



Winters City Council Meeting
City Council Chambers
318 First Street
Monday, June 23, 2008
7:30 p.m.
AGENDA

Members of the City Council

*Woody Fridae, Mayor
Michael Martin, Mayor Pro Tempore
Harold Anderson
Cecilia Aguilar-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 a Regular Meeting of the Winters City Council Held on Tuesday, June 3, 2008 (pp 1-7)
- B. Minutes of a Budget Workshop of the Winters City Council Held on Tuesday, May 27, 2008 (pp 8-10)
- C. Approval of Amplified Sound Permit for Friends of the Library Gazebo Concerts, for Five Thursday Evenings during month of July (pp 11-13)
- D. Accept Recommendations from Stone and Fridae for Reappointment of Committee members to the Winters Putah Creek Committee (pp 14)
- E. Authorization to Execute a Consultant Services Agreement Contract with Monarch Tree Service in the amount of \$14,500 for Removal of Mulberry Trees on Hemenway Street as part of the Safe Routes to School Project (pp 15-16)
- F. Certification of Election Results Regarding Measure T, the Utility User's Tax Modernization Act (pp 17-36)
- G. Resolution 2008-24, a Resolution of the City of Winters, Declaring the Results of the General Election Held in the City of Winters on June 3, 2008 (pp 37-39)

PRESENTATIONS

Resolution entitled "Supporting the City of Winters in the Naming and Dedication of the J. Robert Chapman Memorial Bridge" being presented to the Winters City Council by Supervisor Vasquez on behalf of the Solano County Board of Supervisors

ADMINISTRATION OF OATH OF OFFICE FOR NEW COUNCIL MEMBERS

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

RECEPTION

DISCUSSION ITEMS

- 1. Public Hearing to Take Action on Resolution 2008-23, a Resolution of the City of Winters, to Adopt the Winters Putah Creek Nature Park Master Plan (pp 42-125)

2. Resolution 2008-25, A Resolution of the City of Winters Approving and Adopting A Budget of Estimated Expenditures for Fiscal Year 2008-2009 (pp 126-128)
3. Consideration of the Addition of Diagonal Sidewalks at the Intersection of First and Main Streets, at the request of Council Member Tom Stone (No Backup)

COMMUNITY DEVELOPMENT AGENCY

CONSENT CALENDAR

- A. Resolution 2008-26, A Resolution of the Community Development Agency of the City of Winters Approving and Adopting a Budget of Estimated Revenues and Expenditures for the Fiscal Year 2008/2009 (pp 129-130)

CITY MANAGER REPORT

COUNCIL/STAFF COMMENTS

INFORMATION ONLY

EXECUTIVE SESSION

Conference with Real Property negotiator, John W. Donlevy, Jr., City Manager, regarding APN 03-191-05 and APN 03-191-06, California Government Code Section 54956.8

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the June 23, 2008, 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 June 18, 2008, and made available to the public during normal business hours.

Tracy Jensen, Admin. Asst. for Nanci G. Mills
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.

How to obtain City Council Agendas:

View on the internet: www.cityofwinters.org/administrative/admin_council.htm Any attachments to the agenda that are not available online may be viewed at the City Clerk's Office or locations where the hard copy packet is available.

Email Subscription: You may contact the City Clerk's Office to be placed on the list. An agenda summary is printed in the Winters Express newspaper.

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 of the Winters City Council Meeting
Held on Tuesday, June 3, 2008

Mayor Fridae called the meeting to order at 7:30 p.m. Those present were Council Members Cecilia Aguiar-Curry, Harold Anderson, Michael Martin, Tom Stone and Mayor Fridae. Also present were City Manager John Donlevy, City Attorney John Wallace, Contract Planner Kate Kelly, Economic Development Director/Asst. Executive Director-CDA Cas Ellena, Management Analysts Dawn Van Dyke and Carol Scianna, and City Clerk Nanci Mills.

Pledge of Allegiance

Approval of Agenda: City Manager Donlevy requested that Discussion Items 4 and 5 be heard in reverse order. City Attorney Wallace then requested that original Item 4 pertaining to the Yolo County Water Agency be postponed to a later meeting due to the non-notification of the information provided in the staff report. City Manager Donlevy indicated the Council would not be voting on this item, but provided the report for informational purposes, which was acceptable.

It has also been requested that the June 17th City Council meeting be held on June 23rd, which was agreed upon although Council Member Aguiar-Curry may have a conflict with this date.

PUBLIC COMMENTS: None

CONSENT CALENDAR

- A. Minutes of a Regular Meeting of the Winters City Council Held on Tuesday, May 20, 2008
- B. Approval of annual rate increase in accordance with the City's refuse franchise agreement with USA Waste of California, Inc. dba Waste Management of Winters
- C. Approve Resolution 2008-20, a Resolution of the City Council of the City of Winters Increasing the Capital Improvement Facilities Fees 2.5% Effective July 1, 2008 in Accordance with Ordinance 92-06
- D. Approve Resolution 2008-22, a Resolution of the City Council of the City of Winters Increasing the Project Monitoring Fee by 2.5% Effective July 1, 2008 in Accordance with Ordinance 92-10

City Manager Donlevy gave a brief overview. A rate increase has been submitted as per our Waste Management franchise agreement, and is also impacted by high fuel costs. Council Member Aguiar-Curry asked if Waste Management offers the "Sharps Program", where used medical syringes are collected and disposed of properly. City Manager Donlevy indicated the City would verify whether this service is offered. Council Member Aguiar-Curry made a motion to approve the Consent Calendar. Seconded by Council Member Stone. Motion carried unanimously.

PRESENTATIONS

Mayor Fridae read aloud and presented a resolution to Sergeant First Class John Robles of Woodland, the local recruiting station manager, celebrating U.S. Army Week, June 9-15, 2008.

DISCUSSION ITEMS

1. **Public Hearing and Adoption of Resolution 2008-21, a Resolution of the City of Winters Amending and/or Approving the Annual Levy Report, and Ordering the Levy and Collection of Assessments Within the City of Winters City-Wide Maintenance Assessment District, Fiscal Year 2008/2009**

City Manager Donlevy gave an overview. Council Member Martin asked if the current assessments provided the income to pay for services. City Manager Donlevy stated that street lighting costs consume over half of the assessment income. Also impacting the assessment income is the absence of any cost-of-living increases due to the current economic development, which has not materialized. Council Member Aguiar-Curry inquired when the assessment increase would go before the voters, which would be June of 2010.

Mayor Fridae opened the public hearing at 7:45 p.m. and closed the public hearing at 7:45 p.m. with no public comment. Council Member Anderson made a motion to adopt Resolution 2008-21, Amending and/or Approving the Annual Levy Report, and Ordering the Levy and Collection of Assessments Within the City of Winters City-Wide Maintenance Assessment District, Fiscal Year 2008/2009. Seconded by Council Member Martin. Motion carried with the following roll call vote:

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

2. Second Reading and Adoption of Ordinance 2008-08, an Ordinance of the City Council of the City of Winters adopting a First Amendment to a Development Agreement regarding the Anderson Place Subdivision

Contract Planner Kate Kelly gave an overview. Kate indicated the first amendment includes the extension of terms, shift and clarification of language, and addresses the advancement of funds in the amount of \$25,000 for the public safety center and the return of those funds back to the source. Mayor Fridae opened the public hearing at 7:50 p.m. and closed the public hearing at 7:50 p.m. with no public comment. Council Member Martin made a motion to adopt Ordinance 2008-08, adopting a First Amendment to a Development Agreement regarding the Anderson Place Subdivision. Seconded by Council Member Aguiar-Curry. Motion carried with the following roll call vote:

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

3. Second Reading and Adoption of Ordinance No. 2008-09, an Ordinance of the City Council of the City of Winters Amending Chapter 17.96 of the Zoning Code Pertaining to Requirements for On-Sale Liquor Establishments

Mayor Fridae and Council Member Anderson stepped down due to a possible conflict of interest.

City Manager Donlevy gave an overview. Mayor Pro Tem Martin opened the public hearing at 7:52 p.m. and closed the public hearing at 7:52 p.m. with no public comment. Council Member Stone made a motion to adopt Ordinance No. 2008-09, amending Chapter 17.96 of the Zoning Code Pertaining to Requirements for On-Sale Liquor Establishments. Seconded by Council Member Aguiar-Curry. Motion carried with the following roll call vote:

AYES: Council Members Aguiar-Curry, Stone and Mayor Pro Tem Martin
NOES: None
ABSENT: Council Member Anderson and Mayor Fridae
ABSTAIN: None

Mayor Fridae and Council Member Anderson returned to the dais at this time.

4. Proposed Yolo County Water Agency (Moved to Discussion Item #5)

City Manager Donlevy gave an overview and presented to the Council a draft ordinance provided by Yolo County in an effort to establish a County-wide Water Agency with the main purpose of protecting groundwater resources within Yolo County. A presentation to be given by representatives of the Water Resources Agency will be scheduled for a future City Council meeting.

5. Request for Reconsideration of Safe Routes to School Improvements on Hemenway Street (Moved to Discussion Item #4)

City Attorney Wallace gave an overview, and as per Roberts Rules of Order, the reconsideration of an approved item must be made at the meeting where the item was approved, or immediately thereafter by a member voting in favor of the approved item. He suggested that the Council listen to public comments and include this item on a future agenda for consideration.

Mayor Fridae stated the Safe Routes to School grant was originally secured by then-Community Development Director Dan Sokolow in 2004. Sidewalks throughout the City were reviewed, and a decision was made on which sidewalks were to be repaired and/or replaced. The placement of the sidewalks was also discussed.

Gail Wingard, 910 Apricot Avenue, thanked the Council and City Manager for listening and reviewing the subject. Winters High School currently has many fruitless mulberry trees and listed the number of these trees at various sites ie: City Park, Waggoner School, and Winters High School. He asked the City Manager to verify the placement of the proposed sidewalk on Hemenway, whose placement along the existing fence and away from the street was confirmed. He also requested that a traffic control device be placed at the curve for safety purposes. He requested gradual tree removal and the fire hydrant placement be reviewed and possibly set back from the street. He asked the Council to reconsider blacktop or decomposed granite as the desired sidewalk surface.

Armando Rodriguez, 715 Hemenway Street, stated he is being affected by the Safe Routes to School proposal, as the proposed sidewalk will prevent parking in front of his home. He suggested moving the fire hydrant north or south instead of into his neighbor's property.

Ed Carbahal, 714 Hemenway, resides adjacent to the proposed project. He thanked the Council for reviewing this item and understands the concerns brought forth by the residents, but doesn't understand the idea of partial tree removal; when going back in to remove the remaining tress will likely damage the

new sidewalks. He also stated the planting of mature trees would be acceptable. He stated the Council has spent ample time on this item before making their decision and requested they move on to new projects.

Kat Hasbrook, 5111 Putah Creek Road, thanked the City Council for listening to her comments and introduced an alternative option, rubber sidewalks, which are durable, all-weather, skid resistant square tiles, as decomposed granite is not an ADA-acceptable surface.

Pamela Hill, 407 Griffin Way, said she felt embarrassed that she had not heard of the proposed project until last week. The trees are beautiful, are a source of pride, and look good around the school. She understands the dilemma faced by the City Council. She stated there are decomposed granite sidewalks worldwide and doesn't understand why this can't be done in Winters. She also stated she didn't understand the ADA requirements and she would be sad to lose the trees.

City Manager Donlevy reiterated the reason the removal of the trees is being planned is that the roots are mounding, which will cause the buckling of concrete sidewalks. He stated that he had enjoyed meeting with the students, who were a wonderful representation of Winters High School. He assured everyone that the re-planting of trees will be a priority.

Council Member Stone noted that decomposed granite is not an approved year-round surface under the ADA. City Manager Donlevy added that maintenance is required for this surface.

Erin Hasbrook, 5111 Putah Creek Road, spoke of the dynamics of the young people who have come before the Council, showing enthusiasm, respect, the drive to educate themselves and the time taken really deserves the Council's respect. This action shows leadership and the desire to cultivate this type of citizen action should be commended. She asked the Council for the opportunity to reward these people with their respect who are willing to contribute to finding solutions. The youth is the future leadership of this community and she asked the Council to cultivate the zeal and professionalism of our young people.

Council Member Stone agreed with these comments and described the difficulty of involving students in Youth Day, which is an annual event where high school students have the opportunity to run for various government positions. The current activity has come about as part of an unpopular decision, and would like to see the youth participation not be just decision driven.

Council Member Martin stated he was proud of the youth in the community for stepping forward and speaking their minds. Adults can learn from our youth, and new, fresh ideas will be needed for the future of our community.

City Attorney Wallace stated it would be possible for this item to be called back as an action item to a future meeting in response to Mayor Fridae's inquiry.

Council Member Aguiar-Curry addressed the audience by saying when the Council makes a motion and passes it, the Council sticks by their decision. The safety of our children is the top priority. The safety improvements of heavily-traveled streets will hopefully promote biking. She liked the alternative ideas that were brought forth by Catt Hasbrook and applauded the students who spoke out. There will be plenty of opportunity to do so in the future, as input is always needed.

Council Member Anderson said there was no disrespect intended, but the decision to remove the trees has been argued and agonized over. Safety is the underlying reason for the grant. He urged residents to look into suitable replacement trees. We are helping two school sites and he doesn't see the need to reconsider their original decision.

Council Member Stone echoed Council Members Aguiar-Curry and Anderson's comments and said they had made the right decision, considering all aspects and not just about sticking with our original decision. He asked the residents in attendance to help with the tree selection, combining broad leaves and evergreens. He doesn't think the Council is being obstinate. Safety is the priority.

Mayor Fridae said that although his colleagues are clear on the issue, he is still ambivalent. He asked the City Manager to establish an ad hoc committee to help with the tree selection. City Attorney Wallace asked Mayor Fridae to make a recommendation. Council Member Aguiar-Curry inquired about re-establishing the tree commission.

Council Member Anderson suggested an ad hoc committee be formed to address the Hemenway project, then establish a committee. Mayor Fridae suggested that Staff research the process to re-establish the tree commission. He closed by saying he appreciated all comments and was impressed by the youth participation.

COMMUNITY DEVELOPMENT AGENCY

1.

CITY MANAGER REPORT: Golden Capital Network upcoming events to attend: June 16th @ Veteran's Memorial Hall in Davis for a workshop and presentations regarding Yolo Ventures kickoff. And on June 17th is the New California 100

Conference at the Mondavi Center, where Marty Mariani of Mariani Nut Company will be part of the presentation team.

COUNCIL/STAFF COMMENTS:

Council Member Aguiar-Curry attended the Sacramento Valley League of California Cities meeting, where an informative first evening was held regarding tourism development. She suggested we place our local events on the California web site. She also stated Governor Schwarzenegger's budget revision is not favorable. Out of 58 cities in our division, not many showed up to meeting. The League will be offering free events to boost attendance.

Council Member Stone noted the next Chamber of Commerce mixer will be held at Ficelle on Monday, June 9th and the Friday the 13th party will be held at the Winters Express on.....Friday, June 13th!

Council Member Anderson said the League's tourism presentation was very good.

INFORMATION ONLY

EXECUTIVE SESSION

ADJOURNMENT

Mayor Fridae said that at 9:20 p.m. exactly 21 years ago, his son Mikelyn was born and would like to adjourn the meeting in his honor.

Woody Fridae, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



Minutes of the Winters City Council
Budget Workshop
Tuesday, May 27, 2008

Mayor Fridae called the budget workshop to order at 6:00 p.m.

Those present were Council Members Aguiar-Curry, Anderson, Martin, Stone and Mayor Fridae. Also present were City Manager John Donlevy, Director of Financial Management Shelly Gunby, Economic Development Director and CDA Co-Director Cas Ellena, Housing Manager Dan Maguire, Chief of Police Bruce Muramoto, Management Analyst Dawn Van Dyke, and Administrative Assistant Jen Michaelis.

Pledge of Allegiance

Approval of Agenda: There were no changes to the agenda.

PUBLIC COMMENTS: None

CONSENT CALENDAR: None

PRESENTATIONS: None

DISCUSSION ITEMS

1. 2008-2009 Operating Budget

City Manager John Donlevy gave a brief overview, followed by Director of Financial Management (DFM) Shelly Gunby, who gave an in-depth overview of the General Fund Balance, Revenues, Expenditures, and Projects.

Council Member Martin asked DFM Gunby if the CalPERS transfer will occur next year. DFM Gunby replied the money is not transferred until the end of the fiscal year, when the entire amount budgeted last year will be transferred. He also asked if the City will be dipping into reserves during the upcoming year and DFM Gunby replied that the City will have to dip into services/programs.

City Manager Donlevy indicated the City carries a 50% reserve, as well as an additional one-half million above what the policy reserve balance is. The Service Reserve fund is not required and its' use is extremely rare. The Emergency Reserve is not being dipped into as per DFM Gunby. She will move the interest only, not the principal, as the City does not want to lose their earning power. City

Manager Donlevy is forecasting 0% residential units during the upcoming fiscal year.

City Manager Donlevy indicated there will be no changes to the General Fund Expenditures. There are no planned staffing changes, with the exception of the following: the Executive Secretary to the City Manager will receive benefits and there are 2 vacant police positions to be filled. One position will hopefully be filled now, and the second position will be filled in 4-5 months. The City hopes to fill the Public Works Director position around the first of the year. There are no changes planned for the Community Development, Recreation, and Economic Development Departments. There are no plans to fill two permanent positions on the Public Works staff, but there are plans to expand the seasonal workforce.

The cost of heating the swimming pool has been high, approximately \$20,000 over a three month period. Council Member Aguiar-Curry asked if there have been maintenance issues. City Manager Donlevy indicated this was due in part to the lack of understanding regarding the maintenance of the new swimming pool.

City Manager Donlevy indicated the Fund Balance explains where we're at. Moving forward, the project bids need to be received for every single project, including the #1 project, the redevelopment and water impact for Well #7. The CEQA red flag will come up on every single project. Upcoming projects include extending the water and sewer lines out to I-505, upgrading the lift stations, SCADA, water wells rehabilitation, and the new car bridge, which is scheduled to be completed in 2010. Adding up all the proposed projects over the next three years adds up to over \$50 million.

Mayor Fridae inquired if the bridge construction would be delayed. City Manager Donlevy responded that the bridge construction project will go out to bid in 2009 and should be constructed in 2010, with the temporary bridge being constructed in 2009. No delays are anticipated.

Council Member Aguiar-Curry inquired about funds in the amount of \$130,000 to repair the streets at Hemenway & Rosa. The Council needs to decide what kind of band-aid to use.

To summarize, City Manager Donlevy indicated the 2008-2009 budget would be lean. A 2.5% General Fund inflationary increase is forecasted. DFM Gunby will bring the 2008-2009 budget before the City Council at a future City Council meeting. City Manager Donlevy asked the Mayor and City Council Members if they had any big issues to address. He indicated there was not a lot to play with. If any questions did arise, he asked the Mayor and Council Members to contact DFM Gunby or himself prior to the budget coming back before Council. City Manager Donlevy also noted there is a \$244,000 deficit going into 2008/2009.

Mayor Fridae indicated the City has practiced financial conservation in the past, which is good. He suggested that the City doesn't hit the transfer buttons until we need to. Council Member Martin stated that public safety is his main concern. Service demands are going way up for public safety and we need to be compensating our fire and police personnel.

CITY MANAGER REPORT: None

COUNCIL/STAFF COMMENTS: None

INFORMATION ONLY: None

EXECUTIVE SESSION: None

ADJOURNMENT

Mayor Fridae adjourned the Budget Workshop at 7:00 p.m.

Woody Fridae, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: June 23, 2008
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Carol Scianna, Management Analyst on behalf of *CS*
Winters Friends of the Library
SUBJECT: Amplified Sound Permit for July Gazebo Concerts at
Rotary Park

RECOMMENDATION:

Staff recommends approval of Amplified Sound Permit for the annual Winters Friends of the Library (WFoL) July Gazebo Concerts held on Thursday evenings from 7:00pm-8:30pm.

BACKGROUND:

The July Gazebo Concerts have become a welcomed tradition here in Winters. This is a family friendly event held on Thursday evenings in Rotary Park. WFoL has notified the surrounding neighbors and received approval by all of the neighbors that were contacted to have amplified sound in the park. WFoL has also been issued a Temporary Food Permit from Yolo County for the concert events.

FISCAL IMPACT: None

Date of Application: 6/21/08 To City Council: _____

Name of Person(s)/ Organization: Winters Friends of the Library Contact: Coral Schuman

Business Address: POB 973 Telephone: 795-4910
Winters

Telephone: 795-2201

Type of Event: Gazebo Concerts - Month of July
Winters Friends of the Library

Purpose of Event: (ie; fundraiser, parade, festival, etc.): Summer Music Fund Raiser

Date/Time of Event: Month of July - Thurs. evening From: 7:00 pm To: 8:30 pm

Location/Address of Event: Gazebo July 3, 10, 17, 24
Main & Railroad 31

Rated Output of Amplifier in Watts: 300 Number of Speakers: 4

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

Signature: Coral Schuman

For City Use Only

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

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

Police Department: Approved Denied Date: _____

Authorized Signature: _____

City Council: Approved Denied Date: _____

Authorized Signature: _____



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members

DATE: June 23, 2008

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

FROM: Carol Scianna, Management Analyst

SUBJECT: Accept Recommendations from Councilmember Stone and Mayor Fridae For the reappointment of Winters Putah Creek Committee Members David Springer and Kurt Balasek.

RECOMMENDATION:

Accept recommendations from Councilmember Stone and Mayor Fridae for the reappointment of Winters Putah Creek Committee Members David Springer and Kurt Balasek

BACKGROUND:

The Winters Putah Creek Committee (WPCC) was established October 17, 2006 as per Resolution 2006-46. At that time each Councilmember appointed one committee member to be on the WPCC. The terms of the WPCC committee members are to be aligned with the Councilmember who appointed them. Following the recent Council elections and subsequent reelection Mayor Fridae and Councilman Stone each have chosen to reappoint their current committee members for another term on the WPCC and both Kurt Balasek and David Springer have agreed to serve another four year term on the WPCC.

FISCAL IMPACT: None



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: June 23, 2008
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Carol Scianna, Management Analyst
SUBJECT: Authorization to Execute a Consultant Services Agreement Contract with Monarch Tree Service in the amount of \$14,500 for Removal of Mulberry Trees on Hemenway as part of Safe Routes to School Project

RECOMMENDATION:

Staff recommends that Council authorize the City Manager to execute a Consultant Services Agreement Contract with Monarch Tree Service in the amount of Fourteen Thousand and Five Hundred Dollars (\$14,500) for removal of Mulberry Trees on Hemenway as part of Safe Routes to School Project

BACKGROUND:

Council asserted their earlier decision to remove the Mulberry trees on the east side of Hemenway Street as a first step towards implementing the Safe Routes to School Sidewalk improvements. Staff requested quotes from five local tree trimming businesses. Quotes were submitted by three companies and Monarch Tree Service provided the lowest bid for the proposed work. Bids include tree removal, stumps removed to a depth of 18 inches and removal of roots in the project area to allow for the installation of new sidewalks.

FISCAL IMPACT: The cost for removal is estimated at \$14,500, the funding source for this part of the project have not been determined as of yet.



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: June 18, 2008
THROUGH: John W. Donlevy, Jr., City Manager
FROM: John C. Wallace, City Attorney
SUBJECT: Ordinance 2008-07 – Utility User's Tax Modernization Act

RECOMMENDATION: Certification of Measure T Election Results

BACKGROUND: Measure T was placed on the ballot and adopted by the Voters of the City of Winters on June 3rd. The ordinance took effect June 13, 2008.

ANALYSIS: The effect of the ordinance is bring our ordinance current with the changes in technology and federal law. In addition, the ordinance provides for taxation of satellite video services. Currently taxation of satellite video is available only by state taxation, with a payout to cities. The federal government is currently considering legislation to resolve the taxation disparity between cable and satellite television, and I will keep the council apprised of that situation.

ORDINANCE NO. 2008-07

AN ORDINANCE OF THE CITY OF WINTERS ADDING CHAPTER 3.22 TO TITLE 3 OF THE WINTERS MUNICIPAL CODE WITH RESPECT TO THE UTILITY USER'S TAX MODERNIZATION ACT AND AMENDING CHAPTER 3.20 OF SAID CODE

THE PEOPLE OF THE CITY OF WINTERS DOHEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 3.22 of the Municipal Code is hereby added to Title 3 of the Winters Municipal Code and shall read as follows:

CHAPTER 3.22

UTILITY USER'S TAX MODERNIZATION ACT

- 3.22.010 Short Title.**
- 3.22.020 Definitions.**
- 3.22.030 Constitutional, Statutory, and Other Exemptions.**
- 3.22.040 Communication User's Tax**
- 3.22.050 Bundling Taxable Items with Non-taxable Items**
- 3.22.060 Substantial Nexus 1 Minimum Contacts.**
- 3.22.070 Duty to Collect—Procedures.**
- 3.22.080 Collection Penalties - Utility Suppliers.**
- 3.22.090 Actions to Collect.**
- 3.22.100 Deficiency Determination and Assessment - Tax Application Errors.**
- 3.22.110 Administrative Remedy - Non-Paying Utility Users.**
- 3.22.120 Additional Powers and Duties of the Tax Administrator.**
- 3.22.130 Records.**
- 3.22.140 Refunds.**
- 3.22.150 Appeals.**
- 3.22.160 Notice - No Injunction/Writ of Mandate.**
- 3.22.170 Notice of Changes to Ordinance.**
- 3.22.180 Future Amendment to Cited Statute.**
- 3.22.190 Independent Audit of Tax Collection, Exemption, Remittance, and Expenditure.**
- 3.22.200 No Increase in Tax Percentage or Change in Methodology Without Voter Approval**
- 3.22.210 Remedies Cumulative.**
- 3.22.220 Interaction with Prior Tax.**
- 3.22.230 Violation - Penalty.**
- 3.22.010 Short Title.**

This Chapter shall be known as the "Utility User's Tax Modernization Act" of The City of Winters.

3.22.020 Definitions.

The following words and phrases whenever used in this Chapter shall be construed as

defined in this section.

- A. "Ancillary telecommunication services" means services that are associated with or incidental to the provision, use or enjoyment of telecommunications services, including but not limited to the following services:
 - 1. "conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge;
 - 2. "detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement;
 - 3. "directory assistance" means an ancillary service of providing telephone number information, and/or address information;
 - 4. "vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services;
 - 5. "voice mail service" means an ancillary service that enables the customer to store, send or receive recorded messages. Voice mail service does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.
- B. "Ancillary video services" means services that are associated with or incidental to the provision or delivery of video services, including but not limited to electronic program guide services, search functions, or other interactive services or communications that are associated with or incidental to the provision, use or enjoyment of video programming.
- C. "Billing address" shall mean the mailing address of the Utility user where the Utility supplier submits invoices or bills for payment by the customer.
- D. "City" shall mean the City of Winters.
- E. "Communication services" means: "telecommunication services", "ancillary telecommunication services", "video services", and "ancillary video services".
- F. "Mobile telecommunications service" has the same meaning and usage as set forth in the Mobile Telecommunications Sourcing Act (4 U.S.C. Section 124) and the regulations thereunder, as the same exists or may be amended from time to time.
- G. "Month" shall mean a calendar month.
- H. "Paging service" means a "telecommunications service" that provides transmission of coded radio signals for the purpose of activating specific pagers; such transmissions may include messages and/or sounds.
- I. "Person" shall mean, without limitation, any natural individual, firm, trust, common law trust, estate, partnership of any kind, association, syndicate, club, joint stock company, joint venture, limited liability company, corporation (including foreign, domestic, and non-profit), municipal district or municipal corporation, cooperative, receiver, trustee, guardian, or other representative appointed by order of any

court.

- J. "Place of primary use" means the street address representative of where the customer's use of the communications service primarily occurs, which must be the residential street address or the primary business street address of the customer.
- K. "Post-paid telecommunication service" means the telecommunication service obtained by making a payment on a communication-by-communication basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a service number which is not associated with the origination or termination of the telecommunication service.
- L. "Prepaid telecommunication service" means the right to access telecommunication services, which must be paid for in advance and which enables the origination of communications using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.
- M. "Private telecommunication service" means a telecommunication service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels. A communications channel is a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points (i.e., the location where the customer either inputs or receives the communications).
- N. "Service address" means either:
 - (1) the location of the Utility user's communication equipment from which the communication originates or terminates, regardless of where the communication is billed or paid; or,
 - (2) if the location in subsection (1) of this definition is unknown (e.g., mobile telecommunications service or VOIP service), the service address means the location of the service user's place of primary use; and
 - (3) for prepaid telecommunication service, "service address" means the location associated with the service number.
- O. "Service supplier" or "Utility Supplier" shall mean any entity or person, including the City that provides communication service to a user of such service within the City.
- P. "Service user" or "Utility User" shall mean a person required to pay a tax imposed under the provisions of this Chapter.
- Q. "Service Users's Tax" or "Utility User's Tax" means the tax imposed by this Chapter 3.22.
- R. "State" shall mean the State of California.
- S. "Streamlined sales and use tax agreement" means the multi-state agreement commonly known and referred to as the Streamlined Sales and Use Tax

Agreement, and as it is amended from time to time.

