



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, November 21, 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 November 7, 2006 (pp 1-5)
-

PRESENTATIONS

1. Introduction of Members of the Hispanic Advisory Committee
2. GFOA Distinguished Budget Presentation Award
3. Six-Month Operational Status Report – Chief Muramoto

DISCUSSION ITEMS

1. Continued Public Hearing and consideration of Casitas at Winters Tentative Subdivision Map. **The project applicant is requesting that the City Council refer the project back to the Planning Commission to provide the applicant with an opportunity to submit a redesign for the project.** (pp 6-8)
2. 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 9-17)
3. Second Reading and adoption of Ordinance No. 2006-08, First Amendment to the Development Agreement for the Winters Highlands Subdivision project. (pp 18-30)
4. Second Reading and adoption of Ordinance No. 2006-06, Single-Family Family Dwelling Uses in the Central Business District (C-2) (pp 31-33).
5. Resolution No. 2006-48, establishing procedures for the verification of square footages and the issuance of building permits for construction projects subject to Winters Joint Unified School District School Facility Fees (pp 34-35)
6. Pool Funding Agreement (pp 36-46)

COMMUNITY DEVELOPMENT AGENCY

CITY MANAGER REPORT

COUNCIL/STAFF COMMENTS

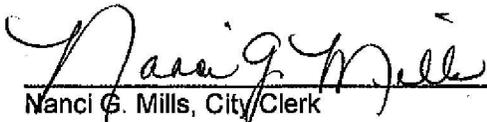
INFORMATION ONLY

EXECUTIVE SESSION

- Pursuant to The Ralph M. Brown Act, Section 54957(e). Public Employee Performance Evaluation – City Manager

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the November 21, 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 17, 2006, and made available to the public during normal business hours.



Nanci G. Mills, City Clerk

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

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

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

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

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

Winters Library – 201 First Street

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

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

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

Wednesday at 10:00 a.m.

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



Minutes for a Regular Meeting
Of the Winters City Council

Held on Tuesday, November 7, 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 Management Analyst Carol Scianna, Community Development Director Dan Sokolow, Redevelopment Manager Dan Maguire, Director of Financial Management Shelly Gunby, Chief of Police Bruce Muramoto, and City Clerk Nanci Mills.

Pledge of Allegiance

Approval of Agenda: Mayor Fridae and City Attorney Wallace requested that Discussion Items 4, 5, and 9, become Discussion Items 1, 2, and 3, respectively. The remaining six Discussion Items were then changed, in order, from 4 to 9.

PUBLIC COMMENTS: Roger Mosier requested a Smoking Ordinance be created to ban smoking near business entryways, suggesting 15 to 20 feet from doorways. Council Member Martin asked how the ordinance was to be enforced. Council Member Curry, the liaison for the Chamber of Commerce, indicated she would speak to the Chamber members to receive feedback regarding this issue. Mayor Fridae requested that examples of smoking ordinances be brought back to council for review. Mr. Mosier requested that he be contacted when this item is brought back before the City Council.

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the City Council of the City of Winters Held October 17, 2006
- B. Approve replacement/repair of Community Center doors. Approve budget adjustment Of \$4,000 to pay for expenditure
- 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)
- D. Final acceptance of Parking Lot at Rotary Park, Project No. 05-01
- E. GFOA Distinguished Budget Presentation Award

City Manager John Donlevy gave an overview. Council Member Anderson requested clarification regarding the bids received for the replacement doors at the Community Center, as one bid was higher than the other. Public Works Management Analyst Carol Scianna clarified that the quotes reflected different styles of doors, yet the hardware prices were comparable. Council Member Curry congratulated Director of Financial Management Shelly Gunby and the finance department staff for receiving the prestigious GFOA Distinguished Budget Presentation Award. Council Member Anderson requested that the minutes of the October 17, 2006 in regards to Discussion Item #14, Resolution 2006-46, Establishing the Winters Putah Creek Advisory Committee, be amended as follows: 1 Putah Creek Council member (voting) be changed to 1 Lower Putah Creek Coordinating Committee member (voting).

Council Member Curry made a motion to approve the consent calendar with the stated correction. Seconded by Council Member Stone. Motion carried unanimously.

PRESENTATIONS

Cheryl Sullivan of Cunningham Engineering, who has been working with the Chamber of Commerce Vision committee, gave an overview. Council Member Curry noted the excessive costs of many of the enhancements described, and thought the fountain might have to be eliminated. Cheryl verified that the costs are expected to come down as the project is honed in. Council Member Anderson was also concerned with the cost and feels that the number of enhancements could cover a much larger area of land than that provided in the Rotary Park. Cheryl verified that two drinking fountains at different height levels meet the current ADA requirements. Council Member Curry stated the public restrooms were a priority and suggested that the enhancements be prioritized. Council Member Martin stated that the gazebo and public restrooms were high priority items. Mayor Fridae suggested that the options be given to the Vision committee for their recommendations. City Manager Donlevy agreed that priority items should be selected and the City Council's input be given to the Vision committee to review.

DISCUSSION ITEMS

- 1. Public Hearing and consideration of First Amendment to the Development Agreement for the Winters Highlands Subdivision project, Ordinance No. 2006-08.**

City Manager Donlevy gave an overview. Council Member Martin asked about the cost of expanding the Waste Water Treatment Plant (WWTP). The First Amendment to the Development Agreement will limit GBH's financial obligation for expansion of the WWTP to \$8 million dollars. Mayor Fridae opened the Public Hearing at 8:25 p.m. Rich Cheney of Granite Bay Holdings LLC complimented City Manager Donlevy by saying he had done a good job protecting the city. He also indicated that a letter of credit for the pool project will be forthcoming, the time lines are good, and the design of Winters Highlands is ahead of schedule. Mayor Fridae closed the public hearing at 8:28 p.m.

Council Member Anderson made a motion to accept staff recommendation to waive the first reading of Ordinance 2006-08, 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. Seconded by Council Member Curry. Motion carried unanimously.

- 2. 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)**

Council Member Curry recused herself due to a possible conflict of interest. Community Development Director Dan Sokolow gave an overview. Council Member Harold Anderson asked what the current setback on the property is, which is 15.5 feet. The current requirement is 20 feet. Council Member Martin asked if the City Council wouldn't be setting precedence if the denial was appealed. Mayor Fridae opened the Public Hearing at 8:45 p.m.

Kathy Cowan, 106 Third Street, was not in favor of the variance. She stated that ordinances are in place for a reason.

Patty Blackwell, 310 Peach Place and next-door neighbor, said she does not have a problem with the setback and doesn't feel encroached upon.

Mayor Fridae closed the Public Hearing at 8:50 p.m.

Council Member Anderson asked if the set back requirements are different on a cul-de-sac than on a through street. Community Development Director Dan Sokolow said the requirements are not different. When asked why the appeal applicant did not get the necessary permits before beginning construction, she said the City's Building Inspector at the time told her she was "grandfathered" in, and also told her "there were no problems" adding the walls and doing the repairs. Council Member Stone suggested that staff assist the applicant in surveying the neighbors to see if similar permitted improvements exist in the area and if special privileges could be granted. Council Member Anderson agreed that information could be gathered from the neighboring properties, but wanted to remain non-committal until the information has been received. He asked for a continuance until the information can be gathered and reviewed.

Council Member Stone made a motion to have staff survey neighbors and document addresses of those surveyed and bring back to council at the November 21 meeting. Seconded by Mayor Fridae. Motion passed unanimously, with Council Member Curry absent.

