\$ 51,562	\$ 68,912	\$ 59,558	\$ 33,575	\$ 35,295	\$ 50,865	\$ 30,829	\$ 43,571
Medium-Density Residential	\$ 61,972	\$ 82,826	\$ 71,583	\$ 40,354	\$ 42,422	\$ 61,135	\$ 37,053	\$ 52,368
Medium/High-Density Residential	\$ 60,191	\$ 80,445	\$ 69,525	\$ 39,193	\$ 41,202	\$ 59,377	\$ 35,988	\$ 50,862
High-Density Residential	\$ 60,616	\$ 81,013	\$ 70,016	\$ 39,470	\$ 41,493	\$ 59,796	\$ 36,242	\$ 51,221
Neighborhood Commercial	\$ 65,874	\$ 88,041	\$ 76,090	\$ 42,894	\$ 45,093	\$ 64,984	\$ 39,386	\$ 55,665
Highway Service Commercial	\$ 61,972	\$ 82,826	\$ 71,583	\$ 40,354	\$ 42,422	\$ 61,135	\$ 37,053	\$ 52,368
Office	\$ 61,972	\$ 82,826	\$ 71,583	\$ 40,354	\$ 42,422	\$ 61,135	\$ 37,053	\$ 52,368
Planned Commercial	\$ 63,803	\$ 85,273	\$ 73,698	\$ 41,546	\$ 43,675	\$ 62,941	\$ 38,148	\$ 53,915
Light Industrial	\$ 60,387	\$ 80,707	\$ 69,752	\$ 39,321	\$ 41,336	\$ 59,570	\$ 36,105	\$ 51,028
Heavy Industrial	\$ 58,485	\$ 78,164	\$ 67,554	\$ 38,083	\$ 40,034	\$ 57,694	\$ 34,968	\$ 49,420
Business/Industrial Park	\$ 61,972	\$ 82,826	\$ 71,583	\$ 40,354	\$ 42,422	\$ 61,135	\$ 37,053	\$ 52,368
Commercial/Business Park	\$ 61,972	\$ 82,826	\$ 71,583	\$ 40,354	\$ 42,422	\$ 61,135	\$ 37,053	\$ 52,368
Public/Quasi-Public (Schools)	\$ 48,342	\$ 64,609	\$ 55,839	\$ 31,478	\$ 33,091	\$ 47,688	\$ 28,904	\$ 40,850

fee summary

II. FUTURE DEVELOPMENT AND FACILITY NEEDS

This chapter describes the amount of growth projected to occur in the flood area of the City and the storm drainage facilities needed to serve this new development and prevent flooding.

LAND USE

There are eight storm drainage zones in the flood area of the City. Wood Rodgers, Inc. estimated the remaining development by storm drainage zone and land use through buildout (2010) of the City's General Plan, as detailed in the **Storm Drainage Cost Allocation Report**. These development estimates are consistent with the land uses specified in the General Plan. **Map 1** shows the General Plan land uses by storm drainage zone.

For the purposes of establishing the Flood Area Storm Drainage fees, EPS made several adjustments to the Wood Rodgers, Inc. development projections. The adjusted development projections are summarized in **Table 2**. The adjustments are as follows.

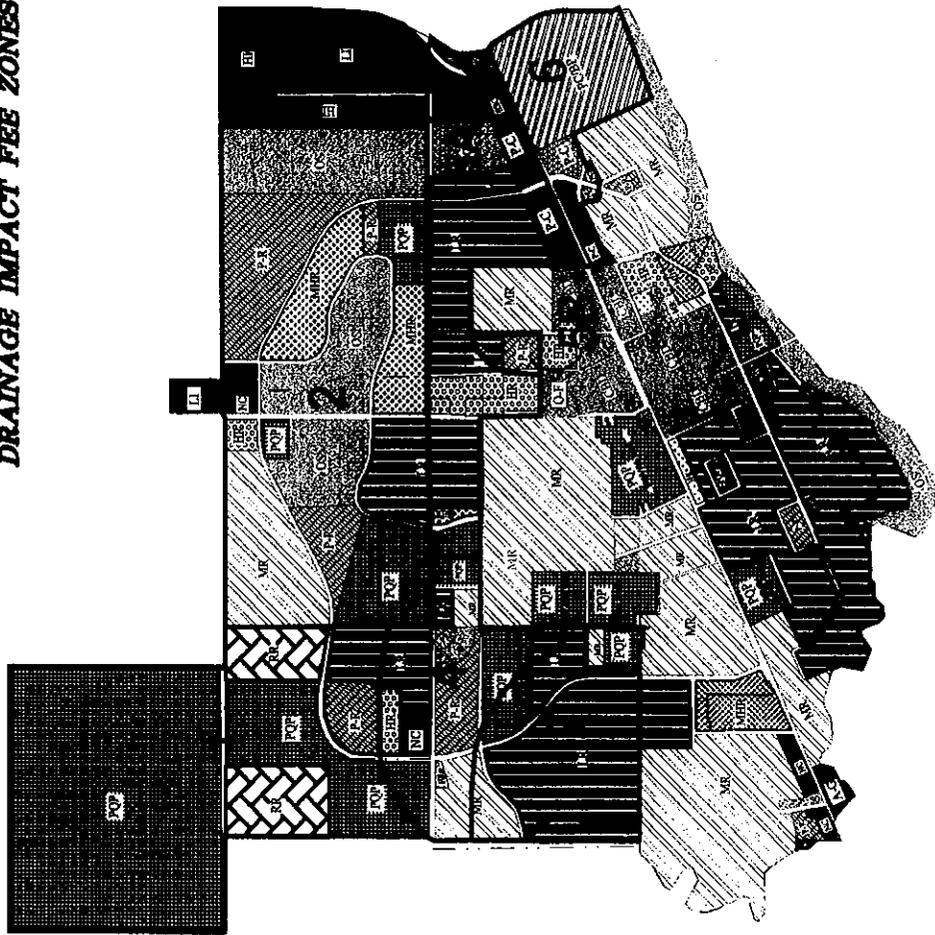
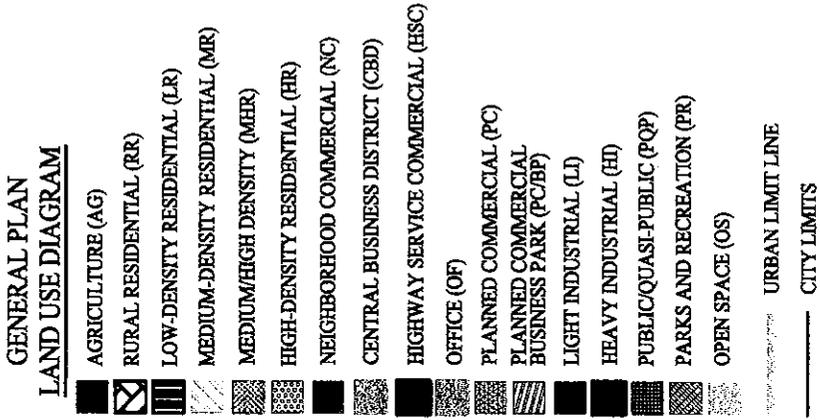
1. Development projections for land uses that are exempted from paying development impact fees are excluded from **Table 2**. These exempt land uses include all Public/Quasi-Public development except schools, Recreation/Parks, and Open Space.
2. The Central Business District land is excluded since this land use is restricted to the downtown area of the City, which is not contained in any of the flood area zones and thus will not pay the Flood Area Storm Drainage fee.
3. EPS assumed that not all of the remaining nonresidential development would occur within the General Plan timeframe. Specifically, EPS assumed that only 75 percent of the Planned Commercial, Light Industrial, Business/Industrial Park, and Commercial/Business Park projected development would occur within the General Plan timeframe.

Overall, EPS projects that 479 acres in the flood area will develop within the General Plan timeframe and will participate in the Flood Area Storm Drainage fee program. These development projections will be re-evaluated and revised as part of any future fee updates.

Map 1

CITY OF WINTERS

DRAINAGE IMPACT FEE ZONES



SOURCE: LANDUSE PROVIDED BY PONTICELLO ENTERPRISES

FIGURE 1

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Table 2
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Projected Buildout Development

Land Use	Percent to Develop	Projected Non-Exempt Development (Gross Acres)										Total		
		Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 5a	Zone 5b	Zone 6	Zone 6				
Rural Residential	100%	46.71	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	46.71
Low-Density Residential	100%	12.38	22.87	0.00	49.49	0.00	31.67	2.35	0.00	0.00	0.00	0.00	0.00	118.76
Medium-Density Residential	100%	0.00	47.20	0.00	13.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	60.86
Medium/High-Density Residential	100%	0.00	43.89	0.00	2.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	45.95
High-Density Residential	100%	0.00	3.61	0.00	21.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	24.80
Neighborhood Commercial	100%	0.00	6.30	0.00	4.41	0.00	0.00	0.00	0.00	0.00	0.00	1.44	0.00	12.15
Highway Service Commercial	100%	0.00	0.00	0.00	0.00	0.00	0.00	3.34	0.00	0.00	0.00	0.00	0.00	3.34
Office	100%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Planned Commercial [1]	75%	0.00	0.00	0.00	0.00	0.00	10.44	0.00	0.00	0.00	0.00	0.00	7.56	18.00
Light Industrial [1]	75%	0.00	0.00	0.00	0.00	29.55	0.00	7.16	0.00	0.00	0.00	0.00	0.00	36.71
Heavy Industrial	100%	0.00	20.25	8.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	28.56
Business/Industrial Park [1]	75%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Commercial/Business Park [1]	75%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	40.04	40.04
Public/Quasi-Public (Schools)	100%	0.00	43.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	43.50
Total		59.09	187.62	37.86	90.81	10.50	42.11	2.35	49.04	49.04	42.11	2.35	49.04	479.37

development

Source: Wood Rodgers, Inc. and EPS

[1] EPS estimates that only 75% of buildout development actually will occur within the General Plan timeframe (by 2010) for the indicated land uses. Development projections will be reviewed and possibly revised as part of any future fee updates.

FACILITY NEEDS AND ESTIMATED COSTS

Wood Rodgers, Inc. determined the storm drainage facilities needed by new development in the flood area to address flooding problems and estimated the costs of these facilities. They then allocated the cost of each facility to the different storm drainage zones by first determining which zones would use the facility, then allocating the total costs to these zones based on the relative amount of facility usage for each zone as measured by runoff coefficients.

The facility requirements, facility cost estimates, and cost allocation to zones are detailed in the **Storm Drainage Cost Allocation Report** and summarized in **Table 3**. In total, an estimated \$23.5 million of storm drainage facilities are needed to serve new development in the flood area.

DRAFT

Table 3
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Facility Costs by Zone

Facility	Benefiting Zones	Total Cost	Total Facility Cost By Zone						Zone 6	
			Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 5a		Zone 5b
Putah Creek Diversion Channel	All	\$ 2,775,410	\$ 272,348	\$ 1,063,701	\$ 267,211	\$ 475,369	\$ 73,029	\$ 235,116	\$ 11,300	\$ 377,334
Detention/Water Quality Pond #1	1, 2, 4	\$ 4,476,810	\$ 672,439	\$ 2,623,620	\$ 0	\$ 1,180,751	\$ 0	\$ 0	\$ 0	\$ 0
Open Channel Connecting Ponds 1 & 2	1, 2, 4	\$ 480,260	\$ 72,137	\$ 281,455	\$ 0	\$ 126,668	\$ 0	\$ 0	\$ 0	\$ 0
Detention/Water Quality Pond #2	1, 2, 4	\$ 3,414,745	\$ 512,912	\$ 2,001,200	\$ 0	\$ 900,633	\$ 0	\$ 0	\$ 0	\$ 0
Detention/Water Quality Pond #3	1, 2	\$ 2,795,790	\$ 571,672	\$ 2,224,118	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Water Quality Pond #4	1	\$ 276,590	\$ 276,590	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Water Quality Pond #5	3	\$ 212,475	\$ 0	\$ 212,475	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Winters North Drain	2, 3	\$ 4,160,310	\$ 0	\$ 3,327,147	\$ 833,163	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Winters North Drain Ultimate Levee	2, 3	\$ 149,190	\$ 0	\$ 119,313	\$ 29,877	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
I-505 Floodwall	3, 5	\$ 1,007,005	\$ 0	\$ 0	\$ 790,215	\$ 0	\$ 216,790	\$ 0	\$ 0	\$ 0
Grant Street Interceptor	5A, 5B	\$ 1,048,620	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 1,001,457	\$ 47,163	\$ 0
Area 5 On-Site	5	\$ 62,630	\$ 0	\$ 0	\$ 0	\$ 0	\$ 62,630	\$ 0	\$ 0	\$ 0
Area 5A On-Site	5A	\$ 607,535	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 607,535	\$ 0	\$ 0
Area 6 Facilities	6	\$ 1,711,145	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 1,711,145
Drainage Report	All	\$ 150,000	\$ 14,719	\$ 57,489	\$ 14,442	\$ 25,692	\$ 3,947	\$ 12,707	\$ 611	\$ 20,393
Future Drainage Report Update	All	\$ 175,000	\$ 17,173	\$ 67,070	\$ 16,849	\$ 29,974	\$ 4,605	\$ 14,825	\$ 713	\$ 23,792
Total Cost		\$ 23,503,515	\$ 2,409,991	\$ 11,765,113	\$ 2,164,232	\$ 2,739,087	\$ 361,001	\$ 1,871,640	\$ 59,787	\$ 2,132,665

fac costs

Source: Wood Rodgers, Inc.

III. COST ALLOCATION AND FEE CALCULATIONS

This chapter describes the cost allocation methodology and uses the cost allocation to calculate the proposed Flood Area Storm Drainage Fees by storm drainage zone. The following steps describe the methodology used to calculate the fees.

1. For each storm drainage zone in the flood area, project development by land use through buildout of the City's General Plan. The development projections are detailed in the previous chapter.
2. Estimate the costs of the storm drainage facilities needed by new development in the flood area to address flooding problems. Allocate the costs of these facilities to the eight storm drainage zones. The costs by zone are detailed in the previous chapter.
3. For each zone, allocate the facility costs to the land uses and determine a facility cost per net acre for each land use. The methodology to perform this cost allocation is discussed in this chapter.
4. For each zone, calculate the fees by land use based on the cost per net acre from the previous step and an additional cost for the fee program administration to be included in each land use's fee. The methodology of calculating the proposed fees is discussed in this chapter.

COST ALLOCATION

The allocation of costs to the land uses will serve as the basis for establishing the proposed fees. The costs must be allocated equitably so that the cost for each land use represents the relative facility usage attributed to that land use. Runoff coefficients are estimates of the percentage of precipitation that will result in runoff, and thus are a good measure of relative storm drainage facility usage that will be required by each land use. Consequently, runoff coefficients are used to allocate the costs to the land uses. The following steps describe the cost allocation process.

1. Estimate average runoff coefficients for each land use. Wood Rodgers, Inc. estimated runoff coefficients by land use for three different soil types. These runoff coefficients are detailed in the **Storm Drainage Cost Allocation Report**. EPS created average runoff coefficients by land use that are weighted averages of the runoff coefficients by soil type. **Table 4** shows the calculation of the average run-off coefficients. Since there is no new development projected for the Office and Business/Industrial Park land uses, average runoff coefficients for these land uses are set equal to the average runoff coefficient for the Commercial/Business Park land use.

DRAFT

Table 4
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Average Runoff Coefficients

Non-exempt Land Uses	Soil Type B			Soil Type C			Soil Type D			Total	
	Acres	Percent of Total	Run-off Coefficient	Acres	Percent of Total	Run-off Coefficient	Acres	Percent of Total	Run-off Coefficient	Acres	Run-off Coefficient
Rural Residential	13.50	29%	0.52	0.00	0%	0.65	33.21	71%	0.72	46.71	0.66
Low-Density Residential	20.08	17%	0.58	52.04	44%	0.69	46.64	39%	0.76	118.76	0.70
Medium-Density Residential	0.00	0%	0.72	0.00	0%	0.81	60.86	100%	0.84	60.86	0.84
Medium/High-Density Residential	2.26	5%	0.72	27.95	61%	0.81	15.74	34%	0.84	45.95	0.82
High-Density Residential	0.00	0%	0.72	15.20	61%	0.81	9.60	39%	0.84	24.80	0.82
Neighborhood Commercial	1.44	12%	0.84	0.00	0%	0.88	10.71	88%	0.90	12.15	0.89
Highway Service Commercial	3.34	100%	0.84	0.00	0%	0.88	0.00	0%	0.90	3.34	0.84
Office [1]	0.00	0%	0.84	0.00	0%	0.88	0.00	0%	0.90	0.00	0.84
Planned Commercial	9.11	38%	0.84	14.89	62%	0.88	0.00	0%	0.90	24.00	0.86
Light Industrial	1.46	3%	0.77	47.48	97%	0.82	0.00	0%	0.86	48.94	0.82
Heavy Industrial	15.58	55%	0.77	12.98	45%	0.82	0.00	0%	0.86	28.56	0.79
Business/Industrial Park [1]	0.00	0%	0.84	0.00	0%	0.88	0.00	0%	0.90	0.00	0.84
Commercial/Business Park	53.38	100%	0.84	0.00	0%	0.88	0.00	0%	0.90	53.38	0.84
Public/Quasi-Public (Schools) [2]	9.50	22%	0.58	3.17	7%	0.64	30.83	71%	0.68	43.50	0.66
TOTAL	129.65			173.71			207.59			510.95	

runoff avg

Source: Wood Rodgers, Inc.

[1] There is no remaining development for these land uses in the flood area zones, so average runoff coefficients were estimated as equal to the average runoff coefficient for the Commercial/Business Park land use.

[2] Only schools are included in the Public/Quasi-Public acres. All other Public/Quasi-Public acres are exempt from the fee program. The runoff coefficients shown are for City of Woodland schools (calculated by Wood Rodgers, Inc.). The runoff coefficients for Winters Public/Quasi-Public land uses are averages for all Public/Quasi-Public land uses, and thus are not accurate to use for schools, which have more impervious area and lower runoff coefficients than other Public/Quasi-Public uses.

2. In each zone, calculate total runoff acres by land use. Runoff acres are calculated as the projected acres of new development multiplied by the run-off coefficient. These runoff acres represent the relative amount of storm drainage facility usage for each land use. **Table 5** details the calculation of the runoff acres.
3. For each zone, allocate the total facility costs to the land uses based on their percentages of total runoff acres. **Table 6** shows this cost allocation.
4. For each zone, estimate the facility cost per net acre by land use. Net acres are estimated as 85 percent of the projected gross acres. For each land use, the cost per net acre is calculated as the total cost allocated to the land use in the previous step divided by the net acres. **Table 6** shows this calculation.

FEE CALCULATION

In each zone, the fees by land use are calculated differently depending on whether or not a particular land use has any projected development. **Table 7** shows the fee calculations.

LAND USES WITH PROJECTED DEVELOPMENT

In each zone, fees for land uses with projected development are calculated using the facility cost allocations described previously. An administrative cost per net acre is added to the facility cost per net acre to calculate a total cost per net acre. The administrative cost is estimated as 3 percent of the facility cost and covers the cost of the fee program administration. The total cost per net acre serves as the proposed fee for the land use.