- T. "Tax Administrator" means the Director of Finance of the City of Winters or his or her designee.
- U. "Telecommunications services" means the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, whatever the technology used. The term "telecommunications services" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmission, conveyance or routing without regard to whether such services are referred to as voice over internet protocol (VoIP) services or are classified by the Federal Communications Commission as enhanced or value added, and includes video and/or data services that is functionally integrated with "telecommunication services". "Telecommunications services" include, but are not limited to the following services, regardless of the manner or basis on which such services are calculated or billed: ancillary telecommunication services; mobile telecommunications service; prepaid telecommunication service (to the extent that it is practicable for the service supplier to collect the correct tax imposed under this Chapter from the service supplier); post-paid telecommunication service; private telecommunication service; paging service; 800 service (or any other toll-free numbers designated by the Federal Communications Commission); and 900 service (or any other similar numbers designated by the Federal Communications Commission for services whereby subscribers who call in to pre-recorded or live service).
- V. "Video programming" means those programming services commonly provided to subscribers by a "video service supplier" including but not limited to basic services, premium services, audio services, video games, pay-per-view services, video on demand, origination programming, or any other similar services, regardless of the content of such video programming, or the technology used to deliver such services, and regardless of the manner or basis on which such services are calculated or billed.
- W. "Video services" means any and all services related to the providing, storing or delivering of "video programming" (including origination programming and programming using Internet Protocol, e.g., IP-TV and IP-Video) using one or more channels by a "video service supplier", regardless of the technology used to deliver, store or provide such services, and regardless of the manner or basis on which such services are calculated or billed, and includes data services, "telecommunication services", or interactive communication services that are functionally integrated with "video services".
- X. "Video service supplier" means any person, company, or service which provides or sells one or more channels of video programming, or provides or sells the capability to receive one or more channels of video programming, including any communications that are ancillary, necessary or common to the provision, use or enjoyment of the video programming, to or from a business or residential address in the City, where some fee is paid, whether directly or included in dues or rental charges for that service, whether or not public rights-of-way are utilized in the

delivery of the video programming or communications. A "video service supplier" includes, but is not limited to, multichannel video programming distributors (as defined in 47 U.S.C. Section 522(13)); open video systems (OVS) suppliers; and suppliers of cable television; master antenna television; satellite master antenna television; multichannel multipoint distribution services (MNDS); video services using internet protocol (e.g., IP-TV and IP-Video, which provide, among other things, broadcasting and video on demand), direct broadcast satellite to the extent federal law permits taxation of its video services, now or in the future; and other suppliers of video programming or communications (including two-way communications), whatever their technology.

- Y. "VOIP (voice over internet protocol)" means the digital process of making and receiving real-time voice transmissions over any Internet Protocol network.
- Z. "800 service" means a "telecommunications service" that allows a caller to dial a toll-free number without incurring a charge for the call. The service is typically marketed under the name "800", "855", "866", "877", and "888" toll-free calling, and any subsequent numbers designated by the Federal Communications Commission.
- AA. "900 service" means an inbound toll "telecommunications service" purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service. "900 service" does not include the charge for: collection services provided by the seller of the "telecommunications services" to the subscriber, or service or product sold by the subscriber to the subscriber's customer. The service is typically marketed under the name "900" service, and any subsequent numbers designated by the Federal Communications Commission.

3.22.030 Constitutional, Statutory, and Other Exemptions.

- A. Nothing in this Chapter shall be construed as imposing a tax upon any person or service when the imposition of such tax upon such person or service would be in violation of a federal or state statute, the Constitution of the United States or the Constitution of the State of California.
- B. Due to the status of the Winters Joint Unified School District and due to the strong public policy in favor of encouraging and assisting the provision of public education, public schools are hereby exempted from the imposition of the Utility Users Tax.
- C. Any service user that is exempt from the tax imposed by this Chapter pursuant to subsection A of this section shall file an application with the Tax Administrator for an exemption; provided, however, this requirement shall not apply to a service user that is a state or federal agency or subdivision with a commonly recognized name for such service. Said application shall be made upon a form approved by the Tax Administrator and shall state those facts, declared under penalty of perjury, which qualify the applicant for an exemption, and shall include the names of all communication service suppliers serving that service user. If deemed exempt by the Tax Administrator, such service user shall give the Tax Administrator timely written notice of any change in utility service suppliers so that the Tax Administrator can properly notify the new communication service supplier of the

service user's tax exempt status. A service user that fails to comply with this section shall not be entitled to a refund of such taxes collected and remitted to the Tax Administrator from such service user as a result of such noncompliance. Upon request of the Tax Administrator, a service supplier or its billing agent shall provide a list of the names and addresses of those customers which, according to its billing records, are deemed exempt from the Communication Users Tax. The decision of the Tax Administrator may be appealed by filing an application with the Tax Administrator and appeal to the City Manager. The City Manager shall give notice of, and conduct an informed hearing and shall render a decision in writing. Such hearing is a prerequisite to a suit herein.

3.22.040 Communication User's Tax.

- A. There is hereby imposed a tax upon every person in the City using communication services. The maximum tax imposed by this section shall be at the rate of 4.75 percent of the charges made for such services and shall be collected from the service user by the communication services supplier or its billing agent. There is a rebuttable presumption that communication services, which are billed to a billing or service address in the City, are used, in whole or in part, within the boundaries of the City, and such services are subject to taxation under this Chapter. If the billing address of the service user is different from the service address, the service address of the service user shall be used for purposes of imposing the tax. As used in this Section, the term "charges" shall include the value of any other services, credits, property of every kind or nature, or other consideration provided by the service user in exchange for the communication services.
- B. "Mobile telecommunications service" shall be sourced in accordance with the sourcing rules set forth in the Mobile Telecommunications Sourcing Act (4 U.S.C. Section 116 et. seq.) as the same exists or may be amended from time to time. The Tax Administrator may issue and disseminate to communication service suppliers, which are subject to the tax collection requirements of this Chapter, sourcing rules for the taxation of other communication services, including but not limited to post-paid communication services, prepaid communication services, and private communication services, provided that such rules are based upon custom and common practice that further administrative efficiency and minimize multi jurisdictional taxation (e.g., Streamlined Sales and Use Tax Agreement).
- C. The Tax Administrator may issue and disseminate to communication service suppliers, which are subject to the tax collection requirements of this Chapter, an administrative ruling identifying those communication services, or charges therefore, that are subject to or not subject to the tax of subsection A above.
- D. As used in this section, the term "telecommunication services" shall include, but are not limited to charges for: connection, reconnection, termination, movement, or change of telecommunication services; detailed billing; central office and custom calling features (including but not limited to call waiting, call forwarding, caller identification and three-way calling); voice mail and other messaging services; directory assistance; access and line charges; universal service charges; regulatory, administrative and other cost recovery charges; local number portability charges; and text and instant messaging. "Telecommunication services" shall not include digital downloads that are not "ancillary telecommunications services",

such as books, music, ringtones, games, and similar digital products.

- E. Charges for communication services (video) shall include, but are not limited to, charges for the following:
1. regulatory fees and surcharges and access fees (PEG);
 2. initial installation of equipment necessary for provision and receipt of communication services;
 3. activation fees, reactivation fees, and reconnection fees;
 4. all video programming services (e.g., basic services, premium services, audio services, video games, pay-per-view services, or on demand programming);
 5. ancillary programming services (e.g., electronic program guide services, search functions, or other interactive services or communications that are ancillary, necessary or common to the use or enjoyment of the video programming);
 6. equipment leases (e.g., converters, remote devices);
 7. service calls, service protection plans, name changes, changes of services, and special services.
- F. To prevent actual multi jurisdictional taxation of communication services subject to tax under this section, any service user, upon proof to the Tax Administrator that the service user has previously paid the same tax in another state or local jurisdiction on such communication services, shall be allowed a credit against the tax imposed to the extent of the amount of such tax legally imposed in such other state or local jurisdiction; provided, however, the amount of credit shall not exceed the tax owed to the City under this section.
- G. The tax on communication services imposed by this section shall be collected from the service user by the service supplier. The amount of tax collected in one (1) month shall be remitted to the Tax Administrator, and must be received by the Tax Administrator on or before the twentieth (20th) day of the following month.

3.22.050 Bundling Taxable Items with Non-Taxable Items.

Except as otherwise provided by applicable federal or state law, if any nontaxable charges are combined with and not separately stated from taxable service charges on the customer bill or invoice of a service supplier, the combined charge is subject to tax unless the service supplier identifies, by reasonable and verifiable standards, the portions of the combined charge that are nontaxable and taxable through the service supplier's books and records kept in the regular course of business, and in accordance with generally accepted accounting principles, and not created and maintained for tax purposes. The service supplier has the burden of proving the proper apportionment of taxable and non-taxable charges. If the service supplier offers a combination of services that include taxable and non-taxable services or products, and the charges are separately stated, then for taxation purposes, the values assigned the taxable and non-taxable services or products shall be based on its books and records kept in the regular course of business and in accordance with generally accepted accounting principles, and not created and maintained for tax purposes. The service supplier has the burden of proving the proper valuation and apportionment of taxable and non-taxable charges.

3.22.060 Substantial Nexus / Minimum Contacts.

For purposes of imposing a tax or establishing a duty to collect and remit a tax under this Chapter, "substantial nexus" and "minimum contacts" shall be construed broadly in favor of the imposition, collection and/or remittance of the service user's tax to the fullest extent permitted by state and federal law, and as it may change from time to time by judicial interpretation or by statutory enactment. Any communication service (including VOIP) used by a person with a service address in the City, which service is capable of terminating a call to another person on the general telephone network, shall be subject to a rebuttable presumption that "substantial nexus/minimum contacts" exists for purposes of imposing a tax, or establishing a duty to collect and remit a tax, under this Chapter. A service supplier shall be deemed to have sufficient activity in the City for tax collection and remittance purposes if its activities include, but are not limited to, any of the following: maintains or has within the City, directly or through an agent or subsidiary, a place of business of any nature; solicits business in the City by employees, independent contractors, resellers, agents or other representatives; solicits business in the City on a continuous, regular, seasonal or systematic basis by means of advertising that is broadcast or relayed from a transmitter within the City or distributed from a location within the City, or advertises in newspapers or other periodicals printed and published within the City or through materials distributed in the City by means other than the United States mail.

3.22.070 Duty to Collect—Procedures.

- A. Collection by Service Suppliers. The duty of service suppliers to collect and remit the taxes imposed by the provisions of this Chapter shall be performed as follows:
 - (1) the tax shall be collected by service suppliers insofar as practicable at the same time as, and along with, the collection of the charges made in accordance with the regular billing practice of the service supplier. Where the amount paid by a service user to a service supplier is less than the full amount of the charge and tax which was accrued for the billing period, a proportionate share of both the charge and the tax shall be deemed to have been paid. In those cases where a service user has notified the service supplier of refusal to pay the tax imposed on said charges, Section 3.22.090 of this Chapter shall apply,
 - (2) the duty of a service supplier to collect the tax from a service user shall commence with the beginning of the first regular billing period applicable to the service user where all charges normally included in such regular billing are subject to the provisions of this Chapter. Where a service user receives more than one billing, one or more being for different periods than another, the duty to collect shall arise separately for each billing period.
- B. Filing Return and Payment. Each person required by this Chapter to remit a tax shall file a return to the Tax Administrator, on forms approved by the Tax Administrator, on or before the due date. The full amount of the tax collected shall be included with the return and filed with the Tax Administrator. The Tax Administrator is authorized to require such additional information as he or she deems necessary to determine if the tax is being levied, collected, and remitted in

accordance with this Chapter. Returns are due immediately upon cessation of business for any reason. Pursuant to Revenue and Taxation Code Section 7284.6, the Tax Administrator, and its agents, shall maintain such filing returns as confidential information that is exempt from the disclosure provisions of the Public Records Act of the State of California. (*Government Code* Section 6500 et seq.)

3.22.080 Collection Penalties - Service Suppliers.

- A. Taxes collected from a service user are delinquent if not received by the Tax Administrator on or before the due date. Should the due date occur on a weekend or legal holiday, the return must be received by the Tax Administrator on the first regular working day following the weekend or legal holiday. A direct deposit, including electronic fund transfers and other similar methods of electronically exchanging monies between financial accounts, made by a service supplier in satisfaction of its obligations under this subsection shall be considered timely if the transfer is initiated on or before the due date, and the transfer settles into the City's account on the following business day.
- B. If the person required to collect and/or remit the service user's tax fails to collect the tax (by failing to properly assess the tax on one or more services or charges on the customer's billing) or fails to remit the tax collected on or before the due date, the Tax Administrator shall attach a penalty for such delinquencies or deficiencies at the rate of fifteen (15%) percent of the total tax that is delinquent or deficient in the remittance, and shall pay interest at the rate of and 75/100ths (0.75%) percent per month, or any fraction thereof, on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent, until paid.
- C. The Tax Administrator shall have the power to impose additional penalties upon persons required to collect and remit taxes pursuant to the provisions of this Chapter for fraud or gross negligence in reporting or remitting at the rate of fifteen (15%) percent of the amount of the tax collected and/or required to be remitted, or as recomputed by the Tax Administrator.
- D. For collection purposes only, every penalty imposed and such interest that is accrued under the provisions of this section shall become a part of the tax herein required to be paid.
- E. Notwithstanding the foregoing, the Tax Administrator may, in his or her discretion, modify the due dates of this Chapter to be consistent with any uniform standards or procedures that are mutually agreed upon by other public agencies imposing a service user's tax, or otherwise legally established, to create a central payment location or mechanism.

3.22.090 Actions to Collect.

Any tax required to be paid by a service user under the provisions of this Chapter shall be deemed a debt owed by the service user to the City. Any such tax collected from a service user which has not been remitted to the Tax Administrator shall be deemed a debt owed to the City by the person required to collect and remit and shall no longer be a debt of the service user. Any person owing money to the City under the provisions of this Chapter shall be liable in an action brought in the name of the City for the recovery of such amount, including penalties and interest as provided for in this Chapter, along

with any collection costs incurred by the City as a result of the person's noncompliance with this Chapter, including, but not limited to, reasonable attorneys fees. Any tax required to be collected by a service supplier or owed by a service user is an unsecured priority excise tax obligation pursuant to 11 U.S.C. Section 507(a)(8)(C).

3.22.100 Deficiency Determination and Assessment - Tax Application Errors.

- A. The Tax Administrator shall make a deficiency determination if he or she determines that any service supplier or service user required to pay, collect, and/or remit taxes pursuant to the provisions of this Chapter has failed to pay, collect, and/or remit the proper amount of tax by improperly or failing to apply the tax to one or more taxable services or charges. Nothing herein shall require that the Tax Administrator institute proceedings under this Section 3.22. 100 if, in the opinion of the Tax Administrator, the cost of collection or enforcement likely outweighs the tax benefit.
- B. The Tax Administrator shall mail a notice of such deficiency determination to the person or entity allegedly owing the tax, which notice shall refer briefly to the amount of the taxes owed, plus interest at the rate of 75/100ths (0.75%) percent per month, or any fraction thereof, on the amount of the tax from the date on which the tax should have been received by the City. Within fourteen (14) calendar days after the date of service of such notice, the person or entity allegedly owing the tax may request in writing to the Tax Administrator for a hearing on the matter.
- C. If the person or entity allegedly owing the tax fails to request a hearing within the prescribed time period, the amount of the deficiency determination shall become final assessment, and shall immediately be due and owing to the City. If the person requests a hearing, the Tax Administrator shall cause the matter to be set for hearing, which shall be scheduled within thirty (30) days after receipt of the written request for hearing. Notice of the time and place of the hearing shall be mailed by the Tax Administrator to such person or entity at least ten (10) calendar days prior to the hearing, and, if the Tax Administrator desires said person or entity to produce specific records at such hearing, such notice may designate the records requested to be produced.
- D. At the time fixed for the hearing, the Tax Administrator shall hear all relevant testimony and evidence, including that of any other interested parties. At the discretion of the Tax Administrator, the hearing may be continued from time to time for the purpose of allowing the presentation of additional evidence. Within a reasonable time following the conclusion of the hearing, the Tax Administrator shall issue a final assessment (or non-assessment), thereafter, by confirming, modifying or rejecting the original deficiency determination, and shall mail a copy of such final assessment to person or entity owing the tax. The decision of the Tax Administrator may be appealed pursuant to Section 3.22.150 of this Chapter. Filing an application with the Tax Administrator and appeal to the City Manager is a prerequisite to a suit thereon.
- E. Payment of the final assessment shall become delinquent if not received by the Tax Administrator on or before the thirtieth (30th) day following the date of receipt of the notice of final assessment. The penalty for delinquency shall be fifteen percent (15⁰1.) on the total amount of the assessment, along with interest at the

rate of 75/100ths (0.75%) percent per month, or any fraction thereof, on the amount of the tax, exclusive of penalties, from the date of delinquency, until paid. The applicable statute of limitations regarding a claim by the City seeking payment of a tax assessed under this Chapter shall commence from the date of delinquency as provided in this subsection E.

- F. All notices under this section may be sent by regular mail; postage prepaid, and shall be deemed received on the third calendar day following the date of mailing, as established by a proof of mailing.

3.22.110 Administrative Remedy - Non-Paying Service Users.

- A. Whenever the Tax Administrator determines that a service user has deliberately withheld the amount of the tax owed by the service user from the amounts remitted to a person required to collect the tax, or whenever the Tax Administrator deems it in the best interest of the City, he or she may relieve such person of the obligation to collect the taxes due under this Chapter from certain named service users for specific billing periods. To the extent the service user has failed to pay the amount of tax owed for a period of two (2) or more billing periods, the service supplier may, in the discretion of the Tax Administrator, be relieved of the obligation to collect taxes due. The service supplier shall provide the City with the names and addresses of such service users and the amounts of taxes owed under the provisions of this Chapter if it is determined by the Tax Administrator to relieve the person required to collect the tax. Nothing herein shall require that the Tax Administrator institute proceedings under this Section 3.22.110 if, in the opinion of the Tax Administrator, the cost of collection or enforcement likely outweighs the tax benefit.
- B. In addition to the tax owed, the service user shall pay a delinquency penalty at the rate of fifteen percent (15%) of the total tax that is owed, and shall pay interest at the rate of 75/100ths (0.75%) percent per month, or any fraction thereof, on the amount of the tax, exclusive of penalties, from the due date, until paid.
- C. The Tax Administrator shall notify the non-paying service user that the Tax Administrator has assumed the responsibility to collect the taxes due for the stated periods and demand payment of such taxes, including penalties and interest. The notice shall be served on the service user by personal delivery or by deposit of the notice in the United States mail, postage prepaid, addressed to the service user at the address to which billing was made by the person required to collect the tax; or, should the service user have a change of address, to his or her last known address.
- D. If the service user fails to remit the tax to the Tax Administrator within thirty (30) days from the date of the service of the notice upon him or her, the Tax Administrator may impose an additional penalty of fifteen percent (15%) of the amount of the total tax that is owed.

3.22.120 Additional Powers and Duties of the Tax Administrator.

- A. The Tax Administrator shall have the power and duty, and is hereby directed, to enforce each and all of the provisions of this Chapter.

- B. The Tax Administrator may adopt administrative rules and regulations consistent with provisions of this Chapter for the purpose of interpreting, clarifying, carrying out and enforcing the payment, collection and remittance of the taxes herein imposed. A copy of such administrative rules and regulations shall be on file in the Tax Administrator's office.
- C. Upon a proper showing of good cause, the Tax Administrator may make administrative agreements approved by the City Attorney, with appropriate conditions, to vary from the strict requirements of this Chapter and thereby: (1) conform to the billing procedures of a particular service supplier so long as said agreements result in the collection of the tax in conformance with the general purpose and scope of this Chapter; or, (2) to avoid a hardship where the administrative costs of collection and remittance greatly outweigh the tax benefit.
- D. The Tax Administrator may conduct an audit, to ensure proper compliance with the requirements of this Chapter, of any person required to collect and/or remit a tax pursuant to this Chapter. The Tax Administrator shall notify said person of the initiation of an audit in writing. In the absence of fraud or other intentional misconduct, the audit period of review shall not exceed a period of three (3) years next preceding the date of receipt of the written notice by said person from the Tax Administrator. Upon completion of the audit, the Tax Administrator may make a deficiency determination pursuant to Section 3.22.100 of this Chapter for all taxes (and applicable penalties and interest) owed and not paid, as evidenced by information provided by such person to the Tax Administrator. If said person is unable or unwilling to provide sufficient records to enable the Tax Administrator to verify compliance with this Chapter, the Tax Administrator is authorized to make a reasonable estimate of the deficiency. Said reasonable estimate shall be entitled to a rebuttable presumption of correctness.
- E. Upon receipt of a written request of a taxpayer, and for good cause, the Tax Administrator may extend the time for filing any statement required pursuant to this Chapter for a period of not to exceed forty-five (45) days, provided that the time for filing the required statement has not already passed when the request is received. No penalty for delinquent payment shall accrue by reason of such extension. Interest shall accrue during said extension at the rate of 75/100ths (0.75%) percent per month, prorated for any portion thereof.
- F. The Tax Administrator shall determine the eligibility of any person who asserts a right to exemption from, or a refund of, the tax imposed by this Chapter.
- G. Notwithstanding any provision in this Chapter to the contrary, the Tax Administrator with the approval of the City Council may waive any penalty or interest imposed upon a person required to collect and/or remit for failure to collect the tax imposed by this Chapter if the non-collection occurred in good faith. In determining whether the non-collection was in good faith, the Tax Administrator shall take into consideration industry practice or other precedence.

3.22.130 Records.

- A. It shall be the duty of every person required to collect and/or remit to the City any tax imposed by this Chapter to keep and preserve, for a period of at least three (3) years, all records as may be necessary to determine the amount of such tax

as he/she may have been liable for the collection of and remittance to the Tax Administrator, which records the Tax Administrator shall have the right to inspect at a reasonable time.

- B. The City may issue an administrative subpoena to compel a person to deliver, to the Tax Administrator, copies of all records deemed necessary by the Tax Administrator to establish compliance with this Chapter, including the delivery of records in a common electronic format on readily available media if such records are kept electronically by the person in the usual and ordinary course of business. As an alternative to delivering the subpoenaed records to the Tax Administrator on or before the due date provided in the administrative subpoena, such person may provide access to such records outside the City on or before the due date, provided that such person shall reimburse the City for all reasonable travel expenses incurred by the City to inspect those records, including travel, lodging, meals, and other similar expenses, but excluding the normal salary or hourly wages of those persons designated by the City to conduct the inspection.
- C. The Tax Administrator is authorized to execute a non-disclosure agreement approved by the City Attorney to protect the confidentiality of customer information pursuant to California Revenue and Taxation Code Sections 7284.6 and 7284.7.
- D. If a service supplier uses a billing agent or billing aggregator to bill, collect, and/or remit the tax, the service supplier shall: i) provide to the Tax Administrator the name, address and telephone number of each billing agent and billing aggregator currently authorized by the service supplier to bill, collect, and/or remit the tax to the City; and, ii) upon request of the Tax Administrator, deliver, or effect the delivery of, any information or records in the possession of such billing agent or billing aggregator that, in the opinion of the Tax Administrator, is necessary to verify the proper application, calculation, collection and/or remittance of such tax to the City.
- E. If any person subject to record-keeping under this section unreasonably denies the Tax Administrator access to such records, or fails to produce the information requested in an administrative subpoena within the time specified, then the Tax Administrator may impose a penalty of \$500 on such person for each day following: i) the initial date that the person refuses to provide such access; or, ii) the due date for production of records as set forth in the administrative subpoena. This penalty shall be in addition to any other penalty imposed under this Chapter.

3.22.140 Refunds.

Whenever the amount of any tax has been overpaid or paid more than once or has been erroneously or illegally collected or received by the Tax Administrator under this Chapter from a service user or service supplier, it may be refunded as provided in this section:

- A. The Tax Administrator may refund any tax that has been overpaid or paid more than once or has been erroneously or illegally collected or received by the Tax Administrator under this Chapter from a service user or service supplier, provided that no refund shall be paid under the provisions of this section unless the

claimant or his or her guardian, conservator, executor, or administrator has submitted a written claim to the Tax Administrator within one year of the overpayment or erroneous or illegal collection of said tax. Such claim must clearly establish claimant's right to the refund by written records showing entitlement thereto. Nothing herein shall permit the filing of a claim on behalf of a class or group of taxpayers unless each member of the class has submitted a written claim under penalty of perjury as provided by this subsection.

- B. The filing of a written claim pursuant to *Government Code* Section 935 is a prerequisite to any suit thereon. Any action brought against the City pursuant to this section shall be subject to the provisions of *Government Code* sections 945.6 and 946. The City Council shall act upon the refund claim within the time period set forth in *Government Code* Section 912.4. If the City Council fails or refuses to act on a refund claim within the time prescribed by *Government Code* Section 912.4, the claim shall be deemed to have been rejected by the City Council on the last day of the period within which the City Manager/City Council was required to act upon the claim as provided in *Government Code* Section 912.4. The City Clerk shall give notice of the action in a form which substantially complies with that set forth in *Government Code* Section 913.
- C. Notwithstanding the notice provisions of subsection A of this section, a service supplier that has collected any amount of tax in excess of the amount of tax imposed by this Chapter and actually due from a service user (whether due to overpayment or erroneous or illegal collection of said tax), may refund such amount to the service user, or credit to charges subsequently payable by the service user to the service supplier, and claim credit for such overpayment against the amount of tax which is due upon any other monthly returns to the Tax Administrator, provided such credit is claimed in a return dated no later than one year from the date of overpayment or erroneous or illegal collection of said tax, and provided that the Tax Administrator shall first determine the validity of the service user's claim of credit and the underlying basis for such claim.
- D. Notwithstanding subsections A through C above, a service supplier shall be entitled to take any overpayment as a credit against an underpayment whenever such overpayment has been received by the City within the three (3) years next preceding a deficiency determination or assessment by the Tax Administrator in connection with an audit instituted by the Tax Administrator pursuant to Section 3.22.120D. A service supplier shall not be entitled to said credit unless it clearly establishes the right to the credit by written records showing entitlement thereto. Under no circumstances shall an overpayment taken as a credit against an underpayment pursuant to this subsection qualify a service supplier for a refund to which it would not otherwise be entitled under the one-year written claim requirement of this section.

3.22.150 Appeals

- A. The provisions of this section apply to any decision (other than a decision relating to a refund pursuant to Section 3.22.140 of this Chapter), deficiency determination, assessment, or administrative ruling of the Tax Administrator. Any person aggrieved by any decision (other than a decision relating to a refund

pursuant to Section 3.22.140 of this Chapter), deficiency determination, assessment, or administrative ruling of the Tax Administrator, shall be required to comply with the appeals procedure of this section. Compliance with this section shall be a prerequisite to a suit thereon. Nothing herein shall permit the filing of a claim or action on behalf of a class or group of taxpayers.

- B. If any person is aggrieved by any decision (other than a decision relating to a refund pursuant to Section 3.22.140 of this Chapter), deficiency determination, assessment, or administrative ruling of the Tax Administrator; he or she may appeal to the City Manager by filing a notice of appeal with the City Clerk within fourteen (14) days of the date of the decision, deficiency determination, assessment, administrative ruling of the Tax Administrator which aggrieved the service user or service supplier.
- C. The matter shall be scheduled for hearing before an independent hearing officer selected by the City Manager, no more than forty-five (45) days from the receipt of the appeal. The appellant shall be served with notice of the time and place of the hearing, as well as any relevant materials, at least five (5) calendar days prior to the hearing. The hearing may be continued from time to time upon mutual consent. At the time of the hearing, the appealing party, the Tax Administrator, and any other interested person may present such relevant evidence as he or she may have relating to the determination from which the appeal is taken.
- D. Based upon the submission of such evidence and the review of the City's files, the hearing officer shall issue a written notice and order upholding, modifying or reversing the determination from which the appeal is taken. The notice shall be given within fourteen (14) days after the conclusion of the hearing and shall state the reasons for the decision. The notice shall specify that the decision is final and that any petition for judicial review shall be filed within ninety (90) days from the date of the decision in accordance with *Code of Civil Procedure Section 1094.6*.
- E. All notices under this section may be sent by regular mail; postage prepaid, and shall be deemed received on the third calendar day following the date of mailing, as established by a proof of mailing.

3.22.160 No Injunction/Writ of Mandate.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against this City or against any officer of the City to prevent or enjoin the collection under this Chapter of any tax or any amount of tax required to be collected and/or remitted.