3. Funding Request- Winters Center for the Arts

Eric Doud, President, gave an overview on how the Art Center operates. He is asking for a minimum of three months bridge funding @ \$850 per month, for up to six months. Megan Evans, 110 Suffolk Ct., echoed Eric Doud's comments, indicating that the bridge funding is a short-term solution to bridge the gap between the present and the time anticipated grant money is received, and when donations from new participants are received. Council Member Curry asked if there is a membership base and Eric confirmed there are approximately 10 paid memberships. City Manager Donlevy confirmed there is \$10,000 in the City's budget for this type of donation, which is similar to the Youth Day and Winters Healthcare donations. Council Member Anderson asked about the possibility of a bridge loan. Council Member Stone added the value the Winters Center for the Arts brings to the downtown area and believes a loan will complicate things. He would agree to a one-time funding for up to \$3,000, as would Council Member Anderson. Council Member Curry asked if a consultant was being paid. Eric Doud responded that P.J. Davis was given \$2,000 to write a grant and to give her tax-exempt credit. Council Member Martin thought it would have been better if Eric Doud had been prepared with a class list to share with the council. Council Member Curry wanted to be assured that funds are available for the entire community. Council Member Anderson made a motion to make available a fund to be drawn upon for up to \$2,500 within a 6-month time frame, and to work with the City Manager regarding the conditions of the arrangement. Seconded by Council Member Stone. Motion carried 4-1, with Council Member Martin opposing.

4. Public Hearing and Adoption of Ordinance 2006-07, requiring real property owners to open or maintain City water and sewer service.

City Attorney John Wallace gave an overview. Mayor Fridae opened the public hearing at 10:18 p.m. Mayor Fridae closed the public hearing at 10:18 p.m. Council Member Stone made a motion to adopt Ordinance 2006-07. Seconded by Council Member Martin. Motion was carried and Ordinance 2006-07 was adopted by the following vote:

AYES: Council Members Anderson, Curry, Martin, Stone and Mayor Fridae
NOES: None
ABSTAIN: None
ABSENT: None

5. Yolo County Visitor Bureau – City Council representatives for 2X2 meeting

Redevelopment Director Dan Maguire gave an overview. Council Members Curry and Stone were named designees, with Council Member Martin being the alternate designee.

6. Continued Public Hearing and consideration of Casitas at Winters Tentative Subdivision Map.

Community Development Director Dan Sokolow gave an overview. He indicated the applicant has asked for a continuance and will come back with a revised plan to the November 21, 2006 City Council meeting.

7. 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.

City Manager John Donlevy gave an overview and indicated the bid for the construction of the swimming pool came in at \$1.78 million dollars and indicated a 120-day construction period. Council Member Curry made a motion to adopt Resolution 2006-44 to amend the City of Winters 2006-2007 Adopted Operating Budget and Approving Expenditures for the Community Swimming Pool Construction. Seconded by Council Member Stone. Motion carried unanimously.

8. Resolution 2006-47 Approving Budget Adjustment for Fiscal Year 2006-2007 for Open Purchase orders as of June 30, 2006

Director of Financial Management gave an overview. Council Member Curry made a motion to adopt Resolution 2006-47 to approve a budget adjustment for Fiscal Year 2006-2007 for open purchase orders as of June 30, 2006. Seconded by Council Member Martin. Motion carried unanimously.

9. Trustee Appointment to Sacramento-Yolo Mosquito & Vector Control District

Mayor Fridae asked staff to advertise recruitment for this position and to bring a list of applicants back to a future meeting. Mr. Vern Bruhn, the outgoing trustee of the Sacramento-Yolo Mosquito & Vector Control District, is also recruiting.

COMMUNITY DEVELOPMENT AGENCY

1 & 2. Façade Improvement Program Application – 12 Main Street and 31 Main Street

Agency Members Fridae and Anderson recused themselves due to a possible conflict of interest. Chairman Martin opened the CDA meeting at 10:45 p.m. Community Development Director Dan Maguire gave an overview. The total cost to improve the facades at these locations is \$10,695, with \$5,000 being derived from participation in the façade improvement program. Council Member Anderson requested that staff review the resolutions and ordinances on file that would disallow the City to

determine the colors used in the historical downtown corridor. Agency Member Stone made a motion to accept the façade improvement program applications for 12 and 31 Main Street. Seconded by Agency Member Curry. Motion carried unanimously, with Agency Members Anderson and Fridae absent.

3. Final acceptance of Parking Lot at Rotary Park, Project No. 05-01

Agency Member Anderson resumed his seat, and Agency Member Fridae continued to recuse himself. Agency Member Stone made a motion to accept the final acceptance of the Parking Lot at Rotary Park, Project No. 05-01. Seconded by Agency Member Anderson. Motion carried unanimously, with Agency Member Fridae absent.

Chairman Martin closed the CDA meeting at 11:00 p.m.

CITY MANAGER REPORT: City Manager John Donlevy introduced Chief of Police Bruce Muramoto, who reported on several burglaries and thefts that had occurred during the month of October in the downtown business district and the measures being taken to prevent this activity. City Manager John Donlevy indicated there would be only one City Council meeting in December, on the 12th. He also reminded everyone of the Metropolitan Transportation Plan for 2035 meeting scheduled for November 16 at 6 p.m. at Freeborn Hall in Davis.

COUNCIL/STAFF COMMENTS: Council Member Curry would like to invite the new members of the Hispanic Advisory Committee to attend the November 21 meeting to introduce them and would like staff to add this item to the agenda. Council Member Anderson would like to set up a photo shoot for the Mayor and current council members, and suggested a night picture.

INFORMATION ONLY: None

EXECUTIVE SESSION: None

ADJOURNMENT: The meeting was adjourned at 11:18 p.m.

Woody Fridae, Mayor

Nanci G. Mills, City Clerk



CITY COUNCIL STAFF REPORT

November 21, 2006

TO: Honorable Mayor and Councilmembers

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

FROM: Dan Sokolow – Community Development Director 

SUBJECT: Continued 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 receive the staff report and refer the project back to the Planning Commission by making the following motion in order to provide the applicant with an opportunity to submit a redesign for the project.

The City Council of the City of Winters does hereby refer the Casitas at Winters Subdivision project back to the Winters Planning Commission based on a request from the applicant in order to allow him an opportunity to submit a redesign for the project.

Staff and the City Attorney met with the applicant on October 31, 2006 and the applicant indicated that he 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 back to the Planning Commission for consideration. Please find attached a fax from the applicant requesting that the project be referred back

to the Planning Commission. The applicant has not submitted the revised project at this time.

ATTACHMENT

Fax dated November 13, 2006 from Casitas applicant Mark Power

Casitas/TM CC Stf Rpt Refer Back To PC 21Nov06

RECEIVED

NOV 13 2006

CITY OF WINTERS

TO: Dan Sokolow
Director
Community Development Department
Winters City Hall
315 First Street
Winters, CA 95694

FROM: Mark R. Power
23 Pinnacle Peak
Napa, CA 94558

RE: Casitas at Winters Subdivision

DATE: November 13, 2006

As you are aware, the above-referenced project was recently rejected by the Planning Commission. In order to address certain Planning Commission concerns, and eliminate discretionary approvals (i.e. the need for a planned development permit and rezoning) we are proposing a significant change in the concept and design of our project. Instead of the proposed development, which is a 16-unit townhouse project, we are proposing a project with 5 separate 10,000 sq. ft. triplex lots. This project, unlike the other, will simply require a use permit(s), minor subdivision and design review. And as you know, our legal counsel believes we meet all 7 requirements for issuance of a use permit. Furthermore, it is additionally our opinion that the revised project is categorically exempt under CEQA. In essence, we are significantly modifying our project and would therefore like to respectfully request that the City Council remand our project back to the Planning Commission. Thanking you in advance for your ongoing assistance in this matter.