LAND USES WITHOUT PROJECTED DEVELOPMENT

In each zone, there are land uses for which no future development is projected. Even though there is no projected development, it is possible that development may occur, and therefore fees must be established for these land uses. Fees are estimated based on the land use's runoff coefficient as compared to the runoff coefficient for a land use with projected development. For example, in Zone 1, the fee per acre of rural residential development is established as 95 percent of the fee per acre of low-density residential development because the rural residential runoff coefficient is 95 percent of the low-density residential runoff coefficient. Based on the runoff coefficients, rural residential development generates 95 percent of the runoff that low-density residential development generates, so it is reasonable to charge rural residential development a fee that is 95 percent of the fee for low-density development.

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Table 5
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Runoff Acres by Storm Drainage Zone

Non-Exempt Land Uses	Average Run-off Coefficient	Total		Zone 1		Zone 2		Zone 3		Zone 4	
		Runoff Acres	Runoff Acres	Runoff Acres	Runoff Acres	Runoff Acres	Runoff Acres	Runoff Acres	Runoff Acres	Runoff Acres	
Rural Residential	0.66	46.71	30.93	46.71	30.93	0.00	0.00	0.00	0.00	0.00	0.00
Low-Density Residential	0.70	118.76	83.00	12.38	8.65	22.87	15.98	0.00	0.00	49.49	34.59
Medium-Density Residential	0.84	60.86	51.12	0.00	0.00	47.20	39.65	0.00	0.00	13.66	11.47
Medium/High-Density Residential	0.82	45.95	37.49	0.00	0.00	43.89	35.81	0.00	0.00	2.06	1.68
High-Density Residential	0.82	24.80	20.38	0.00	0.00	3.61	2.97	0.00	0.00	21.19	17.41
Neighborhood Commercial	0.89	12.15	10.85	0.00	0.00	6.30	5.63	0.00	0.00	4.41	3.94
Highway Service Commercial	0.84	3.34	2.81	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Office	0.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Planned Commercial	0.86	24.00	20.76	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Light Industrial	0.82	48.94	40.06	0.00	0.00	0.00	0.00	29.55	24.19	0.00	0.00
Heavy Industrial	0.79	28.56	22.64	0.00	0.00	20.25	16.05	8.31	6.59	0.00	0.00
Business/Industrial Park	0.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Commercial/Business Park	0.84	53.38	44.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Public/Quasi-Public (Schools)	0.66	43.50	28.50	0.00	0.00	43.50	28.50	0.00	0.00	0.00	0.00
TOTAL		510.95	393.37	59.09	39.58	187.62	144.59	37.86	30.77	90.81	69.09

[1] Runoff acres = average runoff coefficient (pct of precipitation that becomes run-off) * acres

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Table 5
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Runoff Acres by Storm Drainage Zone

Non-Exempt Land Uses	Average Run-off Coefficient	Zone 5		Zone 5a		Zone 5b		Zone 6	
		Acres	Runoff Acres	Acres	Runoff Acres	Acres	Runoff Acres	Acres	Runoff Acres
Rural Residential	0.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Low-Density Residential	0.70	0.00	0.00	31.67	22.13	2.35	1.64	0.00	0.00
Medium-Density Residential	0.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Medium/High-Density Residential	0.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
High-Density Residential	0.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Neighborhood Commercial	0.89	0.00	0.00	0.00	0.00	0.00	0.00	1.44	1.29
Highway Service Commercial	0.84	3.34	2.81	0.00	0.00	0.00	0.00	0.00	0.00
Office	0.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Planned Commercial	0.86	0.00	0.00	10.44	9.03	0.00	0.00	7.56	6.54
Light Industrial	0.82	7.16	5.86	0.00	0.00	0.00	0.00	0.00	0.00
Heavy Industrial	0.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Business/Industrial Park	0.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Commercial/Business Park	0.84	0.00	0.00	0.00	0.00	0.00	0.00	40.04	33.63
Public/Quasi-Public (Schools)	0.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL		10.50	8.66	42.11	31.16	2.35	1.64	49.04	41.45

[1] Runoff acres = average runoff coefficient (pct of precipitation that becomes run-off) * acres
alloc units by area

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Table 6
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Cost Allocation Detail

Zone/ Land Use	Runoff Acres	Pct of Total Runoff Acres	Total Cost	Gross Acres	Net Acre Percent	Net Acres	Facility Cost per Net Acre
	<i>a</i>	<i>b</i>	<i>c=zone total cost*b</i>	<i>d</i>	<i>e</i>	<i>f=d*e</i>	<i>g=c/f</i>
Zone 1							
Rural Residential	30.93	78%	\$ 1,883,208	46.71	85%	39.70	\$ 47,432
Low-Density Residential	8.65	22%	\$ 526,783	12.38	85%	10.52	\$ 50,060
Medium-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Medium/High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Neighborhood Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Highway Service Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Office	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Planned Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Light Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Heavy Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Business/Industrial Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Commercial/Business Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Public/Quasi-Public (Schools)	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
TOTAL	39.58	100%	\$ 2,409,991	59.09		50.23	
Zone 2							
Rural Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Low-Density Residential	15.98	11%	\$ 1,300,603	22.87	85%	19.44	\$ 66,905
Medium-Density Residential	39.65	27%	\$ 3,226,190	47.20	85%	40.12	\$ 80,414
Medium/High-Density Residential	35.81	25%	\$ 2,913,698	43.89	85%	37.31	\$ 78,102
High-Density Residential	2.97	2%	\$ 241,348	3.61	85%	3.07	\$ 78,653
Neighborhood Commercial	5.63	4%	\$ 457,727	6.30	85%	5.36	\$ 85,477
Highway Service Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Office	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Planned Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Light Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Heavy Industrial	16.05	11%	\$ 1,306,218	20.25	85%	17.21	\$ 75,888
Business/Industrial Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Commercial/Business Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Public/Quasi-Public (Schools)	28.50	20%	\$ 2,319,329	43.50	85%	36.98	\$ 62,727
TOTAL	144.59	100%	\$ 11,765,113	144.12		122.50	
Zone 3							
Rural Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Low-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Medium-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Medium/High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Neighborhood Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Highway Service Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Office	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Planned Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Light Industrial	24.19	79%	\$ 1,700,959	29.55	85%	25.12	\$ 67,720
Heavy Industrial	6.59	21%	\$ 463,272	8.31	85%	7.06	\$ 65,587
Business/Industrial Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Commercial/Business Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Public/Quasi-Public (Schools)	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
TOTAL	30.77	100%	\$ 2,164,232	37.86		32.18	

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Table 6
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Cost Allocation Detail

Zone/ Land Use	Runoff Acres	Pct of Total Runoff Acres	Total Cost	Gross Acres	Net Acres Percent	Net Acres	Facility Cost per Net Acre
	a	b	c=zone total cost*b	d	e	f=d*e	g=c/f
Zone 4							
Rural Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Low-Density Residential	34.59	50%	\$ 1,371,238	49.49	85%	42.07	\$ 32,597
Medium-Density Residential	11.47	17%	\$ 454,899	13.66	85%	11.61	\$ 39,178
Medium/High-Density Residential	1.68	2%	\$ 66,629	2.06	85%	1.75	\$ 38,052
High-Density Residential	17.41	25%	\$ 690,214	21.19	85%	18.01	\$ 38,321
Neighborhood Commercial	3.94	6%	\$ 156,107	4.41	85%	3.75	\$ 41,645
Highway Service Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Office	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Planned Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Light Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Heavy Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Business/Industrial Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Commercial/Business Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Public/Quasi-Public (Schools)	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
TOTAL	69.09	100%	\$ 2,739,087	90.81		77.19	
Zone 5							
Rural Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Low-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Medium-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Medium/High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Neighborhood Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Highway Service Commercial	2.81	32%	\$ 116,927	3.34	85%	2.84	\$ 41,186
Office	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Planned Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Light Industrial	5.86	68%	\$ 244,074	7.16	85%	6.08	\$ 40,132
Heavy Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Business/Industrial Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Commercial/Business Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Public/Quasi-Public (Schools)	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
TOTAL	8.66	100%	\$ 361,001	10.50		8.92	
Zone 5a							
Rural Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Low-Density Residential	22.13	71%	\$ 1,329,373	31.67	85%	26.92	\$ 49,383
Medium-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Medium/High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Neighborhood Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Highway Service Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Office	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Planned Commercial	9.03	29%	\$ 542,267	10.44	85%	8.87	\$ 61,107
Light Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Heavy Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Business/Industrial Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Commercial/Business Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Public/Quasi-Public (Schools)	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
TOTAL	31.16	100%	\$ 1,871,640	42.11		35.79	

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Table 6
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Cost Allocation Detail

Zone/ Land Use	Runoff Acres	Pct of Total Runoff Acres	Total Cost	Gross Acres	Net Acre Percent	Net Acres	Facility Cost per Net Acre
	a	b	c=zone total cost*b	d	e	f=d*e	g=c/f
Zone 5b							
Rural Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Low-Density Residential	1.64	100%	\$ 59,787	2.35	85%	2.00	\$ 29,931
Medium-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Medium/High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Neighborhood Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Highway Service Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Office	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Planned Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Light Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Heavy Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Business/Industrial Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Commercial/Business Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Public/Quasi-Public (Schools)	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
TOTAL	1.64	100%	\$ 59,787	2.35		2.00	
Zone 6							
Rural Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Low-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Medium-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Medium/High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
High-Density Residential	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Neighborhood Commercial	1.29	3%	\$ 66,149	1.44	85%	1.22	\$ 54,043
Highway Service Commercial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Office	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Planned Commercial	6.54	16%	\$ 336,365	7.56	85%	6.43	\$ 52,344
Light Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Heavy Industrial	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Business/Industrial Park	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
Commercial/Business Park	33.63	81%	\$ 1,730,151	40.04	85%	34.03	\$ 50,842
Public/Quasi-Public (Schools)	0.00	0%	\$ 0	0.00	85%	0.00	\$ 0
TOTAL	41.45	100%	\$ 2,132,665	49.04		7.65	

cost alloc

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Table 7
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Fee Calculation Detail

Zone/ Land Use	Facility Cost per Net Acre	Admin. Cost per Net Acre	Total Cost per Net Acre	Runoff Coefficient	Relative Runoff Percent	Fee per Net Acre
	<i>a</i>	<i>b=.03*a</i>	<i>a+b</i>		[1]	
Zone 1						
Rural Residential	\$ 47,432	\$ 1,423	\$ 48,855	0.66	0.95	\$ 48,855
Low-Density Residential	\$ 50,060	\$ 1,502	\$ 51,562	0.70	1.00	\$ 51,562
Medium-Density Residential	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 61,972
Medium/High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	1.17	\$ 60,191
High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	1.18	\$ 60,616
Neighborhood Commercial	\$ 0	\$ 0	\$ 0	0.89	1.28	\$ 65,874
Highway Service Commercial	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 61,972
Office	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 61,972
Planned Commercial	\$ 0	\$ 0	\$ 0	0.86	1.24	\$ 63,803
Light Industrial	\$ 0	\$ 0	\$ 0	0.82	1.17	\$ 60,387
Heavy Industrial	\$ 0	\$ 0	\$ 0	0.79	1.13	\$ 58,485
Business/Industrial Park	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 61,972
Commercial/Business Park	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 61,972
Public/Quasi-Public (Schools)	\$ 0	\$ 0	\$ 0	0.66	0.94	\$ 48,342
TOTAL						
Zone 2						
Rural Residential	\$ 0	\$ 0	\$ 0	0.66	0.95	\$ 65,294
Low-Density Residential	\$ 66,905	\$ 2,007	\$ 68,912	0.70	1.00	\$ 68,912
Medium-Density Residential	\$ 80,414	\$ 2,412	\$ 82,826	0.84	1.20	\$ 82,826
Medium/High-Density Residential	\$ 78,102	\$ 2,343	\$ 80,445	0.82	1.17	\$ 80,445
High-Density Residential	\$ 78,653	\$ 2,360	\$ 81,013	0.82	1.18	\$ 81,013
Neighborhood Commercial	\$ 85,477	\$ 2,564	\$ 88,041	0.89	1.28	\$ 88,041
Highway Service Commercial	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 82,826
Office	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 82,826
Planned Commercial	\$ 0	\$ 0	\$ 0	0.86	1.24	\$ 85,273
Light Industrial	\$ 0	\$ 0	\$ 0	0.82	1.17	\$ 80,707
Heavy Industrial	\$ 75,888	\$ 2,277	\$ 78,164	0.79	1.13	\$ 78,164
Business/Industrial Park	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 82,826
Commercial/Business Park	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 82,826
Public/Quasi-Public (Schools)	\$ 62,727	\$ 1,882	\$ 64,609	0.66	0.94	\$ 64,609
TOTAL						
Zone 3						
Rural Residential	\$ 0	\$ 0	\$ 0	0.66	0.81	\$ 56,431
Low-Density Residential	\$ 0	\$ 0	\$ 0	0.70	0.85	\$ 59,558
Medium-Density Residential	\$ 0	\$ 0	\$ 0	0.84	1.03	\$ 71,583
Medium/High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	1.00	\$ 69,525
High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	1.00	\$ 70,016
Neighborhood Commercial	\$ 0	\$ 0	\$ 0	0.89	1.09	\$ 76,090
Highway Service Commercial	\$ 0	\$ 0	\$ 0	0.84	1.03	\$ 71,583
Office	\$ 0	\$ 0	\$ 0	0.84	1.03	\$ 71,583
Planned Commercial	\$ 0	\$ 0	\$ 0	0.86	1.06	\$ 73,698
Light Industrial	\$ 67,720	\$ 2,032	\$ 69,752	0.82	1.00	\$ 69,752
Heavy Industrial	\$ 65,587	\$ 1,968	\$ 67,554	0.79	0.97	\$ 67,554
Business/Industrial Park	\$ 0	\$ 0	\$ 0	0.84	1.03	\$ 71,583
Commercial/Business Park	\$ 0	\$ 0	\$ 0	0.84	1.03	\$ 71,583
Public/Quasi-Public (Schools)	\$ 0	\$ 0	\$ 0	0.66	0.80	\$ 55,839
TOTAL						

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Table 7
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Fee Calculation Detail

Zone/ Land Use	Facility Cost per Net Acre	Admin. Cost per Net Acre	Total Cost per Net Acre	Runoff Coefficient	Relative Runoff Percent	Fee per Net Acre
	<i>a</i>	<i>b= .03*a</i>	<i>a+b</i>		[1]	
Zone 4						
Rural Residential	\$ 0	\$ 0	\$ 0	0.66	0.95	\$ 31,812
Low-Density Residential	\$ 32,597	\$ 978	\$ 33,575	0.70	1.00	\$ 33,575
Medium-Density Residential	\$ 39,178	\$ 1,175	\$ 40,354	0.84	1.20	\$ 40,354
Medium/High-Density Residential	\$ 38,052	\$ 1,142	\$ 39,193	0.82	1.17	\$ 39,193
High-Density Residential	\$ 38,321	\$ 1,150	\$ 39,470	0.82	1.18	\$ 39,470
Neighborhood Commercial	\$ 41,645	\$ 1,249	\$ 42,894	0.89	1.28	\$ 42,894
Highway Service Commercial	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 40,354
Office	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 40,354
Planned Commercial	\$ 0	\$ 0	\$ 0	0.86	1.24	\$ 41,546
Light Industrial	\$ 0	\$ 0	\$ 0	0.82	1.17	\$ 39,321
Heavy Industrial	\$ 0	\$ 0	\$ 0	0.79	1.13	\$ 38,083
Business/Industrial Park	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 40,354
Commercial/Business Park	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 40,354
Public/Quasi-Public (Schools)	\$ 0	\$ 0	\$ 0	0.66	0.94	\$ 31,478
TOTAL						
Zone 5						
Rural Residential	\$ 0	\$ 0	\$ 0	0.66	0.81	\$ 33,442
Low-Density Residential	\$ 0	\$ 0	\$ 0	0.70	0.85	\$ 35,295
Medium-Density Residential	\$ 0	\$ 0	\$ 0	0.84	1.03	\$ 42,422
Medium/High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	1.00	\$ 41,202
High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	1.00	\$ 41,493
Neighborhood Commercial	\$ 0	\$ 0	\$ 0	0.89	1.09	\$ 45,093
Highway Service Commercial	\$ 41,186	\$ 1,236	\$ 42,422	0.84	1.03	\$ 42,422
Office	\$ 0	\$ 0	\$ 0	0.84	1.03	\$ 42,422
Planned Commercial	\$ 0	\$ 0	\$ 0	0.86	1.06	\$ 43,675
Light Industrial	\$ 40,132	\$ 1,204	\$ 41,336	0.82	1.00	\$ 41,336
Heavy Industrial	\$ 0	\$ 0	\$ 0	0.79	0.97	\$ 40,034
Business/Industrial Park	\$ 0	\$ 0	\$ 0	0.84	1.03	\$ 42,422
Commercial/Business Park	\$ 0	\$ 0	\$ 0	0.84	1.03	\$ 42,422
Public/Quasi-Public (Schools)	\$ 0	\$ 0	\$ 0	0.66	0.80	\$ 33,091
TOTAL						
Zone 5a						
Rural Residential	\$ 0	\$ 0	\$ 0	0.66	0.95	\$ 48,194
Low-Density Residential	\$ 49,383	\$ 1,481	\$ 50,865	0.70	1.00	\$ 50,865
Medium-Density Residential	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 61,135
Medium/High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	1.17	\$ 59,377
High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	1.18	\$ 59,796
Neighborhood Commercial	\$ 0	\$ 0	\$ 0	0.89	1.28	\$ 64,984
Highway Service Commercial	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 61,135
Office	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 61,135
Planned Commercial	\$ 61,107	\$ 1,833	\$ 62,941	0.86	1.24	\$ 62,941
Light Industrial	\$ 0	\$ 0	\$ 0	0.82	1.17	\$ 59,570
Heavy Industrial	\$ 0	\$ 0	\$ 0	0.79	1.13	\$ 57,694
Business/Industrial Park	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 61,135
Commercial/Business Park	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 61,135
Public/Quasi-Public (Schools)	\$ 0	\$ 0	\$ 0	0.66	0.94	\$ 47,688
TOTAL						

Table 7
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Fee Calculation Detail

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Zone/ Land Use	Facility Cost per Net Acre	Admin. Cost per Net Acre	Total Cost per Net Acre	Runoff Coefficient	Relative Runoff Percent	Fee per Net Acre
	<i>a</i>	<i>b=.03*a</i>	<i>a+b</i>		<i>[1]</i>	
Zone 5b						
Rural Residential	\$ 0	\$ 0	\$ 0	0.66	0.95	\$ 29,210
Low-Density Residential	\$ 29,931	\$ 898	\$ 30,829	0.70	1.00	\$ 30,829
Medium-Density Residential	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 37,053
Medium/High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	1.17	\$ 35,988
High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	1.18	\$ 36,242
Neighborhood Commercial	\$ 0	\$ 0	\$ 0	0.89	1.28	\$ 39,386
Highway Service Commercial	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 37,053
Office	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 37,053
Planned Commercial	\$ 0	\$ 0	\$ 0	0.86	1.24	\$ 38,148
Light Industrial	\$ 0	\$ 0	\$ 0	0.82	1.17	\$ 36,105
Heavy Industrial	\$ 0	\$ 0	\$ 0	0.79	1.13	\$ 34,968
Business/Industrial Park	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 37,053
Commercial/Business Park	\$ 0	\$ 0	\$ 0	0.84	1.20	\$ 37,053
Public/Quasi-Public (Schools)	\$ 0	\$ 0	\$ 0	0.66	0.94	\$ 28,904
TOTAL						
Zone 6						
Rural Residential	\$ 0	\$ 0	\$ 0	0.66	0.74	\$ 41,283
Low-Density Residential	\$ 0	\$ 0	\$ 0	0.70	0.78	\$ 43,571
Medium-Density Residential	\$ 0	\$ 0	\$ 0	0.84	0.94	\$ 52,368
Medium/High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	0.91	\$ 50,862
High-Density Residential	\$ 0	\$ 0	\$ 0	0.82	0.92	\$ 51,221
Neighborhood Commercial	\$ 54,043	\$ 1,621	\$ 55,665	0.89	1.00	\$ 55,665
Highway Service Commercial	\$ 0	\$ 0	\$ 0	0.84	0.94	\$ 52,368
Office	\$ 0	\$ 0	\$ 0	0.84	0.94	\$ 52,368
Planned Commercial	\$ 52,344	\$ 1,570	\$ 53,915	0.86	0.97	\$ 53,915
Light Industrial	\$ 0	\$ 0	\$ 0	0.82	0.92	\$ 51,028
Heavy Industrial	\$ 0	\$ 0	\$ 0	0.79	0.89	\$ 49,420
Business/Industrial Park	\$ 0	\$ 0	\$ 0	0.84	0.94	\$ 52,368
Commercial/Business Park	\$ 50,842	\$ 1,525	\$ 52,368	0.84	0.94	\$ 52,368
Public/Quasi-Public (Schools)	\$ 0	\$ 0	\$ 0	0.66	0.73	\$ 40,850
TOTAL						

fee calc

[1] For land uses that have projected development in a zone: fee per net acre = total cost per net acre.

