



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, November 7, 2006
7:30 p.m.
AGENDA

Members of the City Council

*Woody Fridae, Mayor
Mike Martin, Mayor Pro Tempore
Harold Anderson
Cecilia Curry
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

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 City Council of the City of Winters Held October 17, 2006 (pp 1-6)
- B. Approve replacement/repair of Community Center doors. Approve budget adjustment Of \$4,000 to pay for expenditure (pp 7-9)
- C. Authorize the execution of a Professional Services Contract with Wyatt Murray

- Electric (WME), in the amount of Six Thousand Eight Hundred Dollars (\$6,800), for the evaluation and recommendation of a Supervisory Control and Data Acquisition System (SCADA) (pp 10-11)
- D. Final acceptance of Parking Lot at Rotary Park, Project No. 05-01 (pp 12-13)
 - E. GFOA Distinguished Budget Presentation Award (pp 14-16)

PRESENTATIONS

1. Presentation of Preliminary Draft Rotary Park Master Plan – Cheryl Sullivan, Cunningham Engineering (pp 17-26)

DISCUSSION ITEMS

1. Public Hearing and Adoption of Ordinance 2006-07, requires real property owners to open or maintain City water and sewer service (pp 27-29)
2. Yolo County Visitor Bureau – City Council representatives for 2X2 meeting (pp 30)
3. Continued Public Hearing and consideration of Casitas at Winters Tentative Subdivision Map. Project is a proposed residential subdivision of 1.2742 acres to create 16 attached single-family lots; Lot 17 (2,868 square feet) for a park area; and a 10,631 square foot common area lot for internal roadways at a location on the north side of West Grant Avenue (SR 128) east of the Tomat's restaurant at 1123 West Grant. APNs 003-450-15 (0.551 acres), 003-450-16 (0.4591 acres), and 003-450-17 (0.2641 acres). Applicant: Mark R. Power. Entitlements include Conditional Use Permit, Rezoning from Neighborhood Commercial (C-1) to Neighborhood Commercial Planned Development Overlay (C-1 PD), Planned Development Permit for PD Overlay, Development Agreement, Tentative Subdivision Map, and Site Plan. **The applicant has requested a continuance to November 21, 2006.** (pp 31)
4. Public Hearing and consideration of First Amendment to the Development Agreement for the Winters Highlands Subdivision project, Ordinance No. 2006-08 (pp 32-44)
5. Continued Public Hearing and Appeal of Planning Commission's Denial of Variance Request Submitted for the Rear Yard Setback of Non-Permitted Addition Constructed to Residence at 308 Peach Place (APN 003-271-28) (pp 45-60)
6. Resolution 2006-44 A Resolution of the City Council of the City of Winters Amending the City of Winters 2006-2007 Adopted Operating Budget and Approving Expenditures for the Community Swimming Pool Construction (pp 61-64)
7. Resolution 2006-47 Approving Budget Adjustment for Fiscal Year 2006-2007 for Open Purchase orders as of June 30, 2006 (pp 65-67)
8. Trustee Appointment to Sacramento-Yolo Mosquito & Vector Control District (pp 68-69)
9. Funding Request- Winters Center for the Arts (pp 70-71)

COMMUNITY DEVELOPMENT AGENCY

1. Façade Improvement Program Application – 12 Main Street (pp 72-87)
2. Façade Improvement Program Application – 31 Main Street (pp 88-97)
3. Final acceptance of Parking Lot at Rotary Park, Project No. 05-01 (pp 98-99)

CITY MANAGER REPORT

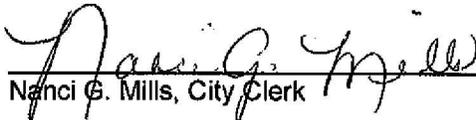
COUNCIL/STAFF COMMENTS

INFORMATION ONLY

EXECUTIVE SESSION

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the November 7, 2006, 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 November 2, 2006 and made available to the public during normal business hours.


Nancy 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 Clerk's Office – City Hall – 318 First Street
During Council meetings – Right side as you enter the Council Chambers

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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 FOR A REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF WINTERS
HELD ON TUESDAY, OCTOBER 17, 2006, 7:30 p.m.

Mayor Fridae called the meeting to order at 7:30 p.m.

Present were Council Members Anderson, Curry, Martin, Stone and Mayor Fridae. Also present were City Manager John Donlevy, City Attorney John Wallace, Public Works Representative Carol Scianna, Community Development Director Dan Sokolow, Redevelopment Manager Dan Maguire, and City Clerk Nanci Mills.

Pledge of Allegiance

Approval of Agenda

CONSENT CALENDAR

- A. Minutes of the Hearing Workshop of the City Council and Community Development Agency of the City of Winters Held October 2, 2006
- B. Minutes of the Regular Meeting of the City Council of the City of Winters Held October 3, 2006
- C. Proclamation – In Recognition and Memory of Gloria Marion
- D. Resolution No. 2006-45 - Endorsing State Proposition 1C (Housing Bond)
- E. Authorize an addendum to Construction Contract with Specialized Pipeline Services in the amount of up to \$11,000.00 to include manhole inspections as part of their recently adopted contract for Television Inspection and Cleaning of Sanitary Sewers Contract
- F. Authorize additional services to the Contract with Luhdorff and Scalmanini Consulting Engineers in the amount of \$72,800
- G. Proclamation – Breast Cancer Awareness Month

City Manager John Donlevy gave an overview. The Proclamation for Breast Cancer Awareness Month was read aloud by Council Member Anderson and he requested that the Proclamation be displayed in City Hall throughout the month of October. Discussion Items #7 and #10 were added to the consent calendar as Items H and I. A motion was made by Council Member Curry to approve the consent calendar with the stated changes. Seconded by Council Member Stone. Motion carried unanimously.

PRESENTATIONS

Mayor Fridae read aloud the Proclamation from the City of Winters in Recognition and Memory of Gloria Marion, as well as a Proclamation from Assemblymember Lois Wolk of the 8th Assembly District, which had also been read into public record at the State Capitol. These proclamations were then presented to the family of Gloria Marion.

Council Member Anderson read aloud excerpts from the Proclamation recognizing October 2006 as Breast Cancer Awareness Month and asked that the Proclamation be posted in City Hall.

1. Lake Berryessa Visitor Service Plan - Reuse Plan Update Report from Mike Finnegan, Bureau of Reclamation

Mike Finnegan gave an update on the Lake Berryessa Visitor Service Plan. Of the 3,400 comments received, Alternative B was the preferred option. Mike reviewed a checklist of the current projects that are underway at the U.S. Department of the Interior Bureau of Reclamation. Council Member Curry asked that a chronological list of dates showing what is happening be available on their website.

2. (Moved from Item #12) Seed Money for Community Dinner – Council Member Stone

Marie Heilman, 116 Abbey Street, spoke as a representative on behalf of the Winters Ministerial Association regarding the Winters Community Dinner, which will be held on November 19, and always falls on the Sunday preceding Thanksgiving. She requested \$600 in seed money from the City Council. She also indicated that donations would be accepted on behalf of the association at First Northern Bank. Robert Badgley, 706 Foxglove Circle, invited everyone to attend. Council Member Stone made a motion to provide \$600 seed money. Seconded by Council Member Anderson. Motion carried unanimously.

3. Public Hearing and First Reading of Ordinance No. 2006-06, Single-Family Dwelling Uses in the Central Business District (C-2) Zone

Council Member Anderson excused himself due to a possible conflict of interest regarding property at 112 Main Street. Community Development Director Dan Sokolow gave an overview of the Staff Report and verified that three businesses would be affected. He also indicated that businesses would have to be ADA compliant. Mayor Fridae opened the public hearing at 8:29 p.m. Mayor Fridae closed the public hearing at 8:29 p.m. Council Member Stone made a motion to approve staff recommendation by waiving the complete reading of Ordinance No. 2006-06. Seconded by Council Member Martin. Motion passed unanimously, with Council Member Anderson absent.

Council Member Anderson returned to his seat at this time.

4. Public Hearing and Appeal of Planning Commission's Denial of Variance Request Submitted for the Rear Yard Setback of Non-Permitted Addition Constructed to Residence at 308 Peach Place

This item has been continued to the November 7, 2006 City Council meeting.

5. Approve Waste Management Contract for Collection Services – Recommended approval of a new franchise agreement with Waste Management for the collection and recycling of Residential, Commercial and Industrial solid wastes.

City Manager John Donlevy gave an overview. Marissa Juhler of Waste Management was on hand to answer questions posed by the Council Members, as was Waste Management District Manager Jason Smith. Council Member Curry asked if customer literature was also available in Spanish and Marissa verified that it is included in the new plan. Council Member Martin asked who fielded the customer calls and comments. Marissa verified that a customer service department is available, and that her direct line will be included on all literature distributed in Winters. City Manager Donlevy inquired about services for the elderly and disabled.

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Marissa said that the completion of an assisted service application with a doctor's note is required for this free service. Council Member Anderson noted that it would be good to have this spelled out in the contract. He also verified that alley service will continue. Council Member Anderson made a motion to approve the contract with the following amendments and/or provisions: Waste Management's commitment to clean vehicles, indemnification clause, all literature to be available in English and Spanish, elderly assistance and alley service. Seconded by Council Member Curry. Motion passed unanimously.

6. Putah Creek- River Parkway Grant Program- A presentation from representatives of the Lower Putah Creek Coordinating Council on possible grant opportunities for the Winters Putah Creek Park

This item has been removed indefinitely.

7. CALED Professional Advisory Service Economic Development Report

Redevelopment Manager Dan Maguire gave an overview. Kay Reynolds, Vice President of CALED (California Association for Local Economic Development) and Wes Erwin, Yolo County Economic Manager, were present and went over the recommendations. City Manager Donlevy spoke of strategic planning on economic development for the city. Council Member Martin asked about the property east of I-505, and Mayor Fridae believes this property needs to be put into our sphere of influence. Council Member Martin was concerned about the County of Yolo putting something on this property. Wes Erwin was not aware of any imminent plan for this property, which is in the Williamson Act and feels that the County would be reluctant to put anything on this prime agricultural land. Council Member Anderson stated that there was no indication of this by the County at the 2X2 meeting he attended. City Manager Donlevy said this item will be brought back to a future meeting.

8. Request to (1) Authorize the City Manager to execute a contract with West Yost & Associates to Evaluate Wastewater Pump Stations and Treatment Facility, and (2) Authorize expenditures of up to \$15, 460

This item was moved to the consent calendar as consent item H.

9. Introduction of Ordinance 2006-07, Utility Service Collections – Property Owners

City Attorney John Wallace gave an overview. Council Member Anderson asked if the water was actually turned off if a bill becomes delinquent. City Manager Donlevy confirmed this, stating that three notices are mailed out to the name and address on the account, followed by 72, 48 and 24-hour door hanger notices. Council Member Cecilia Curry made a motion to waive the complete reading of the ordinance and the ordinance be introduced to the second reading at the 11/7/06 City Council Meeting. Seconded by Council Member Stone. Motion passed unanimously.

10. Recommendation of Committee Members - Hispanic Advisory Committee

Council Member Curry, who along with Mayor Fridae conducted the interviews for the Hispanic Advisory Committee, gave an overview and recommended that the City Council appoint the following individuals: Sandra Cortes, Elizabeth Del Toro, Lourdes Figueroa, Humberto Izquierdo, Karla Knabke, Leticia Quirarte, and Enrique Uribe. City Manager Donlevy confirmed that the duties of the committee members are described in Resolution No. 2006-33, adopted on 6/20/06. Council Member

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Stone made a motion to accept Council Member Curry's recommendation. Seconded by Council Member Anderson. Motion carried unanimously.

11. Update on Proposition 49 effort

This item was moved to the consent calendar as Consent Item I.

12. Resolution 2006-43 – Setting Forth Procedures for City Council Meetings

Council concurred to take no action on this item.

13. Approve a contribution in the amount of \$25,000 toward the construction costs of the Shirley Rominger Intermediate School Softball Fields

City Manager Donlevy gave an overview. Council Member Curry questioned the contribution for the completed softball fields, which was conditioned on the advancement of the installation of new lighting at the Winters High School Football Stadium, Dr. Sellers Field. Due to additional costs associated with the football lights, this project has been cancelled. Council Member Martin indicated that if the contribution was not approved, the schools will be impacted. Mayor Fridae agreed. Council Member Anderson felt that the community fields are a benefit to the entire community. Council Member Curry asked to see a copy of the Joint Use Facility Agreement with the WJUSD. Council Member Martin made a motion to approve the stated contribution. Seconded by Council Member Anderson. Motion carried unanimously.

14. Resolution 2006-46, Establishing Winters Putah Creek Advisory Committee - Review of possible responsibilities for a Winters Putah Creek Advisory Committee

City Manager John Donlevy gave an overview. Council Member Anderson indicated he would like to include a member of the Lower Putah Creek Coordinating Committee on the Putah Creek Advisory Committee. David Springer, 200 Madrone Ct., thanked the City Council for their support and appreciated the opportunity to have this item on the agenda. He would like to see more than the 5 committee members suggested by the Council. Rich Marovich, the Lower Putah Creek Streamkeeper, introduced Eric Larsen, a Geomorphologist, who studies the shape and flow of the creek, and who would like to serve on the committee. Dawn Calciano, 5189 Putah Creek Road, also thanked the City Council for the interest in establishing the Putah Creek Committee, and was named as the ex-officio from the Lower Putah Creek Coordinating Committee. It was agreed that each Council member would nominate one voting member, whose term would follow that of the Council Member who nominated them. It was also agreed that the Winters Putah Creek Advisory Committee would consist of: 5 appointed voting members, 1 student voting member, 1 Putah Creek Council member (voting), for a total of 7 voting members. The non-voting members of the Committee would include a liaison from the City Council and the Planning Commission, a representative of the Lower Putah Creek Coordinating Committee (Dawn Calciano), and 1 staff liaison, for a total of 11 members. Council Member Stone made a motion to approve amended Resolution 2006-46. Seconded by Council Member Curry. Motion carried unanimously.

Council Member Anderson spoke about the SACOG MTIP (Metropolitan Transportation Improvement Plan) fall-order meeting scheduled for 11/16/06 where surface transportation projects in the 6-county area will be discussed and volunteers

are needed. He then excused himself from the CDA portion of the agenda, as did Mayor Fridae, who both have a conflict of interest.

COMMUNITY DEVELOPMENT AGENCY

Chairman Mike Martin opened the meeting at 10:45 p.m.

1. **Downtown Master Plan- Form Based Codes- Authorize a Request for Qualifications for the development of a Form Based Code for the Central Business District**

City Manager John Donlevy gave an overview. Agency Member Curry made a motion to approve staff recommendation to request submittals from qualified consulting firms to assist in the facilitation and development of form based codes for the central business district. Seconded by Agency Member Stone. Motion carried unanimously, with Agency Members Anderson and Fridae absent.

2. **Downtown Master Plan- Implementation Programs for Economic Development Authorization of a budget for the development of economic development strategies and projects**

City Manager John Donlevy gave an overview. Agency Member Stone made a motion to approve staff recommendation and authorize a budget of \$20,000 for the development of implementation programs for economic development projects as outlined in the Master Plan, and to authorize collaboration with the Downtown Master Plan Steering Committee and local business groups. Seconded by Agency Member Curry. Motion carried unanimously, with Agency Members Anderson and Fridae absent.

3. **Developing Public Streetscape Design Guidelines and Project Concept for Downtown Streetscape Improvements, Phase 1 (Main St/Railroad Ave.)**

City Manager John Donlevy gave an overview. Asa Utterback of Ponticello Enterprises, was present. The agency concurred to bring this item back to a future meeting.

The Community Development Agency meeting was adjourned at 11:30 p.m.

The City Council meeting was re-convened at 11:30 p.m.

CITY MANAGER REPORT: The warrant register, investment and treasurer reports are contained in the "Information Only" portion of the agenda for review.

COUNCIL/STAFF COMMENTS: Council Member Curry thanked Community Development Director Dan Sokolow for the Cal Trans Grant. She also stated there is a regional League of California Cities Meeting/Workshop on Thursday, October 19. Council Member Martin thanked staff for the speed bumps and striping on Hemenway Street and Anderson Avenue and would like to see the job completed on these streets.

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INFORMATION ONLY

1. Warrant Register
2. Investment Report for Period Ending July 31, 2006
3. Treasurers Report for Period Ending July 31, 2006
4. Investment Report for Period Ending August 31, 2006
5. Treasurers Report for Period Ending August 31, 2006

The City Council meeting adjourned into Executive Session at 11:33 p.m.

EXECUTIVE SESSION

1. Pursuant to Government Code Section 54956.8, conference with Real Property Negotiator – John W. Donlevy, Jr., City Manager - 311 First Street; 23 Main Street; 8 Abbey Street; and Railroad Avenue and Main Street Parking Lot.

Woody Fridae, Mayor

ATTEST:

Nanci G. Mills, City Clerk



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: November 7, 2006
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Carol Scianna, Management Analyst *CS*
SUBJECT: Community Center Door Replacement/ Repair

RECOMMENDATION:

Approve the replacement of both sets of south rear doors with glass doors. Install ADA approved hardware for existing glass doors on north and west sides. Install new hardware on east door. The total cost will be \$9177.00. A budget adjustment will be required in the amount of 4000.00.

BACKGROUND:

The rear and east doors have been problematic for several years. The southeast set of doors is in such bad shape that they are inoperable for the most part. If someone does open these doors, it is very difficult to reset the alarm system completely. This happens often at events on the weekend when the facility is being rented, requiring an on call public works staff person to respond and fix the doors to ensure the alarm will be set properly.

With the recent improvements of the shade structure the upgrade of glass doors will certainly enhance the inside and outside atmosphere for those using the community center. The ADA upgrades are necessary in order to bring City facilities into ADA compliance.

The current budget for property repair at the Community Center is \$8000. Staff recommends adding \$4000 to this line item, which will leave a balance of \$2823 for any future repairs at the Community Center that may be needed this year.

FISCAL IMPACT: The total cost for the project will be \$9177.00.

TRI-CITY GLASS & MIRROR

515 Main Street, Suisun City, CA 94585

Phone: (707) 426-6184 Fax: (707) 426-1302

CA LICENSE #424244 Since 1983

PROPOSAL

Date: 10/17/06
Company: City of Winters
Attn: Carol Scianna
Phone: (530) 795-4910 Ext. 115
Fax: (530) 795-4935

Project Title/Job Name: Community Center Doors, 201 Railroad Avenue, Winters

Proposal has the following *Exceptions, Exclusions, or Special Conditions*:

Tri-City Glass & Mirror proposes to hereby furnish the following:

Item 1

Remove two (2) existing pairs of metal doors. Supply and install new storefront doors. Doors to have continuous hinges, Jackson 1285 panic, "C" pulls, and exposed closers. Price includes new header and threshold. No jambs needed. Doors to be dark bronze and glazed with bronze tempered glass.

\$6,375.00

Item 2

Add 10" bottom rails, offset "C" pulls, and new threshold to make two (2) pair of existing doors ADA compliant.

\$1,649.00

Item 3

Remove existing panic and install new VonDupron 2227 with exposed rods on pair of exit only doors.

\$1,153.00

We agree to provide the above for the sum of \$See individual items above.

Required Lead Time: 4-5 Weeks

These prices are good for: 30 days from date above.

Payment Terms: Upon completion.

This proposal is submitted by:

Mark Susdorf, Estimator

All material shall be as described above and the work will be completed in a workmanlike manner in accordance with specifications. Any and all alterations or deviations from the stated description of work above involving extra costs for labor and materials will be executed only upon written orders. These changes shall generate an extra charge, over and above the stated dollar amount. Tri-City Glass & Mirror shall not be liable for its failure to perform work stated above as a result of conditions beyond its control such as, but not limited to, war, strikes, fires, floods, acts of God, government restrictions, natural disasters, power failures, material or labor shortages, machinery breakdown, loss from damage in transit or any other unavoidable cause beyond our control. Tri-City Glass & Mirror carries commercial general liability insurance and our workers are fully covered by worker's compensation insurance.

ACCEPTANCE OF PROPOSAL

The quantities, materials, specifications, & costs stated above are satisfactory and are hereby accepted. I authorize Tri-City Glass & Mirror to perform the work as specified with payment to be made as per terms above.

Company: _____ Name/Title: _____

Signature: _____ Date: _____

VACAVILLE DOOR CO. CSL# 814937
 231 BERGEN CT.
 VACAVILLE, CA 95687
 United States

Estimate

DATE	ESTIMATE #
8/3/2008	

B
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T
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CITY OF WINTERS
WINTERS, CA
United States

ITEM	DESCRIPTION	QTY.	RATE	TAX	AMOUNT
DOOR	3/0 X 6/8 X 1 3/4" 18 GA. MET.20 MIN. WITH 7 X 22 WIRE GLASS WINDOW	2	800.00	T	1,600.00
HINGES	6 BB 1279 4 1/2" US 26D NRP HINGES	6	15.50	T	93.00
HARDWARE	9927 PANIC SURFACE MOUNTED VERT. ROD	2	775.00	T	1,550.00
HARDWARE	BRONZE CLOSERS PREP FOR STEELCRAFT	2	119.00	T	238.00
HARDWARE	HEAVY DUTY SLIDE BOLTS FOR LOADING DOCK DOORS	4	40.00	T	160.00
LABOR	LABOR TO INSTALL ABOVE DOORS	1	1,000.00		1,000.00

QUOTE GOOD FOR THIRTY DAYS

Subtotal	4,641.00
7.38% Tax	268.71
Total	4,909.71

MAYOR:
Dan Martinez
MAYOR PRO TEM:
Woody Fridae
COUNCIL:
Tom Stone
Harold Anderson
Steven C. Godden



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

STAFF REPORT

TO: Honorable Mayor and Councilmembers
THROUGH: John W. Donlevy, City Manager
FROM: Nicholas J. Ponticello, City Engineer
DATE: November 7, 2006
SUBJECT: Request to (1) Authorize the City Manager to Execute a Professional Services Contract with Wyatt Murray Electric, in the Amount of Six Thousand Eight Hundred Dollars (\$6,800), for the evaluation and recommendation of a Supervisory Control and Data Acquisition System.