3.22.170 Notice of Changes to Ordinance.

If a tax under this Chapter is added repealed, increased by voter approval, reduced, or the tax base is changed, the Tax Administrator shall follow the notice requirements of California Public Utilities Code Section 799.

3.22.180 Future Amendment to Cited Statute.

Unless specifically provided otherwise, any reference to a state or federal statute in this Chapter shall mean such statute as it may be amended from time to time.

3.22.190 Independent Audit of Tax Collection, Exemption, Remittance, and Expenditure.

The City shall annually verify that the taxes owed under this Chapter have been properly applied, exempted, collected, and remitted in accordance with this Chapter, and properly expended according to applicable municipal law. The annual verification shall be performed by a qualified independent third party and the review shall employ reasonable, cost-effective steps to assure compliance, including the use of sampling audits. The verification shall not be required of tax remitters where the cost of the verification may exceed the tax revenues to be reviewed.

3.22.200 No Increase in Tax Percentage or Change in Methodology Without Voter Approval.

- A. Regarding Section 3.22.040 of this Chapter, the City may not increase the tax percentage or change a methodology for calculating the tax so as to result in an increase in a tax imposed on a person, without voter approval.
- B. Notwithstanding subsection A, pursuant to Government Code Section 53750, the City may make the following changes without voter approval:
 - (1) reduce the percentage rate, and at any time thereafter increase such percentage rate, so long as the subsequent increase does not exceed the rate previously approved by the voters in the enactment of this Chapter;
 - (2) change the methodology so as to reduce the amount of the tax being levied, and at any time thereafter change the methodology, so long as the subsequent change in methodology does not result in an increase in the amount being levied under the methodology previously approved by the voters in the enactment of this Chapter;
 - (3) change a methodology or definition so as to avoid or eliminate a discriminatory tax on taxpayers that are similarly situated, so long as the change does not result in an increase in the amount levied on such class of similarly situated taxpayers under the methodology or definition previously approved by the voters in the enactment of this Chapter;
 - (4) establish a class of persons that is exempt or excepted from one or more taxes hereunder, and at any time thereafter, discontinue such exemption or exception;
 - (5) decide that all or a part of a tax imposed under Section 3.22.040 of this Chapter should not be enforced for administrative reasons, and at any time thereafter, decide to enforce the full amount of such tax as previously approved by the voters in the enactment of this Chapter;
 - (6) establish, and at any time thereafter change, the value and/or apportionment (including a "safe harbor" percentage) of taxable and nontaxable services that are bundled or packaged under a combined charge, in response to changes in the marketing of combined services and the components thereof, or in reevaluating the values thereof; or
 - (7) establish exemptions or lower rate percentages for industrial or economic development zones or for classes of customers therein, establish rebate programs for the purposes of encouraging economic development, and at any time thereafter, discontinue such exemptions or

lower rate percentages.

3.22.210 Remedies Cumulative.

All remedies and penalties prescribed by this Chapter or which are available under any other provision of law or equity, including but not limited to the California False Claims Act (Government Code Section 12650 et seq.) and the California Unfair Practices Act (Business and Professions Code Section 17070 et seq.), are cumulative. The use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Chapter.

3.22.220 Interaction with Prior Tax.

- A. **Collection of Tax by Service Providers.** Service providers shall begin to collect the tax imposed by this Chapter 3.22 as soon as feasible after the effective date of this Chapter, but in no event later than permitted by Section 799 of the California Public Utilities Code.
- B. **Satisfaction of Tax Obligation by Service Users.** Any person who pays the tax levied pursuant to Chapter 3.22 with respect to any charge for a communication service shall be deemed to have satisfied his or her obligation to pay the tax levied pursuant to Chapter 3.20 of this Code with respect to that charge. Likewise, prior to August 1, 2008, any person who pays the tax levied pursuant to Chapter 3.20 of this Code with respect to any charge for a service subject to taxation pursuant to this Chapter shall be deemed to have satisfied his or her obligation to pay the tax levied pursuant to Section 3.22.040 of this Chapter with respect to that charge. The intent of this paragraph is to prevent the imposition of multiple taxes upon a single utility charge during the transition period from the prior telephone and video users' tax to the new Utility users' tax (which transition period ends August 1, 2008) and to permit communications service providers, during that transition period to satisfy their collection obligations by collecting either tax.

3.22.230 Violation - Penalty.

Any person violating any provision of this Chapter is guilty of an infraction, which upon conviction thereof is punishable in accordance with the provisions of Section 1.16.010 of this Code.

SECTION 2. All sections of Chapter 3.20 that conflict with this ordinance are hereby amended to reflect the provisions of this ordinance. Sections of Chapter 3.20, dealing with refunds for overpayment, are amended in their entirety to include the language in 3.22.140 prescribing refund claim compliance with the City's claims ordinance. The combined taxes for all services, including electricity, gas, telecommunications and video services shall not exceed \$300.00 annually for any residential unit. References to a five percent (5%) tax rate which appear at various locations under Chapter 3.20 are hereby amended to state a tax rate of 4.75 percent (4.75%) wherever appearing. These amendments include, but are not limited to, the following:

- A. The reference to "...five percent (5%)...." Appearing in the second s sentence of Paragraph A of Section 3.22.050 (Electricity User's Tax) is amended and replaced with "...4.75 percent (4.75%)...."
- B. The reference to "...five percent (5%)...." Appearing in the second sentence of Paragraph A of Section 3.22.060 (Gas User's Tax) is amended and replaced with "...4.75 percent (4.75%)...."

SECTION 3. EXISTING CABLE TV FRANCHISE. The City of Winters currently holds a Franchise Agreement with its existing Cable TV Provider. The franchise fee by agreement takes account of the Utility Users Tax and, subject to future action by the Winters City Council, no utility tax will be levied on Cable TV users by the adoption of this ordinance.

SECTION 4. This ordinance will be applied to satellite and other audio and video telecommunications, not covered by the existing Utility User's Tax.

SECTION 5. Effective Date. This chapter shall become effective June 13, 2008.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Chapter is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Chapter shall nonetheless remain in full force and effect. The people hereby declare that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Chapter, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Chapter be declared invalid or unenforceable.

SECTION 7. Ratification of Prior Tax. The voters of the City of Winters hereby ratify and approve the past collection of the Utility User's Tax under Chapter 3.20 of the Municipal Code as it existed prior to the effective date of this Ordinance.

SECTION 8. Execution. The Mayor is hereby authorized to attest to the adoption of this Ordinance by the voters of the City by signing where indicated below.

THE RESOLUTION SUBMITTING THIS ORDINANCE TO THE VOTERS OF THE CITY OF WINTERS FOR ADOPTION WAS INTRODUCED at a regular meeting on March 4, 2008, and after amendment, ADOPTED at a special meeting of the Winters City Council, County of Yolo, State of California, on the 11th day of March, 2008, by the following roll call vote:

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

Woody Fridae, Mayor

ATTEST:

Nanci G. Mills, City Clerk



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE : June 23, 2008
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nanci G. Mills, Director of Administrative Services, City Clerk
SUBJECT: Resolution Declaring Results of June 3, 2008 General Municipal Election

RECOMMENDATION:

Adopt Resolution 2008-24 Declaring the Results of the General Municipal Election Held in the City of Winters.

BACKGROUND:

The City of Winters holds an election each even year in conjunction with the Statewide General Election and is consolidated with Yolo County.

We held our election on June 3, 2008 for city council. The final results, which are reflected on Resolution 2008-24, are the certified election results for the City of Winters sworn to on June 12, 2008 by Freddie Oakley, County Clerk-Recorder for the County of Yolo.

FISCAL IMPACT:

None by this action.

RESOLUTION 2008-24

**A RESOLUTION OF THE CITY OF WINTERS DECLARING THE RESULTS OF
THE GENERAL MUNICIPAL ELECTION HELD IN THE CITY OF WINTERS
ON JUNE 3, 2008**

WHEREAS, a General Municipal election was held and conducted in the City of Winters, County of Yolo, State of California, on Tuesday, the 3rd day of June, 2008, as required by law;

WHEREAS, notice of said election was duly and regularly given in the time, form and manner as provide by law; voting precincts were property established; election officers were appointed and in all cases said election was held and conducted and the votes cast were received and canvassed and the returns made and declared in the time, form and manner as required by the provisions for the Election Code of the State of California for the holding of elections in cities; and

WHEREAS, pursuant to the Canvass and Statement of Results of Election dated June 12, 2008, the County Clerk of the County of Yolo canvassed the results of said election and has certified the results to this City Council, and said results have been received; and

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

Section 1 The total number of ballots cast including absentee voters ballots was: 848 for the CITY Member, City Council, City of Winters and Measure T, Utility User's Tax Modernization Act, and

Section 2 Said General Municipal election was held for the purpose of 1) electing two (2) members of the City Council for terms expiring upon the election of the success or thereto at the general election in June 2012 to the electors of the City as required by the laws relating to cities in the State of California, and 2) Measure T, Utility User's Tax Modernization Act.

Section 3 The names and results of the persons voted for at said election for member of the City Council are as follows:

<u>Name</u>	<u>NUMBER OF VOTES RECEIVED</u>
Woody Fridae	609
Tom Stone	585
Measure T	559

Section 4: The City Council does declare and determine that:

Woody Fridae was elected a member of the City Council for a term expiring the election of a successor thereto at the General election in June 2012.

Tom Stone was elected a member of the City Council for a term expiring the election of a successor thereto at the General election in June 2012.

Measure T, Utility User's Tax Modernization Act, passed with 559 votes, or 68.93%

Section 5: The City Clerk shall enter on the records of the City Council a statement of the results of said election, showing (1) the whole number of votes cast in the city; (2) the names of the person voted upon; (3) the office for which each person was voted for; (4) the number of votes given at each precinct to each person; and (5) the number of votes given in the city to each person.

Section 6: The City Clerk shall deliver to each person elected a certification of election signed by her and duly authenticated; she shall also administer to the persons elected the oath of office prescribed in the State Constitution of the State of California and shall have those persons subscribed thereto, whereupon each person so elected shall be inducted into the office which he or she has been elected.

PASSED AND ADOPTED ON June 23, 2008, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Michael Martin, Mayor

ATTEST:

Nanci G. Mills, City Clerk

ORDINANCE NO. 2004-04
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING TITLE
2 OF CHAPTER 2.04 OF THE WINTERS MUNICIPAL CODE RELATING TO SELECTION
OF THE MAYOR AND MAYOR PRO-TEMPORE

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

SECTION 1. Purpose. The purpose of this ordinance is to: (1) make mandatory the current practice of designating as mayor, the person who served as mayor pro-tempore immediately prior to the meeting of the City Council held on the first Tuesday following any general municipal election at which council members are elected; and (2) to make other minor changes consistent with state law.

SECTION 2. Amendments. Title 2 of Chapter 2.04 of the Winters Municipal Code is hereby amended to read in its entirety as follows:

"TITLE 2. MAYOR AND MAYOR PRO-TEMPORE

CHAPTER 2.04.070. APPOINTMENT AND REMOVAL OF MAYOR

On the first Tuesday following any general municipal election at which council members are elected, the City Council shall meet and designate its presiding officer who shall have the title of mayor. The Council Member who served as mayor pro-tempore immediately prior to this meeting shall be designated as mayor. The mayor shall serve in this capacity at the pleasure of the City Council. Any Council Member may decline to serve as mayor.

Should the person who was selected as mayor pro-tempore no longer be a council member at the time of the above-referenced meeting, the remaining council members shall select one of their number as mayor by a majority vote.

- A. DUTIES OF MAYOR.** The mayor shall perform those duties required by law of which, consistent with the office, the mayor voluntarily assumes within the limitations of the law and the limitations imposed by the Council.

CHAPTER 2.04.080 MAYOR PRO-TEMPORE

At the same meeting at which the mayor is selected, the City Council shall also designate one of its members as mayor pro-tempore, who shall be that person who received the greatest number of votes in the most recent general municipal election at which council members are elected. The mayor pro-tempore shall perform the duties of the mayor during the mayor's absence or disability. The mayor pro-tempore shall serve in this capacity at the pleasure of the City Council." Any Council Member may decline to serve as mayor pro-tempore.

Effective Date and Notice: This ordinance shall take effect 30 days after its adoption, and within 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.

PASSED AND ADOPTED by the City Council of the City of Winters this 18th day of May, 2004 by the following roll-call vote:

AYES: Anderson, Chapman, Mayor Martinez

NOES: None

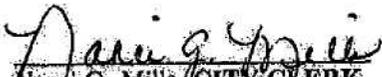
ABSENT: Stone

ABSTAIN: Fridae



Dan Martinez, MAYOR

ATTEST:


Nancy G. Mills, CITY CLERK



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: June 23, 2008
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Carol Scianna, Management Analyst
Kate Kelly, Contract Planner
SUBJECT: Public Hearing and Consideration of Resolution 2008-23 to Adopt the
Winters Putah Creek Nature Park Master Plan

RECOMMENDATION:

Staff recommends that the Council:

1. Receive Staff Report
2. Conduct Public Hearing
3. Adopt Resolution 2008-23 Approving the Winters Putah Creek Nature Park Master Plan
4. Direct to the Winters Putah Creek Committee the following tasks as part of the implementation of the Winters Putah Creek Master Plan:
 - Establishment of a desired phasing of the plan
 - A prioritization of the implementation
 - Evaluation of both fiscal (monetary) costs and services which will be incurred by the Plan
 - Recreational opportunities which foster access and the many uses throughout the park area

PROJECT SUMMARY AND LOCATION:

The proposed Winters Putah Creek Nature Park Master Plan (Attachment B) provides the vision for the restoration and enhancement of the Putah Creek corridor between the Winters Car Bridge and Highway 505. The plan includes creek realignment to restore natural flows, invasive plant removal, bank slope modification/restoration, native plant

restoration/revegetation, removal of the collapsed percolation dam, and looped upper and lower trail systems which will provide additional public access and recreational amenities. The project is located along the Putah Creek Corridor between the Winters Car Bridge and Highway 505 bounded by Putah Creek Road to the south and the southern urbanized edge of Winters to the north.

In order to proceed with the project the following City approvals are needed:

- Adoption of the Winters Putah Creek Nature Park Master Plan

BACKGROUND:

In 1995, the City of Winters adopted the first Master Plan for Winters Putah Creek Nature Park. The 1995 plan emphasized recreational access and invasive weed control. More recent studies and workshops have also concluded that restoration of natural channel form and function is a fundamental step toward sustainable fish and wildlife habitat. The current channel is overly wide and deep, with an excess of open water and lack of floodplains (beaches) that limit the continuity of public access and diminish the land area available for wildlife habitat. In January 2007, the City of Winters commissioned this update to the original plan to incorporate greater opportunities for public access and sustainable fish and wildlife habitat by restoring natural channel form and function.

As part of this update process there were two public workshops and the Winters Putah Creek Committee (WPCC) was established. The WPCC members were appointed by the City Council in October 2006. The WPCC has held extensive meetings to review the drafts of the draft 2008 Master Plan and the adopted Vegetation Management Plan. During their March 10, 2008 meeting the WPCC determined that the Master Plan adequately addresses the many complex issues, proposed amenities and improvements within the Winters Putah Creek Nature Park and is recommending that the City Council adopt the Plan.

On May 27th the Planning Commission conducted a public hearing, received public input and took the following actions:

- Approved the Initial Study/Mitigated Negative Declaration
- Adopted the Mitigation Monitoring Plan
- Recommended the Adoption of the Winters Putah Creek Master Plan to City Council
- Recommended that the City Council direct to the Winters Putah Creek Committee the following tasks as part of the implementation of the Winters Putah Creek Master Plan:
 - Establishment of a desired phasing of the plan
 - A prioritization of the implementation
 - Evaluation of both fiscal (monetary) costs and services which will be incurred by the Plan

- Recreational opportunities which foster access and the many uses throughout the park area.

MASTER PLAN DESCRIPTION:

The 2008 Master Plan is a long-range planning document to be used in managing the development of the one-mile stretch of creek between Railroad Avenue and I-505 and from 100 feet north of the top of the north bank, south to Putah Creek Road. The Master Plan goals are to integrate the park into the community fabric, support the City's economic vitality, provide access to a native riparian habitat and improve the ecological vitality of the creek. It includes circulation routes to and through the park, parking, conceptual creek realignments, accessible areas, recreational zones, and educational opportunities.

Goals for the park design and creek restoration are to create a creek environment that is self-sustaining and an ecologically sound environment that provides accessible and flexible recreational opportunities for the community. The Master Plan's Conceptual Site Plan (Attachment B) shows the conceptual creek layout and its relationship to other features and activities, proposed park uses and amenities, and connections to the Winters community.

Universal Access

Universal Design features should be incorporated into all of the park spaces and amenities so that people of all ages and abilities can experience entire creek. Park amenities include a range of seating heights; shaded, accessible paths; easily read signage and way finding; and gathering spaces.

Removal of the Percolation Dam

On August 7, 2008 the City Council unanimously approved the WPCC's recommendation to remove the Percolation Dam. Although the Dam removal is not directly part of the proposed Master Plan, the Plan is predicated upon its removal and the restoration and enhancement opportunities associated with its removal. The Dam removal is addressed and covered by the Initial Study/Mitigated Negative Declaration and Adoption of the Mitigation Monitoring Plan for the Winters Putah Creek Nature Park Master Plan/Floodplain Restoration and Recreational Access Project,

Realigned Creek Channel

The conceptual layout of the realigned creek reflects the desired geomorphology for Putah Creek water flows. The proposed creek realignment narrows most of the creek to approximately 30 feet wide, with meanders and pools ranging from 130 to 240 feet apart. For the most part, the creek bed will be reduced in width and depth. Wide restored flood plains, or terraces, will fan out from the creek banks 30 feet to 100 feet on both sides of the creek. Where feasible, the creek banks will be extended, making the slopes less steep. These changes will return the creek to a dimension that reflects a more natural width and meander similar to the sections of the creek above and below this stretch, and set up conditions that can be naturally sustaining. The wide flood plain

will allow the creek to move within its banks, make it possible to restore the native vegetation, and open the park to the community. The proposed realignment starts above the percolation dam and ends near the I-505 bridge.

By moving the narrowed creek channel to the center of the banks, there will be physical room for the creek to develop its own meander, especially in the widest section, where the old aeration ponds were located. This proposed flood plain area is approximately 300 feet wide. Based on the potential for future water flows and revegetation it is expected that the creek will be able to change its own course. This section of creek provides a laboratory for stream geomorphologic and biologic studies by researchers from UC Davis and elsewhere.

Trails

A safe, well-defined circulation system is critical for a successful park. The new circulation plan is based on looped upper and lower trails connecting the north and south banks, with well defined trailheads and dispersed parking.

Upper Loop Trail

The upper trail is the major all season pedestrian/bike trail. The existing bike trestle bridge to the west and a proposed pedestrian bridge at the east end of the park connect the north and south banks. This upper trail would be 10 feet wide (north side) and 12 feet wide (south side), paved, and have several connection points into the community. The north bank trail will be used mostly by the Winters community, linking downtown with the residential neighborhoods.

A couple of parcels in the trail area are privately owned. To fulfill the Master Plan it will be necessary for the City to negotiate an easement or purchase of the land with these property owners. Landowner permission is required prior to all improvements on private property.

Putah Creek Road

The possibility of making any changes to Putah Creek Road in order to construct an upper trail on the south side of the creek is dependent on negotiations with Solano County and the affected property owners. Any changes to the layout and expansion of Putah Creek Road are constrained by the bank on the north side of the road and farming operations on the south

The Master Plan shows an off-road, 12 foot wide bike/ pedestrian trail adjacent to Putah Creek Road. Importing soil and re-grading the steep slopes is one option included in the proposed improvements and can be accomplished during realignment of the creek. Contingent on this improvement, either a striped bike lane or an off-road paved trail for bikes and pedestrians could be built on the north side of Putah Creek Road.

Lower Loop Trail

The lower loop trail on both the north and south banks will be fully accessible,

with the exception of some switch-back short cuts. Since the trail is located within the flood plain, its exact location may shift depending on the amount of seasonal flooding, where the creek meanders, and how the natural revegetation process evolves. For these reasons the lower trail will not be paved. Each spring after the rains have stopped the City can blade the paths, leveling the trail and making a smooth, hard surface, approximately four to five feet wide, with grades not to exceed 5%. Trail segments with limited access will be identified with signage.

The plans for construction of a new car bridge, which is scheduled for completion in 2009, include pedestrian walks and creek overlooks. With construction of the new bridge there is the potential to extend the lower creek trail west under the new bridge structure, and depending on discussions with the property owner, extend the trail to the top of the north bank connecting it with Wolfskill Ave.

Creek Crossings

The Master Plan includes three bridges connecting the upper trail at the east and west ends, providing a two-mile loop through the park and views up and down the creek. The existing car bridge and the restored trestle bridge at the Community Center are the western connection. The proposed eastern bridge will be a 12 foot wide structure, suitable for pedestrians and bikes. The preferred location is adjacent to or attached to the I-505 structure, dependent on approval by Caltrans.

Parking

The Master Plan has three south side trailheads, located on Putah Creek Road. The first is at the trestle bridge. When the new car bridge is built, a portion of Putah Creek Road will be realigned, and it appears that with this realignment it maybe possible to provide limited vehicle parking (five vehicles) near this bike trail. The second location, and the most problematic, is the main trailhead entry into the Putah Creek Flats section located at the bottom of the access ramp. Currently, there is a widened area that could accommodate up to 11 parallel parking spaces along the road edge. This would also be the area where school buses for field trips would unload, but not park. The third location for parking is at the east end of the park, adjacent to I-505. There is a long, wide area that could accommodate up to eight vehicles. This is also a possible location for the future pedestrian bridge. To focus parking in the designated areas and to discourage dumping along the south bank edge, a post and cable fence and native hedge plantings are proposed. If additional land is acquired as part of relocating Putah Creek Road, more options for parking may be developed.

On the north side of the park, parking is available at the Community Center parking lot and on adjacent streets. In addition, a limited amount of parking is proposed at the south end of East Street, as part of proposed modifications to the City's waste water treatment facility.

Site Amenities

Site amenities will include gateways, seating, overlooks, displays and signage, maps, fishing access, bike racks and trash containers. The style should be simple, classic, sturdy, architecture that blends with the natural surroundings and that reflect the rustic quality of the park. Building materials will include rocks and boulders, wood, stained concrete and metal. The design and materials need to be easily obtained and low-maintenance; and plans for the elements will have to meet the current codes and be approved by the City. It may be appropriate for some of these amenities to be community service construction projects by city volunteer groups.

Gateways

Gateways will mark the major trailheads into the park. Gateways include the park name, a map of the park, trail signage and other educational displays. The gateways are located at the Community Center, the two Creekside Way open space sites, and the south trail leading to Putah Creek Flats. The trestle bridge and the future pedestrian bridge will serve as their own gateways

Overlooks

Overlooks will be located off the main paved trails in areas with views up and down the creek. They will likely consist of shaded wood platforms with appropriate railings, and include a bench and a bike rack. Educational displays will describe particular features observable at that location and historical information.

Seating

Depending on the setting, benches, both refined and rustic, will be located throughout the park in shady areas with views onto the creek. Some will be along the trails and others will be set off the trail in quiet locations. Rustic seating can take the form of boulders and large wood logs (secured to the ground) arranged in clusters. The more refined areas will use the city's standard bench.

Signage and Displays

Park signage will include trail routes, educational displays with topics on the history of the town and the creek; riparian plants, animals and insects; the geomorphology of the creek; and information about salmon and steelhead migration. The park map will include trail locations and their accessibility factor.

Fishing Access

Fishing is an historical use of the creek and a specifically identified recreation activity. The Master Plan provides for improved access to the water's edge and better fish habitat. A series of gabions may be installed as part of the percolation dam removal. The gabions and the surrounding area will improve fishing access by providing a steep drop off and room to swing a pole. These and other fishing areas will be connected to accessible trails.

Bike Racks

Bike racks will be located on the upper loop trail at the overlooks, main gathering areas, and at the main picnic area in the Putah Creek Flats. The racks will be set off the path to provide unobstructed travel along the main trail.

Trash and Recycling

Trash and recycling containers will be based on the City's standard, and will be securely mounted to discourage vandalism. The containers will be located at key pedestrian intersections along the trail, at trailheads and overlooks, and accessible to maintenance crews.

Restroom

One restroom facility will be located on Putah Creek Road near the main entry into Putah Creek Flats. This facility could be either a portable unit surrounded by a masonry block enclosure, or a prefabricated composting toilet structure, similar to those used in national parks. The location of this restroom will be based on the maintenance access and will balance road traffic-parking and vandalism conflicts. Additional restroom facilities are available on the north side of the railroad bridge, the Community Center (when open), and in Rotary Park.

Programmatic Opportunities

Putah Creek Nature Park offers a unique opportunity as an outdoor classroom, as a place for civic venues, as well as recreational uses. The Park will also play an active role in the vibrancy and growth of the downtown. The Park and the adjacent businesses can become destinations, each encouraging more activity for the other. The Master Plan includes facilities and spaces that support a series of program opportunities. As access to the park is improved, certain areas, each with a distinctive flavor and use, will be available to the public. Specific areas can be reserved, providing revenue for the City.

Putah Creek Flats

Located at creek level, Putah Creek Flats is the four-acre area at the location of the old aeration ponds, and is one of two places along the creek where there is an existing flood plain. The Master Plan intends for the Flats to serve as a recreation area for families and school events. The Flats will offer easy access to the creek, man-made and natural history, and large open areas with clear views across the creek. A large picnic area with tables will be located above the typical high water mark. When the creek bed is re-sculpted, gravel bars and pools will develop at the bends, creating shallows, riffles and deeper water. Where gabions are installed, the bank edge will be taller and straighter, providing good fishing spots. Realignment of the channel through the flats will establish new floodplains on the north bank and continuity of the lower trail.

Community Center

The Community Center connects Putah Creek Nature Park with downtown and is the urban gateway into the park. Entry into the park from Railroad Avenue or

Main Street should be clearly defined. As part of the park improvements the Master Plan strengthens the pedestrian connection between the park trail and the downtown with trails and a gateway arbor.

Steps will lead down from the trestle bridge and connect to the new trail at the stage backdrop. These steps will provide direct access to Railroad Avenue without having to go through the Community Center grounds.

Art Walk

The trail near the Community Center can be used to display of outdoor art and can provide a creative destination experience for community members and visitors, as well as an opportunity for the art community to show their interpretation of the park. The art pieces can be rotating exhibits, permanent or ephemeral, using man-made and/or natural materials to reflect the creek and local history. The walk can be organized as a treasure hunt, with art pieces located in unexpected places that take visitors throughout the park. The art walks are an opportunity for community involvement that can involve school art classes as well as amateur and professional artists.

City Wastewater Treatment and Well Facility Area

The City owned land at the wastewater treatment facility can provide another access point into the park. The Master Plan drawing shows modifications to the current facility, including a service road entry and handicapped accessible parking. This service road provides pedestrian and bike access to the upper loop trails. A grassy area, with informal seating, such as log benches or boulders, and picnic tables, can be a place for picnics or staging field trips. A nearby overlook will provide views to the widest area of the creek. The signage at this location could include photos and history of the percolation dam, as well as information about Lake Berryessa and Monticello Dam, and the role of water and flooding in the area's development.

Vegetation Management

The benefits to restoring the native riparian flora to the creek include more and better quality foraging habitat for animals, birds and insects; development of a self-sustaining flood plain; better fish habitat including shaded banks for spawning; and increased access to the creek along the entire mile reach of the park.

The Winters Putah Creek Committee has prepared a Vegetation Management Plan for the Park which was adopted by the City Council on December 18, 2007. This Plan outlines the general procedures for managing vegetation, both exotic (non-native) and native, within the 40 acre park.

The new park plantings will only include native plantings and will use species found in nearby reaches. Some of the more common native plants include alder, arroyo willow, black willow, box elder, California buckeye, buttonbush, cottonwood, coyote bush, creeping wild rye, elderberry, Gooding's willow, miner's lettuce, mugwort, Santa Barbara

sedge, California sycamore, torrent sedge, toyon, yellow willow, western redbud and wild rose. The plants will be in arrangements typical of those found in the wild, and zoned according to the elevation above the low flow channel, where they would naturally occur, based on aspect, and relationships with other plants.

Private Property

Although much of the property within the Master Plan project area is owned by the City, there are several parcels under private ownership. As stated in Appendix B of the Master Plan, the Plan was drafted with the clear understanding that the City will need to negotiate with property owners before any improvements can be made on private property. No work will be done on privately owned land without the land owners consent. Should property adjacent to the Master Plan project area come forward for development in the future, development agreements will be negotiated as part of the entitlement which may include provisions to further the Master Plan concepts.