For land uses that do not have projected development in a zone: fee per net acre = relative runoff pct * fee per net acre for land use shown in bold. The land use shown in bold is used as the basis of the relative runoff percent calculations.

For each land use, relative runoff percent = runoff coefficient/runoff coefficient of bolded land use.

IV. FEE SUMMARY AND AB 1600 NEXUS FINDINGS

This chapter summarizes the Flood Area Storm Drainage Fees and presents the findings necessary to establish the fees in accordance with AB 1600. The findings state: the purpose of the fee, the use of the fee, the relationship between the use of the fee and type of development, the relationship between need for the facility and the type of project, and the relationship between the amount of fee and the cost portion attributed to new development.

FEE SUMMARY

Table 8 summarizes the estimated Flood Area Storm Drainage Fees per net acre by flood area storm drainage zone and land use. As discussed in the previous chapter, each fee shown in **Table 8** includes a 3-percent administration fee. The administration fee covers costs associated with determining, levying, and collecting the fee.

NEXUS FINDINGS

The nexus findings necessary to establish the Flood Area Storm Drainage Fees are detailed below.

PURPOSE OF FEE

The purpose of the fee is to provide for the collection and distribution of storm water in the flood area.

USE OF FEE

The fee will be used for the construction of new storm drainage facilities needed to address flooding problems in the flood area. The facilities needed to serve new development through buildout of the City's General Plan are detailed in the **Storm Drainage Cost Allocation Report** prepared by Wood Rodgers, Inc.

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Table 8
City of Winters
Flood Area Storm Drainage Fee Nexus Study
Fee Summary

Land Use	Flood Area Storm Drainage Fee per Net Acre							
	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 5a	Zone 5b	Zone 6
Rural Residential	\$ 48,855	\$ 65,294	\$ 56,431	\$ 31,812	\$ 33,442	\$ 48,194	\$ 29,210	\$ 41,283
Low-Density Residential	\$ 51,562	\$ 68,912	\$ 59,558	\$ 33,575	\$ 35,295	\$ 50,865	\$ 30,829	\$ 43,571
Medium-Density Residential	\$ 61,972	\$ 82,826	\$ 71,583	\$ 40,354	\$ 42,422	\$ 61,135	\$ 37,053	\$ 52,368
Medium/High-Density Residential	\$ 60,191	\$ 80,445	\$ 69,525	\$ 39,193	\$ 41,202	\$ 59,377	\$ 35,988	\$ 50,862
High-Density Residential	\$ 60,616	\$ 81,013	\$ 70,016	\$ 39,470	\$ 41,493	\$ 59,796	\$ 36,242	\$ 51,221
Neighborhood Commercial	\$ 65,874	\$ 88,041	\$ 76,090	\$ 42,894	\$ 45,093	\$ 64,984	\$ 39,386	\$ 55,665
Highway Service Commercial	\$ 61,972	\$ 82,826	\$ 71,583	\$ 40,354	\$ 42,422	\$ 61,135	\$ 37,053	\$ 52,368
Office	\$ 61,972	\$ 82,826	\$ 71,583	\$ 40,354	\$ 42,422	\$ 61,135	\$ 37,053	\$ 52,368
Planned Commercial	\$ 63,803	\$ 85,273	\$ 73,698	\$ 41,546	\$ 43,675	\$ 62,941	\$ 38,148	\$ 53,915
Light Industrial	\$ 60,387	\$ 80,707	\$ 69,752	\$ 39,321	\$ 41,336	\$ 59,570	\$ 36,105	\$ 51,028
Heavy Industrial	\$ 58,485	\$ 78,164	\$ 67,554	\$ 38,083	\$ 40,034	\$ 57,694	\$ 34,968	\$ 49,420
Business/Industrial Park	\$ 61,972	\$ 82,826	\$ 71,583	\$ 40,354	\$ 42,422	\$ 61,135	\$ 37,053	\$ 52,368
Commercial/Business Park	\$ 61,972	\$ 82,826	\$ 71,583	\$ 40,354	\$ 42,422	\$ 61,135	\$ 37,053	\$ 52,368
Public/Quasi-Public (Schools)	\$ 48,342	\$ 64,609	\$ 55,839	\$ 31,478	\$ 33,091	\$ 47,688	\$ 28,904	\$ 40,850

fee summary

RELATIONSHIP BETWEEN USE OF FEE AND TYPE OF DEVELOPMENT

The development of new residential, office, commercial, and industrial land uses in the flood area of the City will generate additional runoff and the associated need for additional storm drain facilities to address potential flooding problems. The fees will be used to expand the storm drain system to prevent flooding as new development occurs in the flood area.

RELATIONSHIP BETWEEN NEED FOR FACILITY AND TYPE OF PROJECT

Each new development project (residential, commercial, office, and industrial) in the flood area will generate additional runoff. All new development must have adequate storm drainage facilities to collect the storm water runoff and to prevent flooding.

RELATIONSHIP BETWEEN AMOUNT OF FEE AND COST OF PORTION OF FACILITY ATTRIBUTED TO NEW DEVELOPMENT

For each storm drainage zone in the flood area, Wood Rodgers, Inc., estimated the total cost of the storm drainage facilities needed to solve flooding problems and allow new development. All of these costs were allocated to new development in the flood area. The total cost for each zone was allocated to the various land uses in the zone based on the percentage of total runoff generated by each land use. An additional 3 percent was added to each land use's cost share to account for the fee program administrative costs. For each land use, the total cost was divided by the number of net acres to determine the fee to be assessed on each net acre of development. Thus, the Flood Area Storm Drainage Fees are based directly on the costs allocated to new development in the flood area.

V. IMPLEMENTATION AND UPDATE

INTRODUCTION

The proposed Flood Area Storm Drainage Fees presented in this report are based on the best land use information, facility cost estimates, and administrative cost estimates available at this time. After the fees are established, the City should conduct periodic reviews of the facility costs and other assumptions used in this Nexus Study to make necessary updates to the fees.

The cost estimates presented in this report are in constant 2005 dollars. All developers shall pay the amount of the fees in effect at the time that a final map is issued or at the time that a project is approved if no final map is required for the project. The fees recommended in this Nexus Study will be adjusted annually for inflation as outlined in this chapter.

IMPLEMENTING ORDINANCES/RESOLUTIONS

This Nexus Study and proposed fees need to be approved by the Winters City Council through an ordinance and fee resolution to adopt the fees.

COLLECTIONS

All new development that occurs in the flood area of the City after the adoption of the fees, except as specifically exempted herein, shall pay the fees at the time that a final map is issued or at the time that a project is approved if no final map is required for the project.

EXEMPTIONS

Existing development is exempt from paying the fees. In addition, although fees have been established for new Public/Quasi Public development, all currently anticipated Public/Quasi Public uses except for schools have been exempted from paying the fee. If Yolo County was to develop in the City, however, then this development would be required to pay the Public/Quasi-public fee.

ALLOWANCES FOR VARIATION IN LAND USES

This study uses the amount of remaining undeveloped acreage in each general plan land use designation as the basis for estimating the anticipated demand on storm drainage

facilities. Each general plan land use designation reflects a range of types of uses. Although generally somewhat uniform in the types of uses allowed in each land use category, certain atypical uses are allowed in land use designations that have somewhat different demands on public facilities from the typical uses. For example, multifamily residential units are allowed under the Neighborhood Commercial land use designation, even though the typical neighborhood commercial uses are retail uses, service uses, and offices. Thus, although residential use is included in what is *designated* in the general plan land use regulations as a commercial category, the *actual* type of use (residential) may more accurately reflect the demand on the City's storm drainage facilities. Therefore, where a use is proposed for development and the use is not typical of the use factors on which the fee was calculated for the applicable general plan land use designation, the fee that will be applied to that type of proposed use will be based on the category that most closely reflects the typical demands for that use.

FEE CREDITS AND REIMBURSEMENTS OVERVIEW

As is typical with development impact fee programs, many of the public infrastructure facilities are needed up-front, in advance of when adequate revenue from the fee collection would be available to fund such improvements. Consequently, some type of private funding is necessary to pay for the public improvements when they are needed. This private financing may be in the form of land secured bonds, developer equity, or other form of private financing.

When private financing occurs, development impact fee programs need a mechanism to address situations where developers privately fund public facilities that would normally be funded by the fee program. To address this issue, fee credits and reimbursements will be allowed to provide the necessary link between collection of the Flood Area Storm Drainage Fees and the private construction and dedication of eligible facility improvements.

Developers/landowners who fund construction of storm drainage facilities included in this Nexus Study will be eligible for fee credits/reimbursements. Fee credits/reimbursements will be available for the facility construction cost up to a maximum of 1) the cost shown in this Nexus Study; or 2) actual costs if actual costs are less than the costs in this Nexus Study. Fee credits/reimbursements will be adjusted annually by the inflation factor used to adjust the fee. Once fee credits have been determined, they will be used at the time the respective fees would be due. The specific details of the fee credit/reimbursement policy are outlined in the following section.

FEE CREDITS AND REIMBURSEMENTS POLICY

Fee credits/reimbursements for constructing storm drainage facilities that are part of the Flood Area Storm Drainage Fee program will be provided under the following conditions:

1. Developer-installed/acquired improvements shall be considered for reimbursement from the Flood Area Storm Drainage Fee program.
2. The value of any developer-installed/acquired improvements for reimbursement/fee credit purposes shall not exceed the total cost estimated (as adjusted for inflation) used to establish the amount of the fees in this Nexus Study, or actual costs, if actual costs are less than the Nexus Study costs.
3. The use of accumulated fee revenues shall be used in the following priority order: 1) City-determined critical projects and 2) repayment of accrued reimbursement to private developers. A project is deemed to be a "critical project" when failure to complete the project prohibits further development from occurring.

Once all criteria are met, fee credits may be taken against fees due. To obtain fee credits, the improvement projects must meet all City standards and criteria, and developers must apply to the City before payment of fees associated with a final subdivision map or the project approval if a final map is not required for a particular project. The City maintains the flexibility to allocate fee credits in a manner it chooses. Fee credits granted shall be on a per-net acre basis for all development projects.

Reimbursements will be due to developers who advance-fund facilities in excess of their fair share of the facility costs. In this instance, developers would first obtain fee credits, up to their fair share requirement for a facility, and then await reimbursement from fee revenue collections from other fee payers.

Reimbursement priority will be determined on a first-in and first-out basis. The City anticipates prioritizing the City accepted flood area storm drainage projects on a month-by-month basis. For example, if one storm drainage improvement project receives the City approval on the second of the month while another receives the City approval on the twentieth of the same month, each of the projects have equal weighting in terms of priority for reimbursement.

When funds are available, reimbursements will be paid to the first developer or group of developers awaiting reimbursement until that developer is paid in full. Then reimbursements will accrue to the next developer or group of developers awaiting reimbursement until paid in full.

To obtain reimbursements, developers must enter into a reimbursement agreement with the City. When funds are available, reimbursements will be paid quarterly, semi-annually, or as otherwise determined by the City. As noted, reimbursements will be paid only after the City's acceptance of the flood area storm drainage improvements. It is important to note that reimbursements are an obligation of the fee program and not an obligation of the City, City General Fund or other operating funds.

Developers will be eligible for fee credits/reimbursements up to 100 percent of the fee, excluding the administrative fee portion. Eligible public facility costs, which are used to determine fee credits/reimbursements, will be based on the cost schedule in this Nexus Study or actual construction costs if the fees are updated to include actual costs. The cost schedule in the Nexus Study will be automatically adjusted annually by the inflation factor described below.

ANNUAL INFLATION ADJUSTMENT AND PERIODIC FEE REVIEW

INFLATION ADJUSTMENT

The proposed fees will be adjusted annually by the City to account for the inflation of construction and acquisition costs. For ease of administration, the ordinance and resolution adopted to exact the fee should reference the automatic annual inflation adjustment.

The annual inflation adjustment should be made in January of each calendar year. The fees will be adjusted by the average of the change in the San Francisco CCI and the change in the 20-City CCI as reported in the Engineering News Record for the 12-month period ending October of the previous year. For example, the adjustment for January 2006 will be determined by calculating the change from October 2004 to October 2005 in the San Francisco CCI and the change for October 2004 to October 2005 in the 20-City CCI. These two rates of change will be averaged and the resulting value will be the adjustment factor for 2006.

PERIODIC FEE REVIEW

In addition to being adjusted annually for inflation, the proposed fees are subject to a periodic update based on changes in developable land, cost estimates, or outside funding sources. The City periodically will review the costs and the fee rates to determine if any updates to the fees are warranted. During the periodic reviews, the City will analyze these items:

- Changes to the required facilities listed in the Nexus Study;
- Changes in the cost to update or administer the fee;
- Changes in costs greater than inflation;
- Changes in assumed land uses; and
- Changes in other funding sources.

Any changes to the fee based on the periodic update will be presented to the City for approval before increasing or decreasing the fee.

FEE ADMINISTRATION

The proposed fees will be collected by the City at the time of building permit issuance. Per Government Code Section 66006, the City is required to deposit, invest, account for, and expend the fee revenue in a prescribed manner.

FIVE-YEAR REVIEW

The fifth fiscal year following the first deposit into the fee account or fund, and every 5 years thereafter, the City is required to make all of the following findings with respect to that portion of the accounts or funds remaining unexpended:

- Identify the purpose for the fee;
- Demonstrate a reasonable relationship between the fee and the purpose for which it is charged;
- Identify all sources and amounts of funding anticipated to complete financing in incomplete plan area improvements; and
- Designate the approximate dates that the funding referred to in the above paragraph is expected to be deposited in the appropriate account or fund.

The City must refund the unexpended or uncommitted revenue portion for which a need could not be demonstrated in the above findings, unless the administrative costs exceed the amount of the refund.



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: August 3, 2010
FROM: John W. Donlevy, Jr., City Manager *JWD*
SUBJECT: Fire Consolidation Agreement: City of Winters and Winters Fire District

RECOMMENDATION:

That the City Council:

1. Receive a report on the status of the consolidation negotiations between the City and Winters Fire District; and
2. Provide comments and input regarding this agreement.

BACKGROUND:

For over 100 years, the Winters Fire Department has provided fire and life safety services to the residents of the City and the rural areas of the Greater Winters area. The structure of the Department has existed in a variety of capacities between a City operated department and the Winters Fire District, which has operated the Department operations since approximately 1982.

The City of Winters is not a part of the Winters Fire District. The District covers a geographic area of almost 100 square miles of mostly rural farm lands and the surrounding foothills. The District is governed by a five (5) person board who are appointed by the Yolo County Board of Supervisors.

The relationship between the City and Fire District is governed by a contractual relationship whereby the District provides services within the City for an annual payment. For Fiscal Year 2010-11, this would amount to approximately \$411,000 or 65% of the total operating expenses.

In 2004, the City and District embarked on discussions regarding services provided and

the needs of both entities. While the District area is projected to remain rural and farm based, the City, through its General Plan will expand and generate increased needs for services and fire capabilities. Early in the discussions, the following were some basic principles which have guided the process:

- The City and District have and will be forever linked for fire protection based on the history of the Department and future needs. The current operation is a shared conglomeration of equipment, property, personnel and funding. Most volunteers are City residents who provide services both inside and outside the City limits.
- The future will have a strong reliance on each other. Even if separate Departments were in existence, each would provide aid to the other based on mutual aid response parameters.
- City participation in the governance of operations from the elected representatives is critical and not allowed because the City is outside of the District.
- While revenues and service needs for the District will remain static, City needs will continue to increase as the City expands.

The determination for a reversing of the relationship was established early in the discussions and has resulted in an agreement which is proposed to take effect in January, 2011.

DISCUSSION:

The proposed agreement provides for the continuance of the City and Fire District relationship with the reversal of the management function of the actual operations. The Draft Agreement is attached as Exhibit A to this report.

Generally, the Agreement provides for the following:

1. **Service:** the provision of a full service fire protection within the City and Fire District. The services include life safety, fire protection, investigation and prevention; inspection and fire code/building enforcement;
2. **Fire Board:** the Department will be under the jurisdiction of the City with an established Fire Board to oversee operations. The membership of the Board will consist of two members from each of the Fire District Board and City Council and the City Manager.
3. **Support to the District:** The City Fire Chief will also serve as the Fire Chief for the District and support the District Board of Directors administratively in the preparation of budgets, maintenance of records and general reporting.
4. **District Obligations under the Agreement:** The Winters Fire District has obligated as follows:
 - a. Payment of 97.5% of all District revenues to the City.

- b. Cede all property and equipment to the City, including the Station 26 property and all vehicles and fire apparatus.
- 5. **City Obligations under the Agreement:** The City will establish a Fire Department for the provision of fire protection and life safety services for a 40 year period. The agreement also provides for the housing of various District assets including the antique fire engines and other apparatus.

The agreement foresees the maintenance of the current relationship with fire volunteers and the participation of District residents in the overall activities of the City Fire Department.

The termination of the agreement provides for the City to obligate office space and the use of some fire trucks and equipment at the new fire facility should the agreement not be renewed in 2051.

PERS Liability:

A key issue which has literally taken years to resolve has been the resolution of the PERS Unfunded Liability which is held by the Winters Fire District for personnel who have served the District and the City for the past 30 years. Under the terms of this agreement, the District has made a lump sum payment of \$280,297 towards the settlement of residual PERS obligations. The City has agreed to limit the payment of District revenues to 97.5% less the Districts PERS obligations, up to \$24,000 to allow residual payments which may become necessary. If the PERS obligation is higher than \$24,000, the City and District will divide the payment based on a pro-rata service call basis from the previous 3 years (current calls are 70% City and 30% District).

SUMMARY:

The proposed agreement is meant to provide for a City based fire service providing quality fire protection and life safety within the District area. It will allow the tradition of the Winters Fire Department to continue in the same vane as the past 100 years while allowing for modernization which is expected to be needed within the City.

FISCAL IMPACT:

The current levels of service are expected to expand based on the needs of the City versus those of the Fire District. Under this agreement, costs are expected to rise by approximately \$24,000 in FY 2010-11, with escalation based on the anticipated service improvements within the City.