RECOMMENDATION: Staff recommends the City Council authorize the City Manager to execute a Professional Services Contract with Wyatt Murray Electric (WME), in the amount of Six Thousand Eight Hundred Dollars (\$6,800), for the evaluation and recommendation of a Supervisory Control and Data Acquisition System (SCADA).

BACKGROUND: In continuing efforts to improve the public safety and reliability of the City's Water Supply, Sewer, and Storm Drainage Systems, the Public Works Department is studying the feasibility and cost to install a citywide SCADA system. SCADA systems are composed of sensors, controls, communications, monitoring & alarm components that together can allow City personnel to proactively watch and control the water, sewer, and flood control systems to ensure they are functioning effectively and efficiently.

Most medium to large Cities incorporate SCADA and since the cost of these systems has dropped dramatically over the past ten years, smaller cities are adding them as well.

This initial study will be used to develop a detailed scope and cost for installing a SCADA system to monitor the municipal water supply, the sewer lift stations, and the one storm water pump station that will be built with the Callahan Estates development.

Once this study is complete, staff will evaluate the report and any funding requirements to implement the recommendations. Staff will then return to Council with a SCADA implementation report and resolution.

ALTERNATIVES: No alternatives recommended.

FISCAL IMPACT: The costs associated with the WME Contract will be funded through Municipal Water Operations and Maintenance Budget.

Attachment: Proposal and Scope of Service, Wyatt Murray Electric



WYATT MURRAY ELECTRIC

CA Cert. Lic. #50275 - UI 508A Certified

627 Mason Drive, Napa CA 94558 • (707) 224-1544

PROPOSAL

Date: OCTOBER 13, 2000
 To: MR. JIM FLETTER
 PONTICELLO ENTERPRISES
 1216 FORTNA AVE.
 WOODLAND, CA 95776

MR FLETTER,

IN RESPONSE TO YOUR REQUEST, WYATT MURRAY ELECTRIC IS PLEASED TO PROVIDE THE FOLLOWING PROPOSAL FOR THE SERVICES YOU INQUIRED ABOUT.

Quantity	Description of Product or Service	Unit Price	Extended Price
20 HRS.	SITE SURVEY OF VARIOUS LIFT STATIONS, FACILITIES, AND BUILDINGS OPERATED BY THE CITY OF WINTERS.	\$ 100.00	\$ 2,000.00
48 HRS.	COMPILE REPORT AND MAKE RECOMMENDATIONS FOR A TURN KEY, SCADA (SUPERVISORY, CONTROL AND DATA ACQUISITION) SYSTEM. THIS INCLUDES ANALYSIS OF EXISTING EQUIPMENT (CONTROL, BOTH LOCAL AND REMOTE), INSTRUMENTATION, AND COMMUNICATIONS / RADIO SYSTEMS) OPERABILITY IN A MODERN COMPUTERIZED CONTROL AND MONITORING SYSTEM	\$ 100.00	\$ 4,800.00

SUB-TOTAL \$ 6,800.00
 TAX \$
 TOTAL \$ 6,800.00

Signed: 
 WYATT MURRAY



STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: November 7, 2006
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nick Ponticello, City Engineer *NJP*
SUBJECT: New Parking Lot at Rotary Park, Project No. 05-01

RECOMMENDATION: Staff recommends the City Council 1) accept the New Parking Lot at Rotary Park, Project No. 05-01 improvements as complete; 2) authorize the City Clerk to file a Notice-of-Completion; and 3) approve the Final Project Budget Sheet.

BACKGROUND: The project included construction of a new eighty-four (84) stall public parking lot immediately adjacent to the existing City Community Center, storm drain piping, decorative lighting, and landscaping. Additional work included sewer and water services to a future restroom building in Rotary Park.

On February 21, 2006, Council awarded a \$656,201.35 construction contract to Vintage Paving, and authorized \$715,000 for construction. Construction began in March and the only significant problems occurred with installation of the storm-drain pipe in E. Main. Poor soil stability and unforeseen conflicts with other underground utilities made progress difficult, resulting in a claim for additional compensation and time. Vintage submitted the extra work reports, and requested an additional \$97,309. The information was reviewed by staff and a meet and confer meeting held with Vintage, which resulted in an agreement between the two parties to settle the claim for \$58,000. The final construction contract amount for the approved scope of work is \$3,447 above the original authorized amount. In addition, the City PW Director requested the contractor install sewer and water services to the future restroom in Rotary Park, resulting in additional cost of \$7,183. The total amount above the amount authorized for construction is \$10,630.

The work was substantially completed in mid-August. Final acceptance of the improvements was held up due to lighting malfunctions, settlement of the claim, and completion of the punchlist. The project is now ready for acceptance.

Project Management and Construction Inspection services provided by the City Engineer exceeded the budget by almost \$4,500 due to the extension of the construction through August, design coordination and inspection of the sewer and water services to the restroom, and the effort necessary to resolve the claim issue with the contractor.

ALTERNATIVES: None recommended by staff.

FISCAL IMPACT: The project is funded with Redevelopment Funds (Fund 702). The final project budget is \$929,630, which includes the additional costs for project management, construction inspection, the construction contract extra work, and the restroom water and sewer stubs.

Attachment: Final Project Budget Sheet



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: November 7, 2006
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: GFOA Distinguished Budget Presentation Award

RECOMMENDATION:

City Council accept the notification of the Distinguished Budget Presentation Award, issued to the City of Winters for the 06-07 Budget year.

BACKGROUND:

Each year, after the City Council approves the operating budget for the City of Winters, Staff submits the Budget Document to two organizations for review, comment, and possible awards.

The Government Finance Officers Association (GFOA) has notified the City of Winters that the 2006-2007 City of Winters Operating Budget has received the Distinguished Budget Presentation Award for the fourth consecutive year. This award is the highest form of recognition in governmental budgeting.

FISCAL IMPACT:

No direct fiscal impact.

ATTACHMENTS:

Notification Letter from GFOA
Certificate from GFOA



Government Finance Officers Association

203 North LaSalle Street, Suite 2700

Chicago, Illinois 60601-1210

312.977.9700 fax: 312.977.4806

October 7, 2006

Mr. John W. Donlevy, Jr.
City Manager
City of Winters
318 First Street
Winters, CA 95694

Dear Mr. Donlevy:

I am pleased to notify you that City of Winters, California has received the Distinguished Budget Presentation Award for the current fiscal year from the Government Finance Officers Association (GFOA). This award is the highest form of recognition in governmental budgeting and represents a significant achievement by your organization.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual or department designated as being primarily responsible for its having achieved the award. This has been presented to:

**Shelly A. Gunby, Director of Financial Management
City of Winters Finance Department**

We hope you will arrange for a formal public presentation of the award, and that appropriate publicity will be given to this notable achievement. A press release is enclosed for your use.

We appreciate your participation in GFOA's Budget Awards Program. Through your example, we hope that other entities will be encouraged to achieve excellence in budgeting.

Sincerely,

Stephen J. Gauthier, Director
Technical Services Center

Enclosure



GOVERNMENT FINANCE OFFICERS ASSOCIATION

*Distinguished
Budget Presentation
Award*

PRESENTED TO

**City of Winters
California**

For the Fiscal Year Beginning

July 1, 2006

President

Executive Director



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE : November 7, 2006
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Dan Maguire, Community Development *DM*
SUBJECT: Presentation on Rotary Park Preliminary Draft Master Plan by landscape architect Cheryl Sullivan

RECOMMENDATION:

Receive a presentation on the Rotary Park Preliminary Draft Master Plan by landscape architect Cheryl Sullivan.

BACKGROUND:

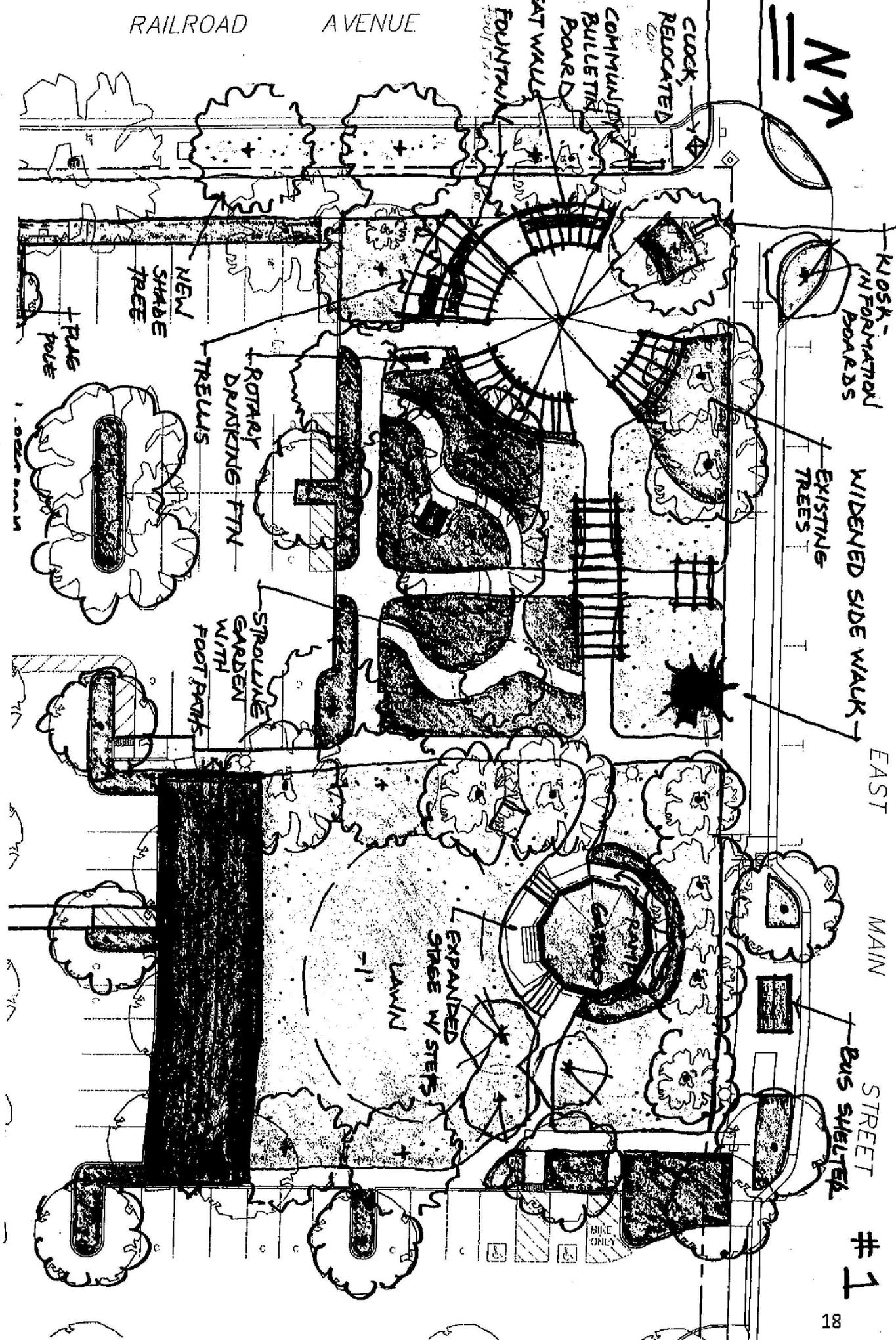
At the August 15, 2006 meeting, the Community Development Agency approved a Consultant Services Agreement with Cunningham Engineering to prepare a Rotary Park Master Plan based on the existing concept plan.

FISCAL IMPACT:

None by this action.

ATTACHMENTS:

Master Plan Options (three) for Rotary Park, Preliminary Master Plan, Opinion of Probable Costs, Public Workshop Notes.