CITY COUNCIL STAFF REPORT
November 21, 2006

TO: Honorable Mayor and Councilmembers

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

FROM: Dan Sokolow – Community Development Director *DS*

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. The 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 the applicant constructed to her single-family residence

located at 308 Peach. The applicant 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.

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.

DISCUSSION: The City Council considered applicant's appeal at its November 7, 2006 meeting. The Council continued consideration of the appeal to November 21, 2006 and directed staff to research the setbacks of rear additions for properties near the applicant's property at 308 Peach Place based on addresses provided by the applicant. The applicant provided staff with three addresses, which she understood to have rear yard additions that may not meet the rear yard setback requirements. One of the property owners declined to participate in this process. As a result, staff's research, which is detailed below, is limited to two properties.

1. **304 Peach Place** – The City issued a building permit (No. 2135) on February 2, 1996 for a 192 square foot room addition to the west side of the existing single-family residence. According to the plans submitted for the project, the rear yard setback for the addition ranges from 6-feet, 8-inches to 15-feet. The site plan for the project was approved for the project with a note on the plans indicating the average setback is 26-feet +/- (for the entire rear portion of the structure including the addition constructed in 1996) and therefore meets minimum requirement. ***(This project could not be permitted under the current rear yard setback standard of 20-feet for the R-2 Zone.)***
2. **310 Peach Place** – The City issued a building permit (No. 32) on March 28, 1973 for a 205 square foot room addition at the rear of the existing single-family

residence. The rear yard setback for the addition is approximately 16-feet, 3-inches measured from the building to the rear property line and approximately 14-feet, 7-inches measured from the roof overhang of the rear yard addition to the rear property line. ***(This project could not be permitted under the current rear yard setback standard of 20-feet for the R-2 Zone.)***

In the event that the City Council approves the applicant's appeal, 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). The rear yard addition was constructed without a building permit and the benefit of the required building inspections. If CBC compliance cannot be verified, the applicant would need to demolish the addition and then reconstruct it.

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 Thursday, November 16, 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. Location map for 304 and 310 Peach Place
4. Building Permit and Site Plan for 304 Peach Place room addition project
5. Building Permit for 310 Peach Place room addition project (Site Plan not available)

Date: 10/2/06

Name of Appellant: EOA Boyko
Mailing Address: 308 Peach Pl
Wtrs Co 95694
Phone Number: 530-725-0385

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.

Eva Boyko
Property Owner/Official Representative

THIS SECTION FOR CITY USE ONLY:

Date Received (Stamp):

Date scheduled to be heard by City Council:

RECEIVED

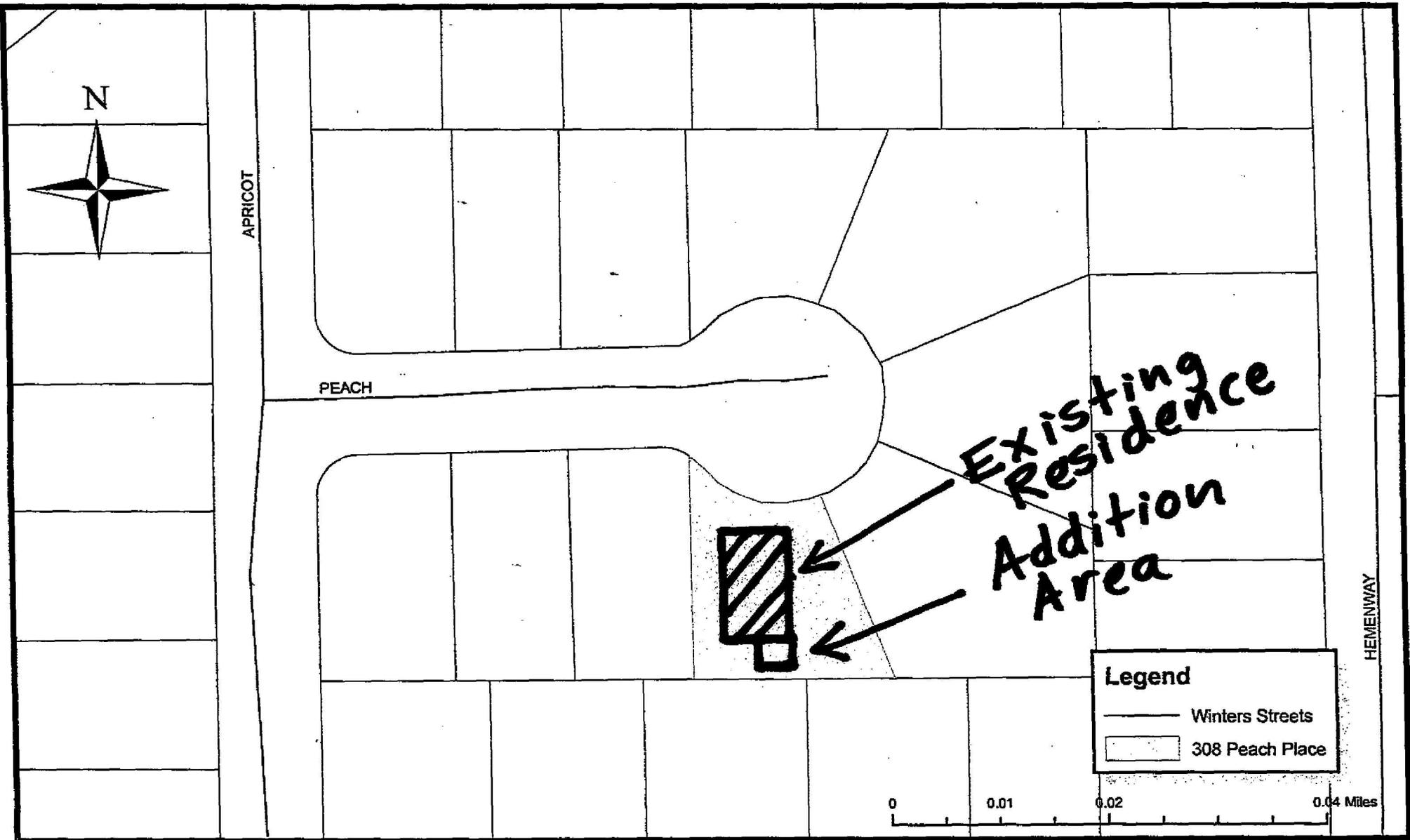
Date City Council heard:

OCT 02 2006

Appeal Approved

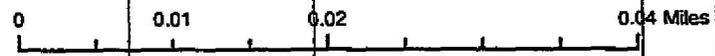
Appeal Denied

308 Peach Place

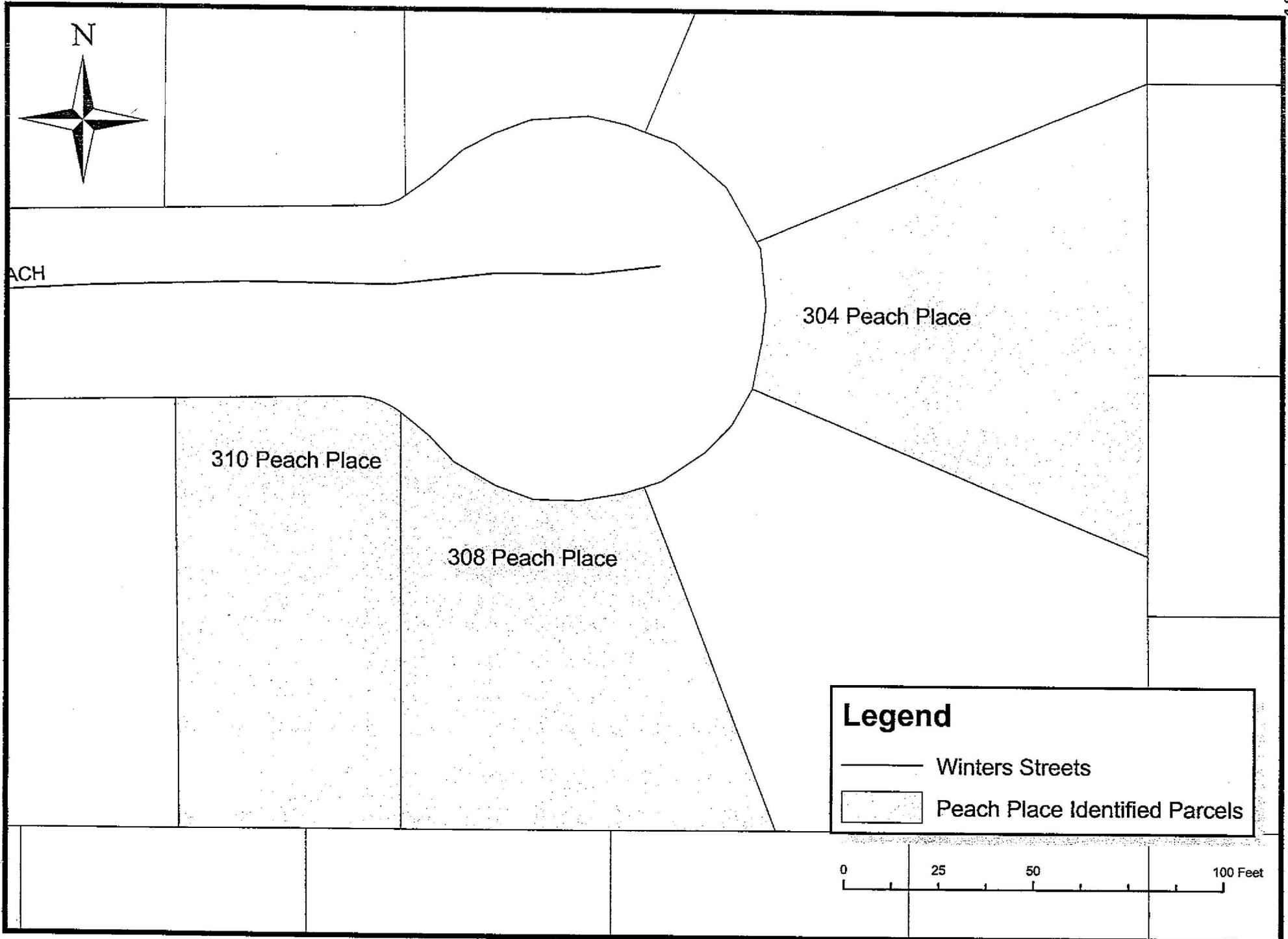


Legend

- Winters Streets
- ▨ 308 Peach Place



Peach Place Identified Parcels



BUILDING PERMIT

City of Winters
Comm. Devel. & Building Department
318 First Street, Winters, CA
City Hall (916) 795-3586

BUILDING INFORMATION

Date Permit Issued 2-2-96 Date Permit Expires 7-2-96
Project No. _____ Permit No. 8D 2135
Total Contract Amt. \$ 142,320.00
Permit issued To: Owner/Builder Licensed Contractor
 Licensed Sub-Contractor

BUILDING PROJECT IDENTIFICATION

Job Address 304 Peach Place
Subdivision _____ Unit No. _____
Production Name _____ Lot No. _____
Project Name R.A.L. Builders
APN 3-271-26

DESCRIPTION OF WORK

USE: Residential Non-Residential
WORK CLASSIFICATION:
 New Addition Alteration Repair
 Tenant Impr Solar Demolition Accessory Bldg.
 Swim. Pool Code Compliance Other _____
Project Type Room Addition
Construction Type _____ Occupancy Group _____
No. of Bedrooms _____ No. of Stories _____
No. of New Residential Units _____ Units Demolished _____
Job Description Family Room
Square Footage _____
PERMIT TO INCLUDE: Plan Check Only Other _____
 Building Plumbing Electrical Mechanical
 Water Connect Only Sewer Connect Only Other _____

**304
PEACH
PLACE**

SPECIAL INFORMATION

BUSINESS NAME _____
SCHOOL W/IGATION FEES PAID: YES NO
COUNTY ADMINISTRATIVE FEES PAID: YES NO
COUNTY HEALTH DEPARTMENT FEES PAID: YES NO
FIRE DEPT. FEES PAID: YES NO
FISH & GAME FEES PAID: YES NO
PAST FEES PAID: YES NO
WITHIN REDEVELOPMENT AREA: YES NO
DEVELOPMENT TYPE: Custom Tract Condo Apt.
 Comm. Indust Historical

CONSTRUCTION LENDING AGENCY. I hereby affirm there is a construction lending agency for the performance of the work for which this permit is issued.

Lender's Name/Address _____

OWNER INFORMATION

Name Dusty Johnson
Address/City/Zip 304 Peach Place
Phone No. () _____

LICENSED CONTRACTOR DECLARATION

I hereby affirm that I am licensed under the provisions of Chapter 9 (commencing with Section 7000) of Div. 3 of the Business and Professions Code, and my license is in full force and effect.

Lic. No. 677466 Lic. Class B Exp. Date 9-30-97
Signature [Signature] Date _____

CONTRACTOR or SUB-CONTRACTOR INFORMATION

Name, Firm R.A.L. Builders
Name, Person John
Address/City/Zip 2898 Fair Oaks Blvd, Ste 4
Phone No. () 485 City License # _____

CALIFORNIA ENERGY CONSERVATION DECLARATION

I hereby certify that this project conforms to all applicable laws to Title 24 of the California Administrative Code pertaining to Energy Conservation.