Phasing

Putah Creek Nature Park has an uncertain implementation schedule that will be determined by the City's annual funding cycles and by grant awards. The following items (located on city-owned property) are not dependent on the completion of the creek realignment, and can be implemented in the near future:

- Removal of the percolation dam
- Build steps from the trestle bridge to the trail
- Pave the trail from the trestle bridge/Community Center to the Waste Water Treatment facility
- Install a paved, accessible path from the Rotary Park parking lot to the north side trail
- Build overlooks and gateways on city-owned property
- Develop area west of wastewater treatment plant as described

The upper and lower trail work is dependent on the completion of the creek realignment, securing easements and land acquisition, and obtaining grant funding. In addition, the pedestrian bridge will likely require a lengthy planning/permitting process.

Additional environmental review may be needed as park plans are refined and finalized.

LAND USE AND ZONING CONSISTENCY:

The Master Plan project area is designated and zoned OS (Open Space) This designation provides for agricultural and recreational uses, riparian vegetation and wildlife habitat protection, water retention, public and quasi-public uses, and similar and compatible uses consistent with the these open space uses. Staff finds the uses,

restoration activities, and public benefit outlined in the Master Plan to be entirely consistent with the OS designation and zoning.

CEQA CLEARANCE:

The Initial Study/Negative Declaration was circulated on April 4, 2008 for 30 day comment period and copies of the Initial Study/Mitigated Negative Declaration were also provided to the WPCC for their individual review and comment. The comment period ended on May 5, 2008. No comments were received from any of the Trustee Agencies or members of the WPCC. Comments were received from one individual and staff responses to those comments were included in the Planning Commission packet. The Planning Commission conducted a public hearing, received public comment, approved the Initial Study/Mitigated Negative Declaration, and adopted the Mitigation Monitoring Plan on May 27, 2008. The City's 10 day appeal period on these actions ended on June 6, 2008.

FISCAL IMPACT:

None at this time. Most of the actual implementation is funded through as series of grants obtained by the Lower Putah Creek Coordinating Committee.

RECOMMENDED ACTION:

Staff recommends that the Council:

1. Receive Staff Report
2. Conduct Public Hearing
3. Adopt Resolution 2008-23 Approving Winters Putah Creek Nature Park Master Plan.
4. Direct to the Winters Putah Creek Committee the following tasks as part of the implementation of the Winters Putah Creek Master Plan:
 - Establishment of a desired phasing of the plan
 - A prioritization of the implementation
 - Evaluation of both fiscal (monetary) costs and services which will be incurred by the Plan
 - Recreational opportunities which foster access and the many uses throughout the park area

ATTACHEMENTS:

- A - Resolution 2008-23 Adopting the Winters Putah Creek Master Plan
- B - Winters Putah Creek Nature Park Master Plan



NOTICE OF PUBLIC HEARING

TO: Interested Parties
FROM: Winters Community Development Department
DATE: June 5, 2008
SUBJECT: ***Notice of Public Hearing to Take Action On Resolution 2008-23 to Adopt the Winters Putah Creek Nature Park Master Plan.***

Applicant: City of Winters and the Solano Water Agency

Description of the Project: Proposed Winters Putah Creek Nature Park Master Plan provides the vision for the restoration and enhancement of the Putah Creek corridor between the Winters Car Bridge and Highway 505. The plan includes creek realignment to restore natural flows, invasive plant removal, bank slope modification/restoration, native plant restoration/revegetation, removal of the collapsed percolation dam, and looped upper and lower trail systems which will provide additional public access and recreational amenities. In order to proceed with the project the following City approvals are needed: Adoption of the Winters Putah Creek Nature Park Master Plan

Project Location: Putah Creek Corridor between the Winters Car Bridge and Highway 505 bounded by Putah Creek Road to the south and the southern urbanized edge of Winters to the north.

Public Hearing: A public hearing will be held to consider action on the project on **Tuesday, June 17, 2008 before the City Council.** This meeting will start at 7:30 p.m. at the City Council Chambers located on the first floor of City Hall at 318 First Street, Winters, California.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in these hearings, please contact City Clerk Nanci Mills at (530) 795-4910, ext. 101. Please make your request as early as possible and at least one-full business day before the start of the hearing.

The City does not transcribe its hearings. If you wish to obtain a verbatim record of the proceedings, you must arrange for attendance by a court reporter or for some other means of recordation. Such arrangements will be at your sole expense.

If you wish to challenge the action taken on this matter in court, the challenge may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission prior to the public hearing.

Availability of Documents: The project file is available for public review at the Community Development Department, Winters City Hall, 318 First Street, Winters, CA 95694. Copies of the Staff Report will be available on the City's website at http://cityofwinters.org/administrative/admin_council.htm

For more information regarding this project, please contact Kate Kelly at (530) 795-4910, extension 113.

PUTAH CREEK NATURE PARK MASTER PLAN

March 2008



Prepared for the City of Winters



Prepared by
Cunningham Engineering Corporation, Inc.
2940 Spafford St., Suite 200
Davis CA 95618



ACKNOWLEDGEMENTS

Winters City Council

Woody Fridae, Mayor
Michael Martin, Mayor Pro Tem
Tom Stone, Council Member
Harold Anderson, Council Member
Cecilia Curry, Council Member

Winters City Staff

John Donlevy, City Manager
Carol Sciana, Management Analyst, Public Works
Kate Kelly, Planning Manager
Dawn Van Dyke, Management Analyst, Grant Writer
Bruce Muramoto, Police Chief
Scott Dozier, Fire Chief

Winters Putah Creek Committee (both voting and non-voting)

David Springer, Chair
Joe Castro, Vice Chair
Eric Larson
Bill Biasi
Kurt Balasek
John Vickrey
Sarah Warren

Liason Members:

Chris Rose
Harond Anderson
Peirre Neu
Carol Scianna

TABLE OF CONTENTS

1.	Introduction	1
2.	Project Location and History	2
3.	Site Analysis	3
4.	Public Process	5
5.	2007 Master Plan	5
5.1	Universal Design	6
5.2	Realigned Creek Channel	6
5.3	Trails	6
5.4	Parking	8
5.5	Site Amenities	9
5.6	Restroom	10
5.7	Programmatic Opportunities	10
5.8	Vegetation Management	12
6.	Safety	12
7.	Implementation Plan	13
7.1	Phasing	13
7.2	Volunteer Opportunities	13
7.3	Potential Funding Sources	14
8.	Cost Opinion	14

Appendix

Appendix A	Fish and Game Letter, dated April 6, 2007
Appendix B	2007 Master Plan Graphics
Appendix C	2007 Master Plan Graphics
Appendix D	Workshops Appendix C Workshops
Appendix E	2007 Cost Opinion
Appendix F	WPCC Vegetation Management Plan
Appendix G	2006 River Parkway Application

PUTAH CREEK NATURE PARK DRAFT MASTER PLAN

Winters, California

March 18, 2008

1. INTRODUCTION

Putah Creek Nature Park is a rare community asset—a relatively undeveloped mile stretch of creek that, for the most part, is publicly owned. It is a valuable resource for fostering environmental stewardship and love of the outdoors. In the 1990s, litigation over flows in Putah Creek culminated in formation of the Lower Putah Creek Coordinating Committee (LPCCC), hiring of a permanent Streamkeeper and establishment of a permanent fund to monitor fish and wildlife, manage vegetation and seek grant funds for further improvement of the creek channel. In 1995, the City of Winters adopted the first Master Plan for Winters Putah Creek Nature Park, emphasizing recreational access and invasive weed control. In 2002, the LPCCC obtained a grant to assess the physical and biological condition of Putah Creek. The LPCCC subsequently held a series of public meetings with creek-wide stakeholders to review the assessments and develop a Watershed Management Action Plan identifying priority actions supported by the community. Putah Creek stakeholders identified restoration of Winters Putah Creek Park as the highest priority. The Watershed Management Action Plan identified restoration of natural channel form and function as a fundamental step toward sustainable fish and wildlife habitat. In Winters Putah Creek Park, the natural form of the channel was altered for gravel extraction, floodwater conveyance and construction of aeration ponds. Invasive weeds flourished with these disturbances and further impacted channel form by trapping sediments and elevating the floodplains, increasing the distance to groundwater and diminishing the survival of native plant seedlings. A concrete percolation dam further altered the form and function of the channel. The current channel is overly wide and deep, with an excess of open water and lack of floodplains (beaches) that limit the continuity of public access and diminish the land area available for wildlife habitat. Water quality is diminished by warming due to the compound effect of excessive exposure to solar radiation (due to excessive width) and slow flows (due to excessive cross sectional area of open water). These fundamental issues require narrowing and realignment of the creek channel, removal of the percolation dam, construction of new floodplains and grading of existing floodplains. Since none of these measures were included in the original Winters Putah Creek Park Master Plan, the City of Winters commissioned this update to the original plan to incorporate greater opportunities for public access and sustainable fish and wildlife habitat by restoring natural channel form and function.

The 2008 Master Plan is a conceptual document that assumes the creek will be realigned, bank slopes are modified, upper and lower loop trails link both sides of the creek, the percolation dam is removed, invasive plant species are removed, and the creek is replanted with native riparian plants. At this time the Master Plan can only approximate the location of specific features and provide a description of how spaces might be used. Future phases of work will require detailed topographic surveys and grading analysis to determine specific locations for different features and trails. Even though the creek realignment is based on discussions with geomorphologists and data from other reaches of Putah Creek, the creek meander is a conceptual depiction. The exact layout will be designed by stream restorationists, taking into account soils, existing quality of bank habitat, the location of large native trees, and the removal of non-native plant species.

2. PROJECT HISTORY AND LOCATION

Putah Creek flows from its origin on Cobb Mountain in Lake County, through Lake Berryessa and Lake Solano, and after flowing through Winters, connects to the San Francisco Bay Delta through the Yolo Bypass. Prior to the completion of Monticello Dam in 1957, Putah Creek flows were uncontrolled and subject to seasonal flooding. Monticello Dam provides hydroelectric power and a regular supply of water to Solano and Yolo counties and regulates the water flow into Putah Creek. A portion of the flow is now diverted into the Putah South Canal above Lake Solano to serve Solano County irrigation needs. When full, the Solano Water Project stores 1.6 million acre feet of water.

Falling stream levels during the 1987-92 drought, the region's worst on record, triggered a dispute between the Solano Water Agency and the Putah Creek Council, who claimed that the reduced flow in the summers of 1989 and 1990 in particular had seriously threatened the health of the creek's native fish, violating the California Public Trust Doctrine and state protections for fish living downstream from dams.

In May of 2000 the Putah Creek Council, City of Davis, and U.C. Davis signed a permanent accord with the Solano County Water Agency, ending a 10-year dispute over Putah Creek water rights. The accord provides for about a 50 percent increase in flows during non-drought conditions, it sets forth detailed steps to minimize illegal pumping from the creek, and it specifies measures to be taken during any prolonged droughts to ensure that hardships caused by reduced water availability will be shared by all water beneficiaries. The increased flows benefit the creek's unique community of resident native fish like tule perch, Sacramento suckers and sculpin, and ocean-going steelhead and salmon. The settlement requires an annual flow of 31,000 acre-feet except during extended droughts, when flows may be reduced to about 25,000 acre feet.

The accord also created a management program to maximize the benefits to fish, wildlife and their habitats. It provided for funding of \$160,000 per year for creek restoration and monitoring, including fish and wildlife studies, salary for a streamkeeper to monitor the creek, and grants for native vegetation enhancement and riparian land conservation. The accord provided for the establishment of the Lower Putah Creek Coordinating Committee, which is composed of Yolo and Solano representatives that oversee implementation of the settlement, monitor and study the creek, and promote restoration projects.

Putah Creek is an integral part of the City of Winters natural and cultural history. The centerline of the Creek is both the city limit line and the Yolo-Solano county line, although the city owns most of the south bank as well. The creek has been a recreational asset since Winters was founded in 1875, but the creek bank also served as a dumping ground and was used for wastewater disposal until the early 1960's. With the effort to preserve flows, community interest in creek and habitat restoration was aroused.

In the mid-1990s state funding for urban stream restoration became available. The City of Winters and several citizens saw this as an opportunity to improve the recreational and habitat value of Putah Creek. In order to apply for grant funds, the City commissioned a master plan to identify improvements and recreational opportunities, map exotic plant species to be removed, and list

native riparian plantings appropriate for the creek. The 1995 master plan described a public area, the "Putah Creek Nature Park", which extends from the car bridge at Railroad Avenue east to Interstate 505, and ranges in width from 250 feet to 600 feet across the creek span. The 1995 plan included improvements to the Community Center grounds, trails located along existing banks and terraces, and entry points for public access to the water. It also provided a blueprint for community volunteer beautification projects. The master plan received an Honorable Mention award from the San Francisco Bay Area Trail Project's Creative Designs for Conservation in 1996.

3. SITE ANALYSIS

There are four significant man-made structures within the park boundaries. The first is the railroad trestle bridge, which was built in 1907 and was abandoned when the tracks were removed. The 1995 Master Plan proposed that the bridge be refurbished as a bike and pedestrian crossing. This rehabilitation project was completed in 2005, and the finished bridge now links the north and south banks and provides views up and down the creek.

The car bridge that connects Railroad Avenue with Putah Creek Road, just west of the railroad bridge, dates from 1914. Caltrans has ruled that this bridge does not meet current width standards and it is scheduled for replacement when funding is available. The current bridge design has no provisions for pedestrian travel, though the renovated railroad bridge serves that purpose and is the only safe means of crossing the creek at present.

The third structure is the percolation dam, which was built in the 1930s. The water behind the dam became a popular swimming hole for the community. The dam failed in 1952, and since then large sections have cracked, shifted and subsided. It no longer functions as a dam; the concrete is breaking apart and is regarded as unsafe by the city. Fish and Game has determined that the structure inhibits the migration of salmonids, both adults and juveniles. (See Appendix A) The 1995 master plan design presumed the dam would remain, but a grant has since been obtained to facilitate its removal. Currently the water below the dam is used as a swimming hole.

The fourth structure is the site of the former aeration ponds for the wastewater plant (referred to as the Putah Creek Flats later in this document), which were constructed on the south bank of the creek and adjacent to the percolation dam. Aerial photos show the ponds functioning in 1962 and apparently still in use in 1970. The remnants of the ponds are located in the widest part of the creek. The 1995 master plan did not propose any restructuring of this area, or any other changes to the geomorphology (natural formation) of the creek bed.

In this one-mile reach of Putah Creek, the stream channel has been altered beyond the creek's ability to self-correct. In the past, this section of creek bed was excavated and widened, creating a channel that is now too wide and deep for the creek to create its own natural meandering pattern of pool-riffle-run and deposition of silt onto the lower terrace. Earth and gravel removal and widening of the streambed is most apparent at the percolation dam and former aeration pond sites. In addition, most of the south bank and part of the north bank is too steep to allow for access to the water's edge.

After the long history of stream alterations for flood conveyance, gravel extraction, and neglect, invasive non-native plants gained a stronghold in this stretch of the creek. Large stands of eucalyptus, arundo, and Himalayan blackberry occupy the eastern half of the park site. These plants

and other invasives offer limited or no habitat value for native animals, fish and insects. They are so dense that it is nearly impossible to reach the creek bank, and they harbor rats, which prey on birds. Probably due to the excessive width of open water and relative lack of native vegetation, as well as proximity to residential development and Putah Creek Road, the native bird population is lower than in other reaches. Some eucalyptus trees (<12" trunk diameter) have been removed and efforts to control blackberry have been made under the Prop. 50 grant.

In addition to crowding out native species, invasive plants have made it impossible to reach the water in many areas. There are only three places on the south side where the water's edge is accessible, but these spots are disconnected from each other by steep banks, lack of floodplains and dense stretches of impenetrable non-native vegetation. The only location where it is possible to cross the creek at water level without wading is the surface of the broken percolation dam. In order to lessen the scouring effects of storms, large boulders of riprap line the banks on both sides of the dam, making it necessary to scramble over the boulders to reach the water's edge and the dam. Slow water flows in the vicinity of the dam cause algae to develop on the surface of the water in the summer, though the dam serves to skim off the algae to some extent, improving conditions for swimming. The Winters City Council at the August 7, 2007 meeting unanimously approved the removal of the dam, pending successful completion of the CEQA process. Downstream of the percolation dam is a newly installed rock weir (installed as part of Prop. 50 grant) that aerates the water as it flows over the rocks, and creates a small pool behind it.

Putah Creek Road borders the entire south bank of the creek within the Nature Park. This narrow country road predominantly serves local traffic and farm equipment, but is also a popular route for bicyclists. In many places the edge of pavement is approximately 10 feet from the top of the bank. The south bank is extremely steep, with little room to widen northward. Unless the banks are re-graded and soil is brought in it will not be possible to build a striped or separated bike trail along Putah Creek Road without realigning the road itself. Realignment will depend upon land acquisition, and is viewed as a long-range goal. Parking on the south bank is limited to three pull out areas for parallel parking on the shoulder. The pullouts have been used as opportunities to dispose of trash into the Creek. As the park develops, means must be provided for alleviating the increasing traffic conflicts and eliminating the dumping problem.

There is limited access to the creek from the bank tops. Most of the banks are very steep; some have less than a 1:1 slope. On the north bank there is a decomposed granite trail that extends from the railroad bridge to the existing wastewater pumping station that was built with volunteer efforts. The width of this trail does not meet the minimum 40" width required by ADA. A natural footpath created by foot and bicycle traffic extends from the pumping station all the way to the end of the public property at Wild Rose Lane. This path, which crosses privately owned land, is only a few feet wide and tends to be washed out by runoff from an apartment parking lot during heavy storms. Several small, casual footpaths lead from this upper bank trail to the water's edge.

The City's agreement with the developer of the Putah Creek Hamlet subdivision in the 1990's created a 100-foot wide city-owned easement between the new homes and the top of the bank. This area extends from the privately owned land west of Madrone Court east to Wild Rose Lane, and represents the largest expanse of easily accessed, restorable land within the city limits. Beginning in 2000, Winters volunteers planted native trees and shrubs within this upper terrace. These plants are filling in, providing a buffer between residential property and the creek. Acquisition of privately owned lands will be required to allow restoration work to be continued to the west towards the Community Center and east toward I-505.

4. PUBLIC PROCESS

The goal of this Master Plan is to capture the community's vision for the creek and guide the long range development of the park, to ensure that opportunities are identified and features well-planned. This Plan takes into account existing conditions, community concerns and desires, adjacent land uses, physical constraints, and agency requirements.

The current design concepts incorporate public comments received in two community workshops, meetings with the Winters Putah Creek Committee (WPCC), River Parkway grant requirements, and discussions with City staff. The public workshops were held in the spring of 2007 (see Appendix D for a list of the workshop comments). During the first workshop, background information on the River Parkway grant (its scope of work and requirements) and the mechanics of geomorphology were presented to the community. The process of natural creek formation, in which stream meanders create a series of regularly spaced riffles, runs and pools of deeper water were described. These presentations provided the public with background information on the creek's current condition, the pending percolation dam removal, vegetation management, creek realignment, and other master planning issues.

The key topics of discussion in the two public workshops were the removal of the percolation dam, eucalyptus tree removals, and the Creek's habitat value and water quality. Public comments from the first workshop, stream geomorphology concepts and a site analysis were distilled and overlaid onto a LIDAR (Light Detection and Ranging) topographic map to develop a conceptual plan for the park including new creek realignment, circulation patterns and access points. A draft plan was presented at the second public workshop and at a WPCC meeting, where additional comments and ideas were discussed. Key discussion points included:

- Improvements to the Park's recreational value
- Access improvements to the creek for swimming, fishing, and other recreation
- Improved safety
- Ecological sustainability
- The development of the Park as an educational resource
- The Park's contributions to the City's economic vitality

5. 2007 MASTER PLAN

The 2007 Master Plan is a long-range planning document to be used in managing the development of the one-mile stretch of creek between Railroad Avenue and I-505 and from 100 feet north of the top of the north bank, south to Putah Creek Road. The Master Plan goals are to integrate the park into the community fabric, support the City's economic vitality, provide access to a native riparian habitat and improve the ecological vitality of the creek. It includes circulation routes to and through the park, parking, conceptual creek realignments, accessible areas, recreational zones, and educational opportunities.

Goals for the park design and creek restoration are to create a creek environment that is self-sustaining and an ecologically sound environment that provides accessible and flexible recreational opportunities for the community. The Master Plan shows the conceptual creek layout and its relationship to other features and activities, proposed park uses and amenities, and connections to the Winters community.

5.1 Universal Access

Universal Design is a philosophy that is more than meeting the requirements of the law for accessibility. It is the creation of environments and amenities that are usable by all people, to the greatest extent possible, without the need for adaptation or specialization. Universal Design features should be incorporated into all of the park spaces and amenities so that people of all ages and abilities can experience the place - young and old, fit and out of shape, able-bodied and those needing assistance. For Putah Creek Nature Park, Universal Design means providing access to the entire creek experience, and not limiting access to only the upper bank. Park amenities include a range of seating heights; shaded, accessible paths; easily read signage and way finding; and gathering spaces.

5.2 Realigned Creek Channel

The conceptual layout of the realigned creek reflects the desired geomorphology for Putah Creek water flows. The proposed creek realignment narrows most of the creek to approximately 30 feet wide, with meanders and pools ranging from 130 to 240 feet apart. For the most part, the creek bed will be reduced in width and depth. Wide flood plains, or terraces, will fan out from the creek banks 30 feet to 100 feet on both sides of the creek. Where feasible, the creek banks will be extended, making the slopes less steep. These changes will return the creek to a dimension that reflects a more natural width and meander similar to the sections of the creek above and below this stretch, and set up conditions that can be naturally sustaining. The wide flood plain will allow the creek to move within its banks, make it possible to restore the native vegetation, and open the park to the community. The proposed realignment starts above the existing percolation dam and ends near the I-505 bridge.

By moving the narrowed creek channel to the center of the banks, there will be physical room for the creek to develop its own meander, especially in the widest section, where the old aeration ponds were located. This proposed flood plain area is approximately 300 feet wide. Based on the potential for future water flows and revegetation it is expected that the creek will be able to change its own course. This section of creek provides a laboratory for stream geomorphologic and biologic studies by researchers from UC Davis and elsewhere.

5.3 Trails

A safe, well-defined circulation system is critical for a successful park. The new circulation plan is based on looped upper and lower trails connecting the north and south banks, with well defined trailheads and dispersed parking.

5.3.1 Upper Loop Trail

The upper trail is the major all season pedestrian/bike trail. The existing bike trestle bridge to the west and a proposed pedestrian bridge at the east end of the park connect the north and south banks. This upper trail is 10 feet wide (north side) and 12 feet wide (south side), paved, and has several connection points into the community. The north bank trail will be used mostly by the Winters community, linking downtown with the residential

neighborhoods. At 12 feet wide, the south bank trail could accommodate touring bikes as well as pedestrian traffic. The upper trails are striped to ease bike and pedestrian circulation conflicts. The 10 foot width is large enough for emergency and city service vehicle access. The suggested pavement treatment is either stabilized earth (using a resinous binding material) or a combination of stabilized earth and decomposed granite. This is a durable, drivable surface that takes on the color of the native soil. Asphalt is not recommended. Asphalt installation and maintenance costs are higher than stabilized earth. The aesthetics of the earthen path are more in line with that of a nature park.

A portion of the existing north bank trail is constrained by the City's wastewater facility, a privately owned apartment complex, and the steep bank edge. In this stretch there is limited room to expand the trail to the proposed 10 foot width. An option to garner more space for the paved trail is to shift the fence lines of the City's wastewater facility and the apartment complex northward approximately 10 feet. This change would not interfere with the operations of the wastewater facility. The south edge of the wastewater facility is minimally landscaped and does not appear to have any permanent, restrictive features that would prohibit the installation of a trail in this space. However, expanding the trail adjacent to the apartments would require that part of the apartment building parking lot be acquired, or that a retaining wall and fill be provided to widen the trail toward the creek. Two parcels in this area are privately owned. Property on the east end of the park west of Interstate 505 is also under private ownership. To fulfill the Master Plan it will be necessary for the City to negotiate an easement or purchase of the land with these property owners.

5.3.2 Putah Creek Road

The possibility of making any changes to Putah Creek Road in order to construct an upper trail on the south side of the creek is dependent on negotiations with the City, Solano County and the affected property owners. Any changes to the layout and expansion of Putah Creek Road are constrained by the bank on the north side of the road and farming operations on the south. (See Statement on Property Ownership, Appendix B).

The Master Plan shows an off-road, 12 foot wide bike/ pedestrian trail adjacent to Putah Creek Road. Importing soil and regrading the steep slopes is one option included in the proposed improvements and can be accomplished during realignment of the creek. Contingent on this improvement, either a striped bike lane or an off-road paved trail for bikes and pedestrians could be built on the north side of Putah Creek Road.

Three options for providing a safer bike/pedestrian trail are listed below. Only Option 1 is shown in the Master Plan drawing.

Option 1

Construct a separated path on the north side of the existing Putah Creek Road (in its current location). This option will require soil import and regrading of the slopes to provide space to cut a path. This option is not feasible until the creek realignment is completed, and the south bank slope is widened. This option, however, requires no land acquisition.

Option 2

Relocate Putah Creek Road south of its current location and use the existing road base for the new path and parking areas. This would require the acquisition of land, and may be cost prohibitive. This option is not dependent on completion of creek realignment.

Option 3

Extend the top of bank setback up to approximately 100 feet south (consistent with the north side of the creek) and relocate Putah Creek Road within the outer edge of the setback (approximately 70 feet south of its current location). This expanded setback provides more options for the creek bank slopes; creates an upper terrace with a wide separation between multi-use path and Putah Creek Road and; provides better parking opportunities and public access. This option requires the more land acquisition than Option 2 and is the most costly. This option is not dependent on completion of creek realignment.

5.3.3 Lower Loop Trail

The lower loop trail on both the north and south banks will be fully accessible, with the exception of some switch-back short cuts. Since the trail is located within the flood plain, its exact location may shift depending on the amount of seasonal flooding, where the creek meanders, and how the natural revegetation process evolves. For these reasons the lower trail will not be paved. Each spring after the rains have stopped the City can blade the paths, leveling the trail and making a smooth, hard surface, approximately four to five feet wide, with grades not to exceed 5%. Trail segments with limited access will be identified with signage.

The plans for construction of a new car bridge, which is scheduled for completion in 2009, include pedestrian walks and creek overlooks. With construction of the new bridge there is the potential to extend the lower creek trail west under the new bridge structure, and depending on discussions with the property owner, extend the trail to the top of the north bank connecting it with Wolfskill Ave.

5.3.4 Creek Crossings

The Master Plan includes three bridges connecting the upper trail at the east and west ends, providing a two-mile loop through the park and views up and down the creek. The existing car bridge and the restored trestle bridge at the Community Center are the western connection. The proposed eastern bridge will be a 12 foot wide structure, suitable for pedestrians and bikes. The preferred location is adjacent to or attached to the I-505 structure, dependent on approval by Caltrans.

5.4 Parking

The Master Plan has three south side trailheads, located on Putah Creek Road. The first is at the trestle bridge. When the new car bridge is built, a portion of Putah Creek Road will be realigned, and it appears that with this realignment it may be possible to provide limited vehicle parking (five vehicles) near this bike trail. The second location, and the most problematic, is the main trailhead entry into the Putah Creek Flats section located at the bottom of the access ramp. Currently, there is a widened area that could accommodate up to 11 parallel parking spaces along the road edge. This would also be the area where school buses for field trips would unload, but not park. Since this will be a main entry into the creek, it is critical that the Putah Creek Road width be resolved before this access route is developed. The third location for parking is at the east end of the park, adjacent to I-505. There is a long, wide area that could accommodate up to eight vehicles. This is also a possible location for the future pedestrian bridge. To focus parking in the designated areas and to discourage dumping along the south bank edge, a post and cable fence and native

hedge plantings are proposed. If additional land is acquired as part of relocating Putah Creek Road, more options for parking may be developed.

On the north side of the park, parking is available at the Community Center parking lot and on adjacent streets. In addition, a limited amount of parking is proposed at the south end of East Street, as part of proposed modifications to the City's waste water treatment facility.

5.5 Site Amenities

Site amenities will include gateways, seating, overlooks, displays and signage, maps, fishing access, bike racks and trash containers. The style should be simple, classic, sturdy, architecture that blends with the natural surroundings and that reflect the rustic quality of the park. Building materials will include rocks and boulders, wood, stained concrete and metal. The design and materials need to be easily obtained and low-maintenance; and plans for the elements will have to meet the current codes and be approved by the City. It may be appropriate for some of these amenities to be community service construction projects by city volunteer groups.

5.5.1 Gateways

Gateways will mark the major trailheads into the park. They can physically span the trail, or mark the entry with a large, vertical structure or post (e.g. a totem). Gateways include the park name, a map of the park, trail signage and other educational displays. The gateways are located at the Community Center, the two Creekside Way open space sites, and the south trail leading to Putah Creek Flats. The trestle bridge and the future pedestrian bridge will serve as their own gateways. To encourage use of the trails by town visitors, the gateway nearest Railroad Avenue should be prominent.