KIOSK
INFORMATION
BOARDS

WIDENED SIDE WALK
EXISTING
TREES

EAST

MAIN

STREET
BUS SHELTER

1

CLOCK
RELOCATED

COMMUNITY
BULLETIN
BOARD

SEAT WALL
FOUNTAIN

NEW
SHADE
TREE

ROTARY
DRINKING FTM
TRELLIS

STROLLING
GARDEN
WITH
FOOT PATHS

EXPANDED
GRADE W/ STEPS
LAWN

BIKE ONLY

N ↘

RAILROAD AVENUE

CLOCK,
RELOCATED

ROSK & APO. BOARDS

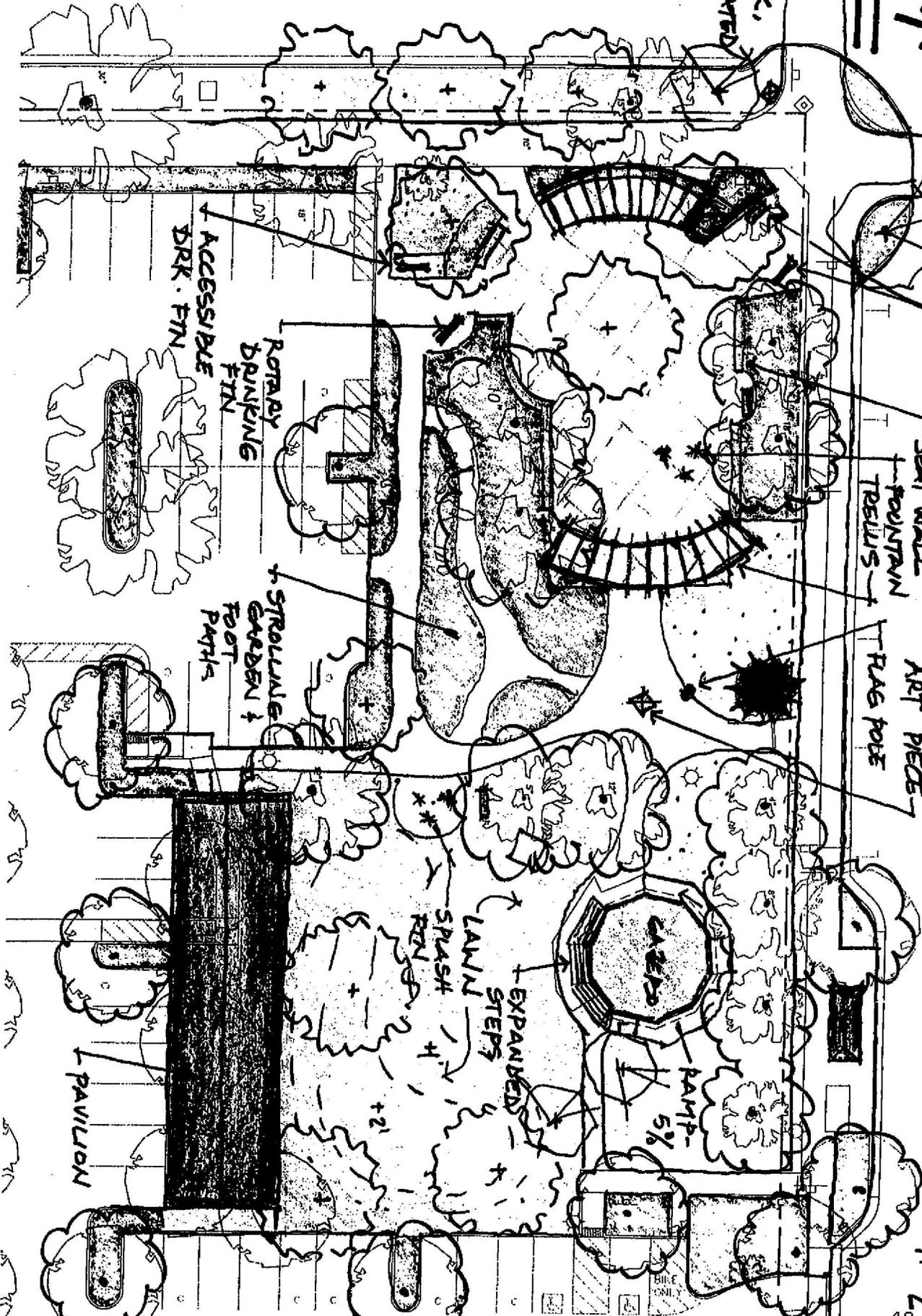
EAST

MAIN

STREET

2

19



SEAT WALL
FOUNTAIN TRUBUS

ART PIECE
FLAG POLE

EXPANDED
LAWN
SPASH
PEN

PAMP-
5%

PAVILION

STROLLING
GARDEN &
FOOT
PATHS

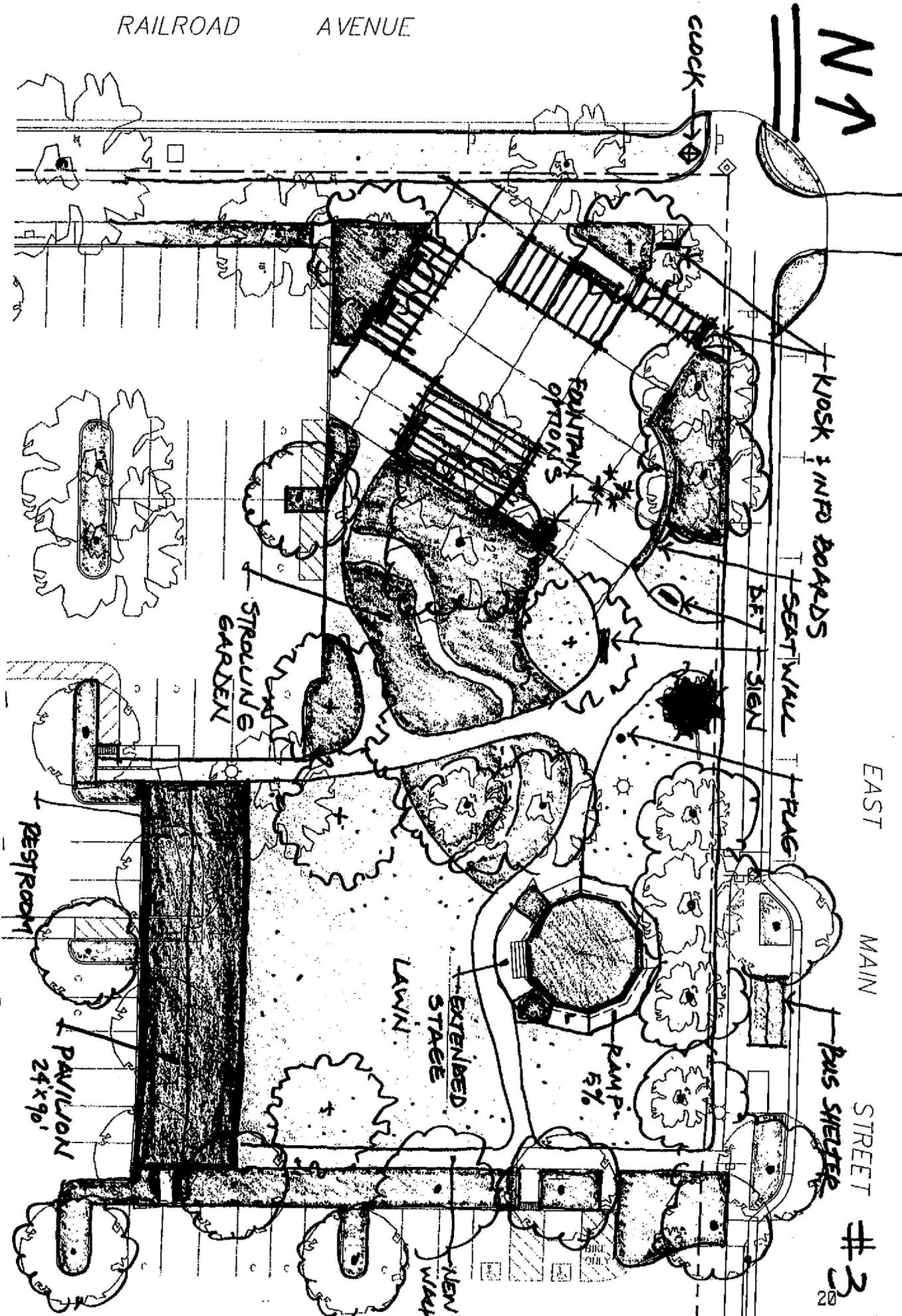
ROTARY
DRINKING
FTN

ACCESSIBLE
DRK. FTN

BIKE
ONLY

RAILROAD AVENUE

N ↑



EAST

MAIN

STREET

#3

20

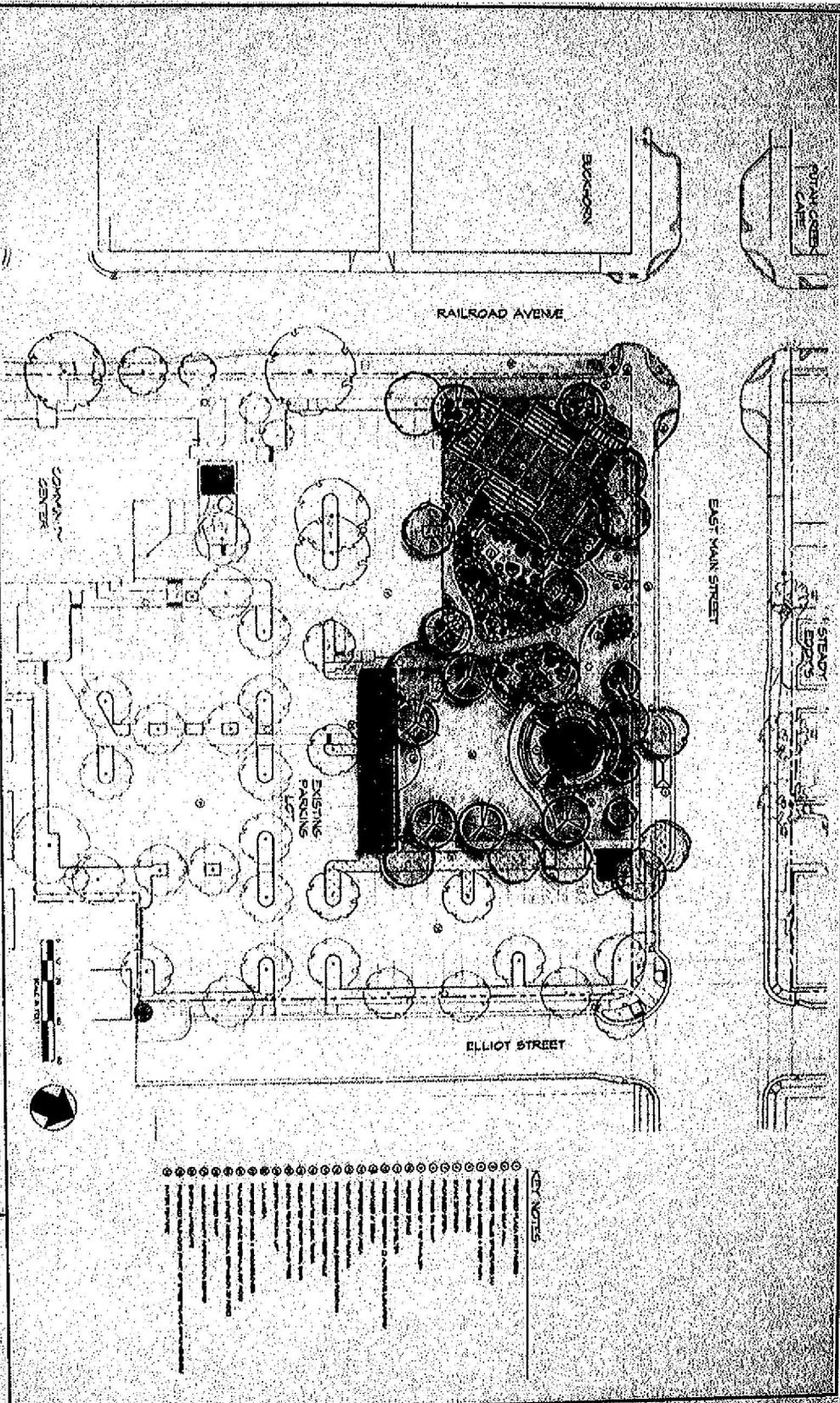


PLANNING COMMISSION
 OCTOBER 25, 2006

ROTARY PARK PRELIMINARY MASTER PLAN

CITY OF WINTERS

PLANNING COMMISSION
 OCTOBER 25, 2006



- KEY NOTES**
- 1. ALL EXISTING UTILITIES TO REMAIN UNLESS OTHERWISE NOTED.
 - 2. ALL NEW UTILITIES TO BE INSTALLED AS SHOWN.
 - 3. ALL EXISTING UTILITIES TO BE DELETED AS SHOWN.
 - 4. ALL EXISTING UTILITIES TO BE RELOCATED AS SHOWN.
 - 5. ALL EXISTING UTILITIES TO BE RELOCATED TO THE NORTH SIDE OF THE STREET.
 - 6. ALL EXISTING UTILITIES TO BE RELOCATED TO THE SOUTH SIDE OF THE STREET.
 - 7. ALL EXISTING UTILITIES TO BE RELOCATED TO THE EAST SIDE OF THE STREET.
 - 8. ALL EXISTING UTILITIES TO BE RELOCATED TO THE WEST SIDE OF THE STREET.
 - 9. ALL EXISTING UTILITIES TO BE RELOCATED TO THE NORTH AND SOUTH SIDES OF THE STREET.
 - 10. ALL EXISTING UTILITIES TO BE RELOCATED TO THE EAST AND WEST SIDES OF THE STREET.
 - 11. ALL EXISTING UTILITIES TO BE RELOCATED TO THE NORTH, SOUTH, EAST AND WEST SIDES OF THE STREET.
 - 12. ALL EXISTING UTILITIES TO BE RELOCATED TO THE NORTH, SOUTH, EAST AND WEST SIDES OF THE STREET.
 - 13. ALL EXISTING UTILITIES TO BE RELOCATED TO THE NORTH, SOUTH, EAST AND WEST SIDES OF THE STREET.
 - 14. ALL EXISTING UTILITIES TO BE RELOCATED TO THE NORTH, SOUTH, EAST AND WEST SIDES OF THE STREET.
 - 15. ALL EXISTING UTILITIES TO BE RELOCATED TO THE NORTH, SOUTH, EAST AND WEST SIDES OF THE STREET.
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 - 17. ALL EXISTING UTILITIES TO BE RELOCATED TO THE NORTH, SOUTH, EAST AND WEST SIDES OF THE STREET.
 - 18. ALL EXISTING UTILITIES TO BE RELOCATED TO THE NORTH, SOUTH, EAST AND WEST SIDES OF THE STREET.
 - 19. ALL EXISTING UTILITIES TO BE RELOCATED TO THE NORTH, SOUTH, EAST AND WEST SIDES OF THE STREET.
 - 20. ALL EXISTING UTILITIES TO BE RELOCATED TO THE NORTH, SOUTH, EAST AND WEST SIDES OF THE STREET.

LANDSCAPE ARCHITECT'S OPINION OF PROBABLE CONSTRUCTION COSTS
PROJECT: ROTARY PARK, WINTERS
PURPOSE: PROJECT BUDGETING
BASED ON PRELIMINARY MASTER PLAN DATED OCTOBER 25, 2006
PREPARED BY: LAURA CUCCO
LAST REVISED: OCTOBER 26, 2006

<u>Item</u>	<u>Description</u>	<u>Qty</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Total</u>
Site Mobilization & Demolition:					
1	Site Mobilization	1	LS	\$ 10,000.00	\$ 10,000.00
2	Clearing & Removals	1	LS	\$ 5,000.00	\$ 5,000.00
Site Mobilization & Demolition Sub-Total:					\$ 15,000.00
Grading & Drainage:					
3	Finish Grading	1	LS	\$ 4,000.00	\$ 10,000.00
4	Drainage	1	LS	\$ 10,000.00	\$ 10,000.00
5	Staking	1	LS	\$ 2,000.00	\$ 2,000.00
Grading & Drainage Sub-Total:					\$ 22,000.00
Site Utilities:					
6	Sewer	1	LS	\$ 4,000.00	\$ 4,000.00
7	Domestic Water Service w/ meter	1	LS	\$ 4,000.00	\$ 5,000.00
8	RP Assembly - Domestic	1	LS	\$ 4,000.00	\$ 3,000.00
9	Hosebibs at Pavilion	1	LS	\$ 1,000.00	\$ 1,000.00
10	Resetting Existing Utility Vaults, Boxes	1	LS	\$ 1,000.00	\$ 1,000.00
Site Utilities Sub-Total:					\$ 14,000.00
Irrigation					
11	Irrigation System	8,000	SF	\$ 2.50	\$ 20,000.00
Irrigation Sub-Total:					\$ 20,000.00
Hardscape - Internal					
12	Concrete Flatwork	9,400	SF	\$ 7.00	\$ 65,800.00
13	Decorative Pavers (Plaza)	5,400	SF	\$ 10.00	\$ 54,000.00
14	Decorative Pavers (Path)	370	SF	\$ 10.00	\$ 3,700.00
15	Concrete Mowcurb	200	LF	\$ 25.00	\$ 5,000.00
16	Railroad Avenue Sidewalk (10' wide)	1000	SF	\$ 7.00	\$ 7,000.00
17	Main Street Sidewalk Expansion (+3' wide)	900	SF	\$ 7.00	\$ 6,300.00
Hardscape Sub-Total:					\$ 141,800.00
Site Furnishings					
18	Seat Wall	200	LF	\$ 50.00	\$ 10,000.00
19	6' Bench	4	EA	\$ 2,000.00	\$ 8,000.00
20	Accessible Drinking Fountain	1	LS	\$ 3,500.00	\$ 3,500.00
21	Rotary Drinking Fountain (Installation only)	1	LS	\$ 1,000.00	\$ 1,000.00
22	Water Feature	1	LS	\$ 50,000.00	\$ 50,000.00
23	Trash Receptacle	7	EA	\$ 1,200.00	\$ 8,400.00
24	Restroom Structure (Pre-fabricated)	1	LS	\$ 80,000.00	\$ 80,000.00
25	Trellis Structures (Custom metal, concrete, and/or	1	LS	\$ 75,000.00	\$ 75,000.00
26	16' x 90' Pavilion Structure (Pre-fabricated)	1	LS	\$ 75,000.00	\$ 75,000.00
27	Bus Shelter (Pre-fabricated)	1	LS	\$ 20,000.00	\$ 20,000.00
28	Kiosk & Informational Boards (2)	1	LS	\$ 16,000.00	\$ 16,000.00
29	Relocate Rotary Sign	1	LS	\$ 1,000.00	\$ 1,000.00
30	Relocate Flag Pole	1	LS	\$ 1,000.00	\$ 1,000.00
31	Relocate Clock	1	LS	\$ 1,000.00	\$ 1,000.00
Site Furnishings Sub-Total:					\$ 349,900.00
Gazebo					
32	New Ramp at 5% Slope	250	SF	\$ 30.00	\$ 7,500.00
33	Stage Extension	1	LS	\$ 10,000.00	\$ 10,000.00
34	Gazebo Steps	1	LS	\$ 10,000.00	\$ 10,000.00
Gazebo Sub-Total:					\$ 27,500.00

Item	Description	Qty	Units	Unit Cost	Total
Planting					
35	15 Gal Trees	10	EA	\$ 150.00	\$ 1,500.00
36	Shrubs & Groundcover	6,000	SF	\$ 3.00	\$ 18,000.00
37	Sod	2,000	SF	\$ 1.25	\$ 2,500.00
38	3" Bark Mulch	6,000	SF	\$ 0.75	\$ 4,500.00
39	Soil Preparation	8,000	SF	\$ 0.40	\$ 3,200.00
Planting Sub-Total:					\$ 29,700.00
Site Electrical:					
40	Electrical Connection	1	LS	\$ 10,000.00	\$ 10,000.00
41	Relocate Existing Light Poles	1	LS	\$ 5,000.00	\$ 5,000.00
42	Electrical Junction Boxes	15	EA	\$ 4,000.00	\$ 60,000.00
43	Park Lighting	1	LS	\$ 30,000.00	\$ 30,000.00
Site Electrical Sub-Total:					\$ 105,000.00
Maintenance:					
44	90-Day Maintenance Period	1	LS	\$ 15,000.00	\$ 15,000.00
45	6' Temporary Construction Fence	1	LS	\$ 5,000.00	\$ 5,000.00
Maintenance Sub-Total:					\$ 20,000.00
Sub-Total Cost					\$ 744,900.00
[20%] CONTINGENCY					\$ 148,980.00
TOTAL CONSTRUCTION COST					\$ 894,000.00

Notes:

- 1 In providing opinions of probable construction cost, the Client understands that the Landscape Architect has no control over costs or the price of labor, equipment or materials, or over the Contractor's method of pricing, and that the opinions of probable construction costs provided herein are to be made on the basis of the Landscape Architect's qualifications and experience. The Landscape Architect makes no warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual costs.
- 2 This opinion of probable cost was based on the Preliminary Master Plan dated October 25, 2006 for the Rotary Park project, which has not yet been approved. Actual quantities may vary during the construction of this project.
- 3 This opinion of costs assumes that all the landscape improvements are to be constructed in one phase. If the project is built out in multiple phases, additional costs may be incurred. Costs also assume competitive bidding.
- 4 This opinion of costs assumes that an earthwork balance can be achieved within the project.
- 5 This opinion of costs DOES NOT include costs for the following items:
 - a Engineering, construction management and soils testing, except as noted.
 - b Joint trench utility costs (PG & E, Pacific Bell and CATV). Undergrounding or relocation of existing overhead utility lines.
 - c Permits or other City fees.
 - d Any costs related to environmental assessment or the mitigation of any contamination, endangered species or archeological resources.
 - e Costs for land, financing, bonds and easements.
 - f Landscape design and construction costs. Protection of trees.
 - g Demolition, except as noted in Opinion of Costs.
 - h Off-site improvements, except as noted.
- 6 Unit costs are October, 2006 basis. Costs will be reviewed and updated with Construction Documents and Bidding.
- 7 This opinion assumes payment of prevailing wages.
- 8 This opinion includes construction staking.

Rotary Park Master Plan Workshop #1

Oct. 18, 2006

Three Site Designs for the park were developed to illustrate sizes and spatial relationships between different elements; and to generate discussion. The design goal is to create series of flexible spaces, of different sizes, to be used by the Winters' community that incorporate specific features the community has asked for.

Those attending suggested the following events that could happen in the park:

- Weddings
- Family picnics, reunions
- Concerts
- Plays
- Art walk
- Library book sales
- Movies Health/Job fairs
- Various markets
- Civic/social club events

Those attending the workshop decided that the largest plaza would provide the most flexibility for community events and the development of downtown Winters.

Three site plans were presented at the workshop, each one with a different approach to the design of the plaza area, both in geometry and size. All of the options contain the same elements, just arranged in different configurations, sizes, and locations. Described below are specific design features or areas.

Plaza

The plaza is a place where people meet, watch, and socializes. It shouldn't be over 70' wide in one direction. The plaza area is a large, relatively open, paved area with shade, either from a trellis structure or large trees with filtered shade (Chinese Elm, Honey Locust). Seat walls and benches are located along the perimeters offering a variety of spaces to sit, look out and be part of the street life, or be removed from the action. Located near an edge or entry, a water feature could be an art piece with recirculating water that falls and splashes down a series of basins or structures. Several walks would lead to and from the plaza. A kiosk or community boards located at the main entry (RR and Main) would highlight community events, a city map, or historic photos. The clock is relocated a few feet south, out of the path of travel. Paving can be red brick, interlocking pavers or colored concrete. Trellis can be a combination of concrete, metal and wood. The Carob trees and at least one of the Pistache trees remain in the plans.

Restroom

A prefabricated restroom is proposed, to be located where it's visible from the street and park, and does not require trenching the new parking lot. Two locations are possible- north of the Community Center or near the north parking lot driveway. If located at the Community Center, the prefabricated structure can be relocated to another site when the Center is remodeled. A second suitable location is near the north parking lot driveway, in the large planter area. This location is highly visible and is close to the new sewer location and will not require trenching into the new parking lot paving.

Gazebo

The stage area is extended approximately 8', to the south, and some of the railings are removed. Steps are added either to the side of the extended stage, or to the front of the stage. The 8% ramp is replaced with a 5% ramp, and the commemorative bricks are relocated. A walk links the new parking lot with the gazebo and plaza.

Strolling Garden

A strolling garden with shrubs, ground covers and ornamental grasses that are water conserving, colorful and very low maintenance offers another park experience for children and adults. The path is paved, and the garden encourages people to enter and experience the space, to touch, smell, and watch. The two large boulders are relocated to this space.

Pavilion

A prefabricated Pavilion (roof and columns) separates the lawn from the parking lot. This area is designed to be used for many different activities, ranging from large family get-togethers to markets to music events to bike race staging areas. The area under the structure will be concrete, and sidewalks on the east and west sides will link the pavilion to the rest of the park. Electrical junction boxes and hose bibs will be placed around the perimeter of the pavilion. It ranges in width from 18' to 24', and is 90' long. The architecture style is reminiscent of barns. The roofing is metal. The columns can be metal, concrete or stone.

Option 1

Smallest plaza, circular, 60' diameter, approximately 3,000 sq. ft

All Carob and Pistache trees remain

Benches and seat walls line the plaza

Water feature located in plaza, off to one side

Largest strolling garden

Relocated clock

Gazebo with extended stage, and side entry steps

Existing Gazebo Ramp is replaced with a 5% sloped ramp.

Gazebo lawn area is lowered slightly (1-2 feet)

Pavilion is 24' x 90'

Bus shelter at large bulb out

Restroom located at Community Center

Option 2

Middle size, rectangular plaza, approximately 45' x 90' and 4,000 sq. ft.
All Carob and Pistache trees remain
Benches and seat walls line perimeter
Trellis at both ends of the plaza
Large shade tree inside plaza shades the center of plaza (filtered shade)
Water feature locations include plaza or large lawn area
Large strolling garden
Relocated clock at corner
Relocated flag pole
Gazebo with expanded steps and opened stage area
Ramp is replaced with a 5% sloped ramp.
Gazebo lawn area is bermed (2-3 feet)
Pavilion is 24' x 90'
Bus shelter at large bulb out
Restroom located at Community Center

Option 3

Largest plaza, approximately 65' x 75' and 4,900 sq. ft.
One Pistache tree is removed, replaced by seat walls and 4 trellis structures
Benches and seat walls line to perimeter
Water feature locations in the plaza
Smallest strolling garden
Relocated clock at corner
Relocated flag pole
Gazebo with extended stage and sidewalk in front of stage, not steps
Ramp is replaced with a 5% sloped ramp.
Gazebo lawn area is flat (current condition)
Pavilion is 18' x 90'
Bus shelter at large bulb out
Restroom located at Community Center or end of Pavilion

JOHN C. WALLACE

ATTORNEY AT LAW
312A RAILROAD AVENUE
P. O. Box 578
WINTERS, CA 95694

CA State Bar #63121
PHONE (530) 795-4171
FAX (530) 795-3578

MEMORANDUM

Date: November 2, 2006

To: Winters City Council Members

FROM: John C. Wallace,

RE: Utility Collection Ordinance

This ordinance codifies existing City policy, that water and sewer service accounts are opened, maintained and closed out by the property owners of the property receiving the service. Since lack of payment results in a real property lien, the City's collection procedures are more effective. This is the second and final reading, and the ordinance will take effect 30 days after adoption.

JCW/j

**CITY OF WINTERS
ORDINANCE NO. 2006-07**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING CHAPTERS 13.04 AND 13.08 OF THE WINTERS MUNICIPAL
CODE RELATING TO UTILITY ACCOUNTS**

1. Purpose. The purpose of this ordinance is to amend Chapters 13.04 and 13.08 of the Winters Municipal Code relating to consumer utility accounts in the City of Winters. The Ordinance will be amended to reflect the City's current requirement that requires real property owners to open or maintain City water service and sewer service accounts as the consumer of said services; and

2. Authority. State law now defines water services and sewer services as property-related services. The City to insure payments are promptly and regularly made for these services, and to secure payment based on the real property being served, has the authority to provide reasonable procedures to collect payment for utility services.

3. Amendments: Sections 13.04.010, 13.04.020, 13.08.020, and 13.08.070 of the Winters Municipal Code are hereby amended to read as follows:

13.04.10. The definition of "Consumer" is amended to read:

"Consumer" as used herein, shall mean any person, group of persons, firm, corporation, or association having a connection into the water system owned and operated by the city, who is the record owner of the real property connected to the water system."

13.04.020. Lien. The water service rates per month are fixed for the use of city water and shall be paid monthly. All charges for city water shall be assessed against the consumer who owns the real property and shall become and remain a lien on the property until such charges are paid. Bills will be due and payable monthly in advance.

13.08.020 The definition of "Applicant" is amended to read:

"Applicant" means any person, group of persons, firm, corporation or association who applies for use of the city's wastewater collection, treatment, and disposal system, and who owns the real property to be connected to the city's wastewater system. Only real property owners can be applicants.

13.08.070. The first paragraph of this Section is amended to read as follows:

Any applicant desiring to use the city sewer system, if the applicant is the owner of real property to which the system is to be connected, will be allowed to connect the real property to the city sewer system if the property is in the city limits and the following conditions are met: [remainder follows].

4. Effective Date and Notice. This ordinance shall take effect thirty (30) days after its adoption and, within fifteen (15) days after its passage, shall be published at least once in a newspaper of general circulation published and circulated within the City of Winters.

This Ordinance was introduced at a regularly held meeting of the Winters City Council on October 17, 2006.