Attachment- Draft Consolidation Agreement

**AGREEMENT BETWEEN
THE WINTERS FIRE PROTECTION DISTRICT AND THE CITY
OF WINTERS FOR THE PROVISION OF FIRE PROTECTION SERVICES**

This agreement ("Agreement") is entered into this 1st day of January, 2011, between the Winters Fire Protection District ("DISTRICT") and the City of Winters ("CITY").

RECITALS

WHEREAS, CITY and DISTRICT have an existing agreement wherein fire protection services for the CITY are provided by the DISTRICT; and

WHEREAS, due to the increase in growth in the CITY, the majority of fire protection services are provided within the city limits of the City; and

WHEREAS, it is to the benefit of both parties that fire protection services be consolidated administratively under the control of the CITY; and

WHEREAS, each party has the power to enter, and is entering into this Agreement to provide the services herein contemplated, pursuant to California Government Code Sections 6500 et seq., and California Health and Safety Code Sections 13050, et seq. including specifically Section 13052; and

WHEREAS, it is the intent of the parties that CITY and DISTRICT shall retain legal jurisdiction over and to their respective jurisdictional boundaries and tax allocations, and this Agreement is solely to provide for the performance of contract fire protection services by CITY to DISTRICT, and the payment of sums therefore by DISTRICT to CITY upon the terms and conditions herein; and

WHEREAS, DISTRICT desires CITY (a) to provide fire protection services within the jurisdiction of the DISTRICT and (b) to occupy the Fire Station for such purpose; and

WHEREAS, CITY desires (a) to provide fire protection services within the jurisdiction of the DISTRICT and (b) to occupy the Fire Station for such purpose;

NOW, THEREFORE, the City Council of the City of Winters and the Board of Commissioners of the Winters Fire Protection District hereby find and declare that this Agreement is intended to maximize the delivery of fire protection services while minimizing the cost thereof, all to the benefit of their respective residents.

TERMS

1. **DEFINITIONS.** Unless the particular provisions or context otherwise requires, the definitions in this section shall govern the construction, meanings, and application of the words used herein:

(a) "Fire Protection Services" shall mean all facets of fire service, including, but not limited to, suppression and prevention of fires, emergency medical services at the first responder level, rescue and extrication, hazardous materials response, enforcement of fire codes and arson investigation, and all standard fire information reporting required of the parties under the California Fire Incident Reporting System ("CFIRS").

(b) "Service Area" shall mean and include all of the territory within DISTRICT's boundaries as they presently exist or as they may hereafter be established by annexations or detachments.

(c) "Fire Station" shall mean the fire station owned by CITY located on Main Street and Grant Avenue, Winters, California, consisting of buildings, land, and other improvements in place, as more specifically depicted in Exhibit "A" attached hereto and made a part hereof.

2. CITY AGREES TO

(a) provide full fire protection services within the Winters Fire District to include service, basic life support, fire administration, budgeting, plan check, investigation and code enforcement support of the Winters Fire District Board as defined herein. Service shall be at the current service level or CITY service equivalent. The supervision and administration of fire protection services shall be the sole responsibility of the CITY;

(b) establish a Fire Advisory Board. This board shall report directly to the Winters City Council when requested. The Fire Advisory board shall consist of two of the existing Fire District Commissioners, two City Council members, and the Winters City Manager. The board shall meet bi-annually and review the actions and expenditures of the Winters Fire Department. The Winters Fire Department Fire Chief or his representative shall give a bi-annual report to the board as to the previous periods fire department actions. The board shall review the yearly budget as prepared by the Fire Chief, and make yearly recommendations to the Winters City Council as to the budget and fire protection services. The CITY will provide all services and expenses reasonably necessary for the conduct of the Fire Advisory Board, including compliance with the Brown Act and the attendance of the Winters Fire Department Chief, or his or her designee, at all Fire Advisory Board meetings;

(c) offer employment to current DISTRICT personnel at a wage/benefit rate offered by the CITY. The Winters Fire Department Fire Chief will function as the District Fire Chief;

(d) supervise and manage the volunteer program;

(e) provide administrative and office support as may be reasonably requested by the Fire Advisory Board or the Board of Fire Commissioners of the Winters Fire District to manage finances, accounting, budgeting, files and record keeping;

(f) prepare and preserve all records of service and administration of the Winters Fire Protection District and the City of Winters Fire Department;

(g) prepare annual reports of the fire protection services provided to the Service Area, and to provide those reports to the Winters Fire District Board of Commissioners and the Fire Advisory Board. Annual reports will be completed by March 1st following the end of the calendar year;

(h) specifically do the following in the provision of fire protection services:

i. review building plans for all commercial, industrial, public assembly, and single and multi-family structures for compliance with all applicable fire regulations, fire codes, state fire codes or modifications approved by the district and county. Within the fire district area, when a regulation or ordinance that has been legally passed by the board or county supervisors that regulation or ordinance shall be applied in the district area only. DISTRICT shall be held to the County standard in this area.

ii. Perform fire code enhancement, fire code inspections of commercial and industrial structures, and conduct fire prevention programs consistent with similar inspections and programs within the City of Winters. Unless the District Board of Fire Commissioners direct differently, the DISTRICT will not be included in the City of Winters weed abatement program.

iii. Investigate causes of fires.

iv. Maintain and house a well-serviced fleet of emergency apparatus which will include one heavy water tender, one medium water tender, three main line fire engines with pumping capacity of not less than 1000 gallons per minute each. These fire engines shall have the capacity to pump and run and be fitted so as to be functional in a wildland fire situation. Also maintained and housed will be one rescue squad, one utility vehicle and one brush/patrol unit. The CITY will further provide adequate storage area for the departments 1940 Buffalo and 1963 White Super Mustang and 1914 LeFrance antique fire engines. Storage for these three pieces of equipment shall be secured and provide for freeze protection. Storage shall also be provided for the volunteer's equipment, which will include, but is not limited to tables and chairs, a mobile cook unit, fair supplies and kitchen utensils and equipment.

v. When constructed, the CITY shall provide a new facility to house all fire equipment and apparatus. Pending that construction, CITY will have sole possession of the Fire Station and will house all the fire equipment and apparatus. CITY shall provide for the reasonable yearly maintenance of the Fire Station.

vi. Provide such other services, directly related to the services required of the City of Winters under this Agreement, as may be reasonably requested by the Board of Commissioners of the Winters Fire Protection District.

(i) In providing fire protection services, the CITY shall not be required to duplicate those efforts or services provided by other governmental agencies or to provide any services which are required by law to be provided by another governmental agency; and

(j) To the extent permitted by applicable laws, in performing the fire code inspections required above in the District, it is understood that the City Fire Department will be utilizing and applying the District and County modifications to the California Fire Code.

3. **DISTRICT OBLIGATIONS UNDER THE AGREEMENT**

In consideration of the CITY providing services to the DISTRICT, the DISTRICT shall annually pay to the CITY a sum of money as determined by this Section, at the times provided herein.

(a) **Estimate of Cost of Service.** After preparation of the preliminary City budget for the Fire Department and prior to June 1 of each year, the CITY shall furnish to the DISTRICT an estimate of the total annual maintenance and operation costs, capital costs, and costs of special services. That information shall be used by the DISTRICT in preparing its annual budget required by law, and in appropriating the payments required to be made by the DISTRICT to CITY under this Agreement.

(b) **District Payments to the City.** As consideration for the services to be provided by CITY under this Agreement, during each fiscal year of this Agreement, DISTRICT will pay CITY ninety seven and one half percent (97.5%) of all funds received by the DISTRICT., less DISTRICT'S PERS annual payment (Not to exceed \$24,000 annually). Any PERS obligations in excess of \$24,000 will be paid by both CITY and DISTRICT on a pro-rata basis based on service percentage of the prior three (3) years of operations.

(c) DISTRICT shall be responsible for the payment of any residual PERS obligations arising from the DISTRICT's employment of personnel to December 31, 2010. DISTRICT shall be solely responsible financially for any employees of DISTRICT after January 1, 2011. CITY shall be solely responsible for any PERS payments for city employees employed from and after January 1, 2011.

(cd) **District Fees Collected by City.** As further consideration for the services to be provided by CITY to DISTRICT in the Service Area, DISTRICT agrees to establish fees for various plan checking, inspections, permits, appeals, standby charges, and related services which CITY performs for DISTRICT under this Agreement. These services shall be comparable to the services which CITY provides its residents. Said fees and charges established by the DISTRICT shall be collected by CITY and used by CITY to defray the costs incurred by CITY in providing such services to residents, businesses, and customers of the DISTRICT under this Agreement. In the event that fees cannot be collected, the CITY is authorized to utilize the services of a collection agency.

(d) **Time of Payment.** LANGUAGE TO BE CORRECTED/INSERTED A payment equal to one third of the amount due will be paid on or before September 30, December 31 and March 31 of each year.

(e) **Ownership of Station 26 Property.** The DISTRICT will cede title and ownership of the Station 26 property to CITY upon the effective date of the agreement.

(f) **Vehicles and Equipment.** The DISTRICT will cede ownership of all vehicles and equipment to CITY upon the effective date of the agreement.

(g) **Fund Balances.** The DISTRICT retains all current fund balances for use in absorbing future DISTRICT expenses, equipment, operational needs, and to fulfill all the obligations of DISTRICT provided for herein.

4. **TERM**

(a) **Term of Agreement.** This Agreement shall be effective beginning January 1, 2011, and shall remain in full force and effect for forty (40) years (through December 31, 2050) unless (1) the agreement terminates by mutual written agreement of the parties; or (2) the Agreement is terminated by either party for non-performance not cured following thirty (30) days' written notice thereof by the affected party. In the event of dissolution or nonrenewal of the agreement, CITY will provide a single office for DISTRICT operations and the use of two (2) fire equipped multi tasking trucks and two water tenders and turnout equipment for five (5) personnel in the Public Safety Facility located at Main Street and Grant Avenue.

(b) **Existence:** In the event that either fire entity ceases to exist, obligations and authority under this agreement shall accrue to the successor entity.

(c) **Annexation of property in Service Area by City.** In the event that a portion of the territory of DISTRICT is annexed to CITY, such territory shall be excluded from this Agreement upon detachment, and at the next installment period defined above the compensation to be paid to CITY shall be reduced by the amount of revenue generated from the annexed area through taxes and any special assessment from and after the date of detachment. In the event the entire territory of DISTRICT is annexed to CITY, this Agreement shall terminate in its entirety, except that financial obligations hereunder then due and owing under this Agreement shall not be extinguished. In the event of any other earlier termination of this Agreement, CITY and DISTRICT will jointly occupy the Fire Station until a subsequent agreement is reached by the parties.

5. **OTHER TERMS AND CONDITIONS.**

(a) **PERS UNFUNDED LIABILITY. DISTRICT has or will pay the PERS Side-Fund Liability, in full, before the execution of this Agreement. DISTRICT shall be solely responsible for any Side-Fund liability incurred after January 1, 2011**

(b) **Integration.** This is an integrated agreement which supercedes all prior agreements and negotiations between the parties relating to fire protection services.

(c) **Notices.** Any notice required or intended to be given by either party under the terms of this Agreement shall be in writing and shall be deemed to be duly given if delivered personally or deposited in the United States mail, by registered or certified mail, return receipt requested with postage prepaid, addressed to the party to which notice is to be given at the party's address set forth on the signature page of this Agreement or at such other address as the parties may from time to time designate by written notice. Personal service, as aforesaid, shall be deemed served and effective upon delivery thereof. Service by mail, as aforesaid, shall be deemed to be sufficiently served and effective as of 12:00:01 a.m. on the fourth (4th) calendar day following the date of deposit in the United States mail of such registered or certified mail, properly addressed and postage prepaid.

(d) **Representations and Warranties.** DISTRICT warrants, covenants and represents that, together with CITY's partial interest, it is the owner of the Fire Station and has the full right and authority to grant to CITY the use and occupancy of the Fire Station and that the Fire Station is fit and habitable for such purposes and uses. CITY has inspected the Fire Station and as of the date of this Agreement concurs that the Fire Station is fit and habitable for such purposes and uses. DISTRICT warrants, covenants and represents that there are now no liens or encumbrances on the Fire Station that will interfere with the expressed purpose of this Agreement. DISTRICT agrees and represents that it shall remain responsible for all taxes, liens and other encumbrances on the Fire Station, provided CITY shall be responsible for liens and encumbrances resulting from CITY's own ownership of part of the Fire Station and liens and encumbrances resulting from CITY's performance under this Agreement.

(e) **Property Taxes and Insurance.** DISTRICT shall pay all real estate taxes, bonds and assessments when due on the DISTRICT's ownership of the Fire Station, and shall maintain property insurance and hazard insurance on the Fire Station. CITY shall pay all real estate taxes, bonds and assessments when due on the CITY's ownership of the Fire Station, and shall maintain property insurance and hazard insurance on the Fire Station. CITY and DISTRICT will, with respect to any claims covered by such property and hazard insurance, mutually waive any subrogation rights they may have against each other, whether or not CITY or DISTRICT self-insures for such claims covered by such insurance.

(f) **Hazardous Substance.** CITY and DISTRICT in proportion to ownership shall be responsible for any losses, liability or costs (including, but not limited to, consulting, engineering, clean-up and disposal costs, and legal costs) arising in whole or in part from any form of toxic material or hazardous substance existing on the Fire Station prior to CITY taking possession of the Fire Station. After CITY takes possession of the Fire Station, CITY and DISTRICT shall be proportionately responsible for any losses, liability or costs (including, but not limited to, consulting, engineering, clean-up and disposal costs, and legal costs) arising in whole or in part from (1) any pre-existing condition, or (2) any form of toxic material or hazardous substance on the Fire Station which is related to the use of the Fire Station prior to

January 1, 2011. After January 1, 2011, any damages relating to Hazardous Substances occurring after January 1, 2011 shall be the sole responsibility of CITY.

The term "hazardous substance(s)," as used in this Agreement shall include, without limitation, flammable materials, explosives, radioactive materials, asbestos, polychlorinated biphenyls (PCBs), chemicals known to cause cancer or reproductive toxicity, pollutants, contaminants, hazardous wastes, toxic substances or related materials, petroleum and petroleum products, and all substances declared to be hazardous or toxic under any law or regulation now or hereafter enacted or promulgated by any governmental authority.

(g) **Liability.** CITY shall not be responsible for any losses, liability or costs (including legal costs) arising in whole or in part from the excavation of soil, or for complications arising from any pre-existing condition within the Fire Station, except as provided above.

(h) **Indemnification.** DISTRICT shall indemnify, hold harmless and defend CITY and each of its officers, officials, employees, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by CITY, DISTRICT or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising directly or indirectly from the negligent or intentional acts or omissions of DISTRICT or any of its officers, employees, agents or volunteers in the performance of this Agreement.

CITY shall indemnify, hold harmless and defend DISTRICT and each of its officers, officials, employees, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by DISTRICT, CITY or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising directly or indirectly from the negligent or intentional acts or omissions of CITY or any of its officers, employees, agents or volunteers in the performance of this Agreement.

In the event of concurrent negligence on the part of DISTRICT or any of its officers, employees, agents or volunteers, and CITY or any of its officers, officials, employees, agents or volunteers, the liability for any and all such claims, demands and actions in law or equity for such losses, fines, penalties, forfeitures, costs and damages shall be apportioned under the State of California's rule of comparative negligence as presently established or as may be modified hereafter.

This section shall survive termination or expiration of this Agreement. It is understood and agreed that at all times hereunder DISTRICT shall maintain general liability and property insurance policies and CITY shall maintain general liability, auto liability, workers' compensation and property insurance policies or self-insurance programs to fund their respective

liabilities in these areas. Evidence of Insurance, Certificates of Insurance or other similar documentation shall not be required of either party under this Agreement.

CITY shall indemnify and hold DISTRICT, its Directors, officers, employees and volunteers harmless from and against all claims for wages, or benefits, by CITY personnel assigned to provide services to or within DISTRICT hereunder, from and after January 1, 2011. CITY employees shall not be considered as employees of DISTRICT under any circumstances or any purpose.

CITY employees shall at all times remain under the direction and control of the Fire Chief of the Winters Fire Department. The parties are acting in an independent capacity under this Agreement.

(h) **Third Party Beneficiaries.** This Agreement shall not be assigned and shall not be construed or deemed to be an agreement for the benefit of any third party or parties, and no third party or parties shall have any right of action hereunder for any cause whatsoever.

(i) **Dispute Resolution/Arbitration.** If any dispute arises regarding the interpretation or application of this Agreement or any determination or calculation hereunder, the parties agree that upon the request of either of them they will meet and attempt to resolve the same amicably for a period not to exceed thirty (30) days. If the dispute is not resolved during said thirty (30) day period, the parties agree to submit any unresolved dispute to binding or advisory mediation/arbitration, including the allocation of related costs and fees, without limitation upon rights and remedies otherwise available including an action in a court of competent jurisdiction in Yolo County, California, for these purposes.

IN WITNESS WHEREOF, the parties execute this Agreement in the County of Yolo, State of California, on the date of the last signatory herein.

CITY OF WINTERS

WINTERS FIRE PROTECTION DISTRICT

By _____

By _____

Title _____

By _____

Date _____

Date _____

Address 318 First Street
Winters, CA 95694

Address _____

Attest:

Nanci Mills, Winters City Clerk

EXHIBIT A – LEGAL DESCRIPTION OF FIRE STATION:



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: August 3, 2010
FROM: John W. Donlevy, Jr., City Manager
SUBJECT: Russell St and Railroad Ave. Intersection

RECOMMENDATION:

That the City Council take no actions regarding the submitted petition regarding the intersection of Russell Street and Railroad Ave.

BACKGROUND:

The City Council has received a petition and request for a three way STOP sign and crosswalk improvements to be installed at the intersection of Railroad Ave. and Russell Street. Staff is recommending that no action be taken at this time.

DISCUSSION:

In 2011, an \$11 million bridge improvement project will commence which will significantly improve and redesign the mentioned intersection. The anticipated design is included as Exhibit A to this report. These improvements will dramatically change the overall traffic flow of the intersection and the street.

The idea of changing the design and engineering at this point of the project will add considerable expense to a project which has been in design and environmental review for a number of years.

Staff has also researched the intersection for traffic issues based on perceived liabilities which may exist. In a review of the traffic accident data for this location, the following was determined:

- Over an 8 year period, no collisions have occurred at this intersection involving a vehicle exiting Russell St on to Railroad Ave.
- There have been 17 reported incidents involving cars near this intersection. 1 involved a DUI hitting the bridge, 5 involved DUI broadsides of cars, 6 from exiting parking spaces, 1 vehicle versus a pedestrian and miscellaneous broadsides on Railroad Ave.

This traffic data does not support the need to install a controlled intersection.

STOP Sign Option:

If the City Council desires to pursue the installation of a STOP sign, this will require a traffic study and the establishment of warrants to justify the control at this location. A STOP sign will create a number of issues based on the facts that Railroad Ave is an arterial roadway, truck route and the proximity of this location to the Putah Creek Car Bridge. The estimate for this study is \$15,000 to \$20,000.

Parking Restrictions:

In discussions with the applicant and petitioner, he has suggested the restriction of parking (red zone) along the west side of Railroad Ave. This would eliminate parking in front of the businesses at these locations. Currently, this area is signed for limited height on vehicle for approximately 30' in front of these businesses.