Signature _____ Date _____

LICENSED ARCHITECT OR ENGINEER

Name, Firm _____
Name, Person _____
Address/City/Zip _____
Phone No. () _____ License # _____

OWNER-BUILDER DECLARATION

I hereby affirm that I am exempt from the contractor's license law for the following reasons:
 I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale.
 I, as owner of the property, am exclusively contracting with licensed contractors to construct the project.
 I am exempt under Sec. _____ of the Business and Professions Code for this reason:
 Minor work under §100-Sec. 7048 _____
Signature _____ Date _____

WORKERS' COMPENSATION INSURANCE INFORMATION

WORKERS' COMP. DECLARATION. I hereby affirm that I have a Certificate of Consent to Self-insure, or Certificate of Workers' Compensation Insurance of certified copy thereof.
Policy # _____ Inc. Co. _____ Exp. _____
 Certified copy hereby furnished On file w/Budd. Div. Consultant
 CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE.
(This section need not be completed if the permit is \$100 or less). I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the workers' compensation laws of California.
Signature [Signature] Date 2-2-96

FEES

10-100-604-13 Building Permits	\$ <u>135.00</u>
10-100-604-11 Plumbing Permits	<u>0</u>
10-100-604-12 Electrical Permits	<u>40.25</u>
10-100-604-10 Mechanical Permits	<u>40.00</u>
10-100-616-00 CARF	<u>25.00</u>
10-100-612-80 Plan Check & Reinspection	<u>9d 2/1/96 8795</u>
10-100-612-82 Energy Plan Check	<u>25.00</u>
10-100-612-83 Building Permit Surcharge	<u>190.94</u>
10-100-630-26 Strong Motion	<u>1.12</u>
20-200-609-01 Metered Construction Water	
80-900-609-06 Water Connection Fee	
91-910-610-07 Sewer Connection Fee	
93-930-604-13 Storm Drain Fee	
93-930-615-01 Street Fee	
96-960-615-70 Police Fee	
97-970-615-80 Fire Fee	
95-950-615-55 Park Fee	
90-990-615-40 Monitoring Fee	
89-890-690-80 General Facilities Fee	
TOTAL PERMIT FEE	\$ <u>457.31</u>

NOTE: When properly validated, this form constitutes a Building Permit. This permit expires and becomes null and void should work not be commenced within six (6) months from validation date or should authorized construction be suspended or abandoned for a period of 180 days after work is commenced.

APPLICANT: I certify that I have read this application and state that the above information is correct. I agree to comply with all City and County ordinances and state laws relating to building construction, and hereby authorize representatives of this City to enter upon the above-mentioned property for inspection purposes. I (We) agree to save, indemnify and keep harmless the City of Winters against liabilities, judgments, costs and expenses which may accrue against said City in consequence of the granting of this permit. Furthermore I understand that this permit expires in six months (180 days) if work has not commenced.

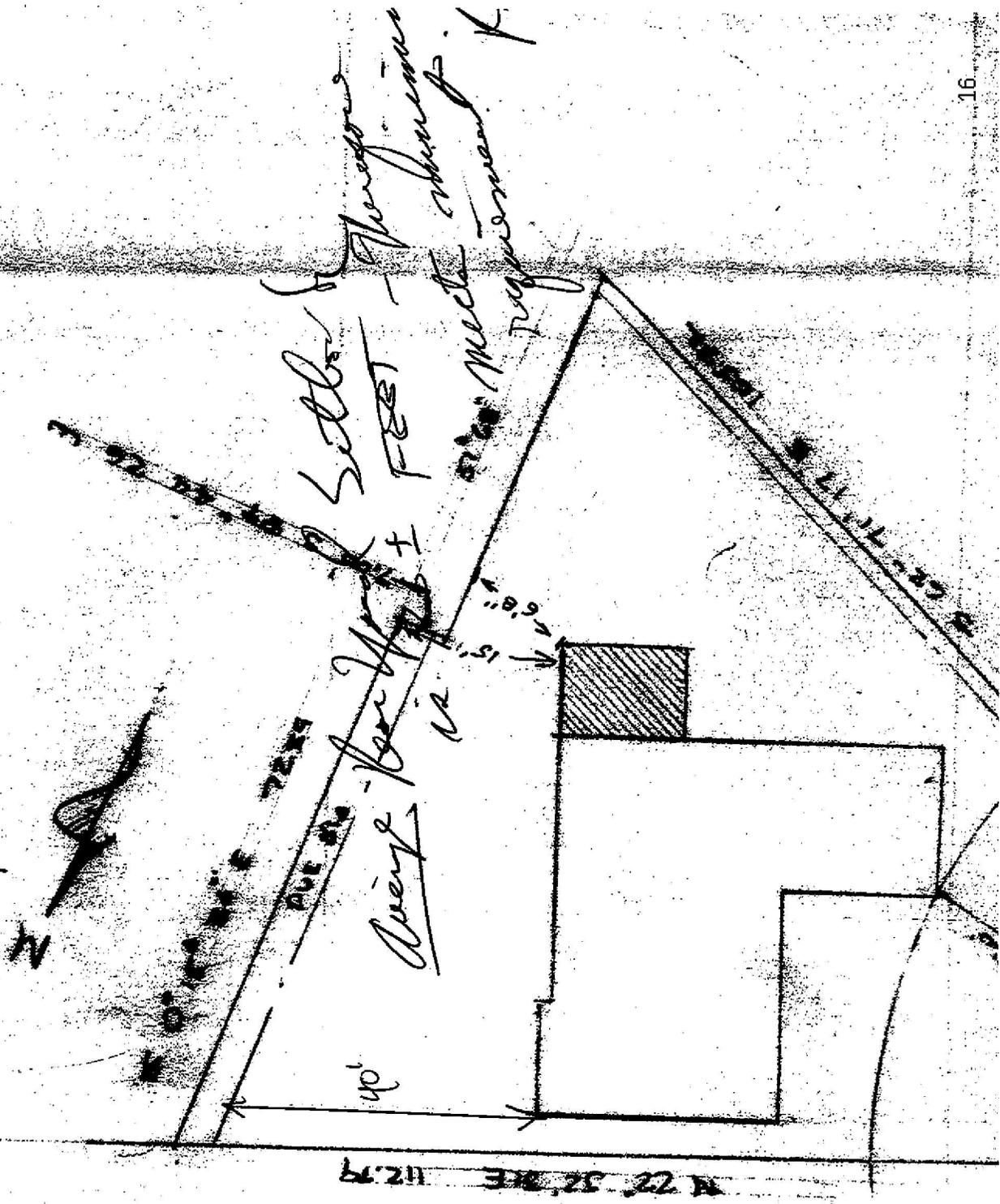
Signature of Applicant _____ Owner Contractor Authorized Agent Date 2-2-96

Approved By: [Signature] Date 2/2/96
City of Winters Building Division

304 PEACH PLACE

SITE PLAN APPROVAL

BY: [Signature]
DATE: 4/17/96



50 SB
5.74 PK
Fee \$ 23.00
29.24

310 PEACH PLACE

Permit No. 32
Date March 28, 1973

BUILDING PERMIT OF CITY OF WINTERS, CALIFORNIA

Permission is hereby granted to Lester and Camille Branson
whose address is 310 Peach Pl. to make the
following improvements in the City of Winters, to wit: Build a 15' x 13' 8"
addition to rear of house

..... estimated value 2870.00

upon the following described property, to wit: Above

Legal property owner:

IMPORTANT INSTRUCTIONS

FOUR ORIGINAL

1. This permit must be accompanied by construction drawings, specifications and a plot plan in duplicate when presented to the Building Inspector for approval.
2. No work shall be started until this permit has been approved by the Building Inspector. Separate permits are required for plumbing and electrical work, and in all cases if work is started prior to approval of the respective permits, a double fee may be charged.
3. All improvements, construction, alterations, repairs, moving of structures and demolishing of structures, shall be in conformance with City ordinances and building codes and a permit is required in all cases. The building official has the right to prevent further construction at any time if said codes and ordinances are not complied with.
4. The approval of this permit, based on the plans and specifications, does not prevent the building official from hereafter requiring the correction of errors in said plans and specifications, or from preventing building operations being carried on thereunder when in violation of the building code.
5. The owner or agent is required to post on the premises an inspection card at the start of work, and it will be the responsibility of the owner or agent to request an inspection by the Building Inspector at the applicable stages listed on the inspection card.
6. No building is to be occupied until approved by the Building Inspector.