After public hearing on November 7, 2006, This Ordinance was adopted by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

MAYOR KEITH FRIDAE

ATTEST:

NANCI G. MILLS, CITY CLERK



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE : November 7, 2006
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Dan Maguire, Community Development *DM*
SUBJECT: Yolo County Visitors Bureau 2 X 2 City Council Designates

RECOMMENDATION:

Staff recommends that the City Council designate two Council members to participate in a two by two (2 X 2) meeting with representatives from the Yolo County Visitors Bureau. If the recommendation is approved, a tentative date of Tuesday, November 21st has been established with Reed Youmans, YCVB Board President; and Yvette Mulholland, YCVB Executive Director.

BACKGROUND:

The City of Winters has provided financial support of \$4000.00 annually under a two-year pilot program with the Yolo County Visitors Bureau. The YCVB, which was formerly the Davis Visitors and Convention Bureau, currently receives funding from the Cities of Davis, Woodland, and Winters, as well as from Yolo County, UC Davis, and the Winters Chamber of Commerce (from BID funding). As the pilot program funding was approved for calendar years' 2005 and 2006, it is recommended that City Council, initially as part of a 2 X 2 process, receive an in depth report on the accomplishments and scope of services the YCVB provides.

FISCAL IMPACT:

None by this action



CITY COUNCIL STAFF REPORT

November 7, 2006

TO: Honorable Mayor and Councilmembers

THROUGH: John W. Donlevy, Jr. – City Manager *JW*

FROM: Dan Sokolow – Community Development Director *DS*

SUBJECT: **Public Hearing and consideration of The Casitas at Winters Tentative Subdivision Map. The project is a proposed residential subdivision of 1.2742 acres to create 16 attached, single-family lots; Lot 17 (2,868 square feet) for a park area; and a 10,631 square foot common area lot for internal roadways at a location on the north side of West Grant Avenue (SR 128), east of the Tomat's restaurant at 1123 West Grant. APNs 003-450-15 (0.551 acres), 003-450-16 (0.4591 acres), and 003-450-17 (0.2641 acres). Applicant: Mark R. Power. Entitlements include Conditional Use Permit, Rezoning from Neighborhood Commercial (C-1) to Neighborhood Commercial Planned Development Overlay (C-1 PD), Planned Development Permit for PD Overlay, Development Agreement, Tentative Subdivision Map, and Site Plan.**

RECOMMENDATION: Staff recommends that the City Council continue the public hearing and consideration of this project to the November 21, 2006 City Council meeting. Staff and the City Attorney recently met with the applicant and the applicant intends to revise the project significantly. As a result, the applicant is no longer seeking consideration of the project at the City Council level and the revised project will need to be referred to the Planning Commission for consideration. Staff is working with the City Attorney to determine the procedural process for referring the revised project to the Planning Commission and will report on this to the City Council at the November 21, 2006 meeting. A Council motion may be required to refer the revised project to the Planning Commission. The applicant has not submitted the revised project at this time.

Casitas/TM CC Stf Rpt Continuance 7Nov06



PLANNING COMMISSION STAFF REPORT
November 7, 2006

TO: Honorable Mayor and Councilmembers, 

FROM: Dan Sokolow – Community Development Director 

SUBJECT: **Public Hearing and consideration of First Amendment to the Development Agreement by and between the City of Winters and GBH-Winters Highlands, LLC for the Winters Highlands Subdivision Project.**

RECOMMENDATION: Staff recommends that the City Council (1) receive the staff report, (2) conduct the public hearing to solicit public comment, and (3) waive the first reading the Ordinance No. 2006 – xx approving an amendment to the Development Agreement by and between the City of Winters and GBH-Winters Highlands, LLC for the Winters Highlands Subdivision Project to change the start of the phasing plan for construction of market-rate residential units at the Winters Highlands Subdivision project to September 1, 2007; advance GBH-Winters Highlands, LLC's payment of funds for the construction of the new Bobbie Greenwood Community Swimming Pool in the City of Winters; and modify the requirements of GBH-Winters Highlands, LLC's financial support for the expansion of the City of Winters' Wastewater Treatment Plan.

BACKGROUND: McDonough Holland & Allen PC, the City's special counsel, has drafted the attached first amendment to the Development Agreement for the Winters Highlands Subdivision Project. A second attachment is the "track changes" version of the first amendment that shows the changes to the agreement. The Planning Commission at its October 30, 2006 meeting approved the first amendment on a 7-0 vote.

The proposed changes to the Development Agreement cover three areas: 1) changing the start of the phasing plan for construction of market-rate residential units to September 1, 2007 (**from September 1, 2006**), 2) advancing the payment of \$1,250,000 in funds for the construction of the new Bobbie Greenwood Community Swimming Pool to prior to March 31, 2007 or prior to recordation of the Final Map for Phase 1 of the Winters Highlands Subdivision whichever occurs first (**from prior to recordation of the Final map for Phase 1 of the Winters Highlands Subdivision**), and 3) limiting the financial obligation for expansion of the City's Wastewater Treatment Plant to \$8,000,000 (**from no limit**). In addition, it should be noted that within 10 days from the effective date of the agreement (Winters Highlands Development Agreement First Amendment), GBH-Winters Highlands, LLC would be required to provide the City

of Winters with a \$1,250,000 letter of credit. The Winters Joint Unified School District is in the process of bidding out construction of the swimming pool.

ENVIRONMENTAL ASSESSMENT: The proposed amendment to the Development Agreement for the Winters Highlands Subdivision Project has been reviewed in accordance with the California Environmental Quality Act (CEQA) and is considered exempt under General Rule exemption 15061(b)(3). Under Section 15061(b)(3) of the CEQA Guidelines, the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

ATTACHMENTS:

1. Ordinance No. 2006 - xx
2. First Amendment for the Winters Highlands Development Agreement
3. First Amendment for the Winters Highlands Development Agreement ("track changes" version)

Winters Highlands/DA 1st Amendment PC Stf Rpt 7Nov06

ORDINANCE NO. 2006-xx

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF WINTERS ADOPTING A THE FIRST AMENDMENT TO THE
DEVELOPMENT AGREEMENT FOR THE WINTERS HIGHLANDS PROJECT**

THE CITY COUNCIL OF THE CITY OF WINTERS HEREBY ORDAINS
AS FOLLOWS:

Pursuant to the provisions of Government Code §65864 et seq. and Chapter 2 of Title 11 of the Winters City Code, the City Council of the City of Winters hereby:

1. Adopts and approves that certain document entitled: "FIRST AMENDMENT TO DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF WINTERS AND GBH-WINTERS HIGHLANDS, LLC" for development of the property commonly known as the Winters Highlands property.

2. Authorizes and directs the Mayor to sign the document on behalf of the City after the second reading of this ordinance and after it has first been signed by a duly authorized representative of GBH-Winters Highlands, LLC.

3. Authorizes and directs the City Clerk to record the document, after it is signed by both parties, in the Office of the Recorder of Yolo County.

PASSED AND ADOPTED THIS 21st day of November 2006 on the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Keith W. Fridae, Mayor

Attest:

Nanci G. Mills, City Clerk

**FIRST AMENDMENT
TO
DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF WINTERS
AND
GBH-WINTERS HIGHLANDS, LLC**

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (hereinafter referred to as the "First Amendment") is entered into as of December _____, 2006, by and between the CITY OF WINTERS, a municipal corporation, (the "City"), and GBH-WINTERS HIGHLANDS, LLC, a California limited liability company (the "Developer").

Recitals

A. The City and the Developer have heretofore entered into a Development Agreement, executed as of _____, 2006, (the "Development Agreement"), providing for the residential development of certain real property (the "Project") located within the boundaries of the City of Winters. Capitalized terms used but not defined in this First Amendment shall have the meanings given in the DA.

B. In furtherance of the Project, the City and the Developer desire to enter into this First Amendment to make certain modifications to the Development Agreement relating to the expansion of the wastewater treatment plant, and other matters as set forth herein.

C. City has given the required notice of its intention to adopt this First Amendment and has conducted public hearings thereon pursuant to Government Code Section 65867. As required by Government Code Section 65867.5, City has found that the provisions of this First Amendment and its purposes are consistent with the goals, policies, standards and land use designations specified in City's General Plan.

D. On _____, 2006, the City of Winters Planning Commission (the "Planning Commission"), the initial hearing body for purposes of Development Agreement review, recommended approval of this First Amendment. On _____, 2006, the City of Winters City Council adopted its Ordinance No. _____ approving this First Amendment and authorizing its execution, and that Ordinance ("Enacting Ordinance") became effective on _____.

Agreement

Section 1. Amendment to Section 3.7, Maximum Number of Building Permits Per Year, Non-Market Rate Units.

Section 3.7a. of the Development Agreement is amended to read as follows:

a. To provide for orderly growth within the City of Winters, the Developer shall be entitled to apply for and receive up to, but no more than, the following number of single family residential Building Permits per year for market rate residential units in the Winters Highlands Subdivision. For purposes of this section, the first year commences on September 1, 2007.

Section 2. Amendments to Section 4.6, Payment to Library Fund and Community Pool Fund.

Section 4.6b. of the Development Agreement is amended to read as follows:

b. Within ten (10) days from the effective date of this First Amendment, Developer shall provide the City with a Letter of Credit, in a form satisfactory to the City Attorney, in the sum of ONE MILLION TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$1,250,000). Prior to the March 31, 2007 or recordation of the Final Map for Phase I for the Winters Highlands Subdivision, whichever occurs first, the Developer shall pay to the City the sum of ONE MILLION TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$1,250,000). This amount shall be kept in a separate account designated for pool improvement funds by the City and used solely for constructing and/or maintaining the new Bobbie Greenwood Community Swimming Pool in the City of Winters.

Section 3. Amendments to Section 4.7, Wastewater Treatment Plant Expansion.

Section 4.7 of the Development Agreement is amended to read as follows:

a. An expanded and upgraded Wastewater Treatment Plant ("WWTP") is needed in order to treat the wastewater from the Winters Highlands Subdivision, and other developing properties within the City. The Developer shall be required to fund the cost of the expansion and upgrade project (referred to as "WWTP Phase II"), which would expand the capacity of the WWTP to approximately 1.2 million gallons per day, in accordance with the terms of this Section 4.7. The Developer shall be required to provide funding for WWTP Phase II in excess of the Developer's fair share obligation, and shall receive credit and/or reimbursement for such excess funding, pursuant to the terms of a credit and/or reimbursement agreement, which agreement shall be negotiated and executed by the Parties prior to the approval of the Final Map for Phase I for the Winters Highlands Subdivision. Notwithstanding any provision to the contrary, Developer's funding obligation pursuant to this Section 4.7 shall not be greater than EIGHT MILLION DOLLARS (\$8,000,000). Developer agrees to work with City to create a financing plan and mechanism for WWTP Phase II.

The Developer shall provide funding as follows:

On or before June 1, 2007, the Developer shall provide funding to the City in the amount estimated as necessary by the City Engineer to fully pay for the cost of designing the WWTP Phase II. Sixty (60) days prior to June 1, 2007, the City shall provide written notification to the Developer of the estimated amount needed for design costs.

On or before June 1, 2008, the Developer shall provide funding to the City in the amount estimated as necessary to fully pay for the acquisition of land necessary for the construction of the WWTP Phase II. This amount shall include the estimated cost of the land (based upon an

appraisal) and administrative, legal and environmental review costs directly related to the land acquisition. Sixty (60) days prior to June 1, 2008, the City shall provide written notification to the Developer of the estimated amount needed for land acquisition costs.

On or before June 1, 2009, the Developer shall provide funding to the City in the amount estimated by the City Engineer as necessary to pay for the cost of constructing the WWTP Phase II, up to the funding limit specified above. One hundred and twenty (120) days prior to June 1, 2009, the City shall provide written notification to the Developer of the estimated amount needed for construction of the WWTP Phase II.

In consideration of Developer's commitment to provide funding as set forth in this Section 4.7, City agrees to provide sewer connections for each residential unit within Phases I, II and III of the Winters Highlands Subdivision prior to completion of WWTP Phase II, subject to the following conditions, which must be satisfied prior to the issuance of a Building Permit for each residential unit: (1) Developer is in compliance with the terms of this Agreement, including this Section 4.7; (2) the Building Permit for the applicable residential unit has been issued prior to June 1, 2010; and (3) no circumstances beyond the control of the City have occurred. For the purposes of this subsection c., "circumstances beyond the control of the City" shall include, but are not limited to, acts of God, natural disasters, and acts of the State and/or federal government. The Developer acknowledges and agrees that the City shall not be required to approve or record a Final Map for Phase IV and Phase V of the Winters Highlands Subdivision until and unless the City Engineer determines, in his/her sole and absolute discretion, that the WWTP has adequate capacity to serve all residential units and other buildings to be constructed within that Phase of the Winters Highlands Subdivision, provided, however, if the WWTP Phase II is then completed and operational, City shall reserve from the capacity represented by such expansion the amount needed to serve the remaining residential units within the Winters Highlands Subdivision. This reservation of capacity shall expire upon the termination of this Agreement.

Section 4. Force and Effect

The effective date of this First Amendment shall be the date that this First Amendment is signed by the City. Except as modified and amended by this First Amendment, all other provisions of the Development Agreement shall remain unchanged and in full force and effect.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the parties hereto have entered into this Second Amendment as of the date first above written.

CITY:	DEVELOPER:
CITY OF WINTERS _____ Mayor	GBH-WINTERS HIGHLANDS, LLC a California limited liability company By: _____ Its: _____
APPROVED AS TO FORM: _____ CITY ATTORNEY I	
ATTEST: _____ CITY CLERK	

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, before me, the undersigned notary public, personally appeared _____,

- personally known to me; or
- proved to me on the basis of satisfactory evidence

to be the person whose name is subscribed to the within instrument and acknowledged to me that he / she executed the same in his / her authorized capacity, and that by his / her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

Type of Document: _____

* * * * *

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, before me, the undersigned notary public, personally appeared _____,

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Signature _____

Type of Document: _____

TRACK CHANGES VERSION

**FIRST AMENDMENT
TO
DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF WINTERS
AND
GBH-WINTERS HIGHLANDS, LLC**

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (hereinafter referred to as the "First Amendment") is entered into as of December ____, 2006, by and between the CITY OF WINTERS, a municipal corporation, (the "City"), and GBH-WINTERS HIGHLANDS, LLC, a California limited liability company (the "Developer").

Recitals

A. The City and the Developer have heretofore entered into a Development Agreement, executed as of _____, 2006, (the "Development Agreement"), providing for the residential development of certain real property (the "Project") located within the boundaries of the City of Winters. Capitalized terms used but not defined in this First Amendment shall have the meanings given in the DA.

B. In furtherance of the Project, the City and the Developer desire to enter into this First Amendment to make certain modifications to the Development Agreement relating to the expansion of the wastewater treatment plant, and other matters as set forth herein.

C. City has given the required notice of its intention to adopt this First Amendment and has conducted public hearings thereon pursuant to Government Code Section 65867. As required by Government Code Section 65867.5, City has found that the provisions of this First Amendment and its purposes are consistent with the goals, policies, standards and land use designations specified in City's General Plan.

D. On _____, 2006, the City of Winters Planning Commission (the "Planning Commission"), the initial hearing body for purposes of Development Agreement review, recommended approval of this First Amendment. On _____, 2006, the City of Winters City Council adopted its Ordinance No. _____ approving this First Amendment and authorizing its execution, and that Ordinance ("Enacting Ordinance") became effective on _____.

Agreement

Section 1. Amendment to Section 3.7, Maximum Number of Building Permits Per Year, Non-Market Rate Units.

Section 3.7a. of the Development Agreement is amended to read as follows:

TRACK CHANGES VERSION

a. To provide for orderly growth within the City of Winters, the Developer shall be entitled to apply for and receive up to, but no more than, the following number of single family residential Building Permits per year for market rate residential units in the Winters Highlands Subdivision. For purposes of this section, the first year commences on September 1, ~~2007~~2006.

Section 2. Amendments to Section 4.6, Payment to Library Fund and Community Pool Fund.

Section 4.6b. of the Development Agreement is amended to read as follows:

b. Within ten (10) days from the effective date of this First Amendment, Developer shall provide the City with a Letter of Credit, in a form satisfactory to the City Attorney, in the sum of ONE MILLION TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$1,250,000). Prior to the March 31, 2007 or recordation of the Final Map for Phase I for the Winters Highlands Subdivision, whichever occurs first, the Developer shall pay to the City the sum of ONE MILLION TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$1,250,000). This amount shall be kept in a separate account designated for pool improvement funds by the City and used solely for constructing and/or maintaining the new Bobbie Greenwood Community Swimming Pool in the City of Winters.

Section 3. Amendments to Section 4.7, Wastewater Treatment Plant Expansion.

Section 4.7 of the Development Agreement is amended to read as follows:

a. An expanded and upgraded Wastewater Treatment Plant ("WWTP") is needed in order to treat the wastewater from the Winters Highlands Subdivision, and other developing properties within the City. The Developer shall be required to fund the cost of the expansion and upgrade project (referred to as "WWTP Phase II"), which would expand the capacity of the WWTP to approximately 1.2 million gallons per day, in accordance with the terms of this Section 4.7. The Developer shall be required to provide funding for WWTP Phase II in excess of the Developer's fair share obligation, and shall receive credit and/or reimbursement for such excess funding, pursuant to the terms of a credit and/or reimbursement agreement, which agreement shall be negotiated and executed by the Parties prior to the approval of the Final Map for Phase I for the Winters Highlands Subdivision. Notwithstanding any provision to the contrary, Developer's funding obligation pursuant to this Section 4.7 shall not be greater than EIGHT MILLION DOLLARS (\$8,000,000). Developer agrees to work with City to create a financing plan and mechanism for WWTP Phase II.

The Developer shall provide funding as follows:

On or before ~~June 1, 2007~~~~December 1, 2006~~, the Developer shall provide funding to the City in the amount estimated as necessary by the City Engineer to fully pay for the cost of designing the WWTP Phase II. Sixty (60) days prior to ~~June 1, 2007~~~~December 1, 2006~~, the City shall provide written notification to the Developer of the estimated amount needed for design costs.

On or before ~~June 1, 2008~~~~December 1, 2007~~, the Developer shall provide funding to the City in the amount estimated as necessary to fully pay for the acquisition of land necessary for the construction of the WWTP Phase II. This amount shall include the estimated cost of the land

TRACK CHANGES VERSION

(based upon an appraisal) and administrative, legal and environmental review costs directly related to the land acquisition. Sixty (60) days prior to ~~June 1, 2008~~~~December 1, 2007~~, the City shall provide written notification to the Developer of the estimated amount needed for land acquisition costs.

On or before ~~June 1, 2009~~~~December 1, 2008~~, or if Developer has not filed a Final Map for Phase I of the Winters Highlands Subdivision by ~~December 1, 2008~~, then prior to the filing of the Final Map for Phase I, the Developer shall provide funding to the City in the amount estimated by the City Engineer as necessary to fully pay for the cost of constructing the WWTP Phase II, up to the funding limit specified above. One hundred and twenty (120) days prior to June 1, 2009~~December 1, 2008~~, the City shall provide written notification to the Developer of the estimated amount needed for construction of the WWTP Phase II.

~~In the event that the amounts estimated by the City pursuant to subparagraphs b1., b2. and b3. above are insufficient to cover the actual costs of design, land acquisition or construction of the WWTP Phase II, the Developer shall provide the additional funding necessary to cover the actual costs, within one hundred and twenty (120) days of receipt of written request from the City for supplementary funding.~~

In consideration of Developer's commitment to provide funding as set forth in this Section 4.7, City agrees to provide sewer connections for each residential unit within Phases I, II and III of the Winters Highlands Subdivision prior to completion of WWTP Phase II, subject to the following conditions, which must be satisfied prior to the issuance of a Building Permit for each residential unit: (1) Developer is in compliance with the terms of this Agreement, including this Section 4.7; (2) the Building Permit for the applicable residential unit has been issued prior to June 1, 2010~~December 1, 2009~~; and (3) no circumstances beyond the control of the City have occurred. For the purposes of this subsection c., "circumstances beyond the control of the City" shall include, but are not limited to, acts of God, natural disasters, and acts of the State and/or federal government.

The Developer acknowledges and agrees that the City shall not be required to approve or record a Final Map for Phase IV and Phase V of the Winters Highlands Subdivision until and unless the City Engineer determines, in his/her sole and absolute discretion, that the WWTP has adequate capacity to serve all residential units and other buildings to be constructed within that Phase of the Winters Highlands Subdivision, provided, however, if the WWTP Phase II is then completed and operational, City shall reserve from the capacity represented by such expansion the amount needed to serve the remaining residential units within the Winters Highlands Subdivision. This reservation of capacity shall expire upon the termination of this Agreement.

Section 4. Force and Effect

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[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

TRACK CHANGES VERSION

IN WITNESS WHEREOF, the parties hereto have entered into this Second Amendment as of the date first above written.

CITY:	DEVELOPER:
CITY OF WINTERS _____ Mayor	GBH-WINTERS HIGHLANDS, LLC a California limited liability company By: _____ Its: _____
APPROVED AS TO FORM: _____ CITY ATTORNEY 1	
ATTEST: _____ CITY CLERK	

TRACK CHANGES VERSION

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, before me, the undersigned notary public, personally
appeared _____,

- personally known to me; or
- proved to me on the basis of satisfactory evidence

to be the person whose name is subscribed to the within instrument and acknowledged to me that
he / she executed the same in his / her authorized capacity, and that by his / her signature on the
instrument the person, or the entity upon behalf of which the person acted, executed the
instrument.