Summary:

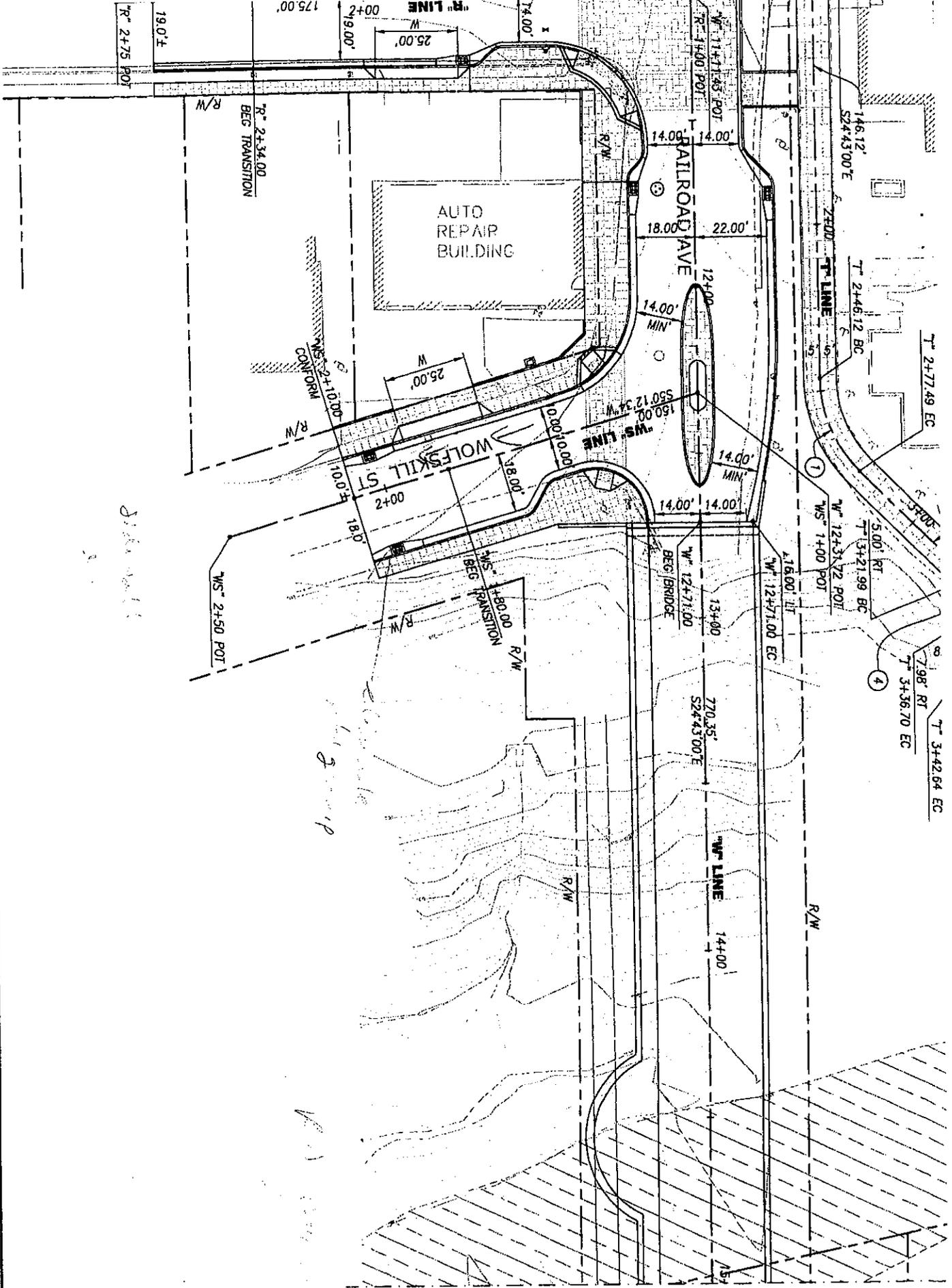
The intersection of Railroad Ave. and Russell Street was created over 100 years ago and has included both train and vehicle traffic. While it is a narrow intersection, it is not unlike many locations throughout the City and incidentally, has no traffic incidents versus others.

The costs to perform the necessary traffic studies to establish the warrants for a STOP sign would use the entire General Fund Engineering Budget for Fiscal Year 2010-11 and possibly require an additional allocation. In essence, it will make this request the only engineering project of the fiscal year.

The anticipated Putah Creek Car Bridge Project will significantly improve the location. The project will bid in 2011 and close the location for approximately 2 years while construction occurs. Staff recommends allowing the car bridge project to proceed and that the new intersection be installed before passing judgment on additional traffic controls.

FISCAL IMPACT:

\$15,000 to \$20,000 in traffic engineering and \$3,000 in construction costs to install a controlled traffic intersection.



MATCH LINE AT "W" 15+00, SEE SHEET L

LINE LOADINGS: H20-44 AND ALTERNATIVE AND PERMIT DESIGN LOAD		PREPARED FOR THE		BRIDGE NO.	
BY: CHECKED		COUNTY OF SOLANO		23C-0243	
BY: PLANS AND SPECS COMPARED		DEPARTMENT OF RESOURCE MANAGEMENT		POST MILE	
ORIGINAL SCALE IN INCHES FOR REDUCED PLANS		Gregory Bickett PROJECT ENGINEER		N/A	
				DISREGARD PRINTS BEARING EARLIER REVISION DATES	
				W/V/R/D	
				REVISION DATES (PRELIMINARY STAGE ONLY)	
				SHEET 14 OF	
				WINTERS ROAD BRIDGE REPLACEMENT	
				LAYOUT 1	

L-1

7/22/10

Nancy Mills,

Woody Fridae asked that I get this petition to you for purpose of getting into schedule for 8/3 City Council meeting. If you should have any questions or concerns, please feel free to call me.

Thank you

Don Michel

6 Russell St

Winters CA

Hm 530/795-5556 evenings & weekends

WK 707/693-2536 Daytime-weekdays

cell 707/592-2885 anytime

Petition for Safety Improvements at the intersections of Railroad Ave and Russell Streets.

We, the undersigned, all residents of Winters CA, residing on Russell Street and surrounding adjacent streets, do here by request the City of Winters consider implementing the following safety improvements:

Adding stop signs at Railroad Ave, both North & South bound lanes, where it intersects with Russell Street.

Adding another set of cross walk lines, running across Railroad Ave where it intersect with the South side of Russell Street.

Print Name	Signature	Address	Phone #	Date
Dan Mickel	<i>[Signature]</i>	6 Russell St	795-5556	7/12
Kevin Lewis	<i>[Signature]</i>	7 Russell St	795 2573	7/12
CARSSA LEWIS	<i>[Signature]</i>	7 Russell St	795 2573	7/12
Maria + Baldern	MARIA T. BALDERN	14 Russell St	795 4698	7/12
Arlene Taylor	<i>[Signature]</i>	14 Russell St	795-4698	7/12
DAVID SHARPE	<i>[Signature]</i>	102 Russell St	315-3631	7/12
VICKI RASMUSSEN	<i>[Signature]</i>	100 Russell St	315-2125	7/12
LINDA ROTH	<i>[Signature]</i>	104 RUSSELL ST.	795-4777	7/12
Deb Hagerly	<i>[Signature]</i>	106 Russell St.	795-5906	7/12
Mayle Daron	<i>[Signature]</i>	210 Russell #3	795 3471	7/12
Dagoberto Sanchez	<i>[Signature]</i>	210 Russell St. HS	530198-0503	7/12
Emma Ramirez	<i>[Signature]</i>	210 Russell St #1	530 5540	7/12
Antonio Chavez	ANTONIO CHAVAZ	210 Russell St #1	530 867-4487	7/12-10
HELE RABINOVIC	<i>[Signature]</i>	312 Russell St	530 5540-229	7/12/10
JACK GRAY	<i>[Signature]</i>	316 Russell St.	795/2813	9/12/10
Emily Back	<i>[Signature]</i>	129 River View Ct.	795-3635	7/12
Wanda Roth	<i>[Signature]</i>	416 Russell St.	795-3575	7/12
Lynne Secvia	<i>[Signature]</i>	418 Russell St	795-3990	7/12
Delores Ochoa	<i>[Signature]</i>	422 Russell St #1	795-0801	7/12
Natalie Higgins	<i>[Signature]</i>	424 Russell St	807-5190	7/12
Kim Kimes	<i>[Signature]</i>	428 Russell St	795-1337	7/12
Maria Sanchez	MARIA SANCHEZ	432 Russell St	795-3913	7/12
Manuela Rosas	MANUELA ROSAS	434 Russell St	795-9824	7/12
FRANCISCO ROSAS	<i>[Signature]</i>	434 Russell St.	(530)401-6810	7/12
PIPER GRANOLA	<i>[Signature]</i>	436 RUSSELL ST	795-2653	7/12
Annette Leeland	<i>[Signature]</i>	436 A Russell St	219-9656	7/12
Linda Thomas	Linda Thomas	440 Railroad St	795 3938	7/12
DAVID FLORES	<i>[Signature]</i>	444 Russell St		7/12
Shirley Hall	<i>[Signature]</i>	446 Russell St	867-3777	7/12
Cheryl Davis	<i>[Signature]</i>	455 Russell St	795 2554	7/12
TICK JOHN	<i>[Signature]</i>	439 RUSSELL ST	795-2752	7/12
Maniel Duran	Maniel Duran	429 Russell St	530/681-0995	7/12/12
Shirley Duncan	SHIRLEY DUNCAN	427 Russell	795-0427	7/12
Debbie Henry	DEBBIE HENRY	8 Russell	795 4642	7/12
Carla Jeffery Mickel	<i>[Signature]</i>	6 Russell St	795-5556	7/13
Christina	<i>[Signature]</i>	301 Russell	902-3710	7-15
Cheryl McLaughlin	<i>[Signature]</i>	902 Nevada Pl	916 801 0553	12/15/2010
Stephanie Castro	Stephanie Castro	104 Third St	795-2903	8/15/10
Joseph Casson	<i>[Signature]</i>	104 3rd St	2803	7/15/10
Terry Smaystra	<i>[Signature]</i>	8454 Olive School Ln	795-1028	7/15/10
Wendy Smaystra	Wendy Smaystra	8454 Olive School Ln	795-1028	7/15/10

CITY COUNCIL
STAFF REPORT

TO: Honorable Mayer and Councilmembers
DATE: August 3, 2010
FROM: Sergio Gutierrez, Police Lieutenant
SUBJECT: Dog Bites

RECOMMENDATION:

- The police department will provide educational materials regarding safety tips for aggressive dogs in English and Spanish.
- Patrol officers, when possible, will enforce leash laws and other animal control laws.
- Animal Control Services will be requested to check for stray dogs in the community and enforce animal control laws.
- Encourage the public to report stray dogs or animal control ordinance violations.

BACKGROUND:

The recent incidents involving dog bites and attacks by dogs predominately a Pit Bull breed has raised a concern by the public and the Winters community. Laws and court cases were studied to determine what the city and county governments can do to prevent these types of incidents. In addition, other communities were contacted and found that the City of Auburn had conducted extensive research into this same subject. In conclusion, the results of the research have determined that the best avenue to prevent aggressive dog attacks is education along with the enforcement of current animal control laws.

The police department has published an article in the Winters Express with informative safety tips when being confronted by an aggressive dog; as well as dog owner responsibilities.

The City of Winters has contracted services from Yolo County Sheriff's Department Animal Control with current ordinances in place to enforce violations of dogs running at large, dog bites, licensing requirements, etc.

Any additional Animal Control services by Yolo County for concentrated and increased enforcement is attainable, but there would be additional costs to the City.

Research of Santa Cruz County Animal Control Services revealed a county wide ordinance that required pet owners to spay or neuter their pets. This ordinance has demonstrated a reduction in cost for shelters and euthanasia by Animal Control Services, but the most important benefit is the reduction in aggressive dog behavior. There are certain exemptions that allow pet owners to be breeders, but it is also regulated.

Additional research found that ordinances, laws, regulations, or programs cannot be created to prevent residents in the city from possessing breed specific dogs. However, there is a law that permits the spaying and neutering of specific breed dogs, according to SB 861 and the California Food and Agricultural Code. The dilemma we encounter with this is determining if the dog is a pit bull or bull breed. However, this would require (1) Yolo County to adopt this law and enforce it; or (2) the City of Winters to adopt this law and pay additional contract fees to Yolo County Animal Control Services.

ATTACHMENTS:

- The attached is the document from the Office of Senator Jackie Speier concerning SB 861.
- California Food and Agricultural Code, Dangerous Dog Law, Breed Specific Preemption (2005) Including amendments effective January 1, 2006
- Liability Notice to Winters Property Owners [Prepared by John Wallace]
- Winters Has a Dog Problem [Prepared by John Wallace]
- Staff Memorandum: Review of Dog Regulations/Laws in Winters [Prepared by John Wallace]

December 8, 2005

To Whom It May Concern:

The purpose of this letter is to provide a clear understanding of the development of SB 861.

SB 861 (CH. 668, Statutes of 2005) allows local governments to set up spay/neuter programs and breeder rules specific to a breed of dog. The new law also prohibits local governments from declaring a breed or mixed-breed of dog to be potentially dangerous or vicious. Finally, if a jurisdiction establishes spay/neuter or breeder rule programs for a specific breed of dog, it is required to maintain information that would measure the effect of such programs.

The law is a living document subject to change as warranted. Clearly, the greatest period of change occurs before a law is enacted. The construction of SB 861 was made difficult by placement of its initial language solely in the Food and Agriculture Code that deals specifically with dangerous and vicious dogs. This section contains the 1988 provision that prohibits breed specific rules for dogs; i.e., SB 861 created an exemption to this long-standing prohibition. There was initial concern by numerous animal humane groups that the bill would be turned into a ban on pit bulls. The placement of a statement that "no program regulating any dog shall be specific as to breed" in Section 31683 of the Food and Agricultural Code did not assuage all concerns because this section of law dealt with "bad" dogs. Therefore, the bill was amended to establish the spay and neuter/breeder rule option in the Health and Safety Code, Section 122331 and we added further clarification of intent with a preamble in Section 122330, as follows:

122330. The Legislature finds and declares all of the following:

(a) Uncontrolled and irresponsible breeding of animals contributes to pet overpopulation, inhumane treatment of animals, mass euthanasia at local shelters, and escalating costs for animal care and control; this irresponsible breeding also contributes to the production of defective animals that present a public safety risk.

(b) Though no specific breed of dog is inherently dangerous or vicious, the growing pet overpopulation and lack of regulation of animal breeding practices necessitates a repeal of the ban on breed-specific solutions and a more immediate alternative to existing laws.

(c) It is therefore the intent of the Legislature in enacting this chapter to permit cities and counties to take appropriate action aimed at eliminating uncontrolled and irresponsible breeding of animals.

I believe the above section was a wise amendment to the bill in that the intent of the bill is now placed in statute. Clearly, SB 861 is a law directed at reducing the population of unwanted dogs through spay and neuter programs.

Finally, the effective date of SB 861 depends on the status of a petition (referendum) by opponents of the bill who want to have the law placed on the state ballot and be subject to a vote of the people. The opponents must submit some 373,000 valid signatures of registered voters to the Secretary of State by January 5, 2006. If they fail to meet the deadline, the law would become effective January 5, 2006. If signatures are submitted by January 5, the Secretary of State has 30 days to validate the signatures. If there are sufficient signatures submitted, the Governor could call for a special election, or place the matter on the June 2006 state ballot. If the voters reject the referendum, the law becomes effective as soon as the election results are certified.

All the best,

A handwritten signature in cursive script, reading "Jackie Speier". The signature is written in black ink and is positioned above the printed name.

Jackie Speier, 8th District
State Senate

In 2005, California SB 861 was enacted to modify the comprehensive breed specific preemption originally enacted in 1989 by SB 428. This modification will allow cities and counties to enact ordinances specific as to breed only pertaining to mandatory spay/neuter programs and breeding requirements, but no breed or mixed dog breed is to be declared potentially dangerous or vicious under these ordinances. The remainder of the state statute on dangerous and vicious dogs remains unchanged but applies only to individual dogs based on specific criteria. California has 58 counties and 478 cities. As authorized, many have enacted more stringent ordinances pertaining to dangerous and vicious dogs.

31601. The Legislature finds and declares all of the following:

(a) Potentially dangerous and vicious dogs have become a serious and widespread threat to the safety and welfare of citizens of this state. In recent years, they have assaulted without provocation and seriously injured numerous individuals, particularly children, and have killed numerous dogs. Many of these attacks have occurred in public places.

(b) The number and severity of these attacks are attributable to the failure of owners to register, confine, and properly control vicious and potentially dangerous dogs.

(c) The necessity for the regulation and control of vicious and potentially dangerous dogs is a statewide problem, requiring statewide regulation, and existing laws are inadequate to deal with the threat to public health and safety posed by vicious and potentially dangerous dogs.

31602. "Potentially dangerous dog" means any of the following:

(a) Any dog which, when unprovoked, on two separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog.

(b) Any dog which, when unprovoked, bites a person causing a less severe injury than as defined in Section 31604.

(c) Any dog which, when unprovoked, on two separate occasions within the prior 36-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog.

31603. "Vicious dog" means any of the following:

(a) Any dog seized under Section 599aa of the Penal Code and upon the sustaining of a conviction of the owner or keeper under subdivision (a) of Section 597.5 of the Penal Code.

(b) Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being.

(c) Any dog previously determined to be and currently listed as a potentially dangerous dog which, after its owner or keeper has been notified of this determination, continues the behavior described in Section 31602 or is maintained in violation of Section 31641, 31642, or 31643.

31604. "Severe injury" means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires

multiple sutures or corrective or cosmetic surgery.

31605. "Enclosure" means a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper of the dog. The enclosure shall be designed in order to prevent the animal from escaping. The animal shall be housed pursuant to Section 597t of the Penal Code.

31606. "Animal control department" means the county or city animal control department. If the city or county does not have an animal control department, it means whatever entity performs animal control functions.

31607. "Impounded" means taken into the custody of the public pound or animal control department or provider of animal control services to the city or county where the potentially dangerous or vicious dog is found.

31608. "County" includes any city and county.

31609. (a) This chapter does not apply to licensed kennels, humane society shelters, animal control facilities, or veterinarians.

(b) This chapter does not apply to dogs while utilized by any police department or any law enforcement officer in the performance of police work.

31621. If an animal control officer or a law enforcement officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous or vicious, the chief officer of the public pound or animal control department or his or her immediate supervisor or the head of the local law enforcement agency, or his or her designee, shall petition the superior court of the county wherein the dog is owned or kept for a hearing for the purpose of determining whether or not the dog in question should be declared potentially dangerous or vicious. A proceeding under this section is a limited civil case. A city or county may establish an administrative hearing procedure to hear and dispose of petitions filed pursuant to this chapter. Whenever possible, any complaint received from a member of the public which serves as the evidentiary basis for the animal control officer or law enforcement officer to find probable cause shall be sworn to and verified by the complainant and shall be attached to the petition. The chief officer of the public pound or animal control department or head of the local law enforcement agency shall notify the owner or keeper of the dog that a hearing will be held by the superior court or the hearing entity, as the case may be, at which time he or she may present evidence as to why the dog should not be declared potentially dangerous or vicious. The owner or keeper of the dog shall be served with notice of the hearing and a copy of the petition, either personally or by first-class mail with return receipt requested. The hearing shall be held promptly within no less than five working days nor more than 10 working days after service of notice upon the owner or keeper of the dog. The hearing shall be open to the public. The court may admit into evidence all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may

shorten the time to produce records or witnesses. A jury shall not be available. The court may find, upon a preponderance of the evidence, that the dog is potentially dangerous or vicious and make other orders authorized by this chapter.