5.5.2 Overlooks

Overlooks will be located off the main paved trails in areas with views up and down the creek. They will likely consist of shaded wood platforms with appropriate railings, and include a bench and a bike rack. Educational displays will describe particular features observable at that location and historical information.

5.5.3 Seating

Depending on the setting, benches, both refined and rustic, will be located throughout the park in shady areas with views onto the creek. Some will be along the trails and others will be set off the trail in quiet locations. Rustic seating can take the form of boulders and large wood logs (secured to the ground) arranged in clusters. The more refined areas will use the city's standard bench.

5.5.4 Signage and Displays

Park signage will include trail routes, educational displays with topics on the history of the town and the creek; riparian plants, animals and insects; the geomorphology of the creek; and information about salmon and steelhead migration. The park map will include trail locations and their accessibility factor (paved, unpaved, slope %).

5.5.5 Fishing Access

Fishing is an historical use of the creek and a specifically identified recreation activity. The Master Plan provides for improved access to the water's edge and better fish habitat. A series of gabions may be installed as part of the percolation dam removal. The gabions and the

surrounding area will improve fishing access by providing a steep drop off and room to swing a pole. These and other fishing areas will be connected to accessible trails. At this time a permanent fishing dock is not proposed because high flows can damage or destroy these structures

5.5.6 Bike Racks

Bike racks will be located on the upper loop trail at the overlooks, main gathering areas, and at the main picnic area in the Putah Creek Flats. The racks will be set off the path to provide unobstructed travel along the main trail. The metal racks will support bikes without kick stands, and will be suitable for U-shaped locking systems.

5.5.7 Trash and Recycling

Trash and recycling containers will be based on the City's standard, and will be securely mounted to discourage vandalism. The containers will be located at key pedestrian intersections along the trail, at trailheads and overlooks, and accessible to maintenance crews.

5.6 Restroom

A public restroom is a critical component of the park. The Master Plan provides for one restroom facility, located on Putah Creek Road near the main entry into Putah Creek Flats. This facility could be either a portable unit surrounded by a masonry block enclosure, or a prefabricated composting toilet structure, similar to those used in national parks. The location of this restroom will be based on the maintenance access and will balance road traffic-parking and vandalism conflicts. The building materials would need to be fire proof (concrete walls and metal roof), and the style reminiscent of national parks. Two restroom facilities are available on the north side of the railroad bridge, the Community Center (when opened), and a new public restroom that was built in the Rotary Park in 2007.

5.7 Programmatic Opportunities

Putah Creek Nature Park offers a unique opportunity as an outdoor classroom, as a place for civic venues, as well as recreational uses. The Park will also play an active role in the vibrancy and growth of the downtown. The Park and the adjacent businesses can become destinations, each encouraging more activity for the other. The Master Plan includes facilities and spaces that support a series of program opportunities. As access to the park is improved, certain areas, each with a distinctive flavor and use, will be available to the public. Specific areas can be reserved, providing revenue for the City.

5.7.1 Putah Creek Flats

Located at creek level, Putah Creek Flats is the four-acre area at the location of the old aeration ponds, and is one of two places along the creek where there is an existing flood plain. The Master Plan intends for the Flats to serve as a recreation area for families and school events. The Flats will offer easy access to the creek, man-made and natural history, and large open areas with clear views across the creek. A large picnic area with tables will be located above the typical high water mark. When the creek bed is re-sculpted, gravel bars and pools will develop at the bends, creating shallows, riffles and deeper water. Where gabions are installed, the bank edge will be taller and straighter, providing good fishing spots. The foot trails will be bladed clear each spring. Where needed, an accessible fabric (mobi-mat) can be installed that will facilitate access to the water's edge or other built features.

5.7.2 Community Center

The Community Center connects Putah Creek Nature Park with downtown and is the urban gateway into the park. Entry into the park from Railroad Avenue or Main Street should be clearly defined. As part of the park improvements the Master Plan strengthens the pedestrian connection between the park trail and the downtown. The first phase improvement, as described in Section 7, will be to build a wide, hard-paved walk leading from Rotary Park and the parking lot to the upper trail head at the existing oak tree and stage area. A large arbor will act as both a park gateway and a frame for the stage. This structure can support lights and scenery backdrop for the stage. This gateway may also be the entry to the Winters Art Walk. A second phase connector will be a pedestrian and bike path extending from Elliot Street to the new upper trail.

The area around the Community Center provides an opportunity for future civic development and a compact community arts area, including a renovated Community Center, a refurbished Rotary Park, a new community theater, and wide, open entries into the Park and the upper loop trail.

Steps will lead down from the trestle bridge and connect to the new trail at the stage backdrop. These steps will provide direct access to Railroad Avenue without having to go through the Community Center grounds.

5.7.3 Art Walk

The trail near the Community Center can be used to display of outdoor art and can provide a creative destination experience for community members and visitors, as well as an opportunity for the art community to show their interpretation of the park. The art pieces can be rotating exhibits, permanent or ephemeral, using man-made and/or natural materials to reflect the creek and local history. The walk can be organized as a treasure hunt, with art pieces located in unexpected places that take visitors throughout the park. The art walks are an opportunity for community involvement that can involve school art classes as well as amateur and professional artists.

5.7.4 City Wastewater Treatment and Well Facility Area

The City owned land at the wastewater treatment facility can provide another access point into the park. The Master Plan drawing shows modifications to the current facility, including a service road entry and handicapped accessible parking. This service road provides pedestrian and bike access to the upper loop trails. A grassy area, with informal seating, such as log benches or boulders, and picnic tables, can be a place for picnics or staging field trips. A nearby overlook will provide views to the widest area of the creek. The signage at this location could include photos and history of the percolation dam, as well as information about Lake Berryessa and Monticello Dam, and the role of water and flooding in the area's development. The cell tower on the facility grounds will remain indefinitely although it is recommended that the tower be removed when the current lease expires. In the meantime, it can be camouflaged to blend better with the surrounding environment.

A Nature Center would be a logical extension of the civic redevelopment associated with the development of the park. The large grassy area overlooking the Putah Creek Flats on the south side of the creek is a logical location for this type of facility. The Nature Center would support the educational components of the park, with displays describing the natural and cultural history of the bioregion. Constraints include parking and a narrow access street.

5.8 Vegetation Management

The benefits to restoring the native riparian flora to the creek include more and better quality foraging habitat for animals, birds and insects; development of a self-sustaining flood plain; better fish habitat including shaded banks for spawning; and increased access to the creek along the entire mile reach of the park.

The new park plantings will only include native plantings and will use species found in nearby reaches. Some of the more common native plants include alder, arroyo willow, black willow, box elder, California buckeye, buttonbush, cottonwood, coyote bush, creeping wild rye, elderberry, Gooding's willow, miner's lettuce, mugwort, Santa Barbara sedge, California sycamore, torrent sedge, toyon, yellow willow, western redbud and wild rose. The plants will be in arrangements typical of those found in the wild, and zoned according to the elevation above the low flow channel, where they would naturally occur, based on aspect, and relationships with other plants.

The Winters Putah Creek Committee has prepared a Vegetation Management Plan for the Park. This Plan outlines the general procedures for managing vegetation, both exotic (non-native) and native, within the 40 acre park. It describes the revegetation efforts to date, and provides a plan of action for the remaining areas. It also lists the major and most disruptive exotic plant species to be removed, species to be replanted, and a preliminary schedule when the removals and replanting would occur. A copy of the WPCCC Vegetation Management Plan is included in Appendix F.

In order to keep the non-native plants from re-establishing themselves, it is critical that they be completely removed from each section. The eradication process will involve the application of herbicides and the use of mechanical means, and the removal of non-native trees and plants. It will be important to keep the surrounding neighbors informed of the process, removal and replanting schedule, and coordinate volunteer replanting parties. The large scale removals of the exotics will take place in 2008 through 2012, with natives replanted as soon after the removals as possible.

A regular, long-term monitoring and maintenance program will help ensure the successful removal of exotic, invasive vegetation and the successful establishment of new plantings along Putah Creek.

6. SAFETY

Putah Creek Nature Park offers an opportunity to experience the challenges of nature. A balance must be struck between nature and safety. The Park will not include man-made structures or features that are inherently unsafe. Emergency vehicles will have access to the entire length of the park via the paved upper trails. The new flood plains and lower loop trails will provide significantly more access to the creek area. Pedestrian lighting will be limited to those areas near the Community Center in order not to interfere with the creek's natural environment.

There is a mutual aid agreement currently in place between the City of Winters Police Department, Winters Fire Department and Solano County Sheriffs Department and Vacaville and Dixon Fire

Protection Districts. Technically, all resources and improvements to the site will be protected by official patrol/law enforcement. Practically, it will take a strong commitment from the local community and neighbors to educate visitors of the park on proper use, report abuses and use the site in a proper manner themselves.

7. IMPLEMENTATION PLAN

7.1 Phasing

Putah Creek Nature Park has an uncertain implementation schedule that will be determined by the City's annual funding cycles and by grant awards. The following items (located on city-owned property) are not dependent on the completion of the creek realignment, and can be designed and built in the near future:

- Removal of the percolation dam
- Build steps from the trestle bridge to the trail
- Pave the trail from the trestle bridge/Community Center to the Waste Water Treatment facility
- Install a paved, accessible path from the Rotary Park parking lot to the north side trail
- Build overlooks and gateways on city-owned property
- Develop area west of wastewater treatment plant as described in 5.7.4

The upper and lower trail work is dependent on the completion of the creek realignment, securing easements and land acquisition, and obtaining grant funding. In addition, the pedestrian bridge will likely require a lengthy planning/permitting process.

The environmental review process is underway for many aspects of the planned park improvements. Additional environmental review may be needed as park plans are changed.

7.2 Volunteer Opportunities

To foster environmental stewardship and have the community adopt the role of park protector it is important to engage the entire community in projects that enhance the park. For several years the community has been an active participant in the development of Putah Creek Nature Park, and the revised Master Plan provides additional opportunities for public involvement in implementing many of the proposed improvements.

Future projects that may lend themselves to community participation include:

- Creek clean up
- Replanting native plants
- Construction and maintenance of foot trails
- Weeding newly planted areas including the native grasses.
- Making trail maps
- Building overlooks and gateways
- Installing trail markers
- Designing the Art Walk

7.3 Funding Sources

The Putah Creek Nature Park can also serve as a revenue source for the City. The Community Center and Park can be the setting for meetings or conferences on creek restoration, practical applications, bioregional conferences and events, professional society meetings (engineers, landscape architects, planners, and science and art teachers). Putah Creek Flats can be reserved for large group events, field trips, meetings, and conferences.

This Master Plan will be used to support grant applications for funding future construction projects; to develop City maintenance and construction budgets; and to identify volunteer construction projects. The following grants have been awarded:

1. Prop. 12 – 2000 Park Bond Act: \$36,000 for trail improvements, benches, garbage/recycling cans, information kiosks, plant and wildlife signage.
2. Prop. 50 – California River Parkway I: \$451,763 in grant money, and \$185,120 from other sources for the removal of the percolation dam, floodplain restoration and revegetation.
3. Calfed Program: \$539,490 for hedgerow plantings to deter illegal dumping, bank stabilization and enhanced wildlife migration at Putah Creek and Dry Creek.

The following are grants submitted (but not yet awarded), or possible future grants:

1. Farm and Ranch Cleanup (IWMB) - \$50,000 for removal of solid waste (asphalt, concrete and trash primarily in Dry Creek/Hwy 128 and Dry Creek/Putah Creek confluence.
2. Off Highway Vehicle Restoration (submitted): \$50,000 for post and cable barriers along the south bank (Putah Creek Road) and No Trespassing/No Vehicle Access signage.
3. Prop. 50 River Parkway III-submitted: \$800,000 to realign the low flow channel of Putah Creek from the Winters Car Bridge to the Percolation Dam along the south bank. Create three new acres of functional floodplains (beaches).

The California State Dept. of Parks (www.parks.ca.gov, 916-653-7423) is another source of grants and bonds specifically targeting the acquisition of outdoor recreation areas, trails, picnic and cultural areas.

Other potential funding sources include:

California Outdoor Recreation Planning Program (CORP)-
Phone: Planning Division at 916-653-9901 or
Email planning@parks.ca.gov

The federal Transportation Enhancements (TE) program funds
<http://www.enhancements.org/index.asp>

8. COST OPINION

To assist the City with implementation and phasing, developing budgets, fund raising and grant applications, a spread sheet identifying specific construction items (e.g. trails, overlooks, signage) and

an opinion of construction costs is included in Appendix E. This matrix uses 2007 construction and materials costs for major park components. It does not include costs for permits or land acquisition.

APPENDIX

- A** Fish and Game Letter, dated April 6, 2007
- B** Property Ownership
- C** 2007 Master Plan Graphics
- D** Workshops
- E** 2007 Cost Opinion
- F** WPCC Vegetation Management Plan
- G** 2006 River Parkway Application

Appendix A

California Dept. of Fish and Game Letter, April 6, 2007



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670
(916) 358-2900



April 6, 2007

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

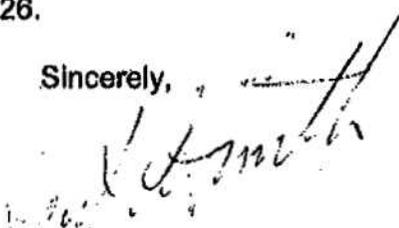
Dear Mr. Donlevy:

In May of 2006, The Department of Fish and Game (Department) was contacted by the Lower Putah Creek Coordinating Committee (LPCCC) to discuss the potential removal of various fish passage impediments occurring within Putah Creek, Yolo County. The Department conducted site visits in conjunction with the LPCCC to identify appropriate fish passage remedies.

As a follow-up to the initial site visit of May 2006, on March 16, 2007, Mr. Michael Healey and Mr. James J. Navicky of the Department conducted a site visit to the "percolation dam" to evaluate its status with respect to its potential as a migration barrier. The percolation dam is a collapsed and abandoned structure occurring in the active channel of Putah Creek near the city of Winters California. The Department has determined that the percolation dam inhibits the migration of salmonids, both adults and juveniles, within Putah Creek due to obscure flows through the collapsed dam and due to the accumulation of debris against the dam.

The Department, in general, supports the removal of non-natural in-stream structures when these structures may impede salmonid migration, especially if these structures serve no biological utility. Removal of the percolation dam, as proposed by LPCCC will compliment many of the restoration projects already completed by the LPCCC. If you have any questions or need further assistance, please contact Mr. James J. Navicky at (916) 358-2926.

Sincerely,



Kent Smith

Acting Assistant Regional Manager

Conserving California's Wildlife Since 1870

Appendix B

Property Ownership

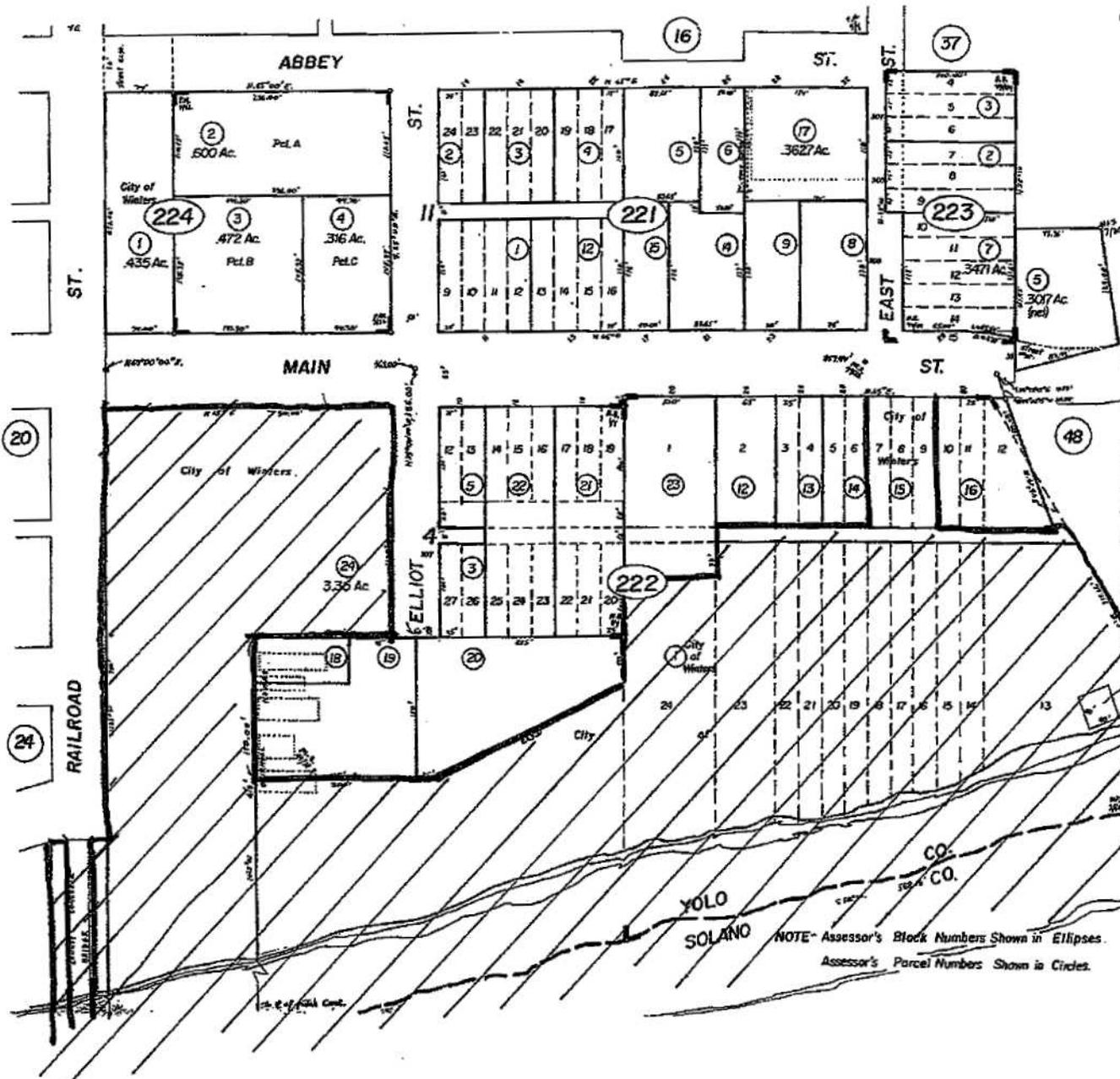
Private Ownership of the property within the banks of Putah Creek adds another layer of complexity to the ultimate park design. At the time of the 2007 Master Plan's adoption, approximate limits of the City's ownership of the creek were the top of the north bank-from the car bridge to the end of the Creekside subdivision line that ends at Wild Rose Lane (with the exception of three parcels- behind Creekside Apartments 32 E. Main St., 104 and 106 Caselli Ct). On the south bank- top of the south bank-from the car bridge to Johnson Road.

The remaining property to the east was owned by Solano County and private individuals. The land south of Putah Creek Road was also privately owned. In addition, the Yolo County and Solano County boundary is the centerline of the creek.

The 2007 Master Plan documents a wide range of improvements for Putah Creek based on a long-term community vision. The vision encompasses both City owned and privately owned property, but makes no assumptions with regard to the timing of improvements on privately owned property. The Master Plan was adopted with the clear understanding that the City will need to negotiate with the property owners before any improvements can be made. No work will be done in privately owned land without the land owner's consent. As adjacent properties come forward for development, development agreements will be negotiated that may include provisions that support the park's master plan concepts.

CAUTION—These maps ARE NOT to be used for legal description.

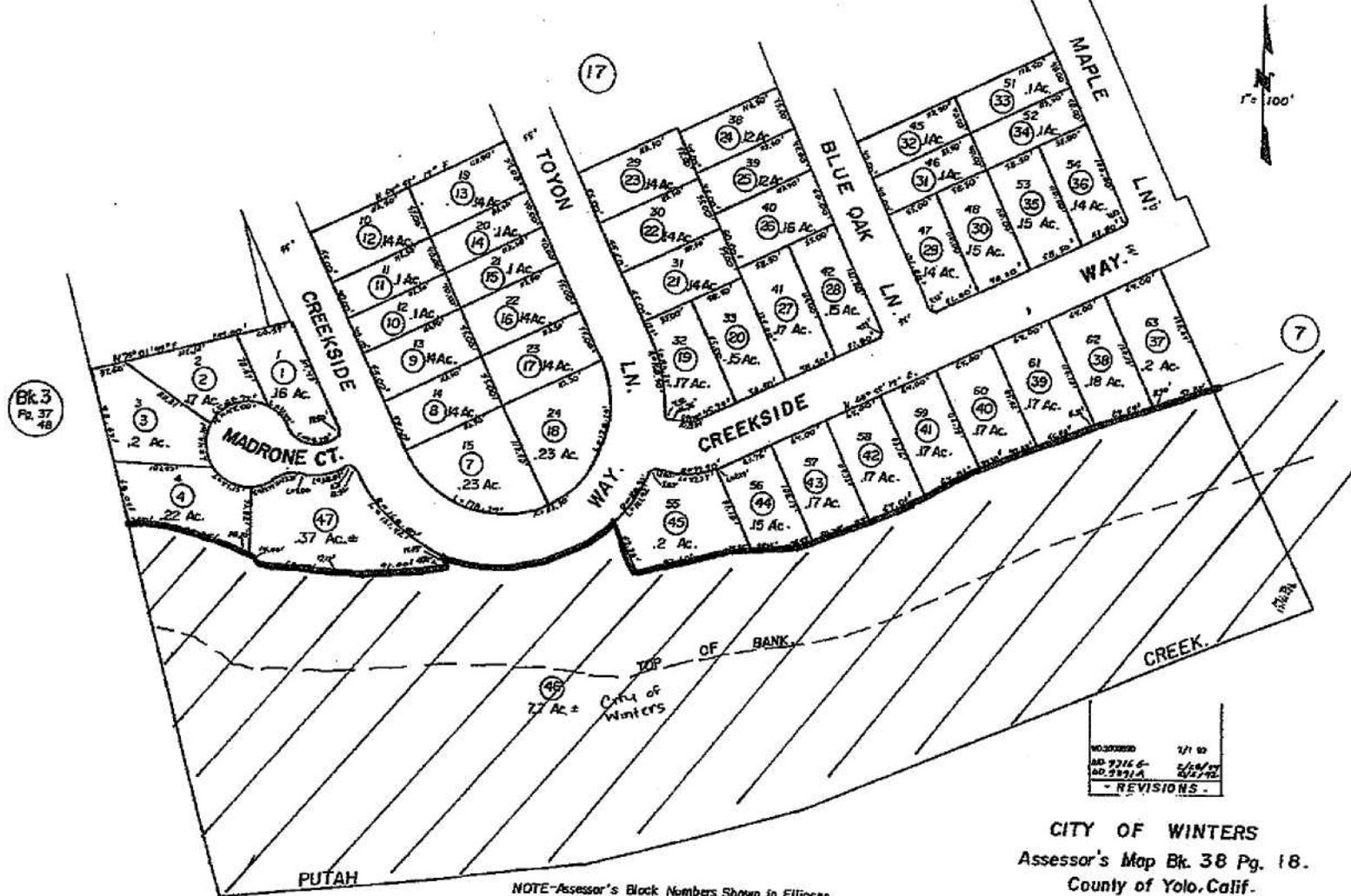
3-22



- D.B. Bk. 5, Pg. 150—City of Winters.
- D.B. Bk. 49, Pg. 119—Emilie Kahns Addition to Winters.
- M.B. Bk. 1, Pg. 4—S.P.R.R. Subd. of Block. 4.
- M.B. Bk. 2, Pg. 5—M.O. Wyatt's Add.
- M.&S. Bk. 3, Pg. 66—M.O. Wyatt's Add.
- M&S Bk. 2, Pg. 51—Town of Winters.
- P.M. Bk. 5, Pg. 4—Epp & Andro D. Norsworthy, #2944.
- M&S Bk. 7, Pg. 70—J.A. Boyce
- P.M. Bk. 7, Pg. 72—Pcl. Map #3319 for Elliot Landes
- M. S. Bk. 99, Pg. 22—City of Winters.