WITNESS my hand and official seal.

Signature _____

Type of Document: _____

* * * * *

STATE OF CALIFORNIA)
COUNTY OF _____)

On _____, before me, the undersigned notary public, personally
appeared _____,

- personally known to me; or
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instrument.

WITNESS my hand and official seal.

Signature _____

Type of Document: _____



CITY COUNCIL STAFF REPORT

November 7, 2006

TO: Honorable Mayor and Councilmembers 

FROM: Dan Sokolow – Community Development Director 

SUBJECT: Continued Public Hearing and Appeal of Planning Commission's denial of 308 Peach Place Project, Variance Request of 15.5-feet for the rear yard setback for a non-permitted residential addition.

RECOMMENDATION: Staff recommends that the City Council receive the staff report, conduct the continued public hearing, and deny the appeal submitted by applicant Eva Boyko on the Planning Commission's denial of a rear yard setback variance of 15.5-foot for a non-permitted residential addition of 280 square feet constructed to the single-family residence located at 308 Peach Place (Assessor Parcel Number 003-271-28) based on the following findings.

1. The variance constitutes a grant of special privilege. Residences located in the vicinity of the project site or elsewhere in R-2 Zones cannot construct residential additions without complying with the setback requirements.
2. There is not a special circumstance applicable to the subject property such as an unusual lot size, shape, topography, location, or surroundings which deprive the property of privileges enjoyed by other properties in the vicinity and under the identical zone classification. Denial of the variance does not prevent the applicant from continuing the residential use of her property.
3. The variance conforms to the General Plan. The subject parcel has General Plan land use designation of Medium Density Residential, which provides for single-family detached and attached homes. The project would result in an addition to the existing single-family residence.

BACKGROUND: Eva Boyko, the appeal applicant and property owner at 308 Peach Place, filed the attached appeal to the Planning Commission's denial of the 308 Peach Place Project. Her appeal seeks to overturn the Planning Commission's September 26, 2006 denial of a rear yard setback variance of 15.5-feet on the non-permitted 280-square foot residential addition she constructed to her single-family residence located

at 308 Peach. Boyko had submitted the variance application after the Community Development Department issued a stop work notice to her in July for constructing the addition and installing an air conditioning unit without a required building permit. It was later determined that the addition did not meet the rear yard setback requirement of 20-feet and the air conditioning unit was actually a swamp cooler.

DISCUSSION: At the September 26, 2006 Planning Commission meeting, Eva Boyko explained to the Commission that her limited income and the need to provide eating areas in her residence for her five adopted children were the reasons why she constructed the addition. Boyko's parents also reside in her 1,700 square foot residence. The 280 square foot rear yard addition, which has been framed and sheeted with plywood, would increase the square footage of the house to 1,980 square feet. While the Commission was not unsympathetic to Boyko's personal situation, they ultimately denied the variance on a 6-0 vote (Commissioner Pierre Neu absent). The Commission was unable to make findings that Boyko's variance request would not represent a grant of special privilege and there were special circumstances unique to her property. Pursuant to the Winters Municipal Code (Zoning – Section 17.24.040), approval of a variance requires that three findings be made.

1. That any variance granted is subject to such conditions as will assure that the adjustment thereby authorized does not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the subject property is situated;
2. That, because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the provisions of this Title is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification; and
3. That the variance shall not be granted for a parcel of property which authorizes a use of activity which is not otherwise expressly authorized by the zone regulation (both general plan and zoning) governing the parcel of property.

PROJECT NOTIFICATION: Pursuant to the guidelines set forth in the Winters Municipal Code, a legal notice for the public hearing was published in the Thursday, October 12, 2006 edition of the Winters Express, and a copy of the notice was posted at City Hall. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since Wednesday, November 1, 2006.

ENVIRONMENTAL ASSESSMENT: The appeal request has been reviewed in accordance with the California Environmental Quality Act (CEQA) and is not considered a project and therefore no further action is required under CEQA.

ALTERNATIVES: The City Council may approve the appeal request.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

1. Appeal submitted from Eva Boyko
2. Map depicting approximate footprints of existing residence and addition area at 308 Peach Place
3. September 26, 2006 Planning Commission Staff Report for 308 Peach Place Project

Planning Commission/308 Peach Place Var Appeal CC Stf Rpt 7Nov06

Date: 10/2/06

Name of Appellant: EOA Boyko

Mailing Address: 308 Peach Pl
Wtrs Ca 95694

Phone Number: 530-795-0385

Property Location: 308 Peach Pl

Present Zoning: Residential

Requested Action: Variance

Date of Action: 9/26/06

Type of Appeal (Check One):

- Appeal of Planning Commission Action
- Staff/Administration Interpretation

Reason For Appeal (Additional information may be attached.):

I need a variance to enclose my ^{dgl} patio covered area to make it a Addition.

In order for a Notice of Appeal to be considered, it must be received by the City Clerk's office within thirty (30) days of the Date of Action with the \$200.00 non-refundable fee. Any Notices of Appeal received after the thirty (30) day deadline will not be considered.

I hereby certify that the facts and information contained in this Notice of Appeal are true and correct to the best of my knowledge.

EOA Boyko

Property Owner/Official Representative

THIS SECTION FOR CITY USE ONLY:

Date Received (Stamp):

Date scheduled to be heard by City Council:

RECEIVED

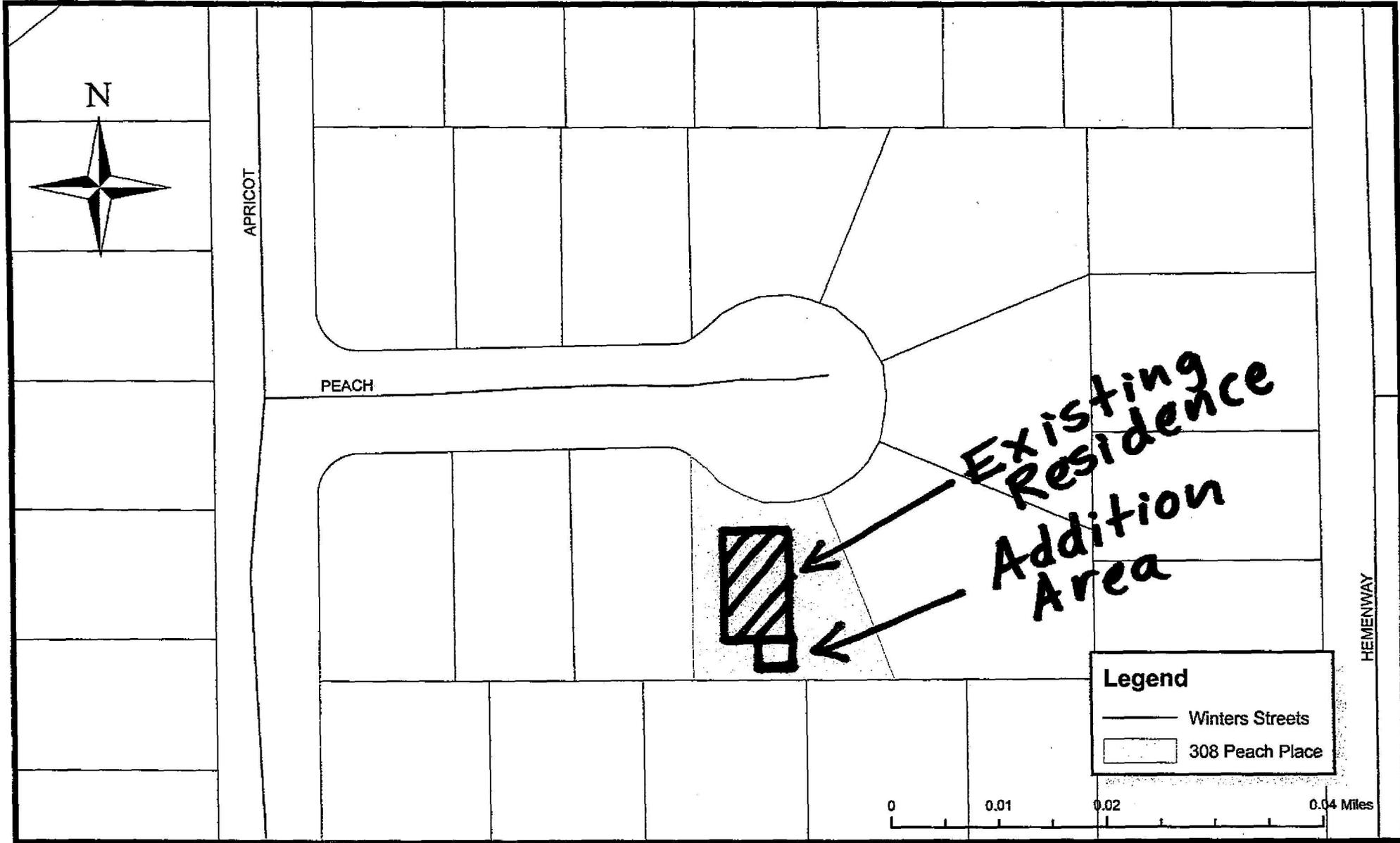
Date City Council heard:

OCT 02 2006

_____ Appeal Approved

_____ Appeal Denied

308 Peach Place





PLANNING COMMISSION STAFF REPORT
September 26, 2006

TO: Chairman and Planning Commissioners

FROM: Dan Sokolow – Community Development Director 

SUBJECT: **Action Items – Public Hearing and consideration of Variance request (2006-001-VAR) submitted by Eva Boyko for the rear yard setback for a non-permitted addition constructed to the single-family residence located at 308 Peach Place (APN 003-271-28).**

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions: 1) Receive the staff report, 2) Conduct the public hearing, and 3) Deny the applicant's Variance request on the rear yard setback for a non-permitted addition constructed to the single-family residence located at 308 Peach Place (Assessor Parcel Number 003-271-28).

BACKGROUND: The project applicant, Eva Boyko, has proposed a variance of 15.5-feet on the rear yard setback for the non-permitted 280 square foot addition she constructed to her 1,700 square foot (pre-addition square footage) single-family residence located at 308 Peach Place (APN 003-271-28). In July of this year, the Community Development Department was contacted about potential non-permitted construction activities at 308 Peach Place: construction of addition to residence and installation of air conditioning unit on the roof of the residence. After an initial review, the Community Development Department issued a stop work notice to the property owner for constructing an addition to the residence and installing an air conditioning unit without a required building permit.

Subsequently, the property owner, Eva Boyko, meet with staff on multiple occasions to discuss the addition project. According to the applicant, she was unaware that a building permit was required for the project and was told in the early 1990s by a former City of Winters Building Inspector that her property was "grand fathered-in" for converting her then-patio cover into a residential addition even though the addition would not be in compliance with the rear yard setback of 20-feet for the R-2 Zone. Boyko also indicated that she had installed a swamp cooler on her roof.

The project site (308 Peach Place, APN 003-271-28) is approximately 7,300 square foot in size, has a General Plan land use designation of Medium Density Residential (MR), and is zoned Single-Family, 6,000 Square Foot Average Minimum (R-2). This

project will require Variance approval from the Planning Commission.

DISCUSSION: Approval of a variance requires that the Planning Commission make the following three findings (Winters Municipal Code, Zoning – Section 17.24.040).

1. That any variance granted is subject to such conditions as will assure that the adjustment thereby authorized does not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the subject property is situated;
2. That, because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the provisions of this Title is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification; and
3. That the variance shall not be granted for a parcel of property which authorizes a use of activity which is not otherwise expressly authorized by the zone regulation (both general plan and zoning) governing the parcel of property.

While the third variance finding can be supported by the applicant's use of the addition area for residential purposes and this is consistent with the permitted uses of the MR/R-2 designations, there does not appear to be evidence that supports the first and second variance findings. The setback requirements for the R-2 Zone prevent residences in the vicinity of the project site and elsewhere in the same zone from constructing residential additions that do not conform to the setback requirements. As a result, granting the applicant a variance for a residential addition that does not meet the rear yard setback requirement could be considered a grant of special privilege. The project site does not contain any of the special circumstances such as an unusual lot size, shape, topography, location, or surroundings that would justify a variance. Denial of the variance does not prevent the applicant from continuing the residential use of her property.

Should the Planning Commission deny the variance application, the applicant would need to demolish the addition. Staff supports allowing the applicant to reconstruct the original patio cover since it was constructed prior to the applicant purchasing the residence in the early 1980s even though the patio cover would not be in compliance with the required rear yard setback. In the event that the Planning Commission approves the variance application, it is uncertain whether the required building inspections could be conducted to verify that the construction of the addition is in compliance with the California Building Code (CBC). If CBC compliance cannot be verified, the applicant would need to demolish the addition and then reconstruct it. Under both scenarios, the addition remains or the addition is demolished and then reconstructed, the applicant would be required to submit a building permit for review

and approval and be subjected to an investigation fee pursuant to the CBC for constructing the addition without the required building permit.

APPLICABLE REGULATIONS:

This project is subject to several regulations:

- The California Environmental Quality Act (CEQA)
- State Planning and Zoning Law
- City of Winters General Plan
- City of Winters Zoning Ordinance

PROJECT NOTIFICATION: Public notice advertising for the public hearing on this project was prepared by the Community Development Department's Community Development Director in accordance with notification procedures set forth in the City of Winter's Municipal Code and State Planning Law. Two methods of public notice were used: (1) a legal notice was published in the Winters Express on Thursday, September 15, 2006, and (2) notices were mailed to all property owners who own real property within three hundred feet of the project boundaries at least ten days prior to tonight's hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since Tuesday, September 19, 2006.

ENVIRONMENTAL ASSESSMENT: The Variance application has been reviewed in accordance with the California Environmental Quality Act (CEQA) and is considered categorically exempt under Section 15303.

RECOMMENDED FINDINGS FOR 308 PEACH PLACE PROJECT (VARIANCE): Should the Planning Commission deny the project, staff has prepared the following findings of denial. Staff will provide the Commission with separate findings in the event that the Commission approves the project.

Variance Findings:

1. The variance constitutes a grant of special privilege. Residences located in the vicinity of the project site or elsewhere in R-2 Zones cannot construct residential additions without complying with the setback requirements.
2. There is not a special circumstance applicable to the subject property such as an unusual lot size, shape, topography, location, or surroundings which deprive the property of privileges enjoyed by other properties in the vicinity and under the identical zone classification. Denial of the variance does not prevent the applicant from continuing the residential use of her property.
3. The variance conforms to the General Plan. The subject parcel has a General Plan land use designation of Medium Density Residential, which provides for single-family detached and attached homes. The project would result in an

Commission make an affirmative motion as follows:

I MOVE THAT THE WINTERS PLANNING COMMISSION DENY THE 308 PEACH PLACE PROJECT (VARIANCE) BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTION.

- Denial of the Variance.

ALTERNATIVES:

The Commission can elect to modify any aspect of the denial or to approve the application.

ATTACHMENTS:

1. Assessor's Parcel Map for project site
2. Statement submitted by applicant in support of project
3. Public Hearing Notice (published and mailed copies)
4. Correspondence regarding the project

Planning Commission/308 Peach Place VAR PC Stf Rpt 26Sep06

RECEIVED

AUG 21 2006

CITY OF WINTERS

My name is Eva Boyko; I live at 308 peach Pl, in Winters, CA. When I took my hand written paper in to Mr. Sokolow he requested that I type it. I hope you will forgive any errors. I am not really sure what it is I am supposed to write. I will start out explaining a little about my family and why we enclosed the Patio.

I am a single mother of five adopted children. My elderly parents also live with me. My children and I have used the covered patio as an out door living space and do so year round.

Because of the amount of people living in our home we are constantly spilling out into the patio to eat our meals. When the roof became dangerously close to falling down, my children and I recruited anyone who would help to rebuild it. We all worked to replace the roof and the cracked cement underneath ourselves.

We poured new concrete on a raised steel reinforced slab of the same dimension of the existing patio. We cut out and replaced all the broken rafters of the existing patio roof.

I decided I might as well enclose the three sides. This way we could leave the table out there all the time to eat our meals. We have an eat in kitchen that is too small for our table if we extend it to fit us all.

We framed in the walls in the same area of the pre-existing patio. A friend gave us a used swamp cooler which we installed on the roof. I think that the neighbor thought we were installing an air-conditioner, and did not like the look of the swamp cooler. Either way I am more than willing to remove the swamp cooler. I know that the view of the roof would be the same then, as the roof is the same as the pre-existing roof was.

I would also like to put in a ceiling fan and move my washer and dryer to the back patio as well. I can not afford to run the clothes

dryer and would like to hang my clothes up in the enclosed patio. I used to hand the clothes on a line I tied between the supports of the pre-existing patio.

I apologize for any inconvenience we may have caused. I thought that I was grandfathered in, that it wasn't a big deal. I am trying to conform to all that Mr. Sokolow has requested. I have borrowed the money for the variance, submitted my plans, allowed Mr. Sokolow to come and view my home and property. I hope this shows I am very sorry. Please allow my family to keep the walls up and not to have to tear them down.

Thank you, Sincerely,



Eva Boyko
308 peach Pl.
Winters, CA 95694
(530)795-0385

RECEIVED

AUG 21 2006

CITY OF WINTERS

Winters
Express

P. B5

9/14/06

Notice of Public Hearing

The Winters Planning Commission will conduct a public hearing on the project application as described below, beginning at 7:30 P.M. on Tuesday, September 26, 2006, or as soon as possible thereafter, in the Council Chambers, City Offices, 318 First Street, Winters, California 95694.

PROJECT LOCATION: 308 PEACH PLACE, ASSESSOR PARCEL NUMBER 003-271-28.

APPLICATION TYPE: The Planning Commission is conducting a public hearing to solicit comments regarding the proposed Variance for the rear yard setback of an addition to a single-family residence.

PROJECT DESCRIPTION: The project proponent, Eva Boyko, has proposed a variance of 15.5 feet on the rear yard setback for the non-permitted addition she constructed to her residence located at 308 Peach Place; the rear yard setback requirement is 20 feet. The property (APN 003-271-28) is approximately 7,300 square feet in size, has a General Plan land use designation of Medium Density Residential (MR), and is zoned Single Family, 6,000 Square Foot Average Minimum (R-2). This project will require Variance approval from the Planning Commission.

The purpose of the public hearing will be to give citizens an opportunity to make their comments known. If you are unable to attend the public hearing, you may direct written comments to the City of Winters, Community Development Department, 318 First Street, Winters, CA 95694 or you may telephone (530) 795-4910, extension 112. In addition, a public information file is available for review at the above address between the hours of 8:00 a.m. and 5:00 p.m. on weekdays.

ALL INTERESTED PERSONS ARE INVITED TO APPEAR AT THE MEETING DATE(S) IDENTIFIED ABOVE AT 7:30 P.M. IN COUNCIL CHAMBERS TO COMMENT. COPIES OF ALL THE ABOVE PROJECT DESCRIPTIONS, PLANS AND THE COMPLETE FILE, CAN BE VIEWED AT THE OFFICE OF THE COMMUNITY DEVELOPMENT DEPARTMENT, 318 FIRST STREET, CITY HALL, AT LEAST FIVE DAYS PRIOR TO THE HEARING, OR CALL THE STAFF CONTACT PERSON AT (530) 795-4910, EXTENSION 112. ALL INTERESTED PERSONS ARE INVITED TO ATTEND THE HEARING AND EXPRESS THEIR COMMENTS. WRITTEN COMMENTS WILL BE ACCEPTED PRIOR TO, AT, AND DURING THE HEARING. ALL COMMENTS RECEIVED WILL BE GIVEN TO THE PLANNING COMMISSION FOR THEIR CONSIDERATION.

PURSUANT TO SECTION 65009 (B) (2), OF THE STATE GOVERNMENT CODE "IF YOU CHALLENGE ANY OF THE ABOVE PROJECTS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING(S) DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY PLANNING COMMISSION AT, OR PRIOR TO, THIS PUBLIC HEARING".

Published Sept. 14, 2006



9/14/06

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Dan Sokolow -- Community Development Director

RECEIVED

SEP 15 2006

CITY OF WINTERS

City of Winters
Community Development Department
318 First Street
Winters, Ca. 95694

Dear Sirs;

In regards to the Notice of Public Hearing Letter dated 9/14/06 concerning the property at 308 Peach Pl. and Eva Boyko, owner, of said property. I am unable to attend this meeting due to a prior appointment but would like to comment for Eva Boyko's behalf.

I have seen the addition she constructed, it does not give a bad appearance like a hillbilly lean to, but a nicely designed addition. This woman is a hard working single mom, that has been an asset to our cul-de-sac. The appearance of the front of the house is always orderly. Being she has several children, this addition gives the family a little more covered space from weather conditions. The addition was not designed as a bedroom or living quarters, merely a covered porch. Most every house in our area is close to the back yard of the neighbors. The tract was developed long before new variances were developed. When the tract was developed no one had objections to being so close. It's not like there is an alley there and emergency vehicles must go through. Some of us have power poles in our neighbors yard yet the men have to come to ours to reach it, and the fences were set back so the power company could go to the pole from the yard its installed in.

If a little more time was spent taking care of fixing problems the city has now and less time trying to create a new petty variances (cause its an eye sore to someone) a lot more could be accomplished. Our streets are horrible, yet that doesn't seem to be a problem.