I hereby acknowledge that I have read and understand the provisions of this permit and agree to comply with all City Ordinances and State laws regulating building construction.

MAR 29 1973
CITY OF WINTERS

Signature of Owner
or Authorized Agent

Approved by Winston H. Jones
Building Inspector



CITY COUNCIL STAFF REPORT

November 21, 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 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 and (2) adopt Ordinance No. 2006-08 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. 2006-08
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 21Nov06

ORDINANCE NO. 2006-08

**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 1	
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 _____,

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

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WITNESS my hand and official seal.

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

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.]

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
- 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: _____



CITY COUNCIL STAFF REPORT
November 21, 2006

TO: Honorable Mayor and Councilmembers

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

FROM: Dan Sokolow – Community Development Director

SUBJECT: **Public Hearing and consideration of proposed change to the Winters Municipal Code (Title 17, Zoning) to permit a parcel located in the C-2 Zone with a current commercial use to be converted to a residential use as a single family dwelling unit as long as the structure occupying the parcel had been originally constructed as a single family dwelling.**

RECOMMENDATION: Staff recommends that the City Council (1) receive the staff report and (2) approve Ordinance No. 2006-06 amending the Zoning Ordinance (Title 17 of the Winters Municipal Code) to permit a parcel located in the Central Business District (C-2 Zone) to be converted from a commercial use to a residential use as a single family dwelling unit as long as the structure occupying the parcel had been originally constructed as a single family dwelling.

BACKGROUND: The Planning Commission at its June 27, 2006 meeting voted 7-0 to add the following footnote to the Land Use/Zone Matrix of the Winters Municipal Code (pages 390 – 391 of Title 17, Zoning) under the residential uses for the C-2 Zone.

A commercial use operating from a residential structure originally constructed as a residential structure can be converted from a commercial use to a residential use.

A Winters resident and business owner, Glenn DeVries, brought this issue to the Planning Commission and City Council's attention earlier this year. DeVries had purchased the property located at 112 Main Street (APN 003-202-02) a couple of years ago and relocated his business, Solano Construction, to the property. The structure located at 112 Main was originally constructed as a single-family residence and DeVries wanted the opportunity to convert the commercial use of the property to a residential use should he move his business to another location.

DISCUSSION: Planning Commissioners did discuss whether the proposed change to the Zoning Ordinance would result in significant use changes in the C-2 Zone. Staff did

assess the C-2 Zone for commercial uses occupying structures originally constructed as a single-family residences and found only two such uses. Since that time, Staff has discovered a third such use. Furthermore, a property owner seeking to convert a commercial use to a residential use would still be subject to the requirements of the California Building Code, local building standards (Winters Municipal Code), and local development standards (off-street parking, etc.). Another issue is whether the proposed change to the Zoning Ordinance could impede the City's efforts to develop the Downtown Master Plan area. The potential effect on these efforts may be marginal since the focus of the Downtown Master Plan effort is the Railroad Avenue corridor and most of the current single-family uses in the C-2 Zone are located away from the corridor.

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. A legal notice was published in the Winters Express on Thursday, October 4, 2006. 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 15, 2006.

ENVIRONMENTAL REVIEW: The amendment to the Zoning Ordinance has been reviewed in accordance with the California Environmental Quality Act (CEQA) and is not considered a project. As a result, no further environmental review is required under CEQA.

ATTACHMENTS

City Council Ordinance No. 2006-06

Planning Commission/SFD in C-2 CC Stf Rpt 21Nov06

CITY COUNCIL ORDINANCE NO. 2006-06

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING THE WINTERS MUNICIPAL CODE, TITLE 17 (ZONING) TO PERMIT A
COMMERCIAL USE OPERATING FROM A RESIDENTIAL STRUCTURE
ORIGINALLY CONSTRUCTED AS A RESIDENTIAL STRUCTURE AND LOCATED IN
THE C-2 ZONE TO CONVERT FROM A COMMERCIAL USE TO A RESIDENTIAL
USE**

The City Council of the City of Winters, State of California, does hereby ordain as follows:

1. Purpose. The purpose of this ordinance is to permit a commercial use operating from a residential structure originally constructed as a residential structure and located in the Central Business District Zone (C-2) to convert from a commercial use to a residential use. The Land Use/Zone Matrix contained in Section 17.52.020 of the Winters Municipal Code is amended to add the following footnote under the residential uses for the C-2 Zone.

A commercial use operating from a residential structure originally constructed as a residential structure can be converted from a commercial use to a residential use.

2. Authority. The City of Winters has authority to adopt this ordinance pursuant to the general police power granted to cities by Article 11, Section 7 of the California Constitution.

3. Effective Date. This ordinance shall take effect thirty (30) days after its adoption.

INTRODUCED at a regular meeting on October 17, 2006 and **PASSED AND ADOPTED** at a regular meeting of the Winters City Council, County of Yolo, State of California, on the 21st day of November 2006, by the following roll call vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:**

Woody Fridae, MAYOR

ATTEST:

Nanci G. Mills, CITY CLERK



CITY COUNCIL STAFF REPORT
November 21, 2006

TO: Honorable Mayor and Councilmembers

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

FROM: Dan Sokolow – Community Development Director *DS*

SUBJECT: **Procedures for the verification of square footages and the issuance of building permits for construction projects subject to School District Facility Fees.**

RECOMMENDATION: Staff recommends that the City Council (1) receive the staff report and (2) approve Resolution No. 2006-48 establishing procedures for the verification of square footages and the issuance of building permits for construction projects subject to Winters Joint Unified School District Facility Fees.

BACKGROUND: The Winters Joint Unified School District has asked the City to verify the square footages of construction projects subject to School District Facility Fees and to not issue any building permits subject to Facility Fees until receiving written verification that the Facility Fees have been paid. Resolution No. 2006-48 has been prepared to address the request from the School District. The City's Building Official would provide the School District with a written verification of the square footage for each new residential, commercial/industrial, and self-rental units construction project. While the City's practice is not to issuance a building permit until receiving written verification of payment of School District Facility Fees, the proposed resolution would memorialize this practice.

DISCUSSION: With a significant amount of residential construction and the potential for commercial construction occurring over the next five to seven years, it is important that the Winters Joint Unified School District receive accurate information of new construction square footages so the appropriate Facility Fees can be collected.

FISCAL IMPACT: The City would incur a minor ongoing expense to prepare new square footage verification letters for the School District.

ATTACHMENT
Resolution No. 2006-48

RESOLUTION NO. 2006-48

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
ESTABLISHING PROCEDURES FOR THE VERIFICATION OF SQUARE FOOTAGES
AND THE ISSUANCE OF BUILDING PERMITS FOR CONSTRUCTION PROJECTS
SUBJECT TO WINTERS JOINT UNIFIED SCHOOL DISTRICT SCHOOL FACILITY
FEES**

WHEREAS, Government Code Section 65995 (b)(1) states that the amount of square footage within the perimeter of residential structure shall be calculated by the building department of the city or county issuing the building permit;

WHEREAS, the Winters Joint Unified School District collects School Facility Fees for new residential, commercial/industrial, and self-rental storage units construction and uses these fees to offset the cost of school facilities made necessary by construction, and;

WHEREAS, it is critical that the Winters Joint Unified School District receive accurate square footages for all new residential, commercial/industrial, and self-rental storage units construction in order to calculate the correct school facility fees for new construction.