1/2 AC	1/4 AC
1/4 AC	1/8 AC
1/8 AC	1/16 AC
1/16 AC	1/32 AC
1/32 AC	1/64 AC
1/64 AC	1/128 AC
1/128 AC	1/256 AC
1/256 AC	1/512 AC
1/512 AC	1/1024 AC
1/1024 AC	1/2048 AC
1/2048 AC	1/4096 AC
1/4096 AC	1/8192 AC
1/8192 AC	1/16384 AC
1/16384 AC	1/32768 AC
1/32768 AC	1/65536 AC
1/65536 AC	1/131072 AC
1/131072 AC	1/262144 AC
1/262144 AC	1/524288 AC
1/524288 AC	1/1048576 AC
1/1048576 AC	1/2097152 AC
1/2097152 AC	1/4194304 AC
1/4194304 AC	1/8388608 AC
1/8388608 AC	1/16777216 AC
1/16777216 AC	1/33554432 AC
1/33554432 AC	1/67108864 AC
1/67108864 AC	1/134217728 AC
1/134217728 AC	1/268435456 AC
1/268435456 AC	1/536870912 AC
1/536870912 AC	1/1073741824 AC
1/1073741824 AC	1/2147483648 AC
1/2147483648 AC	1/4294967296 AC
1/4294967296 AC	1/8589934592 AC
1/8589934592 AC	1/17179869184 AC
1/17179869184 AC	1/34359738368 AC
1/34359738368 AC	1/68719476736 AC
1/68719476736 AC	1/137438953472 AC
1/137438953472 AC	1/274877906944 AC
1/274877906944 AC	1/549755813888 AC
1/549755813888 AC	1/1099511627776 AC
1/1099511627776 AC	1/2199023255552 AC
1/2199023255552 AC	1/4398046511104 AC
1/4398046511104 AC	1/8796093022208 AC
1/8796093022208 AC	1/17592186044416 AC
1/17592186044416 AC	1/35184372088832 AC
1/35184372088832 AC	1/70368744177664 AC
1/70368744177664 AC	1/140737488355328 AC
1/140737488355328 AC	1/281474976710656 AC
1/281474976710656 AC	1/562949953421312 AC
1/562949953421312 AC	1/1125899906842624 AC
1/1125899906842624 AC	1/2251799813685248 AC
1/2251799813685248 AC	1/4503599627370496 AC
1/4503599627370496 AC	1/9007199254740992 AC
1/9007199254740992 AC	1/18014398509481984 AC
1/18014398509481984 AC	1/36028797018963968 AC
1/36028797018963968 AC	1/72057594037927936 AC
1/72057594037927936 AC	1/144115188075855872 AC
1/144115188075855872 AC	1/288230376151711744 AC
1/288230376151711744 AC	1/576460752303423488 AC
1/576460752303423488 AC	1/1152921504606846976 AC
1/1152921504606846976 AC	1/2305843009213693952 AC
1/2305843009213693952 AC	1/4611686018427387904 AC
1/4611686018427387904 AC	1/9223372036854775808 AC
1/9223372036854775808 AC	1/18446744073709551616 AC
1/18446744073709551616 AC	1/36893488147419103232 AC
1/36893488147419103232 AC	1/73786976294838206464 AC
1/73786976294838206464 AC	1/147573952589676412928 AC
1/147573952589676412928 AC	1/295147905179352825856 AC
1/295147905179352825856 AC	1/590295810358705651712 AC
1/590295810358705651712 AC	1/1180591620717411303424 AC
1/1180591620717411303424 AC	1/2361183241434822606848 AC
1/2361183241434822606848 AC	1/4722366482869645213696 AC
1/4722366482869645213696 AC	1/9444732965739290427392 AC
1/9444732965739290427392 AC	1/18889465931478580854784 AC
1/18889465931478580854784 AC	1/37778931862957161709568 AC
1/37778931862957161709568 AC	1/75557863725914323419136 AC
1/75557863725914323419136 AC	1/151115727451828646838272 AC
1/151115727451828646838272 AC	1/302231454903657293676544 AC
1/302231454903657293676544 AC	1/604462909807314587353088 AC
1/604462909807314587353088 AC	1/1208925819614629174706176 AC
1/1208925819614629174706176 AC	1/2417851639229258349412352 AC
1/2417851639229258349412352 AC	1/4835703278458516698824704 AC
1/4835703278458516698824704 AC	1/9671406556917033397649408 AC
1/9671406556917033397649408 AC	1/19342813113834066795298816 AC
1/19342813113834066795298816 AC	1/38685626227668133590597632 AC
1/38685626227668133590597632 AC	1/77371252455336267181195264 AC
1/77371252455336267181195264 AC	1/154742504910672534362390528 AC
1/154742504910672534362390528 AC	1/309485009821345068724781152 AC
1/309485009821345068724781152 AC	1/618970019642690137449562304 AC
1/618970019642690137449562304 AC	1/1237940039285380274899124608 AC
1/1237940039285380274899124608 AC	1/2475880078570760549798249216 AC
1/2475880078570760549798249216 AC	1/4951760157141521099596498432 AC
1/4951760157141521099596498432 AC	1/9903520314283042199192996864 AC
1/9903520314283042199192996864 AC	1/1980704062856608439838593728 AC
1/1980704062856608439838593728 AC	1/3961408125713216879677187456 AC
1/3961408125713216879677187456 AC	1/7922816251426433759354374912 AC
1/7922816251426433759354374912 AC	1/15845632502852867518708749824 AC
1/15845632502852867518708749824 AC	1/3169126500570573503741749968 AC
1/3169126500570573503741749968 AC	1/6338253001141147007483499936 AC
1/6338253001141147007483499936 AC	1/12676506002282294014966999872 AC
1/12676506002282294014966999872 AC	1/25353012004564588029933999744 AC
1/25353012004564588029933999744 AC	1/50706024009129176059867999488 AC
1/50706024009129176059867999488 AC	1/101412048018258352119735998976 AC
1/101412048018258352119735998976 AC	1/202824096036516704239471997952 AC
1/202824096036516704239471997952 AC	1/405648192073033408478943995904 AC
1/405648192073033408478943995904 AC	1/811296384146066816957887991808 AC
1/811296384146066816957887991808 AC	1/1622592768292133633915775883616 AC
1/1622592768292133633915775883616 AC	1/3245185536584267267831551767232 AC
1/3245185536584267267831551767232 AC	1/6490371073168534535663103534464 AC
1/6490371073168534535663103534464 AC	1/1298074214633707107132606868928 AC
1/1298074214633707107132606868928 AC	1/2596148429267414214265213737856 AC
1/2596148429267414214265213737856 AC	1/5192296858534828428530427475712 AC
1/5192296858534828428530427475712 AC	1/10384593717069656857060854951424 AC
1/10384593717069656857060854951424 AC	1/20769187434139313714121709902848 AC
1/20769187434139313714121709902848 AC	1/41538374868278627428243419805696 AC
1/41538374868278627428243419805696 AC	1/83076749736557254856486839611392 AC
1/83076749736557254856486839611392 AC	1/166153499473114509712973679222784 AC
1/166153499473114509712973679222784 AC	1/332306998946229019425947358445568 AC
1/332306998946229019425947358445568 AC	1/664613997892458038851894716891136 AC
1/664613997892458038851894716891136 AC	1/132922799578491607770378943378272 AC
1/132922799578491607770378943378272 AC	1/265845599156983215540757886756544 AC
1/265845599156983215540757886756544 AC	1/531691198313966431081515773513088 AC
1/531691198313966431081515773513088 AC	1/1063382396627932862163031470026176 AC
1/1063382396627932862163031470026176 AC	1/2126764793255865724326062940052352 AC
1/2126764793255865724326062940052352 AC	1/425352958651173144865212588010448 AC
1/425352958651173144865212588010448 AC	1/850705917302346289730425176020896 AC
1/850705917302346289730425176020896 AC	1/1701411834604692579460850352041792 AC
1/1701411834604692579460850352041792 AC	1/3402823669209385158921700704083584 AC
1/3402823669209385158921700704083584 AC	1/6805647338418770317843401408167168 AC
1/6805647338418770317843401408167168 AC	1/1361129467683754063568680281634336 AC
1/1361129467683754063568680281634336 AC	1/2722258935367508127137360563268672 AC
1/2722258935367508127137360563268672 AC	1/5444517870735016254274721126537344 AC
1/5444517870735016254274721126537344 AC	1/10889035741470032508549422531074688 AC
1/10889035741470032508549422531074688 AC	1/21778071482940065017098845062149376 AC
1/21778071482940065017098845062149376 AC	1/43556142965880130034197690124298752 AC
1/43556142965880130034197690124298752 AC	1/87112285931760260068395380248597504 AC
1/87112285931760260068395380248597504 AC	1/17422457186352052013679076049719008 AC
1/17422457186352052013679076049719008 AC	1/34844914372704104027358152099438016 AC
1/34844914372704104027358152099438016 AC	1/69689828745408208054716304198876032 AC
1/69689828745408208054716304198876032 AC	1/139379657490816416109432608397752064 AC
1/139379657490816416109432608397752064 AC	1/278759314981632832218865216795504128 AC
1/278759314981632832218865216795504128 AC	1/557518629963265664437730433591008256 AC
1/557518629963265664437730433591008256 AC	1/1115037259926531328875460867182016512 AC
1/1115037259926531328875460867182016512 AC	1/2230074519853062657750921734364033024 AC
1/2230074519853062657750921734364033024 AC	1/4460149039706125315501843468728066048 AC
1/4460149039706125315501843468728066048 AC	1/89202980794122506310036869374561321152 AC
1/89202980794122506310036869374561321152 AC	1/1784059615882450126200737387491264222304 AC
1/1784059615882450126200737387491264222304 AC	1/3568119231764900252401474774982528444608 AC
1/3568119231764900252401474774982528444608 AC	1/7136238463529800504802949549965056889216 AC
1/7136238463529800504802949549965056889216 AC	1/1427247692705960100960589909993011378432 AC
1/1427247692705960100960589909993011378432 AC	1/2854495385411920201921179819986022756864 AC
1/2854495385411920201921179819986022756864 AC	1/570899077082384040384235963997204553728 AC
1/570899077082384040384235963997204553728 AC	1/1141798154164768080768471927994409107456 AC
1/1141798154164768080768471927994409107456 AC	1/228359630832953616153694385598881823104 AC
1/228359630832953616153694385598881823104 AC	1/456719261665907232307388771197763646208 AC
1/456719261665907232307388771197763646208 AC	1/913438523331814464614777542395527292416 AC
1/913438523331814464614777542395527292416 AC	1/1826877046663628929229555084791054884832 AC
1/1826877046663628929229555084791054884832 AC	1/365375409332725785845911016958210976896 AC
1/365375409332725785845911016958210976896 AC	1/730750818665451571691822033916421953792 AC
1/730750818665451571691822033916421953792 AC	1/1461501637330903143383644067832439075584 AC
1/1461501637330903143383644067832439075584 AC	1/2923003274661806286767288135664878151168 AC
1/2923003274661806286767288135664878151168 AC	1/5846006549323612573534576271329756302336 AC
1/5846006549323612573534576271329756302336 AC	1/1169201309864722514706915254259511264672 AC
1/1169201309864722514706915254259511264672 AC	1/2338402619729445029413830508519022529344 AC
1/2338402619729445029413830508519022529344 AC	1/4676805239458890058827661017038045158688 AC
1/4676805239458890058827661017038045158688 AC	1/9353610478917780117655322034076090317376 AC
1/9353610478917780117655322034076090317376 AC	1/18707220957835560235310644068152180344752 AC
1/18707220957835560235310644068152180344752 AC	1/37414441915671120470621288136304360689024 AC
1/374144419156711204	

CAUTION - These maps ARE NOT to be used for legal descriptions.



Bk 3
Pg. 37
48

NO. 332820	7/1 00
NO. 9716 6	2/28/00
NO. 28921 A	2/11/00
- REVISIONS -	

CITY OF WINTERS
Assessor's Map Bk. 38 Pg. 18.
County of Yolo, Calif.

NOTE - Assessor's Block Numbers Shown in Ellipses,
Assessor's Parcel Numbers Shown in Circles,
(formerly por 38-07)

00/01 JUL 2 2000

38

FOR LOT 37 RANCHO RIO DE LOS PUTOS
 FOR SECS. 22 & 23 T. 8 N., R. 1 W., M.D.B. & M. EXT.

Tax Area Code 103-24
 77002

1	10.20AC	10.20AC
2	11.03AC	11.03AC
3	11.03AC	11.03AC
4	5.88AC	5.88AC
5	38.30AC	38.30AC
6	63.33AC	63.33AC
7	13.28AC	13.28AC
8	14.88AC	14.88AC
9	14.88AC	14.88AC
10	10.38AC	10.38AC
11	16.14AC	16.14AC
12	17.38AC	17.38AC
13	19.72AC	19.72AC
14	17.38AC	17.38AC
15	14.88AC	14.88AC
16	4.39AC	4.39AC
17	10.38AC	10.38AC
18	10.38AC	10.38AC
19	10.38AC	10.38AC
20	10.38AC	10.38AC
21	10.38AC	10.38AC
22	10.38AC	10.38AC
23	10.38AC	10.38AC
24	10.38AC	10.38AC
25	10.38AC	10.38AC
26	10.38AC	10.38AC
27	10.38AC	10.38AC
28	10.38AC	10.38AC
29	10.38AC	10.38AC
30	10.38AC	10.38AC
31	10.38AC	10.38AC
32	10.38AC	10.38AC
33	10.38AC	10.38AC
34	10.38AC	10.38AC
35	10.38AC	10.38AC
36	10.38AC	10.38AC
37	10.38AC	10.38AC
38	10.38AC	10.38AC
39	10.38AC	10.38AC
40	10.38AC	10.38AC
41	10.38AC	10.38AC
42	10.38AC	10.38AC
43	10.38AC	10.38AC
44	10.38AC	10.38AC
45	10.38AC	10.38AC
46	10.38AC	10.38AC
47	10.38AC	10.38AC
48	10.38AC	10.38AC
49	10.38AC	10.38AC
50	10.38AC	10.38AC

E Wolfskill Tract, R. M. Bk. 1 Pg. 39 B 60
 Wolfskill 1000 Acre Tract, R. M. Bk. 1 Pg. 71

246-18217 (2nd)	7-19-06	15
246-18415	4-29-05	19
246-1818-05	11-25-07	15
246-17174 (2nd)	2-28-08	10.38
REVISION	DATE	BY

NOTE: Assessor's Block Numbers Shown in Edges
 Assessor's Parcel Numbers Shown in Center
 Copyright © 1995 Solano Systems Corporation. All rights reserved.

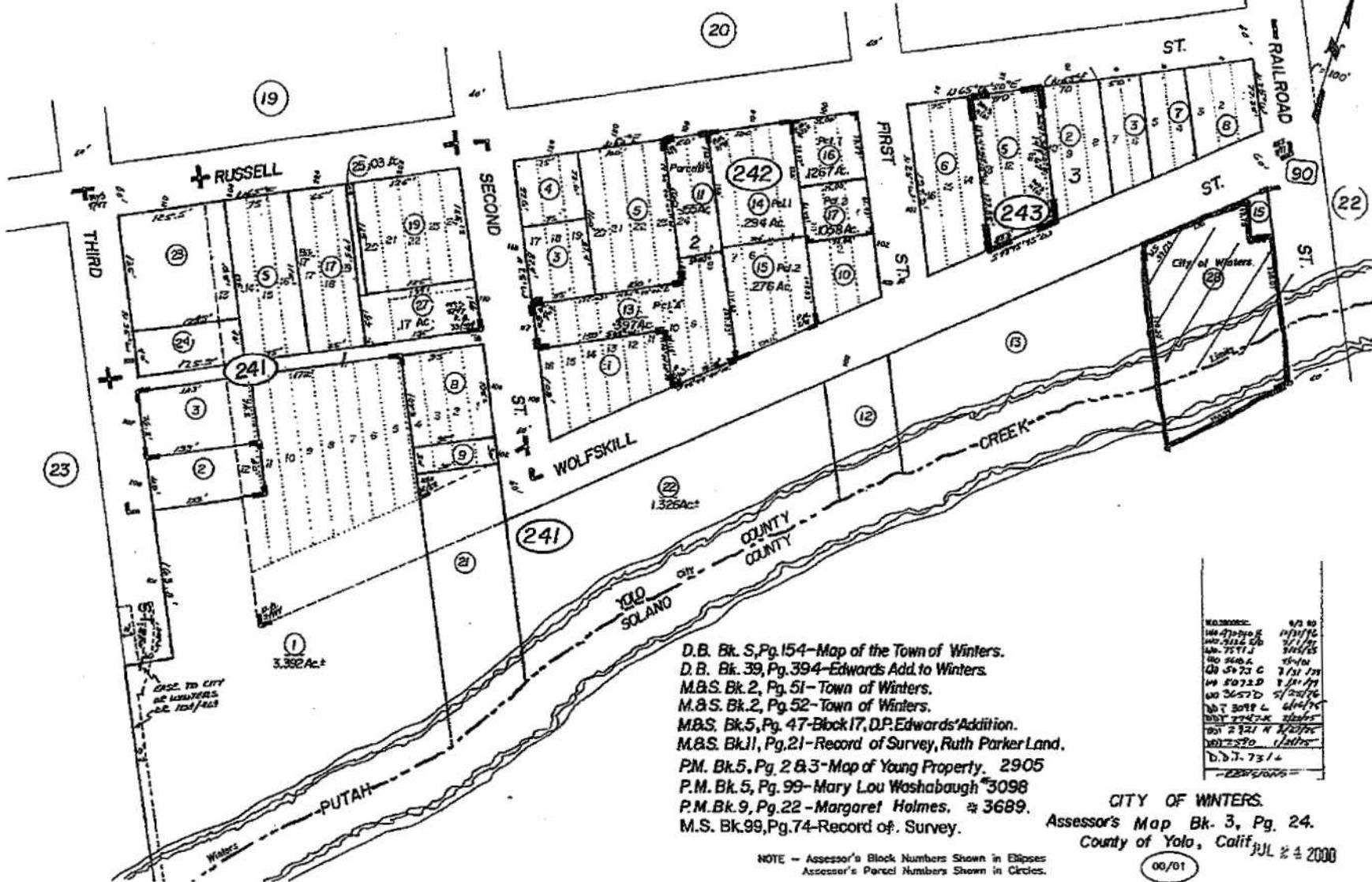
Assessor's Map Bk. 103 Pg. 24
 County of Solano, Calif.
 07-08

NOTE: This map is for assessment purposes only and is not for the intent of determining legal boundary rights, zoning regulations and/or legality of land division laws.

POR. SEC. 21 & POR. SEC. 28, T. 8 N., R. 1 W., M.D.B. & M.

CAUTION - These maps ARE NOT to be used for legal descriptions.

3-24



- D.B. Bk. 5, Pg. 154 - Map of the Town of Winters.
- D.B. Bk. 39, Pg. 394 - Edwards Add. to Winters.
- M.S. Bk. 2, Pg. 51 - Town of Winters.
- M.S. Bk. 2, Pg. 52 - Town of Winters.
- M.S. Bk. 5, Pg. 47 - Block 17, D.P. Edwards' Addition.
- M.S. Bk. 11, Pg. 21 - Record of Survey, Ruth Parker Land.
- P.M. Bk. 5, Pg. 2 & 3 - Map of Young Property. 2905
- P.M. Bk. 5, Pg. 99 - Mary Lou Washabaugh #3098
- P.M. Bk. 9, Pg. 22 - Margaret Holmes. #3689.
- M.S. Bk. 99, Pg. 74 - Record of Survey.

NO. 300000	9/3/00
100 470000 E	11/11/00
100 480000 E	11/11/00
100 490000 E	11/11/00
100 500000 E	11/11/00
100 510000 E	11/11/00
100 520000 E	11/11/00
100 530000 E	11/11/00
100 540000 E	11/11/00
100 550000 E	11/11/00
100 560000 E	11/11/00
100 570000 E	11/11/00
100 580000 E	11/11/00
100 590000 E	11/11/00
100 600000 E	11/11/00
100 610000 E	11/11/00
100 620000 E	11/11/00
100 630000 E	11/11/00
100 640000 E	11/11/00
100 650000 E	11/11/00
100 660000 E	11/11/00
100 670000 E	11/11/00
100 680000 E	11/11/00
100 690000 E	11/11/00
100 700000 E	11/11/00
100 710000 E	11/11/00
100 720000 E	11/11/00
100 730000 E	11/11/00
100 740000 E	11/11/00
100 750000 E	11/11/00
100 760000 E	11/11/00
100 770000 E	11/11/00
100 780000 E	11/11/00
100 790000 E	11/11/00
100 800000 E	11/11/00

CITY OF WINTERS.
Assessor's Map Bk. 3, Pg. 24.
County of Yolo, Calif. JUL 24 2000

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles.

00/01

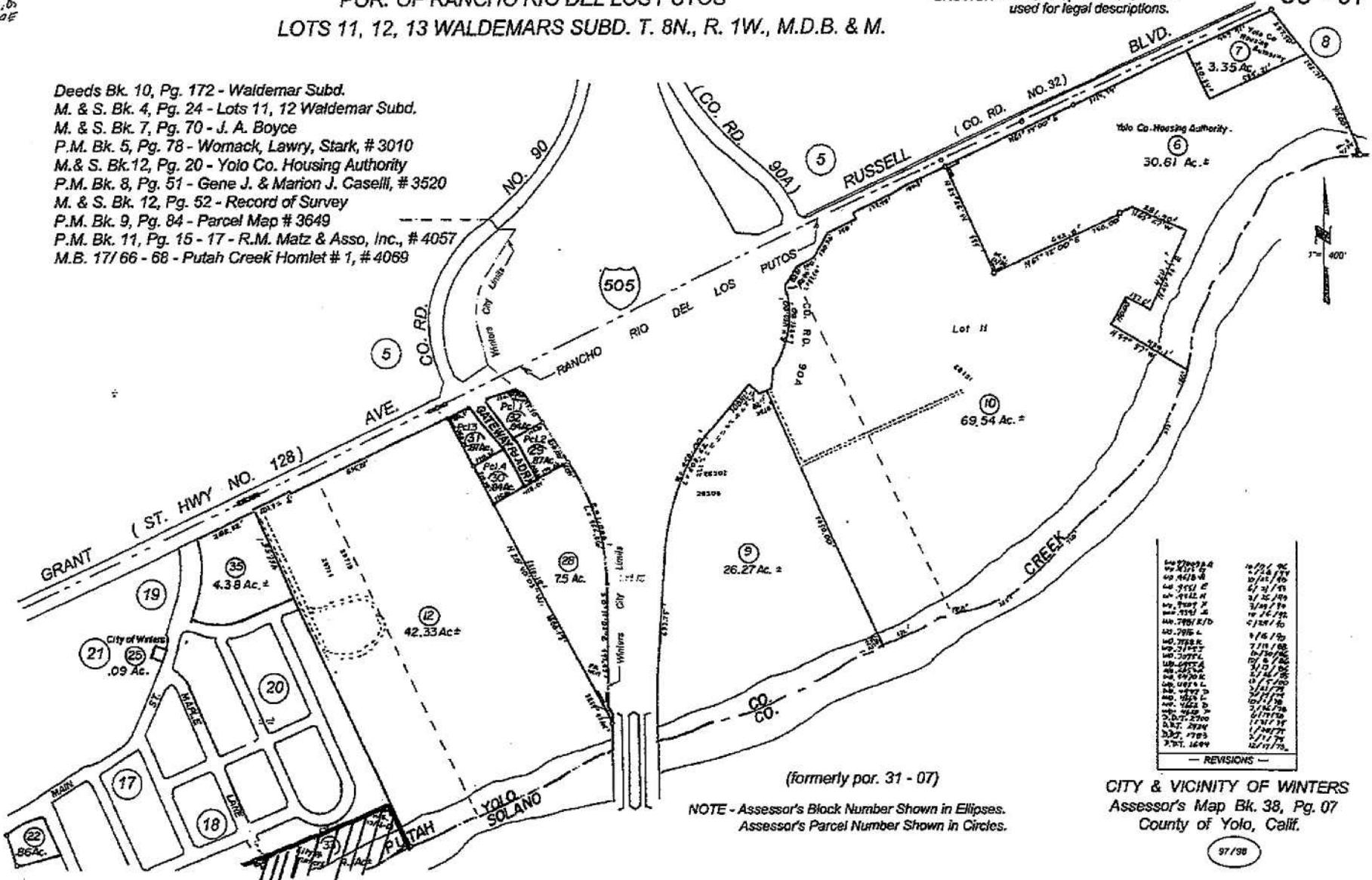
19

POR. OF RANCHO RIO DEL LOS PUTOS
 LOTS 11, 12, 13 WALDEMARS SUBD. T. 8N., R. 1W., M.D.B. & M.

CAUTION - These Maps ARE NOT to be used for legal descriptions.

38 - 07

Deeds Bk. 10, Pg. 172 - Waldemar Subd.
 M. & S. Bk. 4, Pg. 24 - Lots 11, 12 Waldemar Subd.
 M. & S. Bk. 7, Pg. 70 - J. A. Boyce
 P.M. Bk. 5, Pg. 78 - Wornack, Lawry, Stark, # 3010
 M. & S. Bk. 12, Pg. 20 - Yolo Co. Housing Authority
 P.M. Bk. 8, Pg. 51 - Gene J. & Marion J. Caselli, # 3520
 M. & S. Bk. 12, Pg. 52 - Record of Survey
 P.M. Bk. 9, Pg. 84 - Parcel Map # 3649
 P.M. Bk. 11, Pg. 15 - 17 - R.M. Matz & Asso, Inc., # 4057
 M.B. 17/66 - 68 - Putah Creek Homlet # 1, # 4069



(formerly por. 31 - 07)
 NOTE - Assessor's Block Number Shown in Ellipses.
 Assessor's Parcel Number Shown in Circles.

CITY & VICINITY OF WINTERS
 Assessor's Map Bk. 38, Pg. 07
 County of Yolo, Calif.

97/98

1A T
 10
 0E

POR. LOT 37 RANCHO RIO DE LOS PUTOS
 POR. SEC'S. 22, 27 & 28, T. 8 N., R. 1 W., M.D.B. & M. EXT.

Tax Area Code
 77002

103-16

4/24/82	103-16	103-16
5/20/82	103-16	103-16
6/17/82	103-16	103-16
7/14/82	103-16	103-16
8/11/82	103-16	103-16
9/8/82	103-16	103-16
10/6/82	103-16	103-16
11/3/82	103-16	103-16
12/1/82	103-16	103-16
12/29/82	103-16	103-16
1/26/83	103-16	103-16
2/23/83	103-16	103-16
3/21/83	103-16	103-16
4/18/83	103-16	103-16
5/16/83	103-16	103-16
6/13/83	103-16	103-16
7/11/83	103-16	103-16
8/8/83	103-16	103-16
9/5/83	103-16	103-16
10/3/83	103-16	103-16
11/1/83	103-16	103-16
11/29/83	103-16	103-16
12/27/83	103-16	103-16
1/24/84	103-16	103-16
2/21/84	103-16	103-16
3/19/84	103-16	103-16
4/16/84	103-16	103-16
5/14/84	103-16	103-16
6/11/84	103-16	103-16
7/9/84	103-16	103-16
8/6/84	103-16	103-16
9/3/84	103-16	103-16
10/1/84	103-16	103-16
10/29/84	103-16	103-16
11/26/84	103-16	103-16
12/24/84	103-16	103-16
1/21/85	103-16	103-16
2/18/85	103-16	103-16
3/16/85	103-16	103-16
4/13/85	103-16	103-16
5/11/85	103-16	103-16
6/8/85	103-16	103-16
7/6/85	103-16	103-16
8/3/85	103-16	103-16
9/1/85	103-16	103-16
10/30/85	103-16	103-16
11/27/85	103-16	103-16
12/25/85	103-16	103-16
1/22/86	103-16	103-16
2/19/86	103-16	103-16
3/17/86	103-16	103-16
4/14/86	103-16	103-16
5/12/86	103-16	103-16
6/9/86	103-16	103-16
7/7/86	103-16	103-16
8/4/86	103-16	103-16
9/2/86	103-16	103-16
10/1/86	103-16	103-16
10/29/86	103-16	103-16
11/26/86	103-16	103-16
12/24/86	103-16	103-16
1/21/87	103-16	103-16
2/18/87	103-16	103-16
3/16/87	103-16	103-16
4/13/87	103-16	103-16
5/11/87	103-16	103-16
6/8/87	103-16	103-16
7/6/87	103-16	103-16
8/3/87	103-16	103-16
9/1/87	103-16	103-16
10/30/87	103-16	103-16
11/27/87	103-16	103-16
12/25/87	103-16	103-16
1/22/88	103-16	103-16
2/19/88	103-16	103-16
3/17/88	103-16	103-16
4/14/88	103-16	103-16
5/12/88	103-16	103-16
6/9/88	103-16	103-16
7/7/88	103-16	103-16
8/4/88	103-16	103-16
9/2/88	103-16	103-16
10/1/88	103-16	103-16
10/29/88	103-16	103-16
11/26/88	103-16	103-16
12/24/88	103-16	103-16
1/21/89	103-16	103-16
2/18/89	103-16	103-16
3/16/89	103-16	103-16
4/13/89	103-16	103-16
5/11/89	103-16	103-16
6/8/89	103-16	103-16
7/6/89	103-16	103-16
8/3/89	103-16	103-16
9/1/89	103-16	103-16
10/30/89	103-16	103-16
11/27/89	103-16	103-16
12/25/89	103-16	103-16
1/22/90	103-16	103-16
2/19/90	103-16	103-16
3/17/90	103-16	103-16
4/14/90	103-16	103-16
5/12/90	103-16	103-16
6/9/90	103-16	103-16
7/7/90	103-16	103-16
8/4/90	103-16	103-16
9/2/90	103-16	103-16
10/1/90	103-16	103-16
10/29/90	103-16	103-16
11/26/90	103-16	103-16
12/24/90	103-16	103-16
1/21/91	103-16	103-16
2/18/91	103-16	103-16
3/16/91	103-16	103-16
4/13/91	103-16	103-16
5/11/91	103-16	103-16
6/8/91	103-16	103-16
7/6/91	103-16	103-16
8/3/91	103-16	103-16
9/1/91	103-16	103-16
10/30/91	103-16	103-16
11/27/91	103-16	103-16
12/25/91	103-16	103-16
1/22/92	103-16	103-16
2/19/92	103-16	103-16
3/17/92	103-16	103-16
4/14/92	103-16	103-16
5/12/92	103-16	103-16
6/9/92	103-16	103-16
7/7/92	103-16	103-16
8/4/92	103-16	103-16
9/2/92	103-16	103-16
10/1/92	103-16	103-16
10/29/92	103-16	103-16
11/26/92	103-16	103-16
12/24/92	103-16	103-16
1/21/93	103-16	103-16
2/18/93	103-16	103-16
3/16/93	103-16	103-16
4/13/93	103-16	103-16
5/11/93	103-16	103-16
6/8/93	103-16	103-16
7/6/93	103-16	103-16
8/3/93	103-16	103-16
9/1/93	103-16	103-16
10/30/93	103-16	103-16
11/27/93	103-16	103-16
12/25/93	103-16	103-16
1/22/94	103-16	103-16
2/19/94	103-16	103-16
3/17/94	103-16	103-16
4/14/94	103-16	103-16
5/12/94	103-16	103-16
6/9/94	103-16	103-16
7/7/94	103-16	103-16
8/4/94	103-16	103-16
9/2/94	103-16	103-16
10/1/94	103-16	103-16
10/29/94	103-16	103-16
11/26/94	103-16	103-16
12/24/94	103-16	103-16
1/21/95	103-16	103-16
2/18/95	103-16	103-16
3/16/95	103-16	103-16
4/13/95	103-16	103-16
5/11/95	103-16	103-16
6/8/95	103-16	103-16
7/6/95	103-16	103-16
8/3/95	103-16	103-16
9/1/95	103-16	103-16
10/30/95	103-16	103-16
11/27/95	103-16	103-16
12/25/95	103-16	103-16
1/22/96	103-16	103-16
2/19/96	103-16	103-16
3/17/96	103-16	103-16
4/14/96	103-16	103-16
5/12/96	103-16	103-16
6/9/96	103-16	103-16
7/7/96	103-16	103-16
8/4/96	103-16	103-16
9/2/96	103-16	103-16
10/1/96	103-16	103-16
10/29/96	103-16	103-16
11/26/96	103-16	103-16
12/24/96	103-16	103-16
1/21/97	103-16	103-16
2/18/97	103-16	103-16
3/16/97	103-16	103-16
4/13/97	103-16	103-16
5/11/97	103-16	103-16
6/8/97	103-16	103-16
7/6/97	103-16	103-16
8/3/97	103-16	103-16
9/1/97	103-16	103-16
10/30/97	103-16	103-16
11/27/97	103-16	103-16
12/25/97	103-16	103-16
1/22/98	103-16	103-16
2/19/98	103-16	103-16
3/17/98	103-16	103-16
4/14/98	103-16	103-16
5/12/98	103-16	103-16
6/9/98	103-16	103-16
7/7/98	103-16	103-16
8/4/98	103-16	103-16
9/2/98	103-16	103-16
10/1/98	103-16	103-16
10/29/98	103-16	103-16
11/26/98	103-16	103-16
12/24/98	103-16	103-16
1/21/99	103-16	103-16
2/18/99	103-16	103-16
3/16/99	103-16	103-16
4/13/99	103-16	103-16
5/11/99	103-16	103-16
6/8/99	103-16	103-16
7/6/99	103-16	103-16
8/3/99	103-16	103-16
9/1/99	103-16	103-16
10/30/99	103-16	103-16
11/27/99	103-16	103-16
12/25/99	103-16	103-16
1/22/00	103-16	103-16
2/19/00	103-16	103-16
3/17/00	103-16	103-16
4/14/00	103-16	103-16
5/12/00	103-16	103-16
6/9/00	103-16	103-16
7/7/00	103-16	103-16
8/4/00	103-16	103-16
9/2/00	103-16	103-16
10/1/00	103-16	103-16
10/29/00	103-16	103-16
11/26/00	103-16	103-16
12/24/00	103-16	103-16
1/21/01	103-16	103-16
2/18/01	103-16	103-16
3/16/01	103-16	103-16
4/13/01	103-16	103-16
5/11/01	103-16	103-16
6/8/01	103-16	103-16
7/6/01	103-16	103-16
8/3/01	103-16	103-16
9/1/01	103-16	103-16
10/30/01	103-16	103-16
11/27/01	103-16	103-16
12/25/01	103-16	103-16
1/22/02	103-16	103-16
2/19/02	103-16	103-16
3/17/02	103-16	103-16
4/14/02	103-16	103-16
5/12/02	103-16	103-16
6/9/02	103-16	103-16
7/7/02	103-16	103-16
8/4/02	103-16	103-16
9/2/02	103-16	103-16
10/1/02	103-16	103-16
10/29/02	103-16	103-16
11/26/02	103-16	103-16
12/24/02	103-16	103-16
1/21/03	103-16	103-16
2/18/03	103-16	103-16
3/16/03	103-16	103-16
4/13/03	103-16	103-16
5/11/03	103-16	103-16
6/8/03	103-16	103-16
7/6/03	103-16	103-16
8/3/03	103-16	103-16
9/1/03	103-16	103-16
10/30/03	103-16	103-16
11/27/03	103-16	103-16
12/25/03	103-16	103-16
1/22/04	103-16	103-16
2/19/04	103-16	103-16
3/17/04	103-16	103-16
4/14/04	103-16	103-16
5/12/04	103-16	103-16
6/9/04	103-16	103-16
7/7/04	103-16	103-16
8/4/04	103-16	103-16
9/2/04	103-16	103-16
10/1/04	103-16	103-16
10/29/04	103-16	103-16
11/26/04	103-16	103-16
12/24/04	103-16	103-16
1/21/05	103-16	103-16
2/18/05	103-16	103-16
3/16/05	103-16	103-16
4/13/05	103-16	103-16
5/11/05	103-16	103-16
6/8/05	103-16	103-16
7/6/05	103-16	103-16
8/3/05	103-16	103-16
9/1/05	103-16	103-16
10/30/05	103-16	103-16
11/27/05	103-16	103-16
12/25/05	103-16	103-16
1/22/06	103-16	103-16
2/19/06	103-16	103-16
3/17/06	103-16	103-16
4/14/06	103-16	103-16
5/12/06	103-16	103-16
6/9/06	103-16	103-16
7/7/06	103-16	103-16
8/4/06	103-16	103-16
9/2/06	103-16	103-16
10/1/06	103-16	103-16
10/29/06	103-16	103-16
11/26/06	103-16	103-16
12/24/06	103-16	103-16
1/21/07	103-16	103-16
2/18/07		