31622. (a) After the hearing conducted pursuant to Section 31621, the owner or keeper of the dog shall be notified in writing of the determination and orders issued, either personally or by first-class mail postage prepaid by the court or hearing entity. If a determination is made that the dog is potentially dangerous or vicious, the owner or keeper shall comply with Article 3 (commencing with Section 31641) in accordance with a time schedule established by the chief officer of the public pound or animal control department or the head of the local law enforcement agency, but in no case more than 30 days after the date of the determination or 35 days if notice of the determination is mailed to the owner or keeper of the dog. If the petitioner or the owner or keeper of the dog contests the determination, he or she may, within five days of the receipt of the notice of determination, appeal the decision of the court or hearing entity of original jurisdiction. The fee for filing an appeal shall be twenty dollars (\$20), payable to the clerk of the court. If the original hearing held pursuant to Section 31621 was before a hearing entity other than a court of the jurisdiction, appeal shall be to the superior court. If the original hearing was held in the superior court, appeal shall be to the superior court before a judge other than the judge who originally heard the petition. The petitioner or the owner or keeper of the dog shall serve personally or by first-class mail, postage prepaid, notice of the appeal upon the other party.

(b) The court hearing the appeal shall conduct a hearing de novo, without a jury, and make its own determination as to potential danger and viciousness and make other orders authorized by this chapter, based upon the evidence presented. The hearing shall be conducted in the same manner and within the time periods set forth in Section 31621 and subdivision (a). The court may admit all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. The issue shall be decided upon the preponderance of the evidence. If the court rules the dog to be potentially dangerous or vicious, the court may establish a time schedule to ensure compliance with this chapter, but in no case more than 30 days subsequent to the date of the court's determination or 35 days if the service of the judgment is by first-class mail.

31623. The court or hearing entity of original jurisdiction or the court hearing the appeal may decide all issues for or against the owner or keeper of the dog even if the owner or keeper fails to appear at the hearing.

31624. The determination of the court hearing the appeal shall be final and conclusive upon all parties.

31625. (a) If upon investigation it is determined by the animal control officer or law enforcement officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, then the animal control officer or law enforcement officer

may seize and impound the dog pending the hearings to be held pursuant to this article. The owner or keeper of the dog shall be liable to the city or county where the dog is impounded for the costs and expenses of keeping the dog, if the dog is later adjudicated potentially dangerous or vicious.

(b) When a dog has been impounded pursuant to subdivision (a) and it is not contrary to public safety, the chief animal control officer shall permit the animal to be confined at the owner's expense in a department approved kennel or veterinary facility.

31626. (a) No dog may be declared potentially dangerous or vicious if any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime. No dog may be declared potentially dangerous or vicious if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault. No dog may be declared potentially dangerous or vicious if an injury or damage was sustained by a domestic animal which at the time the injury or damage was sustained was teasing, tormenting, abusing, or assaulting the dog.

(b) No dog may be declared potentially dangerous or vicious if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.

31641. All potentially dangerous dogs shall be properly licensed and vaccinated. The licensing authority shall include the potentially dangerous designation in the registration records of the dog, either after the owner or keeper of the dog has agreed to the designation or the court or hearing entity has determined the designation applies to the dog. The city or county may charge a potentially dangerous dog fee in addition to the regular licensing fee to provide for the increased costs of maintaining the records of the dog.

31642. A potentially dangerous dog, while on the owner's property, shall, at all times, be kept indoors, or in a securely fenced yard from which the dog cannot escape, and into which children cannot trespass. A potentially dangerous animal may be off the owner's premises only if it is restrained by a substantial leash, of appropriate length, and if it is under the control of a responsible adult.

31643. If the dog in question dies, or is sold, transferred, or permanently removed from the city or county where the owner or keeper resides, the owner of a potentially dangerous dog shall notify the animal control department of the changed condition and new location of the dog in writing within two working days.

31644. If there are no additional instances of the behavior described in Section 31602 within a 36-month period from the date of designation as a potentially dangerous dog, the dog shall be removed

from the list of potentially dangerous dogs. The dog may, but is not required to be, removed from the list of potentially dangerous dogs prior to the expiration of the 36-month period if the owner or keeper of the dog demonstrates to the animal control department that changes in circumstances or measures taken by the owner or keeper, such as training of the dog, have mitigated the risk to the public safety.

31645. (a) A dog determined to be a vicious dog may be destroyed by the animal control department when it is found, after proceedings conducted under Article 2 (commencing with Section 31621), that the release of the dog would create a significant threat to the public health, safety, and welfare.

(b) If it is determined that a dog found to be vicious shall not be destroyed, the judicial authority shall impose conditions upon the ownership of the dog that protect the public health, safety, and welfare.

(c) Any enclosure that is required pursuant to subdivision (b) shall meet the requirements of Section 31605.

31646. The owner of a dog determined to be a vicious dog may be prohibited by the city or county from owning, possessing, controlling, or having custody of any dog for a period of up to three years, when it is found, after proceedings conducted under Article 2 (commencing with Section 31621), that ownership or possession of a dog by that person would create a significant threat to the public health, safety, and welfare.

31662. Any violation of this chapter involving a potentially dangerous dog shall be punished by a fine not to exceed five hundred dollars (\$500). Any violation of this chapter involving a vicious dog shall be punished by a fine not to exceed one thousand dollars (\$1,000).

31663. All fines paid pursuant to this article shall be paid to the city or county in which the violation occurred for the purpose of defraying the cost of the implementation of this chapter.

31681. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

31682. The Judicial Council shall prepare all forms necessary to give effect to this chapter, including a summons or citation to be used by law enforcement agencies in the enforcement of this chapter. This chapter does not affect or change the existing civil liability or criminal laws regarding dogs.

31683. Nothing in this chapter shall be construed to prevent a city or county from adopting or enforcing its own program for the control of potentially dangerous or vicious dogs that may incorporate all, part, or none of this chapter, or that may punish a violation of this chapter as a misdemeanor or may impose a more restrictive program to control potentially dangerous or vicious dogs, provided that no

program shall regulate these dogs in a manner that is specific as to breed.

Effective January 1, 2006, SB 861 will take effect and modify the above Section 31683 as follows:

“31683. Nothing in this chapter shall be construed to prevent a city or county from adopting or enforcing its own program for the control of potentially dangerous or vicious dogs that may incorporate all, part, or none of this chapter, or that may punish a violation of this chapter as a misdemeanor or may impose a more restrictive program to control potentially dangerous or vicious dogs. Except as provided in Section 122331 of the Health and Safety Code, no program regulating any dog shall be specific as to breed.”

Additionally, SB 861 will add a new Chapter to the Health and Safety Code authorizing and restricting the authorized breed specific programs that may be enacted at the option of cities and counties:

Health and Safety Code, Division 105, Part 6
CHAPTER 7. SPAY/NEUTER AND BREEDING PROGRAMS FOR ANIMALS

“122330. The Legislature finds and declares all of the following:

(a) Uncontrolled and irresponsible breeding of animals contributes to pet overpopulation, inhumane treatment of animals, mass euthanasia at local shelters, and escalating costs for animal care and control; this irresponsible breeding also contributes to the production of defective animals that present a public safety risk.

(b) Though no specific breed of dog is inherently dangerous or vicious, the growing pet overpopulation and lack of regulation of animal breeding practices necessitates a repeal of the ban on breed-specific solutions and a more immediate alternative to existing laws.

(c) It is therefore the intent of the Legislature in enacting this chapter to permit cities and counties to take appropriate action aimed at eliminating uncontrolled and irresponsible breeding of animals

122331. (a) Cities and counties may enact dog breed-specific ordinances pertaining only to mandatory spay or neuter programs and breeding requirements, provided that no specific dog breed, or mixed dog breed, shall be declared potentially dangerous or vicious under those ordinances.

(b) Jurisdictions that implement programs described in subdivision (a) shall measure the effect of those programs by compiling statistical information on dog bites. The information shall, at a minimum, identify dog bites by severity, the breed of the dog involved, whether the dog was altered, and whether the breed of dog was subject to a program established pursuant to subdivision (a). These statistics shall be submitted quarterly to the State Public Health Veterinarian.”

Document revised October 21, 2005



STAFF MEMORANDUM

TO: John W. Donlevy, Jr. City Manager
DATE: July 14, 2010
FROM: John C. Wallace, City Attorney
SUBJECT: Review of Dog Regulations/Laws in Winters

RECOMMENDATION: None

BACKGROUND: Staff is reviewing current dog regulations in light of an injury to a 6 year old girl from a Pit Bull, and aggressive dogs at large when citizens are walking.

ANALYSIS: The City of Winters has, pursuant to California law, adopted the Yolo County Animal Code by reference, and requested Yolo County Enforcement. The City's current code is attached. Enforcement is by contract services, through the Yolo County Sheriff, Animal Control Services. Staff has previously discussed a series of mailings to Winters residents with the utility bills, as public information outreach. The first mailing has been approved by the Police Chief. Proposed first and second mailings are attached, for review.

ALTERNATIVE COURSES OF ACTION: Dog regulation by cities goes all the way from basic enforcement at our current level, to cities like San Francisco with extensive organizational structure dealing with breed specific dogs. Santa Cruz County has a program where all dogs and cats are required to be neutered, with certain exceptions. Under that program, pet populations at shelters went from 12,000 to 5,000. The program has been successful. The link is www.codepublishing.com/ca/santacruzcounty

Certainly public outreach, encouraging reporting of animals at large, flyers to the public and licensed dog owners, news releases, and "neighborhood watch" groups are economical approaches. Requesting Yolo County to adopt mandatory neutering and spaying is another approach, using the argument that the County will save money over the long term as demonstrated in Santa Cruz County. The City of Winters has the authority to adopt such a law within the City of Winters, and to request County enforcement.

FISCAL IMPACT: Staff time, enforcement costs, depending on the decision made by the City Council.



June 30, 2010

LIABILITY NOTICE TO WINTERS PROPERTY OWNERS

The City Council of the City of Winters has been reviewing its current laws and regulations concerning dogs, in light of the recent injury to a 6-year-old girl by a dog. The dog was not on a leash, in violation of the law (Yolo County Code (YCC) Section 6-1.401.1). All animals are subject to legal restrictions in Yolo County, and only cats are allowed to run at large (YCC 6-1.401). By Winters City Ordinances, the YCC applies in Winters.

The issue for property owners: City staff has been looking into a requirement that all dog owners have proof of liability insurance for dog bites (there was no insurance covering the injury to the 6 year old girl, and the medical costs may exceed \$100,000). In doing the research, City Staff found that State law was changed in 2006 to allow cities in California to pass laws that allow mandatory neutering and spaying of specific breeds of dogs. The same law allows homeowner's insurance companies, and liability insurance companies, to deny coverage based on specific breeds of dogs.

HOMEOWNERS: If you own your own home you have homeowner's insurance. If you own a dog, your insurance may not cover you if your dog bites a child or an adult. It depends on the breed of dog. Any damages may not be paid by your insurance and, if the damages are substantial, a judgment lien can be placed on your own home. You can be hauled into court, asked about where your assets are, and the assets can be seized, sold, and used to satisfy the judgment.

HOMEOWNERS: If you own a dog of any breed and the dog has previously bitten someone, you can be sued for “punitive damages” if the dog again bites someone again. “Punitive damages” are extra damages, more than medical damages, allowed by law to “punish” you for having a vicious dog and not doing enough about it. No liability insurance company in California is allowed to pay punitive damages. Unlike other debts that can be discharged in bankruptcy, punitive damages are generally an exception. You can still owe thousands of dollars, even if you declare bankruptcy.

LANDLORDS: If you own rental property and your renter has a certain breed of dog YOUR insurance may not cover you. If your renter’s dog has already bitten someone and you know or should have known it, you may be liable if your rental property is found defective. Defective includes fencing in violation of building codes or in need of repair, or any other substandard construction that makes it easier for a dog to run at large.

RENTERS: If you rent and own a dog, any renter’s insurance to protect you from loss of property or liability for the dog will likely exclude from coverage certain breeds of dog. As in the analysis above, if the dog has already bitten someone, “punitive damages” may be awarded against you.

PROTECT YOUR PROPERTY AND OBEY THE LAW: Contact your insurance company. Current law:

All dogs must be on a leash when not on the dog owner’s property.

All dogs over 4 months old must be licensed and vaccinated.

All dogs over 4 months old must have a collar, and on the collar must be the license, proof of vaccination, and the name and address of the dog owner.

No dog can run at large.

If a dog runs at large and is impounded by Yolo County Animal Control, all the costs of the impound are payable by the dog owner.

If the dog is owned by a child, the parents are the legal owners and legally responsible.

FOR MORE INFORMATION: Yolo County Animal Services (530 668-5287 – Enforcement Agency for the City of Winters



July 14, 2010

WINTERS HAS A DOG PROBLEM!

The City Council of the City of Winters has been reviewing its current laws and regulations concerning dogs, in light of the recent injury to a 6-year-old girl by a dog. The dog was not on a leash, in violation of the law (Yolo County Code (YCC) Section 6-1.401.1). All animals are subject to legal restrictions in Yolo County, and only cats are allowed to run at large (YCC 6-1.401). By Winters City Ordinances, the Yolo County Code is the law in Winters, and the City of Winters contracts with the Yolo County Sheriff, Animal Control Services, for enforcement of the law.

THE PROBLEM: The City of Winters has received multiple reports of dogs running at large, in violation of the Leash Law in effect in the City of Winters. When dogs are not on the dog owner's property, they must be on a leash not more than 8 feet long. That is the law. Many of these reports are of dogs aggressively approaching people walking. No citizen taking a walk should be exposed to this danger, or be put in fear, because of the failure of a dog's owner. No person taking a walk should have to carry a cane, a walking stick, or a golf club for protection. Children should not be bitten by dogs when on City walkways. This is what is happening in Winters.

THE ROOT OF THE PROBLEM: Some dog owners in Winters are failing. The average lifespan of a dog in California is 12 years (larger dogs less, smaller dogs more). Having a dog as a member of your family is a **12-year commitment**. Teaching your dog how to behave around children and adults, and teaching children how to behave around dogs, is a **12-year**

commitment. Having your dog licensed, vaccinated, and identified on its collar is a **12-year commitment.** Having the financial ability, through insurance, to pay for damages caused by your dog is a **12-year commitment.** If your dog is a breed not covered by insurance (bull terriers, Rottweilers, chows, and others, buying separate dog insurance at \$1,000 or more each year is a **12-year commitment.** If you want to make sure your dog is not too aggressive, spaying or neutering your dog is being a responsible owner. Current cost of spaying or neutering a dog is about \$100.00. Between veterinary bills, licensing, vaccinations, checkups, and maintenance of enclosures on your property, you should plan on spending about \$3,000 to \$6,000 over the life of your dog, over and above food. If you have one of the breeds that is not insured by your property insurance, you should plan on spending \$10,000 to \$20,000 over the life of your dog. Dogs behave better if they receive love, affection, petting, and walks with their human family. This time spent with a dog is a **12-year commitment.** Keeping your dog on a leash, and under control, when not on your property is a **12-year commitment.**

Problems shared with other communities: Over a million dog bites are reported nationwide each year, mostly injuries to children. Most require medical treatment. Fatalities from dog bites are rare nationwide, totaling about 300 over a 20 year period studied by the U.S. Center for Disease Control. The majority of fatalities were caused by Pit Bulls and Rottweilers. Pet overpopulation, from unplanned litters, unhealthy dogs, and unwanted dogs, remains a constant problem. There are over 3 million dogs in California, with the number increasing about 200,000 per year. About 10,000 dogs and cats are put to death each day nationwide at Animal Control shelters. Many of these dogs are gentle and healthy. The impact on public employees in doing this “euthanasia” creates stress and depression, and additional costs for the public for medical treatment later on. Neutering and spaying saves money for taxpayers and dog owners - for the taxpayers for the lower tax costs of Animal Shelters and employees, and for the dog owners for fewer dog bites from less aggressive dogs. To address these problems, some cities and counties in California have neutering and spaying laws for specific dog breeds. Some have required neutering and spaying for all breeds, with exceptions for licensed breeders, show dogs, police dogs, and others. The City of Winters is reviewing the situation, to see if further laws are needed because of irresponsible dog owners.

PROTECT YOUR FAMILY, PROTECT CHILDREN, HELP YOUR
DOG AND OBEY THE LAW: Current law:

All dogs must be on a leash when not on the dog owner's property.

All dogs over 4 months old must be licensed and vaccinated.

All dogs over 4 months old must have a collar, and on the collar must be the license, proof of vaccination, and the name and address of the dog owner.

No dog can run at large. If a dog runs at large and is impounded by Yolo County Animal Control, all the costs of the impound are payable by the dog owner.

If the dog is owned by a child, the parents are the legal owners and legally responsible.