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

1. The Building Official for the City of Winters shall provide the Winters Joint Unified School District with a written verification of the square footage for each new residential, commercial/industrial, and self-rental storage units construction project.

2. The City of Winters shall not issue a building permit for any new residential, commercial/industrial, or self-rental storage units construction project subject to Winters Joint Unified School District School Facility Fees as determined by the School District until receiving written documentation of payment of the School Facility Fees from the School District.

PASSED AND ADOPTED by the City Council of the City of Winters this 21st day of November 2006, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Woody Fridae, MAYOR

Nanci G. Mills, CITY CLERK



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: November 21, 2006
FROM: John W. Donlevy, Jr., City Manager 
SUBJECT: Pool Funding Agreement

RECOMMENDATION:

That the City Council:

1. AN AGREEMENT BETWEEN THE CITY COUNCIL OF THE CITY OF WINTERS AND THE BOARD OF TRUSTEES OF THE WINTERS JOINT UNIFIED SCHOOL DISTRICT FOR THE FUNDING OF SWIMMING POOL CONSTRUCTION AT WINTERS HIGH SCHOOL; and
2. Approve a total City funding contribution in the amount of \$1.75 million dollars toward the construction of the facility; and
3. Authorize the Mayor to execute said agreements toward the Pool Project.

BACKGROUND/DISCUSSION:

At the November 7, 2006, City Council/CDA Meeting, a funding resolution was approved for City participation in the construction/re-construction of a new pool at Winters High School.

On the same day, the WJUSD opened bids for the construction of a new community swimming pool which will replace the old one located at Winters High School. The low bid was submitted by Tricon Construction in the amount of \$1,795,000.00 with a deductive alternate of \$41,800.00 for a shade structure over the seating area. This exceeds the budget of \$1,210,000.00; however, the district and the city have developed two potential courses of action.

These include:

Option #1

Accept the Tricon bid of \$1,795,000 accept a reduction in scope of \$153,000 which revises the contract amount to \$1,642,000. Agree to an amended funding

agreement with the WJUSD increasing the pool construction funds by \$500,000 split evenly between each agency.

Option #2

Reject all bids, reduce the scope, increase the budget by \$500,000, and re-bid the project. Agree to an amended funding agreement with the WJUSD increasing the pool construction funds by \$500,000 split evenly between each agency.

Both City and District staff have evaluated the alternatives and are recommending Option #1 which would authorize acceptance of the Tricon bid and commencing the construction of the pool.

Option #1 requires an additional City contribution of \$250,000 toward the pool from the City, which would come from Park Development Fees. Justification for this recommendation is based on the continued rise in overall development costs and the risk of higher costs if the project is re-bid.

In order to facilitate the financing of the project, the attached agreement has been developed. Generally it provides for the use of the facility as a Community Pool and facilitates the development of a joint use agreement to define implementation and use of the facility.

FISCAL IMPACT:

Total City contribution toward the project is \$1.75 million.

Attachments:

Pool Funding Agreement
District Staff Report

BOARD AGENDA ITEM

DATE: November 16, 2006

ITEM NO. _____

TOPIC: **WINTERS HIGH SCHOOL / COMMUNITY SWIMMING POOL
CONSTRUCTION BIDS** (*Revised*)

DESCRIPTION:

The District conducted a public bid for the construction of a new community swimming pool which will replace the old one located at Winters High School. The low bid was submitted by Tricon Construction in the amount of \$1,795,000.00 with a deductive alternate of \$41,800.00 for a shade structure over the seating area. This exceeds the budget of \$1,210,000.00; however, the district and the city are working to evaluate two potential courses of action. The options available are:

Option #1

Accept the Tricon bid of \$1,795,000 accept a reduction in scope of \$153,000 which revises the contract amount to \$1,642,000. Agree to an amended funding agreement with the City of Winters increasing the pool construction funds by \$500,000 split evenly between each agency.

Option #2

Reject all bids, reduce the scope, increase the budget by \$500,000, and re-bid the project. Agree to an amended funding agreement with the City of Winters increasing the pool construction funds by \$500,000 split evenly between each agency.

ALIGNMENT WITH GOOD TO GREAT:

What we are deeply passionate about

The District desires to maximize the benefit of the community and district resources.

FISCAL IMPACT:

This entire project including design, construction and close-out was budgeted at \$1.5M. The project was being entirely funded using donated funds from Granite Bay Holdings and other developers. The City of Winters and the Winters Joint Unified School District are developing an agreement that will be brought to the Board on December 6, 2006 regarding each entities contribution. The Superintendent is recommending that the Board authorize a district contribution, not to exceed \$250,000 and that only those funds equally matched by the City of Winters are expended on this project. The additional \$250,000 Winters JUSD will add to the budget will come from facility related funding accounts.

RECOMMENDATION:

It is recommended the Board of Trustees accept the low bid from Tricon Construction, the deductive alternate, and the reduction of the scope cost change, and agree to a district contribution not to exceed \$250,00.00

Gary Cook
Director Facilities

Dale J. Mitchell, Ed.D.
Superintendent

AN AGREEMENT BETWEEN THE CITY COUNCIL OF THE CITY OF WINTERS AND
THE BOARD OF TRUSTEES OF THE WINTERS JOINT UNIFIED SCHOOL
DISTRICT FOR THE FUNDING OF SWIMMING POOL CONSTRUCTION AT
WINTERS HIGH SCHOOL

Between

THE WINTERS JOINT UNIFIED SCHOOL DISTRICT

And

THE CITY OF WINTERS

December __, 2006

THIS AGREEMENT is between **THE WINTERS JOINT UNIFIED SCHOOL DISTRICT**, hereafter referred to as the "District", and **CITY OF WINTERS**, hereinafter referred to as the "CITY."

PREAMBLE

Built as a key community facility, the Bobbi Greenwood Community Swimming Pool located at Winters High School has served the greater Winters Area since 1958. The pool has served as the main source for summer recreational activity and as the home to the Winters High School Swim Team.

Since 1993, the City and District have worked to deal with the incremental decline of the physical condition of this pool. This has involved cooperative funding of repairs and the acquisition of a variety of sources of funds to help repair the facility. Unfortunately, in 2005, the condition of the pool required the closure due to multiple sources of leakage and overall safety.

In 2005-06, the City of Winters included the issue of reconstruction of the pool in development agreements with subdivision builders. The funding included approximately \$1.5 million toward the construction of a new community pool facility. The path of the funds was direct payments to the City. The City and District have jointly worked on the design of a new facility under the premise that it will be jointly owned and operated as a Community Pool.