Appendix C

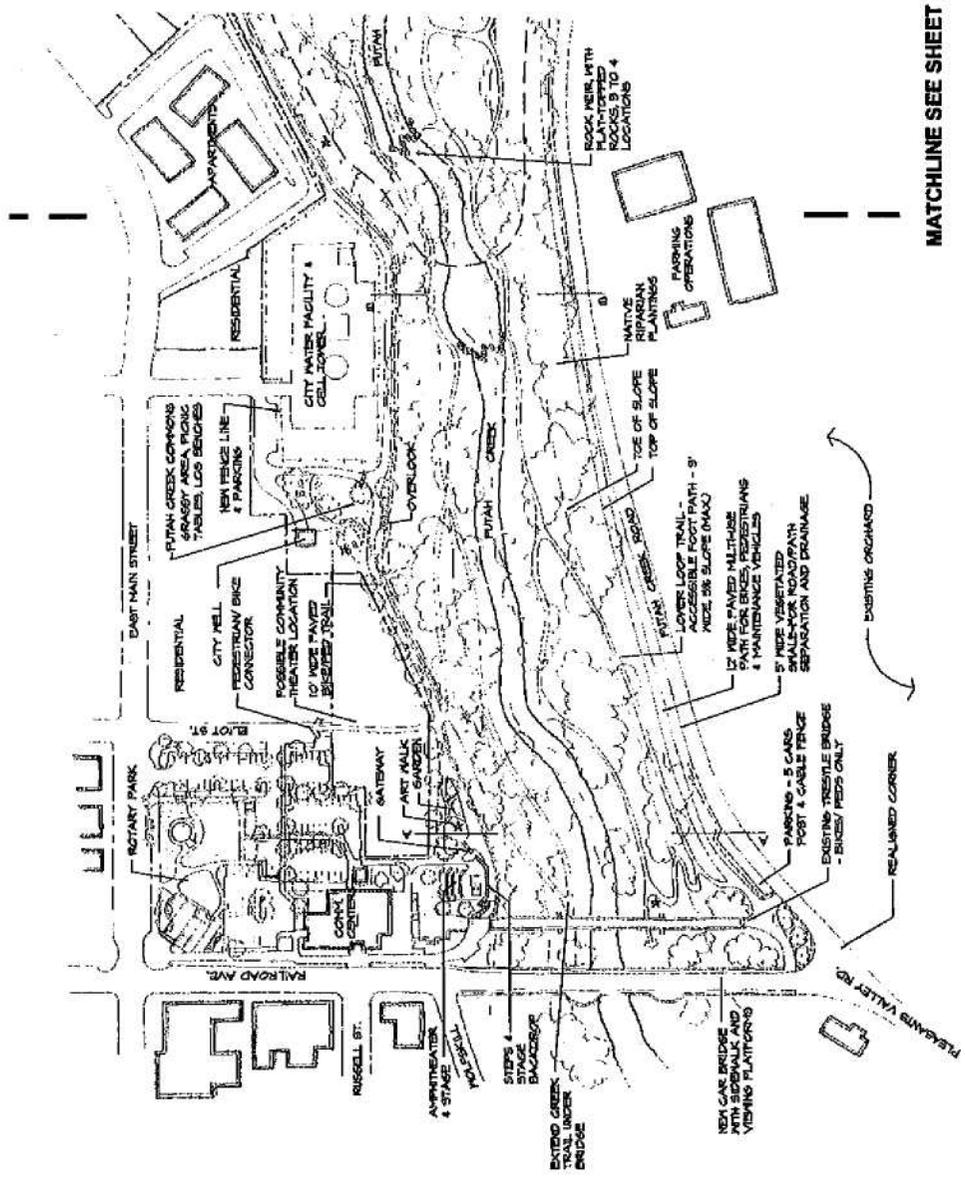
2007 Master Plan Graphics

COMMUNITY CENTER & PARK ENTRY

- IMPROVED PEDESTRIAN ACCESS TO CREEK TRAIL
- BACKDROP FOR STAGE PRODUCTIONS
- STEPS FROM TRAIL TO TRESTLE BRIDGE
- TRAIL TO PEDESTRIAN & BIKE CONNECTIONS
- PAVED ENTRY WALK
- BIKE PARKING
- BENCHES
- SEATING TO PARK
- SEATING AND WALK
- BEGIN ART WALK
- COMMUNITY THEATER
- NATURE CENTER
- WALK TO BIKE ON CAR BRIDGE
- ACCESS TO LOWER TERRACE & WATER

CITY WATER FACILITY

- IMPROVED ACCESS TO PARK & TRAIL
- HC PARKING
- ACCESS WITH TRAIL, TABLES, BENCHES
- GATEWAY AND OVERLOOK
- CAMOUFLAGED CELL TOWER



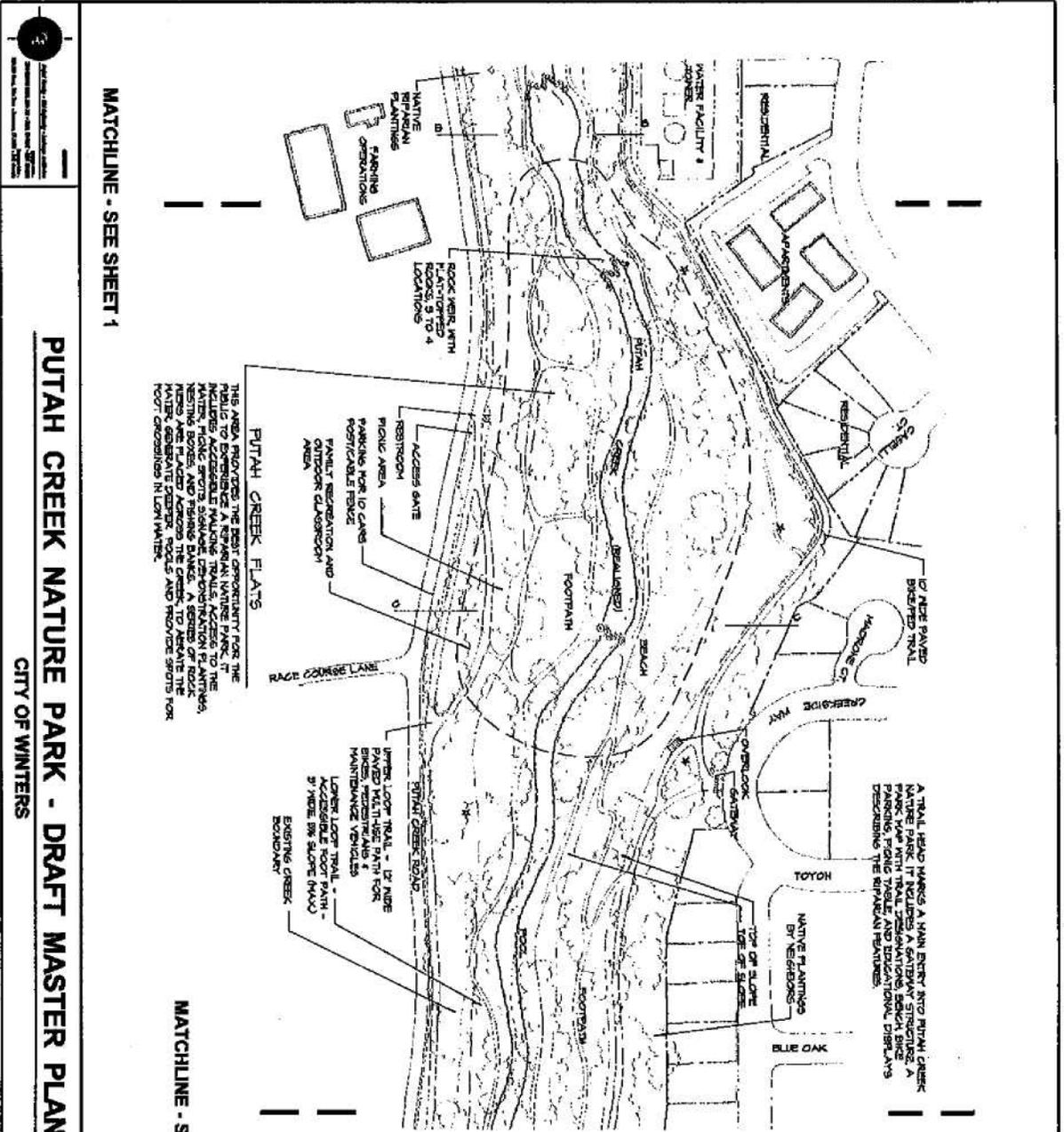
MATCHLINE SEE SHEET 2



PUTAH CREEK NATURE PARK - DRAFT MASTER PLAN
CITY OF WINTERS

SHEET 1 OF 3
OCTOBER 2007





MATCHLINE - SEE SHEET 1

MATCHLINE - SEE SHEET 3

PUTAH CREEK NATURE PARK - DRAFT MASTER PLAN

CITY OF WINTERS

A TRAIL HEAD MARKS A MAIN ENTRY INTO PUTAH CREEK NATURE PARK. IT INCLUDES A GATEWAY STRUCTURE, A PARK MAP WITH TRAIL DESIGNATIONS, BEACH SIGNS, AND A TRAIL INFORMATION BOARD DISPLAYING DESCRIBING THE RIVERAIN FEATURES.

THIS AREA PROVIDES THE BEST OPPORTUNITY FOR THE PUBLIC TO EXPERIENCE A RIVERAIN WINTERS PARK. IT INCLUDES ACCESSIBLE WALKING TRAILS, ACCESS TO THE WATER, PICNIC SPOTS, SHADERS, DECONTAMINATION PLANTS, RESTROOMS, AND A TRAIL HEAD. A TRAIL LEAVES THE WATER, SERVICED CENTER, POOLS AND PROVIDES SPOTS FOR FOOT ORIGINATED IN LOW WATER.

PUTAH CREEK "FLATS"

THIS IS THE MOST PORTION OF THE CREEK BED. BY EXPANDING ON THE EXISTING CONDITIONS, RECREATION AND EDUCATION OPPORTUNITIES AND WANT TO EXPERIENCE THE CREEK - FAMILIES, COMMUNITY EVENTS, SCHOOL, TRIPS THE

FAMILY RECREATION AREA

- NICE LONG TRUCK
- ACCESSIBLE TRAILS
- FISHING SPOTS
- ROCK CROCKERS
- SHADY AREAS ACCESS TO THE WATER
- NO PARKING SPACES
- SIGNAGE AND MAP
- DOG POOP STATIONS
- TRAIL HEAD
- TRAIL HEAD
- LIMITED PARKING ALONG PUTAH CREEK ROAD

OUTDOOR CLASSROOM

- RESERVABLE PARKING AREA FOR OUTDOOR STUDIES
- ALL EDUCATION AREAS ARE ACCESSIBLE
- TRAIL HEADS
- TRAILS
- TRAILS
- SIGNAGE

HISTORY AND LITERATURE

- CREEK HISTORY
- WINTERS HISTORY
- WINTERS HISTORY
- EDUCATION
- PARTICIPATION
- APPLICABLE TIME
- FORM

SCIENCE

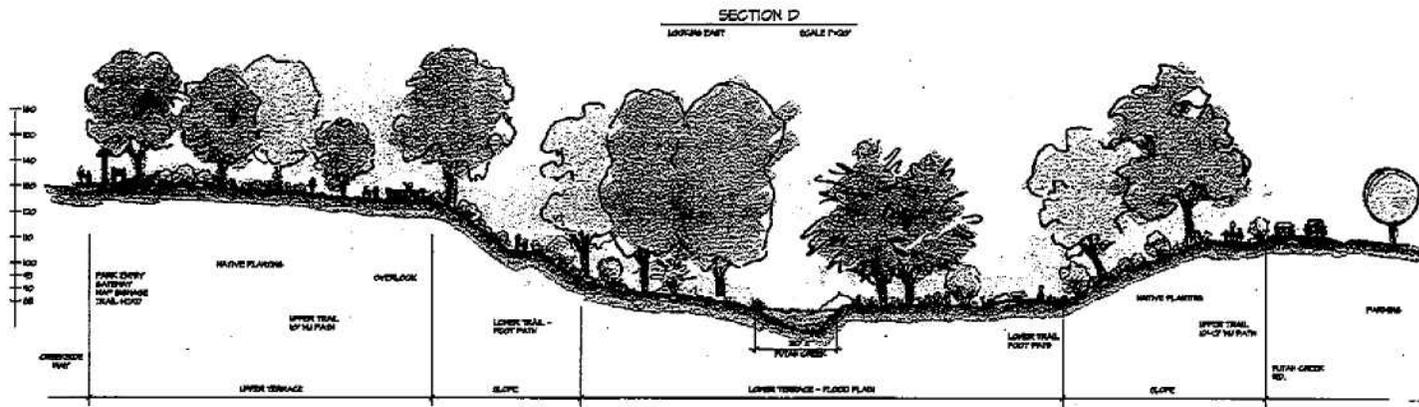
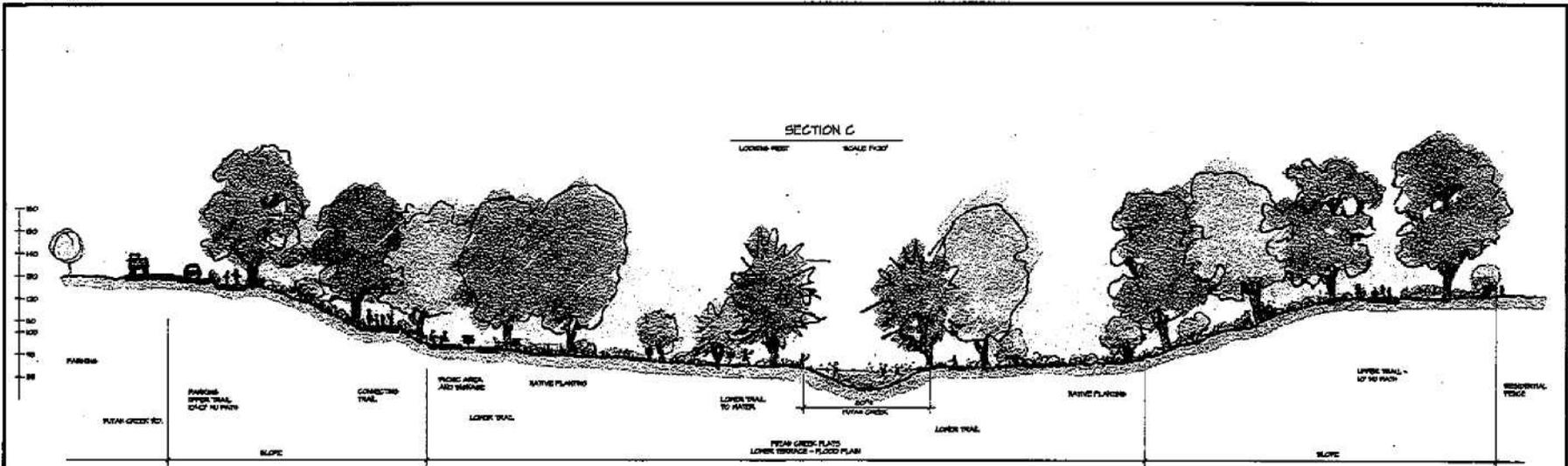
- URBAN WINTERS
- PLANT REGENERATION
- FISH HABITAT
- CRITTERS
- SOIL

ART

- NATURE MOTIFS
- LOCAL MATERIALS FROM THE CREEK
- LANDSCAPE
- PATTERNS



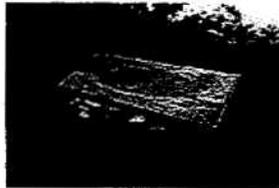
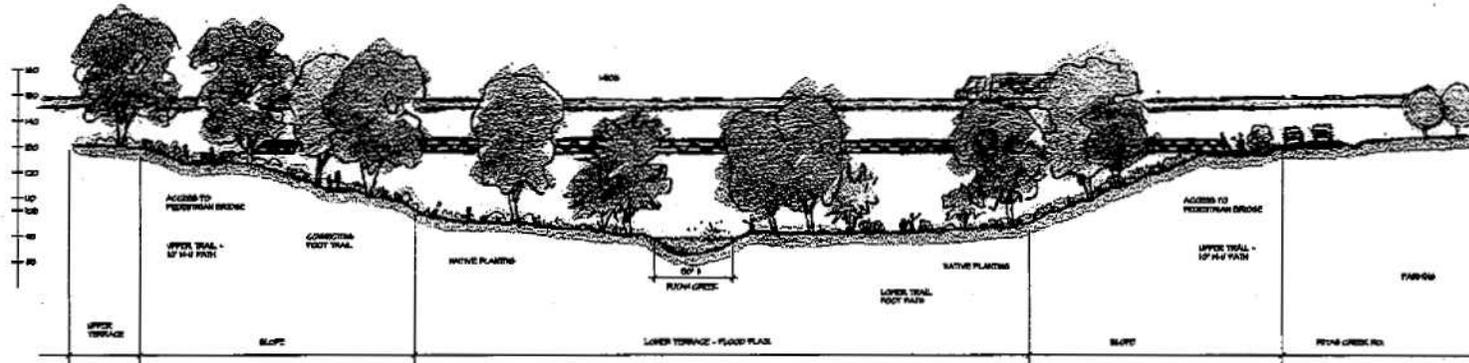
SHEET 2 OF 3
OCTOBER 2007



	<p>PUTAH CREEK NATURE PARK MASTER PLAN</p> <p>CROSS SECTIONS 'C' & 'D'</p>	<p>OCTOBER 2007</p> <p>CITY OF WINTERS</p>
--	--	---

SECTION E

LOOKING EAST SCALE 1"=20'



DISPLAY



OVERLOOK



PEDESTRIAN BRIDGE

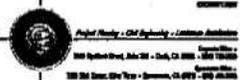


FOOTPATH

HAPPY CREEK MATLINE TRAIL

Trail Length: 1/2 Mile (0.8 Kilometers)
Total Elevation Change: 50 Feet (15 Meters)

- Closed Slope: 11 to 1%
 - Trail Width: 4 Feet (1.2 Meters)
 - Surface: 4 to 8%
Surface: Sand/gravel
 - Obstacle: Signposts only
- ACCESS TRAIL, PATH



PUTAH CREEK NATURE PARK MASTER PLAN
CROSS SECTION 'E' & IMAGES

OCTOBER 2007
CITY OF WINTERS

Appendix D

Workshops

**Putah Creek Nature Park Master Plan
Workshop #1
Saturday, March 10, 2007**

This is a summary list of the comments recorded during the 1st Workshop.

GOALS:

- Improve recreational value
- Improve access to the creek
- Improve safety
- Ecological sustainability
- Educational resource
- Contribute to economic vitality

OPPORTUNITIES:

- Rope swing/recreational value/beach area
- Modify to improve safety and family friendliness
- Reduce erosion
- Riparian corridor
- Create/maintain public access
- Create natural bridge
- Better access and flat areas
- Maintain current depth
- Improve water quality
- Keep stream in natural state
- Future benefits
- Skim the scum
- Improve fish and fishing (trout and salmon)
- Creekside parking/vehicular access
- Improve walking trails/connectivity
- Art walk
- Interpretive signs
- Restore native vegetation
- Neighborhood input/public participation
- Community-based decisions
- Modifications to flow/plan
- Pulse flows in winter
- Lifeguard staff
- Control off-road vehicle access
- Modify natural channel width
- Removal of invasive weeds
- Make information available on city website
- Dogs/facilities
- Gateway to creek
- Increase diversity of habitat
- Trash and recycling
- Public school access/use

- Removal of obstructions to gravel
- Police presence
- Public awareness with monthly newsletter (water bill)
- Identify safety concerns/issues

ISSUES/CONCERNS:

- Cost
- Management plan
- Public access
- Water quality/spillage
- Beaver dams
- Rustic charm
- Impacts of privately owned sections
- Flooding
- Environmental impacts
- Sentimental value
- No vehicular access
- Police presence/patrolling
- Increase water flows
- Improve what we have
- Risk of unknown consequences
- Altering water flow
- Recreational value
- Restoration vs. recreation
- Focus on Winters
- Keep stream in natural state
- Keep dam and modify to improve safety and family friendliness
- Damage to existing vegetation/clear-cutting
- Tree removal
- Fishery analysis
- Spraying
- Canyon Creek Resort upstream effects
- Steep banks
- Adherence to CEQA process
- Liability concerns
- Hang-out place
- Scum
- Future impacts
- Swimming hole
- Percolation dam
- Inappropriate uses
- Coordinated efforts
- Lack of communication/understanding/ notification
- Maintenance plan
- Teenage input needs to be heard
- Native vs. non-native approach – look at specific plant

Putah Creek Nature Park Master Plan
Workshop #2
Saturday, May 24, 2007

The following is a summary of the park issue and elements the public recorded on large maps of the park. The comments have been organized under general topics.

Creek Features

Provide family picnic and beach areas for a balanced use

Weirs to crossable by foot

Use weir to create Lake Winters [again]

Paddle boats

Swimming in the creek

Why change the creek bed?

How is it being changed?

Locate beaches away from 505 & pollution spills

Add new percolation dam

Eastern beach [near I-505] too remote, invites wild parties

www.littlerock.org

Habitat

Creek restoration to promote salmon and other fish habitat

New plan to support fish and wildlife resources

No further pollution in the creek [sewage spills]

Clean the existing sand

More native vegetation and screening [to replace lost vegetation]

Safety

Regular police patrol on bike and/or foot

Docents on busy days for eyes/safety

Solar powered lights on bike path

No light pollution

Non-invasive lights-out by 10 pm

No lights

Circulation

Put pathways as far from houses and apartments as possible

Have pathways less than 10 ft. wide

Unpaved paths are okay

Extend main path to county housing

Hard and soft paths

Safe bike route

Put a path on intermediate terrace

Use pervious surface for path [no asphalt]

Connected loop trails – upper and lower

Connect apartment complex to the trail

Putah Creek Road

Parking needed

Post & chain fence to prevent parking on private property and on-ramp to 505 Vacaville

Expand Putah Creek Rd. for bikes and parking

Site Amenities

Art Walk locations

Metal sculpture for Art Walk

Sculpture gardens (kids)

Play garden

Science Center

Picnic areas

Living fences instead of walls-prevent graffiti

Dog poop stations with biodegradable bags, replenished by the city

City Facilities and Maintenance

Structures design style to be classic, rustic, natural look and materials-to blend with

Winters' small town character and ambiance

Phasing Plan needed

Phased construction possible with grants

Does City have money to keep parks clean and weeds mowed?

Prevent stormwater run-off from impervious surfaces into the creek

Remove cell tower

Relocate pumping plant and use area for restroom/community building, parking lot

Appendix E

2007 Cost Opinion

PUTAH CREEK NATURE PARK, WINTERS

LANDSCAPE ARCHITECT'S OPINION OF PROBABLE CONSTRUCTION COSTS

Purpose: Project Budgeting

Based on the Draft Master Plan dated October 2007

Last Revised: October 10, 2007

DRAFT

The line items and associated unit costs are to be used for estimating costs for discrete portions for work. The unit cost may vary up or down, based on the project location and difficulty or restrictions in installation.

Item	Description	Qty	Units	Unit Cost	Total-Materials & Labor
Site Preparation and Grading - Unit costs unknown, too many variables					
1	Clearing and Grubbing				\$ -
2	Misc. Demolition and removals				\$ -
3	Clearing & Removals				\$ -
Site Mobilization & Demolition Sub-Total:					\$ -
Grading & Drainage - Unit costs unknown, too many variables					
4	Rough Grading				\$ -
5	Finish Grading				\$ -
6	Imported Soil				\$ -
7	Erosion Control				\$ -
8	Drainage				\$ -
Grading & Drainage Sub-Total:					\$ -
Creek Rechannelization: Costs dependent on grant application requirements - Unit cost unknown, too many variables					
9	Demolition		LF		\$ -
10	Excavation		LS		\$ -
11	De-watering		LF		\$ -
12	Grading		LF		\$ -
13	Gabions		LF		\$ -
14	Revetments		LF		\$ -
15	Rock Weirs		LS		\$ -
16	Revegetation		LF		\$ -
Creek Rechannelization Sub-Total:					\$ -
Site Utilities - Some unit costs unknown, too many variables					
17	Sewer		LF		\$ -
18	Domestic Water Service w/ meter, backflow preventor at City Water well site		EA		\$ -
19	Domestic water line- 1"		LF		\$ -
20	Electrical connection		LS		\$ -
21	Pedestrian path lights, 120' on center, Community Center area only		EA	\$ 3,000	\$ -
Site Utilities Sub-Total:					\$ -
Paving					
22	AC paving - parking at City Wwater site	4,800	SF	\$ 6	\$ 27,600
23	AC paving - parking along Putah Creek Road	11,200	SF	\$ 6	\$ 67,200
24	Trails-Soil with resin binder -10' wide (upper loop trail north)	62,500	SF	\$ 7	\$ 437,500
25	Trails-Soil with resin binder - 12' wide (upper loop trail south)	62,500	SF	\$ 7	\$ 437,500
26	Concrete paving (at Community Center)	1200	SF	\$ 7	\$ 8,400
27	Concrete steps and handrails at Trestle Bridge connection	1	LS	\$ 10,000	\$ 10,000
28	Accessible Trail Mat (removable)	1	EA	\$ 1,000	\$ 1,000
29	Bladed trails (first spring)	14000	LF	\$ 1	\$ 7,000
Paving Sub-Total:					\$ 996,200
Alt	Trails-Decomposed Granite (upper loop trail-north)		SF	\$ 2.50	\$ -
Site Amenities					
30	Seat Wall - at grassy area	300	SF	\$ 20	\$ 6,000
31	Accessible Drinking Fountain	1	EA	\$ 4,000	\$ 4,000
32	Picnic table	6	EA	\$ 1,200	\$ 7,200
33	Trash Receptacle	10	EA	\$ 800	\$ 8,000
34	Restroom Structure (Pre-fabricated)	1	EA	\$ 80,000	\$ 80,000
35	Restroom Enclosure for portable toilet	1	EA	\$ 30,000	\$ 30,000
36	Overlook	3	EA	\$ 5,000	\$ 15,000
37	Stage Arbor-Backdrop	1	LS	\$ 5,000	\$ 5,000
38	Kiosk / Informational Board	6	EA	\$ 800	\$ 4,800
39	Signage - map, wayfinding, educational	10	EA	\$ 500	\$ 5,000
40	Park Sign	4	EA	\$ 1,000	\$ 4,000
41	Boulders for seating (not part of rip-rap, weirs)	10	EA	\$ 150	\$ 1,500
42	Prefabricated bench	6	EA	\$ 1,200	\$ 7,200
43	Log bench	10	EA	\$ 300	\$ 3,000
44	Gateway	4	EA	\$ 5,000	\$ 20,000
45	Flaggpole	1	EA	\$ 1,000	\$ 1,000
46	Fencing - post and cable	4300	LF	\$ 10	\$ 43,000
47	Retaining wall at City Wwater plant, Restroom	900	SF	\$ 40	\$ 36,000
48	New fencing at Apartments and City Wwater plant	720	LF	\$ 20	\$ 14,400
Site Amenities Sub-Total:					\$ 280,700

		Qty	Units	Unit Cost	Total
	Pedestrian Bridge				
49	Prefab bridge - upper trail	1	EA	\$ 450,000	\$ 450,000
				Pedestrian Bridges Subtotal:	\$ 450,000
	Planting				
50	Native trees, shrubs ground covers within creek zone		SF	\$ 2.00	\$ -
51	Ornamental plantings		SF	\$ 2.50	\$ -
52	Turf (sod) for park near water facility		SF	\$ 1.00	\$ -
				Planting Sub-Total:	\$ -
	Irrigation				
53	Irrigation System		SF	\$ 2	\$ -
				Irrigation Sub-Total:	\$ -
	Maintenance:				
54	90-Day Maintenance Period		SF	\$ 0.10	\$ -
55	6' Temporary Construction Fence, rented		LF	\$ 4	\$ -
				Maintenance Sub-Total:	\$ -

The following categories are to be included in calculating the budgets for each construction project. These percentages of the construction budget are approximations.