FOR MORE INFORMATION: Yolo County Animal Services (530
668-5287 – Enforcement Agency for the City of Winters

Yolo County Sheriff's Department
 Animal Services Section
 Final for FY09/10

Animal Intakes From	Davis	Woodland	West Sacramento	Winters	UC Davis	County	Out of County	Unk Night Drop	TOTAL
Confiscate	13	30	40	2	2	36	1	0	124
Disposal Request**	37	190	105	6	2	112	0	193	645
Euthanasia Request	38	92	39	2	0	44	6	0	221
Medical	0	2	0	0	1	0	3	0	6
OvH/Neuter	14	21	3	0	0	2	8	0	48
Owner Surrender	75	281	96	22	1	92	21	1	589
Rabies Control	33	50	28	16	1	25	2	0	155
Return	1	1	0	1	0	0	7	0	10
Stray	271	1,412	998	147	14	770	10	13	3,635
Wildlife	32	75	36	7	0	62	1	0	213
TOTAL	514	2,154	1,345	203	21	1,143	59	207	5,646
Percentage of All	9.10%	38.15%	23.82%	3.60%	0.37%	20.24%	1.04%	3.67%	100%
Percentage of Live	477	1,964	1,240	197	19	1,031	59	14	5,001
Deceased Animals	9.54%	39.27%	24.80%	3.94%	0.38%	20.62%	1.18%	0.28%	100%
Percentage of Deceased	37	190	105	6	2	112	0	193	645
Animals Housed Daily (Avg)	5.74%	29.46%	16.28%	0.93%	0.31%	17.36%	0.00%	29.92%	100%
	12	55	36	5	1	30	2	13	144

Animal Outcomes From	Davis	Woodland	West Sacramento	Winters	UC Davis	County	Out of County	Unk Night Drop	TOTAL
Adoption	35	223	150	24	3	88	18	3	0
Breed Placement	60	268	188	23	3	144	9	0	695
Relocate (Wild only)	10	11	9	4	0	13	1	0	48
Transfer	18	105	47	4	0	29	0	2	205
Return to Owner	113	320	146	30	6	82	13	0	710
Euthanasia	201	908	655	90	5	522	16	7	2,404
Missing	0	3	1	0	0	1	0	0	0
Died	1	15	10	1	1	10	0	0	38
Disposal Request**	75	271	131	16	2	148	1	193	837
TOTAL	513	2,124	1,337	192	20	1,037	58	205	5,486
Percentage	9.35%	38.72%	24.37%	3.50%	0.36%	18.90%	1.06%	3.74%	100%

Patrol Calls	Davis	Woodland	West Sacramento	Winters	UC Davis	County	Out of County	Unk Night Drop	TOTAL
SANI 1- Priority	220	875	782	72	14	759	n/a	n/a	2,722

Prepared by: Vicky Fletcher
 Business Services Manager

Yolo County Sheriff's Department
Animal Services Section
Final for FY09/10

ANI 2	443	1,427	1,515	150	34	1,553	n/a	n/a	5,122
10-21	0	0	0	0	0	15	n/a	n/a	15
10-6/903	1	2	1	0	0	9	n/a	n/a	13
956	0	6	0	0	0	64	n/a	n/a	70
970	7	33	28	3	3	368	n/a	n/a	442
SPECOP	1	0	0	0	0	8	n/a	n/a	9
Call-Out 2000 to 0800 hrs	38	70	91	7	n/a	n/a	n/a	n/a	206
Service Maintenance**	653	846	887	551	535	1,040	n/a	n/a	4,512
TOTAL CALLS	1,363	3,259	3,304	783	586	3,816	0	n/a	13,111
	10.40%	24.86%	25.20%	5.97%	4.47%	29.11%	0.00%	n/a	100%

Patrol Actions	Davis	Woodland	West Sacramento	Winters	UC Davis	County	Out of County	Unk Night Drop	TOTAL
Notice to Appear	9	58	42	7	0	37	n/a	n/a	153
Verbal Warning	30	47	104	10	0	48	n/a	n/a	239
Written Warning	0	74	1	3	0	45	n/a	n/a	123
TOTAL ACTIONS	39	179	147	20	0	130	n/a	n/a	515

Patrol Hours	Davis	Woodland	West Sacramento	Winters	UC Davis	County	Out of County	Unk Night Drop	TOTAL
Regular	1,103	2,637	2,673	634	474	3,088	0	n/a	10,609
Overtime - includes call-out	180	429	435	103	77	503	0	n/a	1,727
TOTAL PATROL HOURS	1,282	3,066	3,109	737	551	3,590	0	n/a	12,336
Percentage of total calls	10.40%	24.86%	25.20%	5.97%	4.47%	29.11%	0.00%	0.00%	100%

Shelter Hours	Davis	Woodland	West Sacramento	Winters	UC Davis	County	Out of County	Unk Night Drop	TOTAL
Regular	856	3,588	2,241	338	0	1,904	98	345	9,406
Correction/Inmate Staff	0	4,540	2,835	428	44	2,409	124	436	11,901
Overtime	60	250	156	24	2	132	7	24	654
TOTAL SHELTER HOURS	916	8,378	5,232	790	47	4,446	229	805	21,961
Percentage of total animals	9.10%	38.15%	23.82%	3.60%	0.37%	20.24%	1.04%	3.67%	100%

Licenses Sold	Davis	Woodland	West Sacramento	Winters	UC Davis	County	Out of County	Unk Night Drop	TOTAL
License sold	5,497	6,330	3,113	805	0	1,044	n/a	n/a	16,789
Percentage of licenses sold	32.74%	37.70%	18.54%	4.79%	0.00%	6.22%	n/a	n/a	100%

**Service Maintenance: items related to meeting public request for service, ie: shift prep, meetings, training, vehicle maintenance are divided by equal share except court & reports which are directly related to jurisdiction.

FY 2009/2010 Maintenance Calls	County	Davis	Out Co	UCD	West Sac	Winters	Woodland	Total
Other Calls/Maintenance								
Animal Process Field Imp	199	95	0	3	183	10	147	637
Brief/Meeting	297	18	0	0	23	4	88	430
Code 7	46	60	0	0	114	3	132	355
Court	220	11	0	1	16	5	121	374
Fuel	109	44	0	0	74	8	137	372
Office	541	36	0	0	81	4	120	782
Report Writing	87	23	0	2	45	4	82	243
Shift Prep	155	44	0	0	37	3	33	272
Training	1,084	167	0	10	487	29	588	2365
Vehicle Maintenance	258	51	0	7	197	12	148	673
Total	2996	549	0	23	1257	82	1596	6503
Animal Process Field Imp	199	95	0	3	183	10	147	637
Court	220	11	0	1	16	5	121	374
Report Writing	87	23	0	2	45	4	82	243
Total	2490	420	0	17	1013	63	1246	5249
Animal Process Field Imp	875	875	0	875	875	875	875	637
Court	199	95	0	3	183	10	147	374
Report Writing	87	23	0	2	45	4	82	243
Total Maintenance	1381	1004	0	881	1119	894	1225	6503

Out of County not in formula

Formula: Total divided by # of jurisdictions (6). Maintenance Call Work Sheet was added to statistics in December 2008. This was done to evenly distribute between the six jurisdictions the maintenance calls. Calls specific to the jurisdiction are allotted to that area. However, the maintenance calls that benefit all are evenly divided between all six jurisdictions.

Yolo County Sheriff's Department
 Animal Services Section
 FY 2009/2010 June 2010

Animal Intakes From	Davis	Woodland	West Sacramento	Winters	UC Davis	County	Out of County	Unk Night Drop	TOTAL
Confiscate	0	1	1	1	0	10	0	0	13
Disposal Request**	11	17	10	0	0	12	0	21	71
Euthanasia Request	2	12	3	0	0	5	1	0	23
Medical	0	0	0	0	0	0	0	0	0
OVH/Neuter	0	0	0	0	0	0	1	0	1
Owner Surrender	4	40	13	5	0	11	1	0	74
Rabies Control	4	5	0	1	0	0	0	0	10
Return	0	0	0	0	0	0	0	0	0
Stray	25	140	97	4	4	76	1	3	350
Wildlife	11	17	4	0	0	17	0	0	49
TOTAL	57	232	128	11	4	131	4	24	591
Percentage of All	9.64%	39.26%	21.66%	1.86%	0.68%	22.17%	0.68%	4.06%	100%
Percentage of Live	46	215	118	11	4	119	4	-18	499
Deceased Animals	9.22%	43.09%	23.65%	2.20%	0.80%	23.85%	0.80%	-3.61%	100%
Percentage of Deceased	11	17	10	0	0	12	0	21	71
Animals Housed Daily (Avg)	15.49%	23.94%	14.08%	0.00%	0.00%	16.90%	0.00%	29.58%	100%
	10	54	33	2	2	27	3	1	133

Animal Outcomes From	Davis	Woodland	West Sacramento	Winters	UC Davis	County	Out of County	Unk Night Drop	TOTAL
Adoption	3	17	16	0	1	8	1	1	47
Breed Placement	7	38	13	1	1	13	1	0	74
Relocate (Wild only)	3	2	3	3	0	4	0	0	15
Transfer	1	10	5	0	0	1	0	1	18
Return to Owner	10	19	11	1	2	5	1	0	49
Euthanasia	20	125	63	3	0	66	3	3	283
Missing	0	1	0	0	0	0	0	0	1
Died	0	0	1	0	0	2	0	0	3
Disposal Request**	12	21	15	1	0	17	0	21	87
TOTAL	56	233	127	9	4	116	6	26	577
Percentage	9.71%	40.38%	22.01%	1.56%	0.69%	20.10%	1.04%	4.51%	100%

Yolo County Sheriff's Department
 Animal Services Section
 FY 2009/2010 June 2010

Patrol Calls	Davis	Woodland	West Sacramento	Winters	UC Davis	County	Out of County	Unk Night Drop	TOTAL
ANI 1- Priority	23	88	67	4	1	50	n/a	n/a	233
ANI 2	48	139	138	11	4	136	n/a	n/a	476
10-21	0	0	0	0	0	0	n/a	n/a	0
903	0	0	0	0	0	1	n/a	n/a	1
956	0	1	0	0	0	7	n/a	n/a	8
970	0	1	0	0	0	34	n/a	n/a	35
SPECOP	0	0	0	0	0	0	n/a	n/a	0
Call-Out 1700 to 0800 hrs	4	4	10	1	0	n/a	n/a	n/a	19
Service Maintenance**	55	72	62	43	42	75	0	n/a	349
TOTAL CALLS	130	305	277	59	47	303	0	n/a	1121
	11.60%	27.21%	24.71%	5.26%	4.19%	27.03%	0.00%	n/a	100%

Patrol Actions	Davis	Woodland	West Sacramento	Winters	UC Davis	County	Out of County	Unk Night Drop	TOTAL
Notice to Appear	0	11	0	1	0	0	n/a	n/a	12
Verbal Warning	3	1	9	2	0	12	n/a	n/a	27
Written Warning	0	11	0	0	0	3	n/a	n/a	14
TOTAL ACTIONS	3	23	9	3	0	15	n/a	n/a	53

Patrol Hours	Davis	Woodland	West Sacramento	Winters	UC Davis	County	Out of County	Unk Night Drop	TOTAL
Regular	75	177	160	34	27	175	0	n/a	649
Overtime - includes call-out	14	33	30	6	5	33	0	n/a	123
TOTAL PATROL HOURS	89	210	191	41	32	209	0	n/a	772
Percentage of total calls	11.60%	27.21%	24.71%	5.26%	4.19%	27.03%	0.00%	0.00%	100%

Shelter Hours	Davis	Woodland	West Sacramento	Winters	UC Davis	County	Out of County	Unk Night Drop	TOTAL
Regular	51	209	115	10	4	118	4	22	532
Correction/Inmate Staff	94	383	211	18	7	216	7	40	975
Overtime	6	24	13	1	0	14	0	3	62
TOTAL SHELTER HOURS	151	616	340	29	11	348	11	64	1,570
Percentage of total animals	9.64%	39.26%	21.66%	1.86%	0.68%	22.17%	0.68%	4.06%	100%

Licenses Sold	Davis	Woodland	West Sacramento	Winters	UC Davis	County	Out of County	Unk Night Drop	TOTAL
License sold	411	529	250	57	0	66	0	n/a	1,313
Percentage of licenses sold	31.30%	40.29%	19.04%	4.34%	0.00%	5.03%	0.00%	n/a	100%

Yolo County Sheriff's Department
 Animal Services Section
 FY 2009/2010 June 2010

**Service Maintenance: items related to meeting public request for service, ie: shift prep, meetings, training, vehicle maintenance are divided by equal share except court & reports which are directly related to jurisdiction.
 FY 09-10 Call-out hours changed by contract to 1700-0800 M-Sat and 24 hrs on Sunday.

June 2010 Maint. Calls Worksheet	County	Davis	Out Co	UCD	West Sac	Winters	Woodland	Total
Other Calls/Maintenance								
Animal Process Field Imp	22	14	0	1	19	2	18	76
Brief/Meeting	45	5	0	0	4	0	19	73
Code 7	0	7	0	0	2	0	7	16
Court	0	0	0	0	0	0	1	1
Fuel	6	13	0	0	4	0	17	40
Office	42	0	0	0	0	0	20	62
Report Writing	12	0	0	0	2	0	12	26
Shift Prep	22	10	0	0	4	0	2	38
Training	0	0	0	0	0	0	0	0
Vehicle Maintenance	8	2	0	0	1	0	4	15
Total	157	51	0	1	36	2	100	347
Animal Process Field Imp	22	14	0	1	19	2	18	76
Court	0	0	0	0	0	0	1	1
Report Writing	12	0	0	0	2	0	12	26
Total	123	37	0	0	15	0	69	244
Animal Process Field Imp	41	41	0	41	41	41	41	76
Court	22	14	0	1	19	2	18	1
Report Writing	0	0	0	0	0	0	1	1
Total Maintenance	12	0	0	0	2	0	12	26
Out of County not in formula	75	55	0	42	62	43	72	347

Formula: Total divided by # of jurisdictions (6).



**COMMUNITY DEVELOPMENT AGENCY
STAFF REPORT**

TO: Honorable Chair and Agency Members
DATE : August 3, 2010
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Dan Maguire, Housing Program Manager *DM*
SUBJECT: Yolo County Visitors Bureau Agreement

RECOMMENDATION:

Approve the annual contribution to the Yolo County Visitors Bureau as per the original Consultant Services Agreement.

BACKGROUND:

The City of Winters and the Yolo County Visitors Bureau (YCVB) have had an agreement for Visitors Bureau services since 2007. The attached agreement, Agreement No. 007-08, was approved by City Council at the Council meeting of March 4, 2008. The City of Winters has provided funding to the YCVB for marketing and tourism services since the YCVB inception in 2005. Since the YCVB inception it has developed the following:

- An effective branding and promotional campaign for Yolo County and the Cities of Woodland, Davis, and Winters;
- Outreach techniques that include publicity, media contacts, advertising, trade shows, sales presentations, distributing collateral materials, attendance at industry events, and the YCVB website;
- An extensive catalog of attractions in Yolo County, including hotels, restaurants, farms, meeting spaces, festivals etc.
- A website that generated over 36,000 unique visitors with over 221,000 page views for the year of July 1, 2009 through June 30, 2010;
- Collateral marketing materials, including maps and guides for each participating city and county;
- Collaborative marketing efforts in association with neighboring counties and tourism efforts.

The CDA budgeted \$7,000 in its FY 2010/11 budget for these YCVB efforts.

FISCAL IMPACT:

Seven Thousand Dollars (\$7,000.00).

ATTACHMENT:

YCVB agreement (Agreement No. 007-08)
YCVB Annual Report

MAYOR:
Woody Fridae
MAYOR PRO TEM:
Michael Martin
COUNCIL:
Tom Stone
Harold Anderson
Cecilia Curry



MAYOR EMERITUS:
J. Robert Chapman
TREASURER:
Michael J. Sebastian
CITY CLERK:
Nanci G. Mills
CITY MANAGER:
John W. Donlevy, Jr.

CONSULTANT SERVICES AGREEMENT AGREEMENT No. 007-08

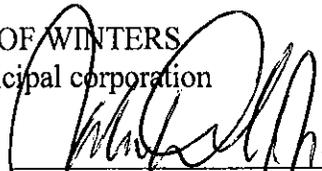
THIS AGREEMENT is made at Winters, California, as of March 4, 2008, by and between the City of Winters ("the CITY") and the Yolo County Visitor's Bureau "(CONSULTANT)", who agree as follows:

1. **SERVICES.** Subject to the terms and conditions set forth in this Agreement, CONSULTANTS shall provide to the City the Services described in Exhibit "A", for the 2007/08 Fiscal Year which is the CONSULTANT'S Major Goals 2005-07 and November 2006 Program Assessment Update. Consultant shall provide said services consistent with and in the manner specified in Exhibit "A".
2. **PAYMENT.** The Consultant shall be paid for the actual costs, for all time and materials expended but in no event shall total compensation exceed Eight Thousand Dollars (\$8,000.00), without the City's prior written approval. City shall pay consultant for services rendered pursuant to the Agreement and described in Exhibit "A".
3. **FACILITIES AND EQUIPMENT.** CONSULTANT shall, at its sole cost and expense, furnish all facilities and equipment which may be required for furnishing services pursuant to this Agreement.
4. **GENERAL PROVISIONS.** The general provisions set forth in Exhibit "B" are part of this Agreement. In the event of any inconsistency between said general provisions and any other terms or conditions of this Agreement, the other term or condition shall control only insofar as it is inconsistent with general Provisions.
5. **EXHIBITS.** All exhibits referred to therein are attached hereto and are by this reference incorporated herein.

EXECUTED as of day first above-stated.

CITY OF WINTERS
a municipal corporation

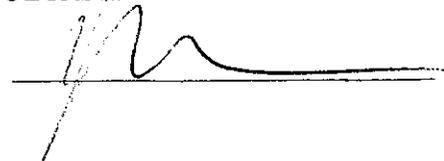
By:



John W. Donlevy, Jr., City Manager

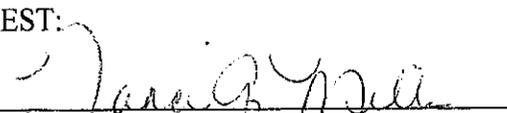
CONSULTANT

By:



ATTEST:

By:



Nanci G. Mills, CITY CLERK

Yolo County Visitors Bureau Annual Report

April 2009 – March 2010

Mission:

To enrich the lives of our citizens by stimulating the economic activity of Davis, Woodland, Winters and unincorporated Yolo County businesses and organizations through the promotion of cultural, athletic and educational events and programs that build upon the strengths of our region and the quality of our community life.

To enhance the visitors experience by facilitating the integration of the community and regional resources and assets.

To accomplish this mission, the Yolo County Visitors Bureau is committed to the following core objectives:

- To market the region in a way that maximizes the visitors experience while respecting the quality of life and environment in which we live
- To compete aggressively with destinations throughout the region in attracting visitors
- To offer exceptional customer service in all aspects of the organization
- To be a regional destination marketing organization that stresses partnerships, productivity and maximum return on investment
- To share expertise on industry issues, trends and product development with customers and stakeholders
- To measure and report the effectiveness of the organization in generating economic benefits for the community

Vision:

The Yolo County Visitors Bureau (YCVB) is the recognized leader of an integrated and influential tourism destination team representing three primary cities of Davis, Woodland, Winters and adjacent areas in Yolo County.

Increased Collaboration:

- Much success was realized due to solid effort on behalf of the Board members and the Executive Director in the area of cooperation.
- Joint projects are in progress with the following organizations:
 - Davis Downtown Business Association
 - Stroll Through History Committee
 - Winters Visitors Center
 - Roots to Wines Wine & Grape Producers Association
 - Yocha Dehe Wintun Nation
 - Yolo Arts!
 - Yolo Basin Foundation
 - Yolo Natural Heritage Program
- Marketing efforts have been dramatically enhanced through opportunities made possible through membership in regional cooperative groups such as:
 - California Travel & Tourism Commission
 - Central Valley Tourism Association
 - 80 on 80

This allowed YCVB to handle press relations at the LA and SF Media Travel Shows, represent our region at Go West Summit! and introduce international tour operators to our local wines.

Organizational Goals:

- 1 - Collaborate with local groups to provide attractions for visitors
- 2 - Promote our attractions and events to visitors
- 3 - Provide services that support local organizations tourism efforts
- 4 - Serve as a resource for travel industry perspective and knowledge
- 5 - Maintain a professional organization
- 6 - Strive to be positive and respectful in all aspects of our work

Strategies:

- 1 - Maintain a Board of Directors that represents different areas and types of attractions but operates for the good of the whole region
- 2 - Build and enhance cooperation with local entities
- 3 - Take an active role in planning events that draw visitors
- 4 - Market our attractions and events to visitors
 - Provide a Visitors Center
 - Produce and distribute visitor publications
 - Create and maintain a web site that is attractive to visitors and residents and promotes all regional attractions without bias
 - Participate in events & utilize the booth and publications
- 5 - Aggressive program of public relations to generate press coverage
- 6 - Maintain association and seek active cooperation with local and regional tourism organizations

2009/2010 Accomplishments

Active Event Planning & Participation

- Amgen Tour of California/Breakaway Ride
- Senior Softball USA California Cup Negotiation
- Special Olympics Summer Games
- Alternative Energy Fair (Heidrick Ag History Center)
- CA State Fair Booth

Conferences Planned

- UC Davis Atmospheric Chemists
- UC Systemwide Symposium on IT Security
- US Cycling Coaching Clinic
- Semisi Seed Company
- American Chemical Society
- CA Alliance of Child & Family Services
- Yolo County Agriculture Commission (2 conferences)

Publications Produced

- Winery Guide & Map
- Woodland Guide & Map (in cooperation with City of Woodland)
- Weekly Calendars of Events
- Media Kit – converted to electronic
- Monthly Electronic Newsletter for Media

Points of Distribution of Publications

2. Events & Festivals

- Winters 2nd Annual Outdoor Quilt & Textile Show
- Winters 2010 Earthquake Festival
- UC Davis Fall Welcome
- Celebrate Davis!
- Beat Generation & Jazz Festival
- Hoes Down
- Almond Festival
- Amgen Tour of California
- UC Davis EPE Vendor Fair
- UC Davis Picnic Day
- UC Davis Parents Welcome
- Decision UC Davis
- Ceramics Conference

3. Conferences

- UC Davis Olive Oil Symposium
- UC Davis Environmental Toxicology
- UC Davis Vet Med Conference
- BME Grad Studies Conference
- Engineers without Borders

4. Points of Ongoing Distribution

- YCVB Visitor Center
- Davis City Offices
- Davis Amtrak Station
- Davis Chamber of Commerce
- Davis Downtown Business Association
- Woodland City Offices
- Woodland Stroll Through History
- Heidrick Ag History Center
- Winters City Offices
- Winters Visitor Center & Chamber of Commerce
- Yolo County Offices
- UC Davis Visitor Center
- Various local places: restaurants, hotels, shops, attractions

Total Number of Printed Publications Distributed : 20,370

Yolo CVB website – 3,300 visits monthly, nearly 40,000 last year

An act of vandalism destroyed the web site in mid-February of 2009 and we were eventually forced to build an entirely new site. The result is a much-improved web site that maintains the visual design and beautiful photographs of our region but is much easier to navigate for both the user and the administrators.