Please consider the hardship you will cause this family if you insist she remove it.

Delores Sorenson
Delores Sorenson
304 Peach Pl
Winters, Ca. 95694

September 19, 2006

City of Winters
Community Development Department
318 First Street
Winters, Ca 95694

RECEIVED

SEP 19 2006

CITY OF WINTERS

To Whom It May Concern:

I am writing in regards to the project undertaken at 308 Peach Place by Ms. Boyko. Whether the project was undertaken in ignorance or in disregard of building regulations, the approval of said project sends a message to the public that one can pretty much proceed as one desires with no recrimination. What then is there to deter other neighbors from undertaking similar projects?

Sincerely,

Marcia J. Hartz





**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: November 7, 2006
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Budget Adjustment for Swimming Pool Construction

RECOMMENDATION:

Adopt Resolution 2006-44, A Resolution of the City Council of the City of Winters Amending the City of Winters 2006-2007 Adopted Operating Budget and Approving Expenditures for Community Swimming Pool Construction.

BACKGROUND:

The City of Winters swimming pool was closed prior to the 2006 summer swimming season due to the pools deteriorating condition. The City has determined that the swimming program is a vital recreation program for the citizens of the city, and has negotiated with Granite Bay Holdings and Hofmann Development to provide funding for the swimming pool as a condition in the development agreements for their respective projects.

Due to outside factors, the conditions requiring payment of the funding for the swimming pool have not yet occurred, and funding is needed immediately if the city is to have a summer swim season for 2007.

The City has advanced \$100,000.00 from Fund 424 Park Capital Fund for design of the swimming pool. The balance of the City's commitment for building the pool is \$1,400,000.00. Staff is recommending that the city advance the funding to the Winters Joint Unified School District in order to keep the construction of the swimming pool on schedule for use in the summer of 2007. Recommended funding sources are:

Parks and Recreation Capital Fund 424	\$125,000.00
Parks & Recreation Impact Fund 413	800,000.00
Redevelopment Tax Increment Fund 701	<u>475,000.00</u>
Total Additional Advance Funding	\$1,400,000.00

Funding will be received from the following Developers as the conditions of the signed Development Agreements occur:

Granite Bay Holding	\$1,250,000.00
Hofmann Development	<u>250,000.00</u>
Total Reimbursement	\$1,500,000.00

These funds will reimburse the funds above in the following amounts:

Parks and Recreation Capital Fund 424	\$225,000.00
Parks & Recreation Impact Fund 413	800,000.00
Redevelopment Tax Increment Fund 701	<u>475,000.00</u>
Total reimbursements	\$1,500,000.00

FISCAL IMPACT:

Use of this funding will make the funds unavailable for other projects until reimbursement from the developers is received.

RESOLUTION 2006-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING THE CITY OF WINTERS 2006-2007 ADOPTED OPERATING BUDGET AND APPROVING EXPENDITURE FOR COMMUNITY SWIMMING POOL CONSTRUCTION

WHEREAS, On June 26, 2006 the City Council of the City of Winters adopted operating budget for Fiscal Year 2006-2007; and

WHEREAS, the City was unable to provide a swimming program for the summer of 2006 due to the closure of the City Swimming Pool; and

WHEREAS, funding is to be provided by the developers known as Hofmann Development Company and Granite Bay Holdings per their respective Development Agreements; and

WHEREAS, the funding for the swimming pool is required immediately in order to begin construction; and

WHEREAS, the Development Agreements do not provide funding immediately; and

WHEREAS, the City of Winters desires to have the swimming pool constructed and available for the 2007 swimming season.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Winters that the adopted operating budget for fiscal year 2006-2007 be amended as follows:

Section 1: Increase 2006-2007 budgeted expenditures in the following funds and amounts:

1. Fund 424 Park and Recreation Capital	\$125,000.00
2. Fund 413 Park and Recreation Impact Fees	800,000.00
3 Fund 701 Redevelopment Tax Increment	<u>475,000.00</u>
Total adjustments	\$1,400,000.00

Section 2: When funding is received from Granite Bay Holdings and Hofmann Development Company, the following reimbursements will be made:

1. Fund 424 Park and Recreation Capital	\$225,000.00
2. Fund 413 Park and Recreation Impact Fee	800,000.00
3. Fund 701 Redevelopment Tax Increment	<u>475,000.00</u>
Total Reimbursements	\$1,500, 000.00

PASSED AND ADOPTED by the City Council, City of Winters, the 7th day of November 2006 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Keith Fridae, Mayor

ATTEST:

Nanci G. Mills, CITY CLERK



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE : November 7, 2006
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Shelly Gunby, Director of Financial Management *Shelly*
SUBJECT: Budget Adjustments for Fiscal Year 2006-2007

RECOMMENDATION:

Approve Resolution #2006-47 Approving Budget Adjustments for Fiscal Year 2006-2007 for Open Purchase orders as of June 30, 2006.

BACKGROUND:

As of June 30, 2006 approximately \$361,703.14 in purchase orders were issued but not all services and/or products had been rendered and/or received. These amounts were approved in the 2005-2006 budget.

The Finance department began the practice of setting up a Reserve for Encumbrance Account for each fund that was affected by open purchase orders beginning in the 2003-2004 fiscal year per discussions with our auditing firm, Moss, Levy & Hartzheim. This encumbers (or makes unavailable) funds that would otherwise be in the undesignated/unreserved fund balance.

This treatment adjusts the current year budget line items for purchases approved in the 2005-2006 budget, that were not received/completed before the year end. Adjusting the budget prevents the appearance of overspending the current year budget due the completion/receipt of prior year's purchases.

Attached you will find the spreadsheet detailing the funds affected by the budget adjustments.

FISCAL IMPACT:

There is no fiscal impact beyond the correct presentation of the expenditures in our financial statements.

RESOLUTION 2006-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING THE CITY OF WINTERS 2006-2007 ADOPTED OPERATING BUDGET

WHEREAS, On June 26, 2006 the City Council of the City of Winters adopted operating budget for Fiscal Year 2006-2007; and

WHEREAS, items budgeted in 2005-2006 had purchase orders issued, but merchandise was not delivered, or projects were incomplete as of June 30, 2006.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Winters that the adopted operating budget for fiscal year 2006-2007 be amended as follows:

Section 1: Increase budgeted expenditures in the following funds and accounts

a. 101-54419-610 Miscellaneous Professional Services-Public Works	\$6,758.02
b. 101-52915-210 Safety Equipment-Police	39.81
c. 101-54411-180 Engineering-Finance	1,703.61
d. 701-54411-510 Engineering-Redevelopment	3,571.46
e. 701-54419-510 Miscellaneous Professional Services-Redevelopment	5,127.55
f. 621-54419-640 Miscellaneous Professional Services-Sewer	44,938.55
g. 411-54411-660 Engineering-Streets	775.83
h. 221-54411-660 Engineering-Street	192.50
i. 621-54411-640 Engineering-Sewer	231.54
j. 611-54411-630 Engineering-Water	141.35
k. 414-54411-210 Engineering-Police	141.35
l. 492-54411-610 Engineering-Public Works	50.49
m. 417-54411-630 Engineering – Water	51.16
n. 418-54411-640 Engineering-Sewer	102.32
o. 413-54411-710 Engineering-Recreation	141.35
p. 416-54411-999 Engineering-General	141.35
q. 415-54411-310 Engineering-Fire	141.35
r. 294-54411-660 Engineering-Streets	50.49
s. 702-54411-510 Engineering-Redevelopment	20,360.35
t. 702-57317-660-p74 Parking Lot Construction-Redevelopment	203,198.27
u. 413-54419-650 Miscellaneous Professional Services-Parks	72,274.44
v. 611-54419-630 Miscellaneous Professional Services-Water	1,570.00

PASSED AND ADOPTED by the City Council, City of Winters, the 7th day of November 2006 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Keith Fridae, Mayor

ATTEST:

Nanci G. Mills, CITY CLERK



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: November 7, 2006
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nanci G. Mills, Director of Administrative Services/City Clerk *Nanci*
SUBJECT: Trustee Appointment – Sacramento-Yolo Mosquito & Vector Control District

RECOMMENDATION:

It is requested that the City Council appoint a new trustee, or direct staff to publish vacancy in newspaper for interested parties to file interest form.

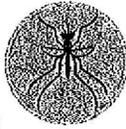
BACKGROUND:

Mr. Vern Bruhn has been serving as the City of Winters Trustee since 1992. The City of Winters received the attached letter informing us that Mr. Bruhn has decided to retire and is asking the City to appoint a new trustee.

FISCAL IMPACT:

No fiscal impact.

SACRAMENTO-YOLO
MOSQUITO
& VECTOR
CONTROL
DISTRICT



October 19, 2006

City Clerk
City of Winters
318 First Street
Winters, CA 95694

8631
Bond Road
Elk Grove,
California
95624-1477
Telephone
916.685.3022
Fax
916.685.5464

www.sac-yolonvcd.com

Re: Trustee Appointment

The term of appointment of your representative Vern Bruhn, expires December 31st, 2006. He has also announced that he is retiring from service on the Board, effective December 31st, 2006.

The Health and Safety Code provides for appointments up to four years as follows: "The first term of any member shall not exceed two years. Each subsequent consecutive reappointment, if any, may be for a term of two or four years, at the discretion of the appointing power."

The Sacramento-Yolo Mosquito and Vector Control District requests to be notified in writing when this appointment has been filled and the length of the term of appointment, as soon as possible.

Sincerely,

Deborah J. Ackerman
Deborah J. Ackerman
Administrative Manager

cc: Vern Bruhn

MANAGER
David Brown

2006
BOARD OF TRUSTEES
Neal Peart, *President*
Woodland
David Tamayo, *Vice President*
Sacramento
John L. Lewallen, *Secretary*
Sacramento County
Robert Biederman
Galt
Vern C. Bruhn
Winters
Craig Burnett
Folsom
Rosemarie Butler
Heaven
Raul DeAnda
West Sacramento
Lyndon Hawkins
Elk Grove
Michael Parella
Yolo County
Robert K. Washino
Davis
Jack Whitfield
Citrus Heights



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: November 7, 2006
FROM: John W. Donlevy, Jr., City Manager 
SUBJECT: Funding Request: Winters Center for the Arts

RECOMMENDATION:

That the City Council consider the funding request from the Winters Center for the Arts.

BACKGROUND:

The City has been approached by the Winters Center for the Arts regarding possible funding assistance to help subsidize their ongoing operations. Attached is a letter from the Center and a representative will be present at the City Council Meeting to discuss their request.

FISCAL IMPACT:

To be determined.

Winters Center for the Arts

31 Main Street,
P. O. Box 1140,
Winters, CA 95694
530.795.5301

Save the Winters Center for the Arts

Dear All,

The Winters Center for the Arts, a local non-profit, is in urgent need of financial support. Currently the gallery sales have fallen behind our obligations and without additional support, we will be forced to close our doors as early as November 1st.

We believe the economy of arts and entertainment is growing to become an important component in the City of Winters. We also believe the Center can play a key role in that development. Currently the Center provides community service by providing gallery space for local artist showings and by being a bridge between the city and the school with the annual student show and scholarship program. Our Executive Director is also working to put into place art instruction in collaboration with the city and ultimately a capital campaign for a new building and pedestrian passage way in the downtown pocket park. We also will be hosting a Galia, this year around Valentine's Day with an art auction as an annual fundraiser and scholarship drive.

In order to do this we need immediate support. Our current fiscal condition is due to several factors. The gallery shows have always been subsidized as their sales do not cover monthly expenses. In the past, that difference has been made up largely with grants but this year we were not funded by one of the larger sources. In addressing this, we are working with a professional fundraiser to develop long term financial stability.

At the moment we need to make up the difference by local fundraising. We are looking for individual support from \$15 to \$35, Show Sponsors at \$300 and for our Angels at \$1,000. And if you can contribute time, please consider being a gallery docent or attend a board meeting held every 3rd Thursday of the Month at 7:00 in the gallery, 31 Main Street. If you feel that the local arts are important enough to support, please call Megan Evans at 795-4900.

Thank you very much for your support,



Eric Doud



**COMMUNITY DEVELOPMENT AGENCY
STAFF REPORT**

TO: Honorable Chairman and Board of Directors
DATE: November 7, 2006
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Dan Maguire, Community Development *DM*
SUBJECT: Façade Improvement Program Application – 12 Main Street

RECOMMENDATION:

Accept Downtown Façade Improvement Program Application from John Siracusa / Paul Fair for 12 Main Street and direct staff to issue Notice to Proceed for identified façade improvements.

BACKGROUND:

On September 7, 2004, the Community Development Agency (CDA) approved a Downtown Façade Improvement Program for the purpose of promoting physical improvements to structures within the Central Business District. The CDA allocated Fifty-Thousand Dollars for this program to be allotted a first come first serve basis, in varying increments.

The CDA has funded two façade program applications, one to John Pickerel for 41 & 43 Main Street and one to Richard and Janet Kimes for 33, 35, & 37 Main Street for a total disbursement of façade improvement funds of \$16,689 to date.

On August 15, 2006, the CDA approved an application for use of Façade Improvement Funds from John Siracusa / Paul Fair for improvements to the façade of 14 Main Street, future home of the Aura Day Spa and Salon. This approval committed \$5000.00 of the façade improvement funds budget.

On August 28, 2006, the CDA received an application for use of Façade Improvement Funds from John Siracusa / Paul Fair for improvements to the façade of 12 Main Street, currently occupied by Buckhorn Banquet.

On October 24, 2006 the Planning Commission, acting in their capacity as the Historical Preservation Commission reviewed and approved Historical Preservation Permits for the improvements to the façades of 12 & 14 Main Street, subject to the stipulation that the applicants shall use a minimum of three different colors or shades.

The proposed project includes new window glazing, exterior trim, exterior paint, lighting, and new wainscot facade on the Main Street façade of 12 Main Street. This façade treatment will match the previously approved treatment of the 14 Main Street façade of

the building. The applicant has included with the application, a signed Agreement, a project description, estimated costs, a rendering of improvements and schematic plans (attached).

Also attached is the Downtown Façade Improvement Program Guidelines, Map of Façade Improvement Area and a Downtown Façade Improvement Program Agreement signed by Applicant.

DISCUSSION:

The project application meets the CDA Downtown Façade Improvement Program Guidelines. This is not a retroactive application and the project as proposed would:

- make a substantial visible improvement to the appearance of the storefront;
- be sensitive to the historic nature of the façade.

FISCAL IMPACT:

Estimated costs for the project are Ten-Thousand Six Hundred Ninety Five Dollars (\$10,695.00). According to the guidelines, the project is eligible for reimbursement of up to 50% of the total costs but not to exceed \$5,000 per storefront; this project would incorporate one storefront and would thus be eligible for up to \$5,000 for a façade rebate.

Should the CDA accept the project application and issue the Notice to Proceed, the Applicant would then be responsible to provide the bid, plans and specifications to the City of Winters and obtain all required planning and building permits, and any other applicable approvals. Pursuant to approved design and issued permits, the Applicant may then proceed with the façade improvements.

Once the work is completed, the Agency will record a façade maintenance easement, good for five years on the subject property. Once all supporting documentation is received from Applicant, including paid invoices and receipts, reimbursement will be disbursed.

ATTACHMENTS:

Application & Estimated Costs, Project Description, Rendering, Schematic Plan
Downtown Façade Improvement Program Guidelines
Downtown Façade Improvement Program Agreement (signed)
Map of Façade Improvement Area



**Winters Community Redevelopment Agency
Downtown Facade Improvement Program
APPLICATION**

1. Project Location

Address or Property to be Improved: 12 MAIN ST WINTERS, CA
 Assessor Parcel Number(s): 003-203-10-1
 Name of Business(es) in Project: BUCKHORN BANQUET ROOM

2. Applicant Information

Name: JOHN SIRACUSA
 Address: 7 EAST MAIN ST
 Phone: 530-795-0213
 Do you: Own Rent (month to month) Lease the subject property?
 If leased, date of lease expiration: _____
 Name of Property Owner _____ Phone _____

3. Business or Services Offered on site BANQUET ROOM

Total Building Square Footage: 2000 Leased Square Footage: _____ Building Frontage: 25'

4. Description of proposed Improvements: PAINTING NEW GLAZING, NEW WAHNSCOT, NEW LIGHTING, NEW TRIM

Please include the following, if applicable: a) rendering or sketch of proposed improvements; b) architectural plans; c) sign plans; d) awning design; e) color and materials samples for paint, awning, signs, etc.

5. Estimated Costs and Timing:

	<i>Estimated Cost</i>
A. Water Clean Exterior	\$ _____
B. Exterior Paint	\$ _____
C. Sign Removal	\$ _____
D. New Signage	\$ _____
E. Awnings	\$ _____
F. Window Replacements	\$ _____
G. Exterior Lighting	\$ _____
H. Facade Restoration	\$ _____
I. Architectural/Design Fees	\$ _____
J. Other Proposed Improvements	\$ _____
K. Building Permit/Planning Fees	\$ _____

TOTAL ESTIMATED COST

Estimated Days/Months for Completion:

\$ 10,695
30 DAY

SEE ATTACHED
→

Signed: _____

Property Owner(s) Signature(s)

Date: 8/28/06

Signed: _____

Applicant(s) Signature(s)

Date: 8/28/06

RAIL

12 MAIN

14 MAIN

MAIN

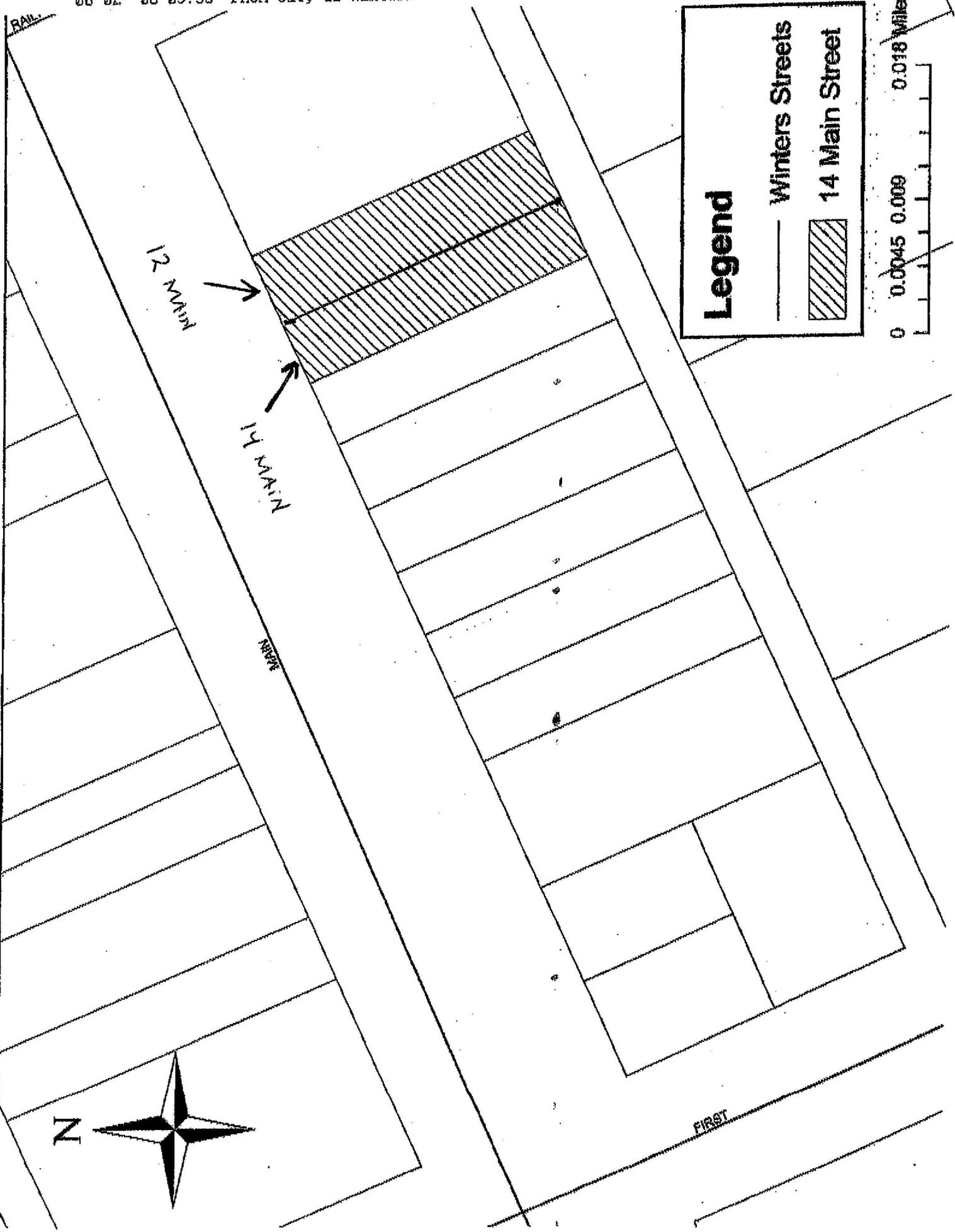
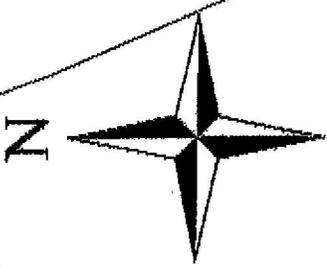
FIRST

Legend

— Winters Streets

▨ 14 Main Street

0 0.0045 0.009 0.018 Miles





Winters Community Redevelopment Agency Downtown Façade Improvement Program GUIDELINES

The Downtown Façade Improvement Program is intended to stimulate building improvements and enhance the physical appearance and economic vitality of historic downtown Winters. The program is designed to promote joint public/private investment to complement ongoing revitalization efforts.