The District and the CITY have previously entered into a Joint Use Agreement for mutual use of City and School District athletic and recreational facilities. That Joint Use Agreement now in affect will remain so until a new one is established. The swimming pool facility, located on School District property, has deteriorated and is now longer in service. Both parties agree that time is of the essence, as swimming facilities are considered a necessary and integral part of provision of recreational and athletic facilities in Winters. Therefore, the parties hereto agree as follows:

I. PURPOSE OF THE AGREEMENT

In this agreement, City and the District seek to:

- A. Fund the reconstruction of the community swimming facility, located on Railroad Avenue, on District property;
- B. Cooperate in the reconstruction of the community swimming facility, to complete the same as soon as is feasible;
- C. Make available the swimming facility for both District and City programs;

II. GENERAL PROVISIONS OF THE AGREEMENT

- A. This Agreement shall be for the period commencing on execution of this agreement, and shall terminate as provided herein.
- B. The execution of this Agreement must be authorized by both the District Board of Trustees and the City Council of the City of Winters.
- C. The District and City shall act in good faith to implement the terms of this Agreement.
- D. The District and City acknowledge that:
 - This Agreement is a bridge to cover immediate funding of swimming facility reconstruction, and anticipates a further, more detailed Joint Use Agreement.
 - The swimming pool facility reconstruction funded by this Agreement has both a municipal and an educational purpose;
 - This Agreement is intended to enhance and not interfere with the primary mission of City or District governance;
 - The ultimate responsibility for the use of the facility will remain with the owner of the facility; and
 - The City and District will jointly and cooperatively operate and schedule the facility for the maximum benefit of the Winters Community in accordance with the established joint use agreement.

III. GENERAL GUIDELINES FOR JOINT USE

Deleted: ¶
¶

The City and District will continue the implementation of the existing pool joint use agreement until such time as a new agreement is established.

IV. CONSTRUCTION FUNDING

The total estimated costs for design and construction of the Pool is estimated at \$2 million.

The District shall contribute \$250,000 toward the reconstruction of the swimming pool facility.

CITY shall contribute the sum of \$1.75 million toward the reconstruction of the swimming pool facility. The contribution of CITY shall be limited to this amount. Funding shall be provided by CITY from developer contributions from the subdivision development agreements and from a contribution from Park Development Fees on account with the City.

Any residual funds from the \$2 million budget shall be returned to the City as a credit toward the Park Development fee contribution to the project.

At the conclusion of construction and acceptance of the project, District shall provide City with a complete accounting of all costs incurred in relation to this project.

Deleted: CITY shall contribute the sum of \$1.5 million toward the reconstruction of the swimming pool facility. The contribution of CITY shall be limited to this amount. Funding shall be provided by CITY from developer contributions from the subdivision development agreements.

V. Continued Public Access –

A. Both parties agree that this funding by CITY constitutes the bulk of costs for the facility reconstruction. District as partial consideration therefor, agrees that public access to the facility, and CITY's access for CITY programs (based on the District's obligation to reasonably accommodate the same) shall be in accordance with the established joint use agreement.

B. **Priority Use** – CITY acknowledges that District owns the current facility, and will be the sole owner once reconstruction has been completed. CITY does not assail, and will not in the future, assail District's title to the facility.

VI. LIABILITY AND INSURANCE

A. CITY, to the extent permitted by law, shall defend, indemnify and hold harmless District, its agents, officers, and employees from and against all claims, damages, losses, judgments, liabilities, expenses, and other costs, including litigation costs and attorneys' fees, arising out of, or resulting from, the act of negligence or wrongdoing of, CITY, its agents, officers, or employees in the performance of any acts in furtherance of this Agreement.

B. District, to the extent permitted by law, shall defend, indemnify and hold harmless, CITY, its agents, officers, and employees from and against all claims, damages, losses, judgments, liabilities, expenses, and other costs, including litigation costs and attorneys' fees, arising out of, or resulting from, the act of negligence or wrongful acts of District, its agents, officers, or employees in the performance of any acts in furtherance of this Agreement.

C. Each party shall maintain a minimum liability insurance coverage amount of \$1,000,000 per occurrence and \$2,000,000 aggregate. Each party shall maintain insurance or self-insurance policies adequate to cover losses to the FACILITY from fire, flood and similar causes, with minimum coverages of at least the estimated value of the FACILITY and its contents. Either party receiving notice of a claim covered by this Agreement will give prompt notice of the claim to the other party. To the extent possible, each party agrees to name the other as an additional insured on insurance policies applicable to the FACILITY.

VII. TERMINATION

This agreement shall terminate upon the end of the useful life of the pool constructed as a result of this agreement.

Date _____

Date _____

Winters Joint Unified School District

City of Winters

By _____

By _____

MASTER BUDGET SUMMARY SHEET
Winters High School Swimming Pool
Proposed Budet **-\$1.5M**

11/16/2006

Section A District / Administrative Fees			Year amount to be expended
A01 Site Acquisition / Appraisal / Title			
A02 Legal fees			
A03 Other			
District / Administrative Fees Sub-total		\$0	
Section B Plan Fees			
B01 Architect's fee for plans	(Arch Pac \$80,000)	\$48,000	80% 06 20% 07
B02 DSA Accessibility Plan Check	(Based on \$1.4M cost)	\$1,670	100% 07
B03 DSA Structural / Fire Life Safety plan check fee	(Based on \$1.4M cost)	\$7,850	100% 07
B04 DSA Additional Fees			
B05 Yolo County Department of Health		\$1,200	100% 07
B06 Department of Education - Plan Check Fee			
B07 Preliminary tests			
B07a Geotechnical survey	(Wallace and Kuhl)	\$6,200	100% 06
B07d Site Survey	(Warren Eng)	\$17,000	100% 06
B08 Administrative Costs			
B08a OPSC Consultants			
B08b Bidding and Advertising		\$2,000	100% 07
B08c Engineering / Consulting			
Plan Fees Sub-total		\$83,920	
Section C Construction			
C01			
C02 Off-site Development			
C03 Service Site Development			
C04 General Service Site Development			
C05 Construction of pool and ancillary structures			
C05a Pool	(5000 X \$140/sf)	\$700,000	100% 07
C05b Demo		\$37,187	100% 07
C05c Deck	(10,000 X \$8/sf)	\$80,000	100% 07
C05d Lighting		\$5,000	100% 07
C05e Bulding	(900 X \$66/sf)	\$58,500	100% 07
C05f Fencing		\$22,189	100% 07
C06 Proposed Change Orders		\$0	100% 07
C07 Change Orders			100% 07
C08 Environmental abatement			
C10 Air monitor clearance			
C11a Project Management			
Construction Sub-total		\$902,876	
Contractor overhead		\$1,011,221	
Contractor profit		\$141,571	
Construction Total		\$1,152,792	
Section D Other Costs			
D01 Architect Fees for Construction	(Arch Pac \$80,000)	\$32,000	100% 07
D02 Reimbursable / General Conditions	(ArchPac \$ / Brownies \$)	\$3,000	75% 06 25% 07
D03 Labor Compliance Management	(RGM Associates)	\$20,000	100% 07
D04 Inspection	(APIC)	\$35,000	100% 07
D05 Furniture and Equipment	(Bleachers)	\$15,000	100% 07
D06 Restroom Facility		\$28,000	100% 07
D07 Shade Structure		\$35,000	100% 07
D08 Soil testing	(Wallace and Kuhl)	\$5,000	100% 07
D08 Contingency	(Budgeted \$ 90,150)	\$90,288	100% 07
Other Costs Sub-total		\$263,288	
Total		\$1,500,000	

BOARD AGENDA ITEM

DATE: November 16, 2006

ITEM NO. F4

TOPIC: **WINTERS HIGH SCHOOL / COMMUNITY SWIMMING POOL
CONSTRUCTION BIDS** (*Revised*)

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ALIGNMENT WITH GOOD TO GREAT:

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The District desires to maximize the benefit of the community and district resources.

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RECOMMENDATION:

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Gary Cook
Director Facilities

Dale J. Mitchell, Ed.D.
Superintendent