1. Features Maintained

- Events calendar
- Listings, photos and links for all hotels
- Listings for all restaurants
- Details for every attraction
- Travel information

2. New Features

- Maps can now be downloaded from the web site and printed at a home or place of business
- The home page has an "Upcoming Events" bar to show the next few events
- Restaurants can be sorted by location, type of food, or both
- Restaurant page will have a "featured restaurant" which will change weekly
- There is a search feature that covers the entire site
- Office address, telephone number and email appears at the bottom of each main page
- There is a contact page with more information about us
- The RFP and Request for Information page has been streamlined
- Press room with story lines, photos, quotes and a form to request media assistance

3. New Features Planned

- Meeting planning tools including a comparison table option
- Landing Pages – landing pages will increase our search engine optimization which will lead to better exposure and more traffic to benefit all hotels and attractions. The objective is to capture a person searching the web for information on a specific subject. Once they navigate to our landing page, we offer enticing links to our web site and others web sites.
- First Landing Pages will cover –
 1. Wine tasting
 2. Information about Bicycling
 3. Feature Historical Registry (Woodland)
 4. Information for Students Interested in UC Davis

Public Relations

We are spearheading use of social media and have launched Facebook and Twitter pages on behalf of our organization.

Our efforts on behalf of other local events were also fruitful. Noted below is the coverage generated through our program not counting Amgen Tour Of California.

Television Segments – 9

Website Articles or Event Listings - 9

Regional Magazine Articles or Event Listings – 7

Via, Sacramento Magazine, CA Kids, Leisure Group Travel

Newspaper Articles or Event Listings – 15 (not including ATOC)

Davis Enterprise, Woodland Daily Democrat, Sacramento Bee, Los Angeles Times

2010/2011 Goals

- **Increase collaborative efforts with particular emphasis on:**
 1. Local hoteliers
 2. Area museums – create a guide
 3. New UC Davis Conference facilities
 4. Underutilized attractions such as Lake Berryessa, Putah Creek, River Cats and Cache Creek Resort

- **Take an active role in planning events & initiatives:**
 1. US Bicycling Hall of Fame Induction
 2. Roots to Vines Local Wine Association
 3. Sacramento Area Alternative Energy Fair
 4. Yolo County booth at the CA State Fair
 5. Installation of a new Yolo County Exhibit at the State Capitol
 6. Creation of a Satellite Visitor Center at the Heidrick Ag History Center

- **Continue to enhance the Visitor Center**

- **Provide service to partner Visitor Centers**

- **Increase public relations efforts**

- **Develop sources of funding**

- **Develop and maintain best practices for the organization**

Media Report July 2009 – February 2010

July 2009

Outgoing Press Releases

- New YCVB Dining Guide
- Yolo County Fair
- Stroll Through History
- “Beekind” press release
- Hallmark Inn Mural press release

Media Coverage

- Daily Democrat covers New YCVB Dining Guide
- Davis Enterprise covers New YCVB Dining Guide
- Winters Express covers New YCVB Dining Guide

Writer/Producer Contact

- CTTC What’s New re: fact check of Winters Visitor Center, Good Life Garden, Bike Hall of Fame
- L. Kiniry re: Bike Hall of Fame
- K. Egan re: Images of Stroll & Fair for Cal Kids
- G. Brennen re: special article for Daily Democrat
- West Sac press re: new publications

Events Submitted to outside Calendar of events

- Sacramento Magazine
- Solano Magazine
- 80 on 80.com
- KCRA

YCVB Calendar of events publications

- Monthly: July
- Weekly: 6/29-7/6, 7/6-7/13, 7/13-7/20, 7/20-7/27, 7/27-8/3
- Survey for inclusion in the next calendar of events sent via fax to all attractions

Special projects/Research

- Monthly media newsletter
- Farmers Market special section on website homepage
- Special events featured on website homepage

August 2009

Outgoing Press Releases/Submissions

- Wine of Clarksburg
- RV Journal: Oct-Dec events and images sent
- Bike Hall of Fame Induction
- Davis Jazz Festival
- Events sent for consideration to Cultural Traveler
- Family activities submitted for consideration in Parent & Child Magazine
- CTTC California Golf Release: Yocha De He Golf Club @ Cache Creek
- CTTC Fall Foliage & Festivals: Hoes Down, Farmers Market, Mill In, Winters Scarecrow Contest
- Local Bureau Executive Elected to Regional Board

Media Coverage

- Via Mag print calendar Wool Mill-In
- New YoloCVB Dining Guide covered in Daily Democrat
- CTTC What's New: Winters Visitor Center & Good Life Garden
- Destination Cache Creek Magazine features events

Writer/Producer Contact

- RV Journal re: images
- Judy Mandell (freelance article for LA times)
- Solano Mag: Bike Hall of Fame images
- Daily Democrat writer contacted re: Ag Tourism
- L. Kiniry re: Bike Hall of Fame
- KCRA re: The Wines of Clarksburg

Events Submitted to outside Calendar of events

- Sacramento Magazine
- Solano Magazine
- 80 on 80.com
- KCRA

YCVB Calendar of events publications

- Monthly: August
- Weekly: 7/27-8/3, 8/3-8/10, 8/10-8/17, 8/17-8/24, 8/24-8/31
- Survey for inclusion in the next calendar of events

Special projects/Research

- Monthly media newsletter
- Homepage special section on website
- Special events featured on website homepage
- Media inquiry sent to hoteliers re: Judy Mandell LA Times lead
- Bike Hall of Fame photo request with David Takemoto Weerts
- Beth Gabor of Yolo County inquired about B&B's for media lead
- Media inquiry: CA wine month specials

September 2009

Outgoing Press Releases/Submissions

- CTTC Lead: Driving Experiences
- Hoes Down Harvest Festival
- Jazz Festival
- US Bike Hall of Fame: Connie Carpenter-Phinney to Speak at Induction
- Davis Art Center: Junk 2 Genius event
- Blessing of the Grapes
- Stroll Through History
- Hallmark Inn Rolls Out the Floral Carpet
- What's New: Bike Hall of Fame, YCVB Visitor Center Relocation
- YoloCVB Relocates to Historic Mansion
- CTTC Lead: Family Circle: Winter Family Vacation

Media Coverage

- RV Journal
- Examiner: Hoes Down Harvest Fest
- California Kids: Stroll
- Examiner: Junk 2 Genius
- Blessing of the Grapes Channel 10/Good Day
- KCRA 3: The Wines of Clarksburg
- Enterprise: Visitors Bureau leads to serve on tourism board
- Daily Democrat: Local Bureau exec elected to regional board
- Daily Democrat: Visitors Bureau moves
- Winters Express: County Visitors Bureau relocates

Writer/Producer Contact

- Linda Bottjer re: Hoes Down images
- Good Day re: Junk 2 Genius
- Good Day: Blessing of the Grapes
- Good Day: Stroll

Events Submitted to outside Calendar of events

- Sacramento Magazine
- Solano Magazine
- 80 on 80.com
- KCRA

YCVB Calendar of events publications

- Monthly: September
- Weekly: 8/31-9/7, 9/7-9/14, 9/14-9/21, 9/21-9/28, 9/28-10/2
- Survey for inclusion in the next calendar of events

Special projects/Research

- Monthly media newsletter
- Homepage special section on website

- Special events featured on website homepage
- Updated YCVB info on CTTC website
- 80on80 program details for calendar updates to partners

October 2009

Outgoing Press Releases/Submissions

- TourCADavis twitter press release
- CTTC media lead: submitted Sudwerk for consideration in microbrewing road trip across California
- CA Duck Days to CTTC website
- Davis Jazz Artist Festival
- Hoes Down Harvest Festival
- Copy to Cean for Cache Creek Magazine for YCVB page
- CTTC submission for coverage: Old Sugar Mill
- CTTC submission for coverage: Small Town Charm & Historic Appeal (Winters)
- CTTC submission for coverage: Reiff's Gas Station House
- New edition of Woodland Map Available
- RV Journal submission
- Hallmark Inn new website release

Media Coverage

- Davis Democrat: Davis TOC twitter page
- Winters Express: YCVB website
- Good Day: Davis Art Center Junk 2 Genius coverage
- News 10: Jazz Fest
- Woodland Democrat: New Woodland Map & Guide

Writer/Producer Contact

- KCRA 3 re: induction dinner
- Colleen Coplick re: raw food
- What's New fact check

Events Submitted to outside Calendar of events

- Sacramento Magazine
- CTTC
- 80 on 80.com
- KCRA

YCVB Calendar of events publications

- Monthly: October
- Weekly: 10/5-10/12, 10/12-10/19, 10/19-10/26, 10/26-11/2
- Survey for inclusion in the next calendar of events

Special projects/Research

- Attended PR webinar re: social media
- Compiled proposal for social media program
- Maintained and updated TourCADavis twitter page

- Created and maintain YoloCVB Twitter page
- Created and maintain YoloCVB Facebook page
- Compiled November twitter topics for posting through month
- Researched local blogs for social media launch
- Typed press releases for each festival & event in Yolo for easy future use
- Contacted festival/event contacts re: 2010 dates
- Special events featured on website homepage
- Updated YCVB info on CTTC website

November 2009

Outgoing Press Releases/Submissions

- Complimentary Bicycles at Hallmark Inn
- CTTC lead: Music festivals for consideration on the Tom Joyner Morning Show
- CTTC lead: Crazy holiday displays at hotels/resorts for ABC News
- CTTC lead: Green meeting space for Corporate & Incentive Travel Magazine
- CTTC lead: Escape the Cold
- Golf Destinations for the non-golfing wife
- CTTC lead: Rose gardens
- Mobile Olive Oil Press
- What's New Spring 2010: BHOF & UCD Hotel & Conference Center
- CTTC: Major Festivals & Events in California

Media Coverage

- Examiner.com: California Raptor Center feature
- Red Bluff Daily News: Mobile Olive Oil Mill

Writer/Producer Contact

- K. Washington re: Blossom Trails
- Contacted editor of Cycle California Magazine re: US BHOF feature
- Richard Calhoun re: Ca Food Adventures Guidebook
- CTTC What's New fact check
- A. Schulz @ Good Day Sacramento re: mobile olive oil press
- C. Thompson @ Red Bluff Daily News re: Mobile Olive Oil Press

Events Submitted to outside Calendar of events

- Sacramento Magazine
- CTTC
- KCRA

YCVB Calendar of events publications

- Weekly calendar of events
- Survey for inclusion in the next calendar of events

Special projects/Research

- Attended PR webinar re: Killer PR Strategies
- Submitted comprehensive list of Yolo County attractions to We Go Places
- Submitted 10 restaurants to CTTC website

- Maintained and updated TourCADavis twitter page
- Maintained and updated YoloCVB Twitter page
- Maintained and updated YoloCVB Facebook page
- Contacted festival/event contacts re: 2010 dates
- Special events featured on website homepage

December 2009

Outgoing Press Releases/Submissions

- Davis Hotel Manager Awarded Top Honors
- Family Friendly Get Aways in February
- CTTC Itinerary Submission: Discover Davis - "Bike City USA"
- Submitted info re: Winters & YCVB to American Towns.com
- California Duck Days
- CTTC Festival/Events Pitch: submitted event content
- Top 5 Attractions Under \$10
- Breakaway Ride by Specialized

Media Coverage

- CTTC What's New Winter 09/10

Writer/Producer Contact

- R. Calhoun re: California Food Adventures

Events Submitted to outside Calendar of events

- Sacramento Magazine
- CTTC
- KCRA

YCVB Calendar of events publications

- Weekly calendar of events
- Survey for inclusion in the next calendar of events

Special projects/Research

- Attended PR webinar re: Travel Industry & Social Media
- Submitted comprehensive list of Yolo County attractions to We Go Places
- Submitted 7 restaurants to CTTC website
- Maintained and updated TourCADavis twitter page
- Maintained and updated YoloCVB Twitter page
- Maintained and updated YoloCVB Facebook page
- Added images of Yolo County to Facebook page
- Contacted festival/event contacts re: 2010 dates
- Special events featured on website homepage

January 2010

Outgoing Press Releases/Submissions

- Antique & Diecast Toy Show @ Heidrick
- UC Davis Picnic Day
- CTTC: Amgen press release of Davis things to do
- April-July events and images to RV Journal
- Amgen Volunteer Opportunities
- CTTC: Vacations for Kids
- Events and images to Cache Creek Magazine

Media Coverage

- CTTC What's New Spring 2010
- RV Journal Winter 09/10
- LJ Bottjer features wine awards in Examiner article
- Leisure Group Travel covers Bike Hall of Fame

Writer/Producer Contact

- Trazzler.com re: submitting content
- SacTown Magazine re: Bike Hall of Fame
- J. Robinson re: images for guide
- A. Binshtock re: Duck Days images for her LA Times travel calendar
- M. Poole re: Frommer's Guide & new Davis attractions

Events Submitted to outside Calendar of events

- Sacramento Magazine
- CTTC
- KCRA
- Via Magazine
- 80on80.com

YCVB Calendar of events publications

- Weekly calendar of events

Special projects/Research

- Attended PR webinar re: 2010 State of the Media
- Maintained and updated TourCADavis twitter page
- Maintained and updated YoloCVB Twitter page
- Maintained and updated YoloCVB Facebook page
- Contacted festival/event contacts re: 2010 dates
- Special events featured on website homepage
- Newsletter
- Creation of bike itinerary
- Added content to press page on website

February 2010

Outgoing Press Releases/Submissions

- CA Duck Days
- YoloCVB Winery Guide & Map
- Amgen Stage Videos Released
- Congressman Thompson Visits Davis
- Breakaway Ride Presented by Specialized
- CTTC: Nature & Beyond

Media Coverage

- YoloCVB Wine Map & Guide covered in Davis Enterprise
- YoloCVB Wine Map & Guide covered in Daily Democrat
- Amgen coverage in: Napa Valley Register, KCRA.com
- Breakaway Ride on News10.com
- Events featured in Cache Creek Destination Magazine
- Capay Valley Almond Festival in LA Times travel calendar
- CTTC Whats New features: YCVB visitor center, UC Davis Conference Center & Bike Hall of Fame
- Mercury News Calendar features Almond Festival

Writer/Producer Contact

- A. Ybarbo, NBC News re: Bike Hall of Fame
- Editor, Womens Cycling re: Breakaway Ride coverage
- Budget Travel (via CTTC) re: Farmers Markets (forwarded to DFM)
- A. Binshtock, Freelance writer & LA Times Travel writer re: Capay Valley Almond Festival

Events Submitted to outside Calendar of events

- Sacramento Magazine, CTTC, KCRA, Via Magazine

YCVB Calendar of events publications

- Weekly calendar of events

Special projects/Research

- Maintained and updated TourCADavis twitter page
- Maintained and updated YoloCVB Twitter page
- Maintained and updated YoloCVB Facebook page
- Contacted festival/event contacts re: 2010 dates
- Special events featured on website homepage
- Newsletter
- Creation of three one sheets: Top Free Things to Do, Top Free Events, Bet You Didn't Know Facts
- Added content to press page on website
- Research of bike specific magazines for Amgen promotion
- Family Fun press release for spring/summer release



CITY COUNCIL
STAFF REPORT

TO: Honorable Chairman and Boardmembers
DATE: August 3, 2010
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: City of Winters Community Development Agency Budget for Fiscal Years 2010-2011 and 2011-2012

RECOMMENDATION:

Community Development Agency Board adopt Resolution 2010-45, A Resolution of the City of Winters Community Development Agency Rescinding Resolution 2010-35 and Approving and Adopting a Budget of Revenues and Estimated Expenditures for the Fiscal Years 2010-2011 and 2011-2012.

BACKGROUND:

The City of Winters Community Development Agency is required to prepare and adopt a budget each fiscal year. On June 15, 2010, the Community Development Agency Board adopted Resolution 2010-35 adopting the budget for 2010-2011 and 2011-2012. Since that time, staff has received information from the Yolo County Assessor's office that indicates that the assessed value of property within the redevelopment project area has declined by 10.07%. Staff felt the information was received in a time frame such that it made sense to adjust both the 2010-2011 and 2011-2012 projected revenues to reflect the reduction in revenue from the reduced assessed values.

Included in the resolution before you is a reduction in revenues for the decrease in the Property tax increment for the Community Development Agency of \$103,238 for 2010-2011. As a result of the reduction in assessed values, the amount of the 1% increase for 2011-2012 is lower than originally projected because the base year is now lower.

FISCAL IMPACT:

The budget gives hiring and spending authority to staff for fiscal years 2010-2011 and 2011-2012.

**COMMUNITY DEVELOPMENT AGENCY
RESOLUTION 2010-45**

**RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE
CITY OF WINTERS RESCINDING RESOLUTION 2010-35 AND APPROVING
AND ADOPTING A BUDGET OF ESTIMATED REVENUES AND
EXPENDITURES FOR FISCAL YEAR 2010-2011 and 2011-2012**

WHEREAS, The Community Development Agency of the City of Winters is required to adopt a budget for the subsequent fiscal year for estimated revenues and expenditures; and

WHEREAS, the members of said Community Development Agency and staff members have thoroughly reviewed and analyzed the proposed budget in order to determine the needs of the City of Winters;

WHEREAS, the Community Development Agency has become aware of a significant difference in the projection of revenues for both 2010-2011 and 2011-2012; and

WHEREAS, the planning and administrative expenditures in the housing fund are necessary for the production, improvement, or preservation of low and moderate income housing;

NOW, THEREFORE BE IT RESOLVED by the Community Development Agency of the City of Winters, that Resolution 2010-35 is hereby rescinded and that a budget for Fiscal Year 2010-2011 is hereby adopted for a total estimated revenues of \$1,810,619, and use of available fund balance of \$9,465,435 for a total source of funds \$11,276,054 and total appropriations of \$11,276,054, and a budget for Fiscal Year 2011-2012 is hereby adopted for a total estimated revenues of \$1,807,559, and use of available fund balance of \$2,153,837 for a total source of funds \$3,961,396 and total appropriations of \$3,961,396. A copy of the budget is on file in the City Clerk's office

PASSED AND ADOPTED by the City of Winters Community Development Agency this 3rd day of August by the following vote:

AYES;
NOES;
ABSTAIN;
ABSENT;

Cecilia Aguiar-Curry, Chairman

ATTEST:

Nanci G. Mills, City Clerk