Program Goals

- To make positive, high-impact visual improvements to commercial building facades, providing an overall enhanced image for downtown Winters, thereby attracting local residents and visitors to shop, dine and do business in Downtown.
- To encourage historic building façade restoration.
- To provide an incentive for owners of properties with multiple storefronts to undertake a high-quality project incorporating all storefronts.

Eligible Properties

Buildings within the Façade Improvement Area (map attached), which are used for commercial, retail, office, and/or mixed-use purposes, are eligible to participate in the program.

Eligible Participants

Any property owner or tenant in good standing with the written approval of the property owner may apply. Existing businesses must have a current City of Winters Business License. Applications for participation in the Downtown Façade Improvement Program must be approved by the Agency prior to the commencement of improvements.

Minimum Guidelines

- To be accepted into the Downtown Façade Improvement Program, projects must make a substantial visible improvement to the appearance of the storefront, at the discretion of Agency staff.
- Retroactive applications will not be accepted. Applicants must consult with Agency staff before work begins to define a project scope and select colors, materials, etc.
- For historically significant properties, program funds shall be made available only to projects that enhance and are sensitive to the historic nature of the façade.
- For properties with multiple storefronts, it is recommended that the façade treatment provide a cohesive theme while also allowing for some distinctive design elements to the various businesses, such as signage, exposing transom windows, lighting, flower boxes, murals, etc., to provide better street visibility and promote economic development downtown.

Application Prioritization

Funding is limited, and project applications will be prioritized on a first-come, first-served basis.

Rebate Amounts

The Downtown Façade Improvement Program provides reimbursement for exterior improvements in the form of a rebate. Rebate amounts vary, as illustrated on the chart below.

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Properties with Multiple Storefronts or Facades

In addition to the categories above, staff has the ability to negotiate higher rebate amounts for properties with multiple storefronts, provided the project meets quality standards and improves all the storefronts simultaneously. These projects will be evaluated and negotiated on a case-by-case basis. The maximum allowable rebate is \$20,000.

For corner buildings fronting more than one street, improvements must be made to each frontage if determined necessary by staff. Corner buildings generally have two facades and therefore are eligible for higher rebates.

Eligible Improvements

Eligible improvements must be permanent in nature as determined exclusively by the Redevelopment Agency. All improvements must be consistent with the City of Winters General Plan, Zoning Ordinance, Building Regulations, and other applicable laws. Eligible improvements include:

- Removal of old signs, awnings and other exterior clutter
- Exterior cleaning and/or painting
- Façade restoration
- Exterior lighting
- New window treatments, signage and awnings
- Planters
- Other exterior storefront improvements



Winters Community Redevelopment Agency Downtown Façade Improvement Program AGREEMENT

THIS AGREEMENT made and entered into this _____ day of _____, 2006 by and between the Winters Community Agency, hereinafter referred to as "Agency" and _____, hereinafter referred to as "Applicant."

The Applicant and the Agency certify and agree to the terms and conditions as set forth below:

1. The Applicant is the owner of or tenant in good standing of a certain property located at 12 MAIN ST WINTERS, CA 95894 in the City of Winters, California, hereinafter referred to as "Property," lying within an area where the Agency is conducting a Downtown Façade Improvement Program as described in the Program Guidelines, a copy of which has been provided to the Applicant. A tenant must have the property owner's permission as authorized in the signature block below to undertake the proposed improvements.
2. The Property is used for commercial, retail, office, and/or mixed-use purposes and Applicant's proposed improvements to the Property listed in the Façade Improvement Program Application are eligible improvements as described in the Program Guidelines.
3. All improvements to be undertaken will be consistent with all applicable Zoning and Building Codes.
4. Only the work that is agreed to by the Agency and the applicant, which will be outlined in a formal written notice to proceed to be provided to the applicant by the Agency upon application approval, will be eligible for reimbursement. Any changes to the project that are not approved by the Agency in writing will not be eligible for reimbursement. Any work that is begun by the applicant prior to receiving a written notice to proceed from the Agency will not be eligible for reimbursement.
5. The Agency will rebate a portion of the cost of eligible façade improvements as described in the Program Guidelines. Reimbursement claims for all eligible expenses for completed improvements must be accompanied by the following support documents: applicable planning and building permits, canceled checks and paid invoices/receipts for eligible work.
6. Upon completion of the work, the property owner understands and agrees that the Agency shall record a façade maintenance easement on the property at no expense to applicant or property owner. The maintenance easement shall remain in effect for five years from the date of recording. A sample of the easement is provided with the Program Guidelines. The form of Façade Maintenance Easement is attached hereto as Exhibit A and incorporated herein by reference.
7. After the work has been completed, Applicant shall display a sign (provided by the Agency) indicating participation in the Downtown Façade Improvement Program. The sign shall be displayed either on the exterior or in the front window of the building for a period of thirty (30) days.

8. Applicant agrees to allow the Agency and the City of Winters or its agents access to buildings and improvements, when convenient for all parties, for inspection of the Downtown Façade Improvement Program work.

9. In accordance with the terms of this Agreement, The Applicant shall hire all personnel and pay for all labor, materials, tools, transportation, services, City business license, licenses and permits necessary to perform or cause to have performed, all work as specified in the Application. Applicant is aware of Labor Code Section 3700, which requires workers compensation insurance or self insurance for employees.

10. Upon the signing of this Agreement, the Applicant shall have a period of ninety (90) days in which to take out a building permit. Work shall commence within sixty (60) days of the approval date of the building permit. Extensions, if warranted, may be granted at the discretion of the Agency. No change to work without the written consent of both the Agency and Applicant will be permitted.

11. The Applicant shall give all required notices and comply with all applicable laws, ordinances, and codes and shall, at their expense, secure and pay all said fees and charges for the performance of the work.

12. Applicant understands and agrees that the Agency, and the City of Winters, their officers, agents, and employees shall have no responsibility or liability of any failure or inadequacy of performance or defective workmanship or materials in regard to the agreed-upon improvements. Applicant shall indemnify, release, defend and hold Agency, City, their officers, employees and agents harmless from all claims, losses, liabilities, damages, suits, actions or proceedings by any person including Applicants , its employees and agency from personal injury, death or property damage from any cause whatsoever in whole or in part arising out of this Agreement or the activities completed hereunder by this indemnification shall not include the sole negligence or wilful misconduct of Agency, City, their officers, employees or agents.

13. This Agreement incorporates the following documents as fully a part of this Agreement as if herein repeated: a) Downtown Façade Improvement Program Application; and b) Downtown Façade Improvements Program Guidelines.

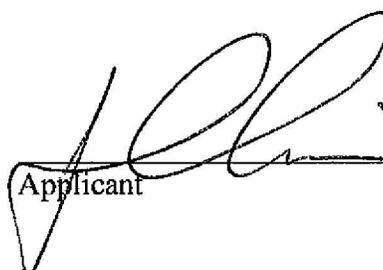
Executed this ____ day of _____, 2006

Winters Community Redevelopment Agency

Executive Director

Property Owner

Property Owner



Applicant

Storm Drain
Detention Pond

Winters Cemetery

Winters High School

Wagener
Elementary School

John Dayton
Kinder School

City Corp
Yard

Community
Center

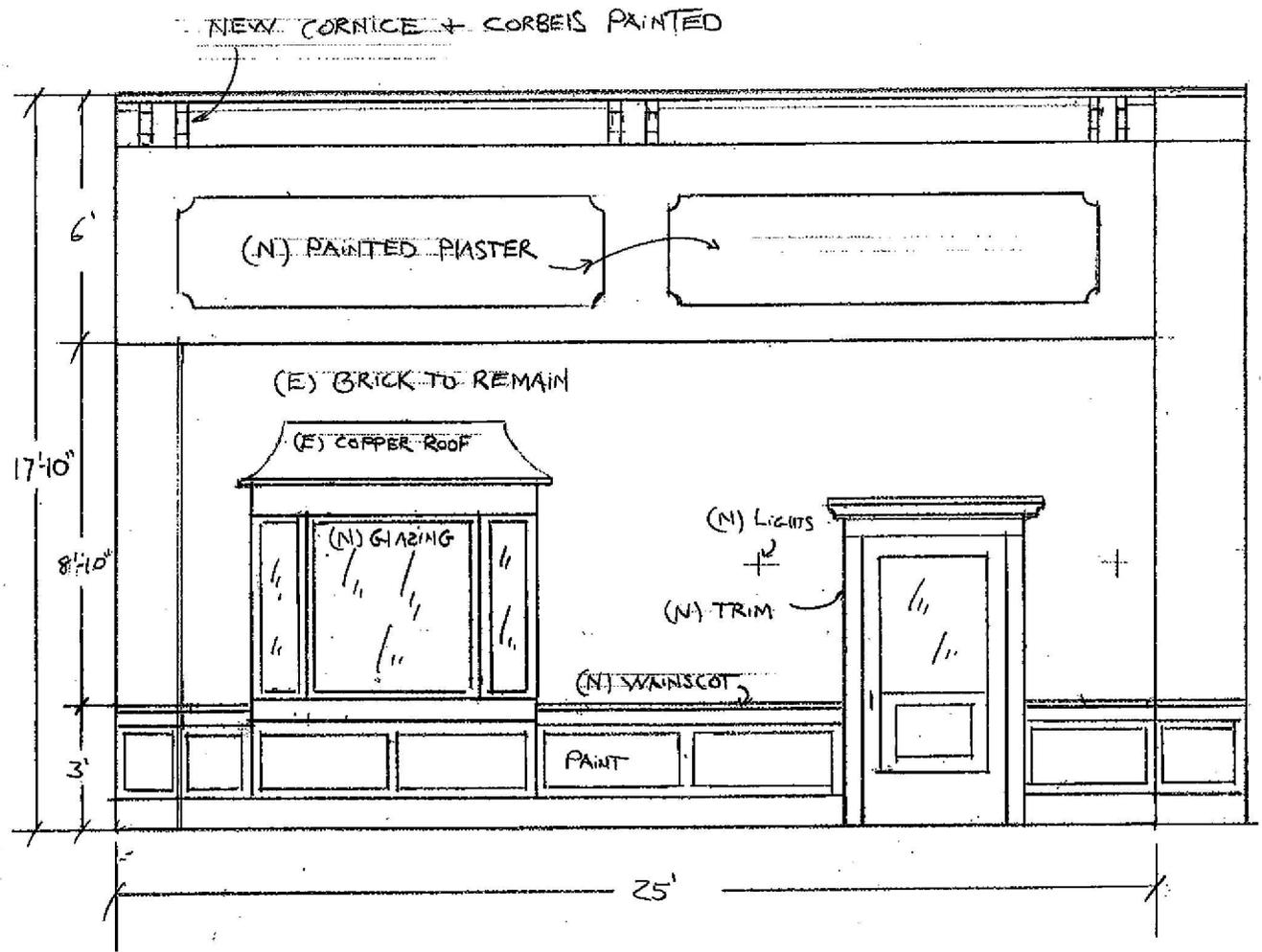
City Park

Library

Façade Improvement Area

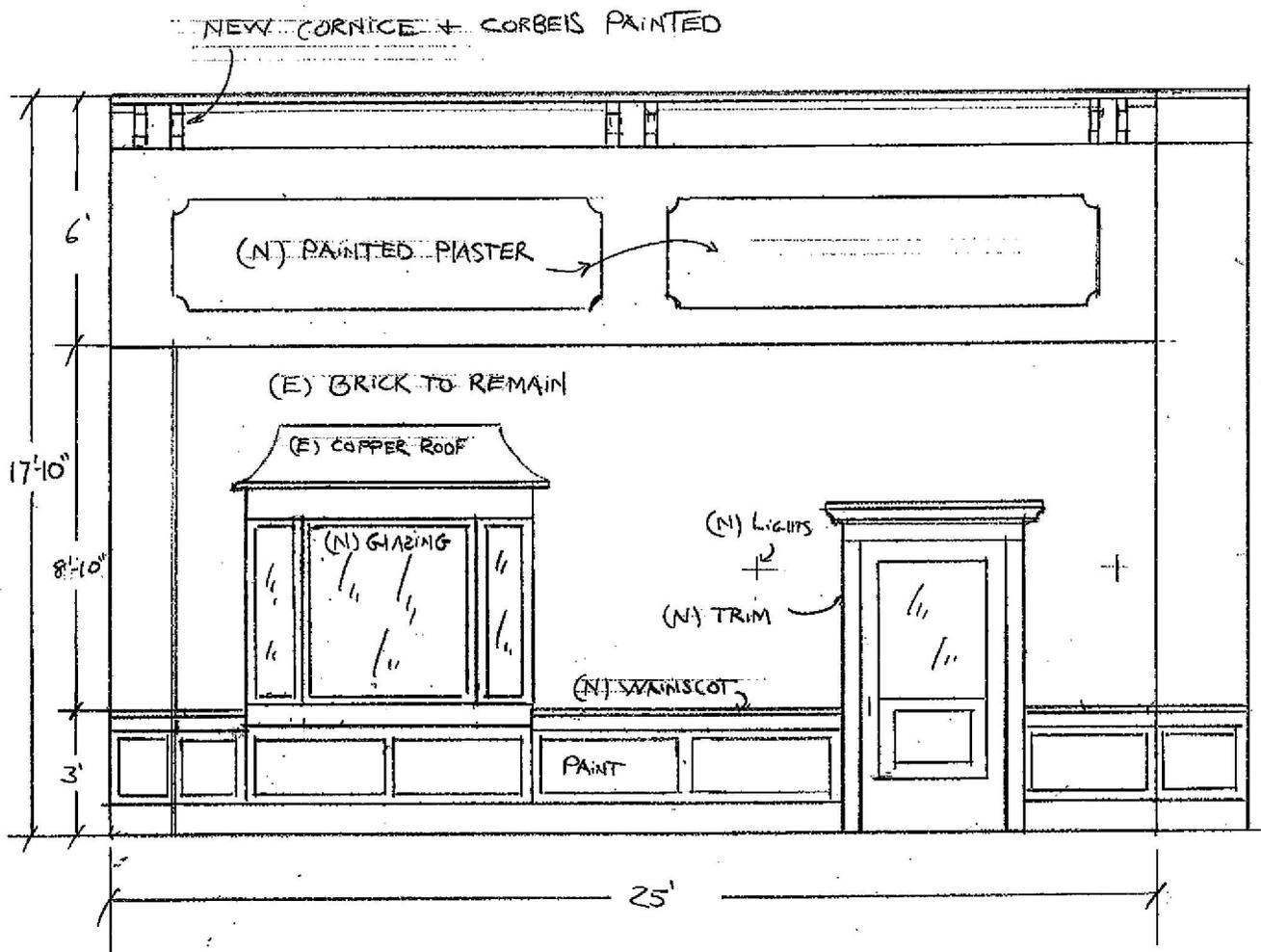


PAINT COLORS TBD



12 MAIN STREET
3/8" = 1'-0"

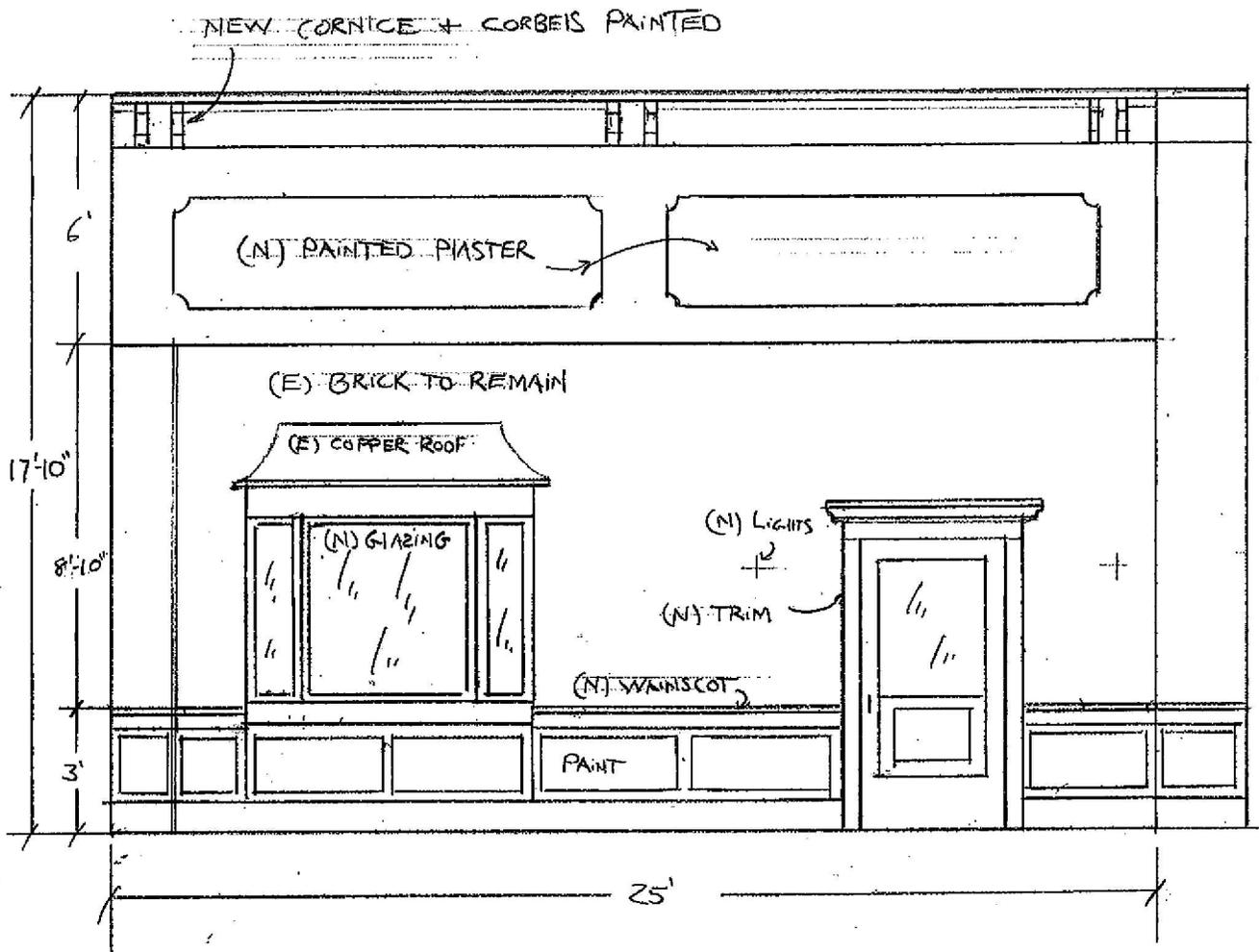
PAINT COLORS TBD



12 MAIN STREET

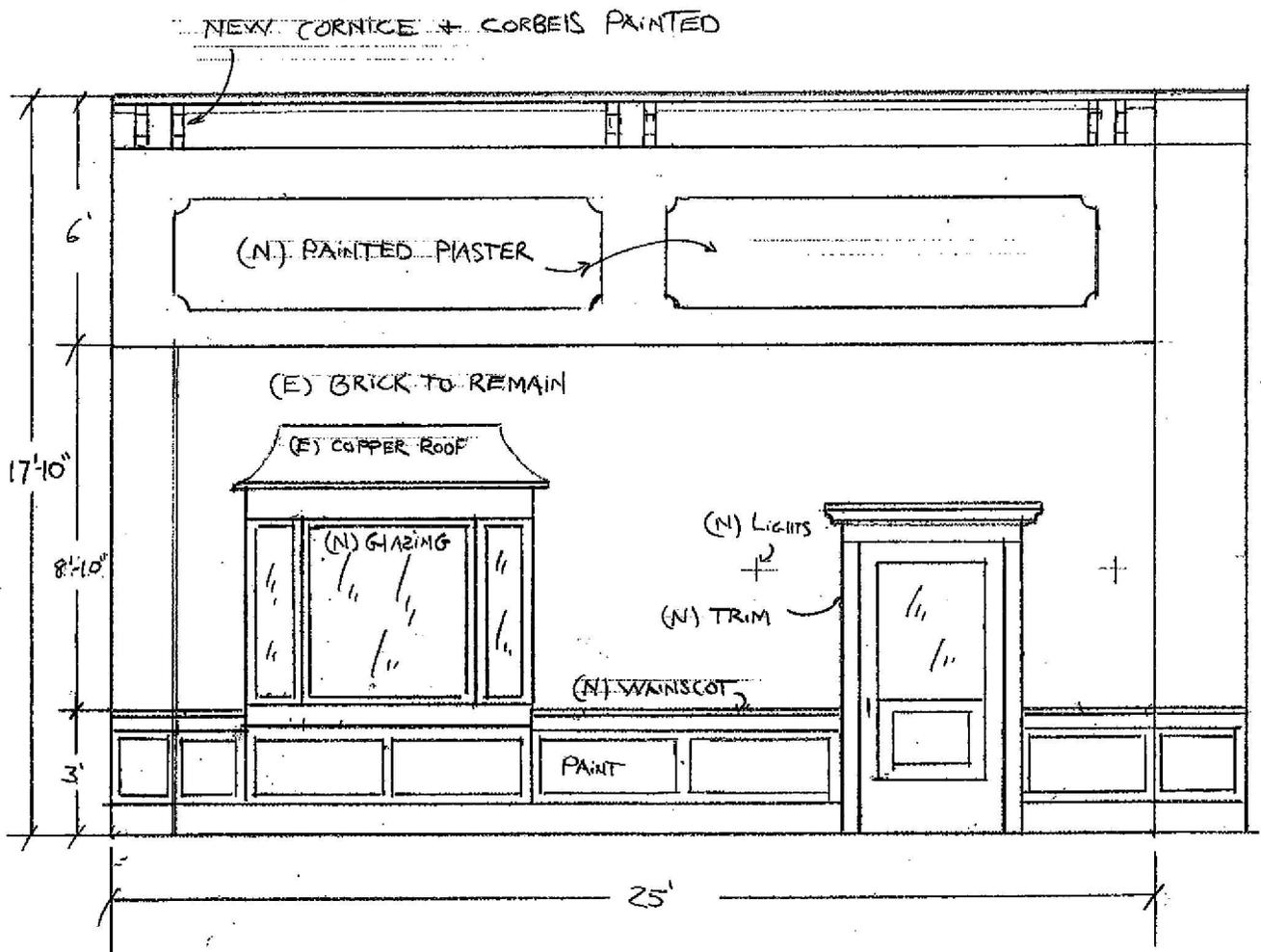
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PAINT COLORS TBD



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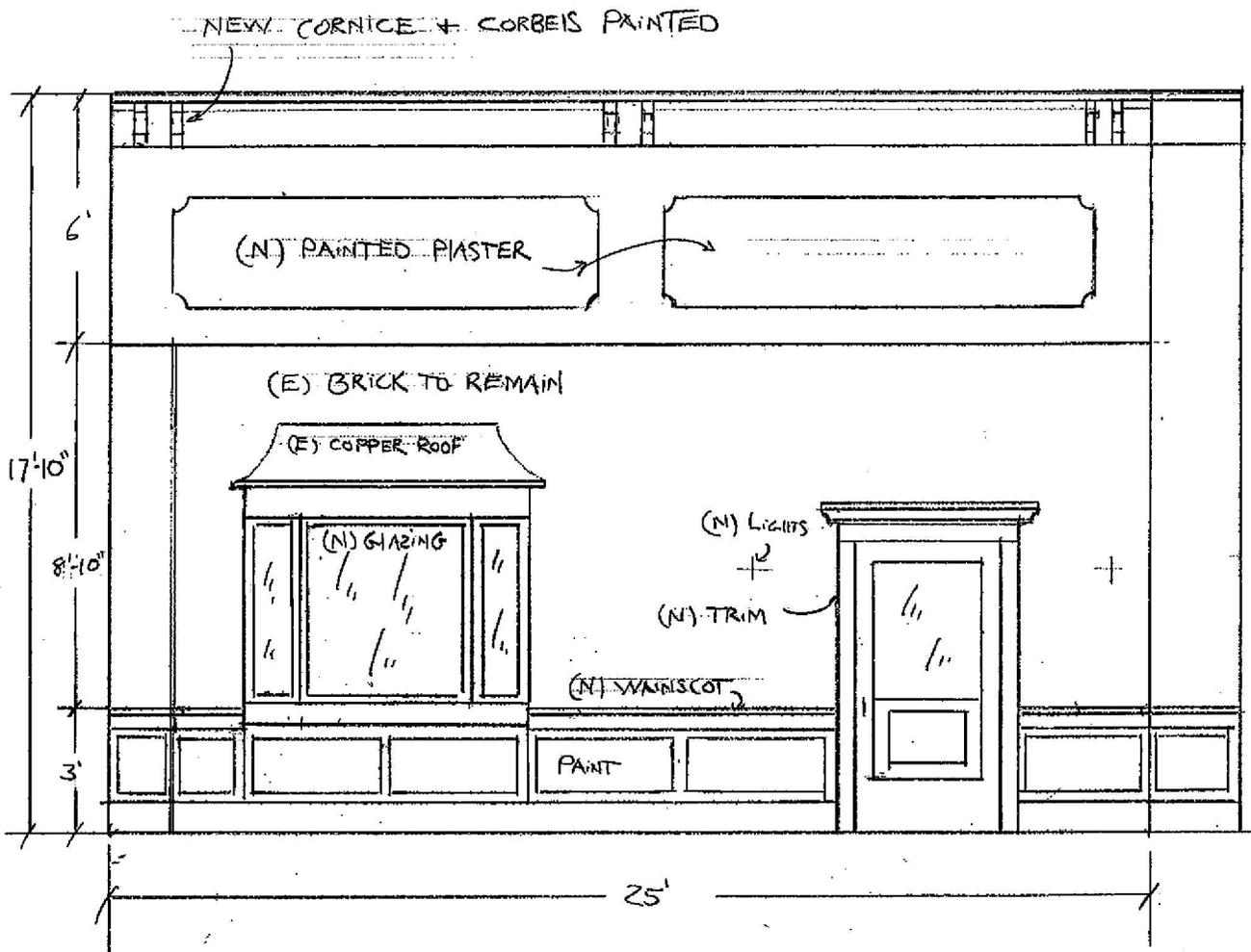
PAINT COLORS TBD



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3/8" = 1'-0"



**COMMUNITY DEVELOPMENT AGENCY
STAFF REPORT**

TO: Honorable Chairman and Board of Directors
DATE: November 7, 2006
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Dan Maguire, Community Development DM
SUBJECT: Façade Improvement Program Application – 31 Main Street

RECOMMENDATION:

Accept Downtown Façade Improvement Program Application from Richard and Janet Kimes for 31 Main Street and direct staff to issue Notice to Proceed for identified façade improvements.

BACKGROUND:

On September 7, 2004, the Community Development Agency (CDA) approved a Downtown Façade Improvement Program for the purpose of promoting physical improvements to structures within the Central Business District. The CDA allocated Fifty-Thousand Dollars for this program to be allotted a first come first serve basis, in varying increments.

The CDA has funded two façade program applications, one to John Pickerel for 41 & 43 Main Street and one to Richard and Janet Kimes for 33, 35, & 37 Main Street for a total disbursement of façade improvement funds of \$16,689 to date.

On August 15, 2006, the CDA approved an application for use of Façade Improvement Funds from John Siracusa / Paul Fair for improvements to the façade of 14 Main Street, future home of the Aura Day Spa and Salon. This approval committed \$5000.00 of the façade improvement funds budget.

On November 7, 2006, the CDA received an application for use of Façade Improvement Funds from John Siracusa / Paul Fair for improvements to the façade of 12 Main Street, currently occupied by Buckhorn Banquet, with said application representing a potential commitment of an additional \$5000.00 of the façade improvements funds budget.

On October 24, 2006 the Planning Commission, acting in their capacity as the Historical Preservation Commission reviewed and approved Historical Preservation Permits for the improvements to the façade of 31 Main Street.

The proposed project includes cleaning/priming/painting the small windows above the display windows, the installation of a new fabric awning, and pressure washing/sealing

the brick (on the east side of the building). The applicant has included with the application, a signed Agreement, a project description, estimated costs, a rendering of improvements and schematic plans (attached).

Also attached is the Downtown Façade Improvement Program Guidelines, Map of Façade Improvement Area and a Downtown Façade Improvement Program Agreement signed by Applicant.

DISCUSSION:

The project application meets the CDA Downtown Façade Improvement Program Guidelines. This is not a retroactive application and the project as proposed would:

- make a substantial visible improvement to the appearance of the storefront;
- be sensitive to the historic nature of the façade.

FISCAL IMPACT:

Estimated costs for the project are One-Thousand Five Hundred Fifty Dollars (\$1,550.00). According to the guidelines, the project is eligible for reimbursement of up to 50% of the total costs but not to exceed \$5,000 per storefront; this project would incorporate one storefront and would thus be eligible for up to \$775 for a facade rebate. Should the CDA accept the project application and issue the Notice to Proceed, the Applicant would then be responsible to provide the bid, plans and specifications to the City of Winters and obtain all required planning and building permits, and any other applicable approvals. Pursuant to approved design and issued permits, the Applicant may then proceed with the façade improvements.

Once the work is completed, the Agency will record a façade maintenance easement, good for five years on the subject property. Once all supporting documentation is received from Applicant, including paid invoices and receipts, reimbursement will be disbursed.

ATTACHMENTS:

Application & Estimated Costs, Project Description, Rendering, Schematic Plan
Downtown Façade Improvement Program Guidelines
Downtown Façade Improvement Program Agreement (signed)
Map of Façade Improvement Area



**Winters Community Redevelopment Agency
Downtown Facade Improvement Program
APPLICATION**

1. Project Location

Address or Property to be Improved: 31 Main St
 Assessor Parcel Number(s): 003-204-131
 Name of Business(es) in Project: Winters Center for the Arts

2. Applicant Information

Name: Richard + Janet Kimes
 Address: 803 Apricot Ave
 Phone: (530) 795-4731
 Do you: Own Rent (month to month) Lease the subject property?
 If leased, date of lease expiration: We hold Lease Feb 2007
 Name of Property Owner: Richard + Janet Kimes Phone 795-4731

3. Business or Services Offered on site Art Gallery Retail Sales

Total Building Square Footage: _____ Leased Square Footage: _____ Building Frontage: _____

4. Description of proposed Improvements: Awnings fabric, Paint, Seal Brick

Please include the following, if applicable: a) rendering or sketch of proposed improvements; b) architectural plans; c) sign plans; d) awning design; e) color and materials samples for paint, awning, signs, etc.

5. Estimated Costs and Timing:

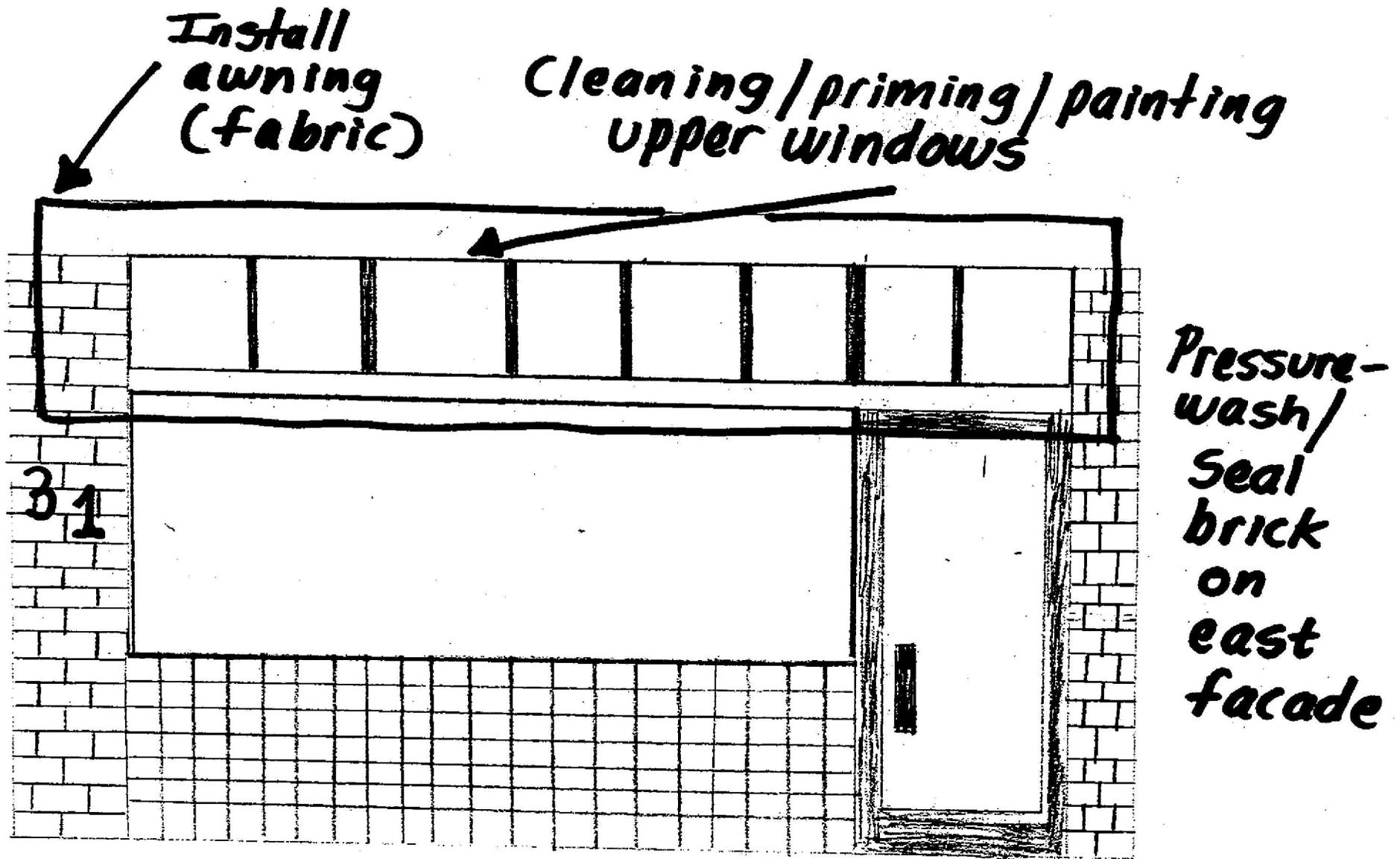
	<i>Estimated Cost</i>
A. Water Clean Exterior	\$ _____
B. Exterior Paint	\$ <u>400.00</u>
C. Sign Removal	\$ _____
D. New Signage	\$ <u>150.00</u>
E. Awnings	\$ <u>600.00</u>
F. Window Replacements	\$ _____
G. Exterior Lighting	\$ _____
H. Facade Restoration <u>Seal Brick</u>	\$ <u>400.00</u>
I. Architectural/Design Fees	\$ _____
J. Other Proposed Improvements	\$ _____
K. Building Permit/Planning Fees	\$ _____
TOTAL ESTIMATED COST	\$ <u>1550.00</u>
<i>Estimated Days/Months for Completion:</i>	<u>9/30/06</u>

Signed: Janet L Kimes
Richard L Kimes
 Property Owner(s) Signature(s)

Signed: Janet L Kimes
Richard L Kimes
 Applicant(s) Signature(s)

Date: _____

Date: _____



31 MAIN STREET
WINTERS CENTER FOR THE ARTS



Brick wall will
be pressure washed
& sealed



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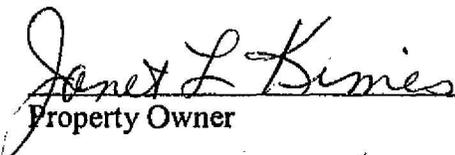
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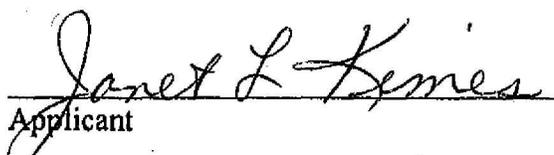
Executed this ____ day of _____, 2004

Winters Community Redevelopment Agency

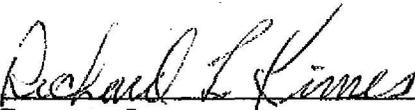
Executive Director



Property Owner



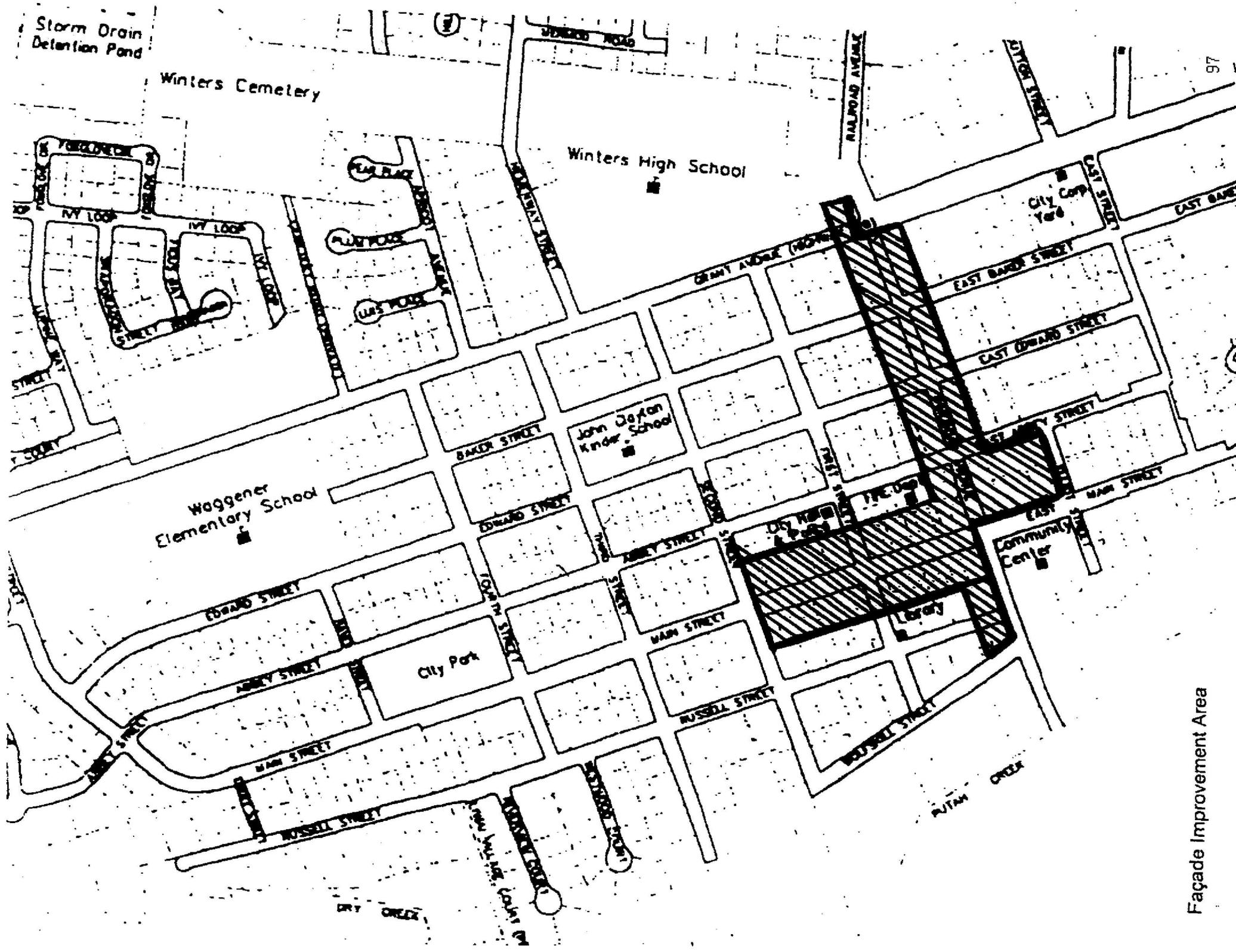
Applicant



Property Owner



Applicant



Storm Drain
Detention Pond

Winters Cemetery

Winters High School

Waggener
Elementary School

John Dayton
Kinder School

City Park

City Copy

Community
Center

Façade Improvement Area

97



STAFF REPORT

TO: Community Development Agency Chairperson and Members
DATE: November 7, 2006
FROM: John W. Donlevy, Jr., City Manager
SUBJECT: New Parking Lot at Rotary Park, Project No. 05-01

RECOMMENDATION: Staff recommends the Community Development Agency approve an additional \$4,500 for project management and construction inspection, and \$10,630 for construction, for the New Parking Lot at Rotary Park, Project No. 05-01.

BACKGROUND: The project included construction of a new eighty-four (84) stall public parking lot immediately adjacent to the existing City Community Center, storm drain piping, decorative lighting, and landscaping. Additional work included sewer and water services to a future restroom building in Rotary Park.

On February 21, 2006, Council awarded a \$656,201.35 construction contract to Vintage Paving, and authorized \$715,000 for construction. Construction began in March and the only significant problems occurred with installation of the storm-drain pipe in E. Main. Poor soil stability and unforeseen conflicts with other underground utilities made progress difficult, resulting in a claim for additional compensation and time. Vintage submitted the extra work reports, and requested an additional \$97,309. The information was reviewed by staff and a meet and confer meeting held with Vintage, which resulted in an agreement between the two parties to settle the claim for \$58,000. The final construction contract amount for the approved scope of work is \$3,447 above the original authorized amount. In addition, the City PW Director requested the contractor install sewer and water services to the future restroom in Rotary Park, resulting in additional cost of \$7,183. The total amount above the amount authorized for construction is \$10,630.

Project Management and inspection services provided by the City Engineer exceeded the budget by almost \$4,500 due to the extension of the construction through August, design coordination and inspection of the new sewer and water services, and the effort necessary to resolve the claim issue with the contractor.

ALTERNATIVES: None recommended by staff.

FISCAL IMPACT: The project is funded with Redevelopment Funds (Fund 702). The final project budget is \$929,630, which includes the additional costs for project management, construction inspection, the construction contract extra work, and the restroom water and sewer stubs.

Attachment: Final Project Budget Sheet