Site Mobilization / Demobilization	3%			
Staking and Surveying	2%			
Geotechnical Inspection and Testing	2%			
Inspection and Permits	8%			
Contingency	20%			
Design Fees - Improvement Plans	10%			
Construction Management	5%			

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 2007 for the Putah Creek Nature Park Master Plan, which has not yet been approved. Actual quantities may vary during the construction of this project.
3	This opinion of costs assumes that the improvements will occur in multiple phases; and additional costs may be incurred. Costs also assume competitive bidding.
4	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, Agency 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. Design and construction phase costs. Protection of trees. g. Demolition, except as noted in Opinion of Costs. h. Off-site improvements, except as noted.
5	Unit costs are July 2007 basis. Costs will be reviewed and updated annually as part of the City's CIP process.
6	This opinion assumes payment of prevailing wages.
7	Not every line item will have a unit quantity or cost. The particular line item may have too much variability, making any figure irrelevant. These Line Items are included as a reminder of particular elements that will need to be quantified as specific projects are developed.

Appendix F

WPCC Vegetation Management Plan



VEGETATION MANAGEMENT PLAN

Prepared by:

Winters Putah Creek Committee

Adopted December 18, 2007

Table of Contents

1	Purpose of this Document.....	1
2	Current Plant Species.....	2
2.1	Natives	2
2.2	Invasives	2
3	Protection of Existing Vegetation.....	2
3.1	General Approach to Projects	2
3.2	Protection of Native Trees	3
3.3	Elderberry Protection	3
3.4	Protection of Vegetation While Spraying	3
3.5	Mowing.....	4
4	Removal of Invasive Species.....	4
4.1	Goals and Justification.....	4
4.2	Strategies.....	4
4.3	Timing and Schedule	5
4.4	Species to be Removed	5
4.5	Permissions	5
5	Re-Vegetation Plan	6
5.1	Goals	6
5.2	Strategy and Timing.....	7
5.3	Species to be Re-Planted.....	7
6	Roles and Responsibilities.....	8
6.1	City of Winters.....	8
6.2	Winters Putah Creek Committee	8
6.3	Lower Putah Creek Coordinating Committee.....	9
6.4	Putah Creek Council	9
6.5	Public Participation.....	9
7	Restoration Resources and Project Management.....	9
7.1	Status of Grants.....	9
7.2	Proposal Review and Management of Grant Project Activities	9
8	Reference Documents	9
	Figure 1 – Extent of Winters Putah Creek Nature Park.....	1
	Figure 2 – Proposed Schedule and Tasks for Vegetation Removal.....	6
	Appendix A – Historical Background	
	Appendix B - Streamkeeper Recommendations for Herbicide Applications	
	Appendix C - Summary of Target Weeds	
	Appendix D - Map of Existing Weeds	
	Appendix E – Federal and State Laws Affecting Restoration Work	
	Appendix F – Communication Plan	
	Appendix G- Grant Opportunities	

1 Purpose of this Document

This plan describes general procedures to be used for managing vegetation on public lands bordering Putah Creek between the Railroad Avenue Bridge and Interstate 505, as shown in Figure 1¹. This land area, referred to as the Winters Putah Creek Nature Park, totals about 40 acres, about 20 percent of which is open water.

In 2006, the Lower Putah Creek Coordinating Committee held a series of public meetings in Winters to review data collected for the Watershed Management Action Plan and identify priority sites for restoration. The community gave the Nature Park top priority for watershed restoration. This Vegetation Management Plan is part of a comprehensive effort to replace invasive weeds with native vegetation throughout 30 miles of Lower Putah Creek and tributaries. The plan will become a part of the updated Putah Creek Master Plan that is scheduled for adoption in 2007, and will be updated periodically as needed. A historical background of the formation of Winters Putah Creek Park and restoration activities is provided in Appendix A.



Figure 1: Extent of Winters Putah Creek Nature Park

With the removal of star thistle, the establishment of paths, and other improvements, the Putah Creek Nature Park has become a significant asset to the community that is enjoyed by many. This plan has the objective of facilitating continued improvements to enhance recreational uses and restore habitat, including replacement of invasive plants with native species and removal of plants that inhibit access to the creek. This plan also recognizes the importance of minimizing disruption of existing recreational uses during the restoration process, and the need to balance habitat restoration with recreational needs.

¹ Some of the inscribed land in Figure 1 is under private ownership.

2 Current Plant Species

2.1 Natives²

The upper north bank is populated by native trees including, valley oak (*Quercus lobata*), and buckeye (*Aesculus californica*). Sycamore (*Platanus racemosa*), white alder (*Alnus rhombifolia*), cottonwood (*Populus fremontii*), Oregon Ash (*Fraxinus latifolia*), and willow (*Salix sp.*) grow within the creek channel. Many of these trees have reached a considerable height and host woodpeckers, hawks, egrets, herons, and other desirable birds.

Of perennial native shrubs not planted by volunteer efforts within the past ten years, elderberry (*Sambucus mexicana*) and wild rose (*Rosa californica*) are the most prevalent. Poison oak (*Rhus diversiloba*) is also present on the lower terraces, and California grape (*Vitis californica*) is common along the steeper creek banks.

Except for some naturally occurring annuals such as miner's lettuce (*Montia perfoliata*) and sparsely occurring lupines (*Lupinus sp.*), the population of annuals is dominated by non-native annual grasses and dicotyledonous weeds.

2.2 Invasives

Of the 32 acres of land between the Railroad Avenue bridge to the west and Interstate 505 to the east, approximately twenty-five percent is covered by one or more of 12 priority invasive weeds: arundo, black locust, catalpa, domestic almond, English ivy, eucalyptus, fig, Himalayan blackberry, pepper tree, tamarisk, tree-of-heaven and Virginia creeper. Throughout the riparian corridor of Lower Putah Creek there are 1,800 occurrences of 20 primary invasive weeds occupying approximately 10 percent of the land area. Winters Putah Creek Park has about the same number of weeds per acre as the average reach of Putah Creek and has the highest population of eucalyptus upstream of the Interstate 505 overpass. A complete listing of invasive weeds found in the creek channel and their distribution is provided in Chapter 7 of the *Lower Putah Creek Watershed Management Action Plan*.

2.3 Walnut (*Juglans Hindsii*)

Walnut trees may or may not be native and will be treated on a case by case basis.

3 Protection of Existing Vegetation

3.1 General Approach to Projects

To ensure the success of plant removal and restoration projects, work plans will be carefully reviewed at the time funding opportunities are evaluated. The committee will work closely with funding proponents and grant administrators to craft grant concepts or applications that are protective of native vegetation and compliant with this Vegetation Management Plan and the wishes of the community. Grant administrators and/or City Staff will provide annual work plans for committee review and approval.

² Appendix D of the *Lower Putah Creek Watershed Management Action Plan* provides a complete inventory of native and non-native plants in the Lower Putah Creek watershed.

3.2 Protection of Native Trees

All native trees should be protected from damage during the removal of non-native vegetation, tree cutting, spraying, grading, or other restoration activities, though channel reshaping may require removal of some natives.

Existing native trees provide shade and greenery and help dissipate noise from Putah Creek Road. Some of these trees, particularly native walnut, are diseased and infected with mistletoe. Diseased native trees may be removed if deemed a physical hazard to humans, wildlife or park infrastructure or become an impediment to approved future park renovation projects. Following removal, replacement plantings should be done so that there is no net loss to effective tree canopy area when trees are at maturity. A watering system should be installed to assist their initial establishment. Trees that do not survive should be replaced within one year.

3.3 Elderberry Protection

Elderberry shrubs (*Sambucus* sp.), prevalent along Putah Creek in Winters, are the sole host plant for the federally threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). The Conservation Guidelines for the Valley Elderberry Longhorn Beetle (revised 1999) were developed by the U.S. Fish and Wildlife Service to "...assist Federal agencies and non-federal project applicants needing incidental take authorization through a Section 7 consultation or a Section 10(a)(1)(B) permit in developing measures to avoid and minimize adverse effects on the valley elderberry longhorn beetle." In conducting restoration work, including trail cutting to access non-native plants, spraying or mechanical removal of invasives and creek grading, measures to protect elderberry plants shall follow these guidelines to the maximum extent possible, including replacement of plants that are removed during grading.

For specific projects that may involve removal of plants 1 inch or greater, the responsible agency will obtain a permit from the U.S. Fish and Wildlife Service, which provides project-specific directions and requirements for removal and replacement.

3.4 Protection of Vegetation While Spraying

During 2004 over-spray of herbicides targeting star thistle resulted in damage to ornamentals, fruit trees, and grapes planted on residential properties along Creekside Way. In the spring of 2007 spraying to control invasive weeds unintentionally damaged non-target plants including elderberry, miners lettuce, wild rose, oak, and almond. Dennis Chambers, Yolo County Deputy Agricultural Commissioner, completed an investigation of the 2007 incident and suggested measures to reduce the risk of damage to non-native species, including:

- Timing herbicide applications when desirable species are dormant
- Directing spraying away from and shielding desirable plants
- Use of hand held application equipment

Follow-up recommendations by Putah Creek Stream Keeper Rich Marovich, are provided in Appendix B. Marovich stated the "use of Milestone® Herbicide within 20 feet of elderberries is suspended pending further studies to determine if it can safely be used in proximity to elderberries in the dormant season." Appendix B also provides information on how to manage risks of damage to non-target vegetation resulting from application of Garlon 4 herbicide.

This plan adopts the following measures to protect plants from future spray damage:

1. No spraying shall be conducted while any native deciduous plants are emerging from dormancy.
2. To protect native annuals such as miner's lettuce and other sensitive plants as well as non-target ornamentals and fruit trees, spraying should be limited to hand-held equipment such as backpack or ATV-mounted tanks. Broadcast spraying will be reviewed in advance on a case-by-case basis by the WPCC.
3. No herbicides shall be used that may damage dormant native species.
4. Treatment of individual stumps with herbicide may be conducted at any time of year provided precautions are taken to protect nearby elderberry and other non-target species.

3.5 Mowing

Grasses and other vegetation can become fire hazards when dry, and city ordinances call for mowing to reduce this fire danger. Mowing can damage desirable plants such as small native shrubs, trees and deergrass that have been planted as part of the restoration effort. All such plants should be staked prior to mowing, and mower blades should be set high enough to avoid damage to creeping wild rye grass or irrigation systems. The WPCC will coordinate the placement of stakes with Winters Public Works.

4 Removal of Invasive Species

4.1 Goals and Justification

Invasive weeds by definition rapidly spread and colonize ever-larger portions of the landscape unless they are actively controlled. Uncontrolled populations degrade downstream areas by spreading seeds, roots and stems that start new infestations. At Winters Putah Creek Park, invasive weeds, especially blackberry and arundo prevent access to the water in many areas and severely limit recreational opportunities. They also provide concealment for encampments by homeless persons and impede the discovery and removal of solid waste.

Removal of invasive weeds with currently available resources is an essential first step toward restoration of habitat and recreational value. Weeds currently obstruct access for engineering surveys for future improvements. Weed control demonstrates readiness for future grant-funded improvement projects. The most competitive proposals for public funding to manage vegetation will combine geomorphic restoration with vegetation management because the results will be more permanent and sustainable.

4.2 Strategies

Efficient weed management entails selective treatment of weeds with herbicides preceded or followed by mechanical removal. Some weeds may be left to decompose in place where access for mechanical removal is limited. In addition, logs salvaged from vegetation removal activities may be recycled along the creek to help stabilize constructed flood terraces.

Equipment access is essential for economical weed spraying and removal. Many sites in Winters Putah Creek Park have limited visibility and access due to dense undergrowth especially by blackberry thickets. Pioneering trails through these thickets is an essential

first step to assess, treat and remove weeds. Measures to protect elderberry shrubs and nesting birds will be implemented before trails are constructed. Specific treatment methods for invasives are listed at the following web site:

<http://tncweeds.ucdavis.edu/esadocs.html>.

4.3 Timing and Schedule

The timing of vegetation removal will depend upon the availability of resources, manpower, accessibility, equipment, and other factors. The season for weed control is largely limited to the winter months when native vegetation is dormant. This improves visibility and therefore worker safety and it also takes advantage of the selectivity of Roundup (glyphosate) herbicide against blackberry, arundo and eucalyptus because Roundup does not affect dormant vegetation. When weeds are intertwined with native vegetation (often the case with blackberry) then winter is the only season when blackberries can be treated without damage to native plants.

Many herbicides are also most effective in winter months when weeds are not actively growing. Treatment of weeds in spring and summer is often ineffective because the weeds are growing so fast that they dilute the herbicide with growth or the herbicide kills the top of the plant and leaves the roots alive to resprout (e.g. arundo). Roundup in particular works best in the fall and winter because it is slowly absorbed and translocated throughout the plant. Weeds treated with Roundup in the fall and winter take in the herbicide more thoroughly than at other times and control is much greater from any given application.

The season for effective weed control is often extremely limited. High rainfall and sustained high flows in Putah Creek have curtailed most weed control operations in 2002-2003, 2004-2005 and 2005-2006. Weed control with equipment is also limited by the bird nesting season (March through July) and by terms of grants that fund weed removal.

Control of herbaceous weeds such as milk thistle, yellow star thistle, mustards, and riggut brome should be timed to coincide with native grass restoration when final grade is established. Native grasses in particular require aggressive herbaceous weed control in the first year but then provide weed resistant landscapes and diminishing requirements for weed control over time.

Figure 2 outlines a general schedule for phased removal of Eucalyptus trees and other non-natives. The east half of the Nature Park extends from the Interstate 505 bridge to the Creekside Way access point. The next quarter extends from the Creekside Way access point to the percolation dam. The fourth quarter extends from the percolation dam to the Railroad Avenue Bridge.

4.4 Species to be Removed

Invasive plant species targeted for removal are listed in Appendix C, and a map showing the location of invasives is provided in Appendix D. Woody and shrubby weeds such as eucalyptus, tamarisk, tree-of-heaven and Himalayan blackberry are the highest priority for control and removal because they compete most vigorously with native vegetation and impede surveys for other improvements.

4.5 Permissions

Some of the land inscribed in Figure 1 is under private ownership. This includes the McClish property adjacent to Interstate 505 and the apartments west of Caselli Court.

Ownership of these properties extends to the center of the creek, and the City must either obtain permission for work to be done or acquire this property.

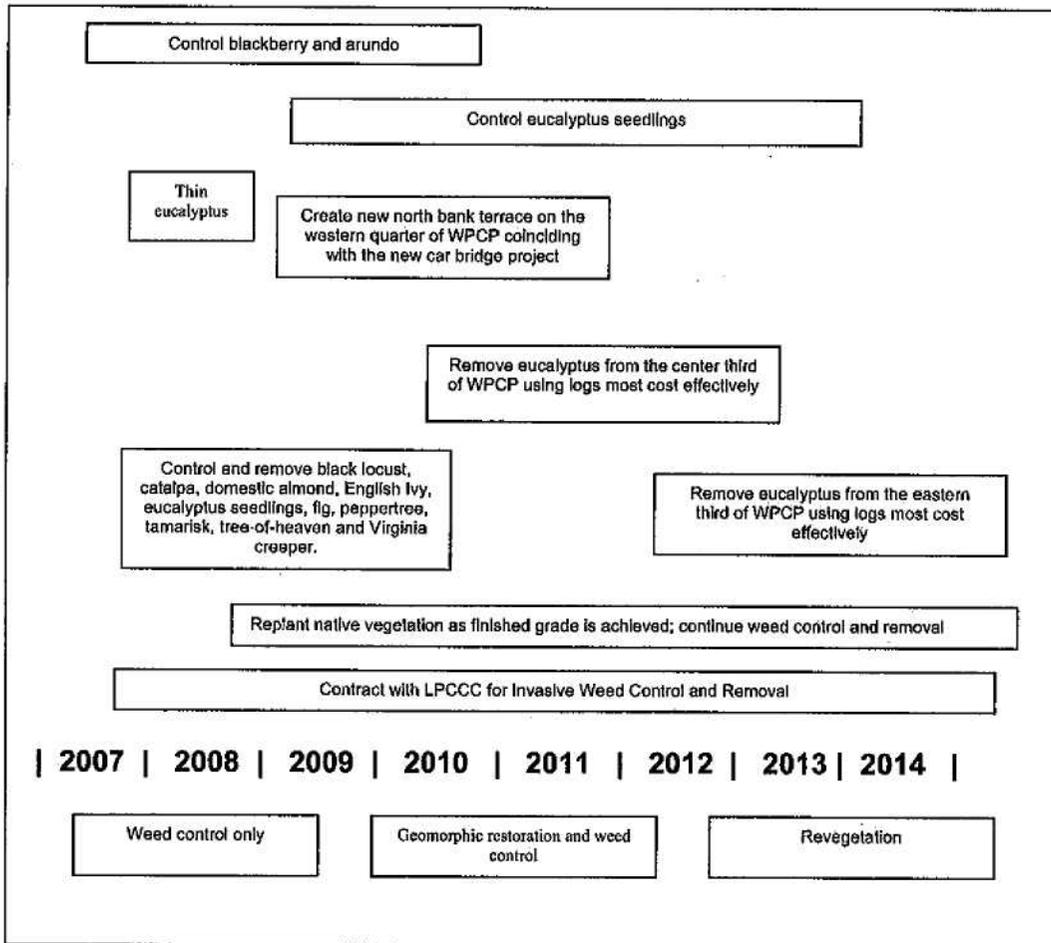


Figure 2: Proposed Schedule & Tasks for Vegetation Removal³

5 Re-Vegetation Plan

5.1 Goals

Re-planting with native plant species is needed to discourage the re-emergence of non-native plants and to create a sustainable natural environment that attracts wildlife populations and enhances enjoyment by Winters citizens and visitors. Re-vegetation should occur as soon as possible following removal of invasive species except for areas that may be disturbed by pending modifications to the creek channel.

³ Pending approval for individual projects through all applicable state and federal regulations as described in Appendix E

At a neighborhood meeting of Winters citizens held on April 7, 2007, a commonly held concern was that removal of Eucalyptus trees and other vegetation would leave the area barren for many years. In some locations there are no native trees in the understory, and 20 years of growth or more will be required to establish trees that provide the amount of shade or habitat that Eucalyptus currently provide.

Vegetation removal proposals should include a schedule for replanting and a description of who will perform the work, how it will be maintained, and how it will be funded. A priority of the re-vegetation plan is to plant fast growing native trees immediately after removal of the Eucalyptus, and to nurture them with water and fertilizer to insure fast growth.

5.2 Strategy and Timing

Sites that periodically flood will often passively restore to native vegetation when weeds are removed, especially where channel form and function has been restored. However, to insure that re-vegetation of desired species can occur soon after removal of invasives and other species, future grant applications should request balanced funding to provide for re-vegetation (including irrigation systems as needed) soon after removal. In locations that are several feet above the flow channel, irrigation systems should be provided at the time of replanting.

In areas that are below the median winter flows, cleared areas may be left to scour naturally down to functional elevations before replanting. Vegetation such as cottonwoods and willows that require access to groundwater should not be planted more than two or three feet above low flow channel elevation where they naturally occur on the creek.

Water is the most essential requirement of new plantings. Through at least the first season it is a matter of survival. Plants that are close to the low flow channel in distance and elevation may not require supplemental water, but all other plantings will require irrigation by drip, micro sprinkler, sprinkler or hand watering. If drip systems are used, they must be inspected regularly and repaired as necessary. Ten gallons per tree every ten days is sufficient on loam soils for newly planted small trees. More frequent watering may be needed on sandy or gravelly soils. In any case, the soil should be allowed to dry out somewhat between watering to encourage deep rooting, but not get so dry that new growth is interrupted.

Fertilizer is essential for rapid growth and high survival rates in most settings. Some soils are relatively fertile as evidenced by robust growth of weeds, while other sites are poor in nutrients. Soils should be tested before planting and fertilizers added according to test results. Fertilizers will increase growth of weeds as well as plantings, so weed control measures such as straw mulch will be implemented. The Creekside Way site was very low in phosphorous (2 ppm) and sulfur (1 ppm).

Because proposed geomorphic restoration (cut and fill operations) would disturb plantings, re-vegetation of areas that will be graded will not be undertaken until channel restoration work is completed. Grant proposals for geomorphic restoration will include sufficient funds for re-vegetation.

5.3 Species to be Re-Planted

Species to be planted will be taken from lists gathered in nearby reference reaches. Some of the more common native plants include: alder, arroyo willow, black willow, boxelder,

California buckeye, buttonbush, cottonwood, coyote bush, creeping wild rye, elderberry, Goodings willow, miners lettuce, mugwort, mulefat, narrow-leaved milkweed, valley oak, Oregon ash, pipevine, sandbar willow, Santa Barbara sedge, showy milkweed, California sycamore, torrent sedge, toyon, yellow willow, western redbud and wild rose. Spacing depends on budget and size of the plant at maturity. Plants of the same species typically occur in clumps and plantings can mimic natural occurrences by placing plants in groupings of three or more of the same kind. Plants are grouped by zone according to elevation above the low flow channel where they naturally occur and according to natural associations and aspect. For example, Santa Barbara Sedge is almost always found on north facing slopes in the shade of oak trees. The area of each zone will be calculated and a percentage of each species will be estimated. Species composition may be adjusted based on availability.

6 Roles and Responsibilities

6.1 City of Winters

The City of Winters has served a key role in creek restoration by co-sponsoring grants, providing funds for trail improvements, coordinating with agencies, contracting for work, and facilitating the development of the Putah Creek Master Plan. City staff person Carol Scianna has played a valuable role in assisting the WPCCC by distributing agendas, preparing minutes, scheduling meetings, and communicating information amongst the agencies involved in the management of the creek. As landowner, the City will be responsible for preparing CEQA documents for any major improvements that require them, such as removal of the percolation dam and modifications to the creek channel. The City will also be responsible for insuring compliance with state and federal regulations affecting restoration work (see Appendix E).

As landowner and Lead Agency, the City of Winters should be responsible for timely advanced public noticing of “destructive” activities on or near the Putah Creek Park. These activities would include at a minimum, mature tree removal, construction of access roads, channel modifications and herbicide spraying. A plan for communicating activities to Winters residents is provided in Appendix F.

6.2 Winters Putah Creek Committee

The Winters Putah Creek Committee represents the voice of the Winters community on creek restoration and enhancement. The Committee is charged with developing this Vegetation Management Plan and will provide guidance and oversight for the implementation of the Plan. In addition, the committee is responsible for coordinating volunteer cleanups and plantings, assisting with public review of the Putah Creek Master Plan, and for advising the City Council on all other important matters pertaining to the management of the creek within Winters city limits, and the Nature Park.

As pointed out in the 1995 Putah Creek Master Plan, it is imperative that the community as a whole develop a strong sense of stewardship, and given limited resources and city manpower, volunteer participation will be necessary to insure the success and sustainability of restoration efforts. Diligent follow-up work is required to insure the survival of new plantings, and to prevent the return of undesirable plant species after their initial removal. The Committee will organize and coordinate volunteer groups to assist with plantings, installation and maintenance of irrigation systems, and weed control.

Committee volunteers can be trained and supervised in the use of herbicides to provide follow-through of restoration work by continuously controlling weeds.

6.3 Lower Putah Creek Coordinating Committee

The LPCCC has proven to be very effective at winning grant funding and is encouraged to continue to apply for funding to carry out the goals of the Putah Creek Master Plan. The LPCCC may also manage restoration work, coordinate with the City to obtain necessary permits for work to be performed, and coordinate with other agencies as needed.

6.4 Putah Creek Council

The Putah Creek Council can assist with fostering stewardship through educational and other programs such as Adopt-a-Flat, organizing community events such as cleanups and plantings, and providing input to the restoration process informed by their bio-monitoring activities, and coordinating with other groups such as the Putah Creek Discovery Corridor.

6.5 Public Participation

The WPCC encourages public participation in decisions related to vegetation management and restoration, and welcomes comments for creek restoration project phases that will be reviewed at WPCC meetings. Opportunities for public input include monthly meetings of the WPCC, participation in public meetings that may be required under CEQA, and Winters City Council meetings. The LPCCC and other grant managers are encouraged to present plans for their work at WPCC meetings and/or at other public forums.

7 Restoration Resources and Project Management

7.1 Status of Grants

Appendix G provides a listing of the status of current and pending grants and proposed grant applications.

7.2 Proposal Review and Management of Grant Project Activities

Grant proposals or proposal drafts shall be submitted to the Winters Putah Creek Committee for review prior to submission to the funding agencies, and the Committee will make recommendations to the City Council for approval (with or without modifications). The Committee will make every effort to avoid delay of proposal preparation so as to provide for timely submission. Grant project activities will be managed by the appropriate entity and monitored by the City of Winters with the assistance of the WPCC. A discussion of current and proposed grants is included in Appendix G.

8 Reference Documents

In addition to appendices, the following documents may be referenced for further information:

- 1995 Conceptual Master Plan of the Winters Putah Creek Corridor

- Lower Putah Creek Watershed Management Action Plan
- Conservation Guidelines for the Valley Elderberry Longhorn Beetle (U.S. Fish and Wildlife Service)
- Putah Creek Terrestrial Wildlife Monitoring Program 2004 and 2005 Reports
- Integrated Regional Water Management Plan for the Sacramento Valley
- Minutes of Winters Putah Creek Committee meetings and documents submitted to the committee by citizens

Appendix A: Historical Background

Systematic planning for removal of invasive weeds along Putah Creek began with a 1993 study by the U.S. Fish and Wildlife Service entitled: "Report to Congress: Reconnaissance Planning Report Fish and Wildlife Resource Management Options for Lower Putah Creek, California." The report included maps of eucalyptus, arundo, tamarisk and tree-of-heaven as the primary invasive weeds to control. The report also identified continuity of native vegetation as a limiting factor for wildlife migration. The U.S. Fish and Wildlife Service held public meetings in Winters as part of the study.

In 1994, the Winters Putah Creek Committee was formed as a subcommittee of "Team Winters", a group of citizens that assembled to develop a vision for revitalizing the downtown business area. The committee developed a Conceptual Master Plan for the creek, and after a series of public meetings, in 1995 the City of Winters adopted a master plan for the "Winters Putah Creek Nature Park" that addressed the need for community stewardship, removal of invasive weeds, and other issues⁴. In 1996 the Committee began removing debris, planting, and watering and the first grant money was secured. In 1998 committee chair Jessica Kilkenny turned over leadership to Jeanne Wirka, who obtained additional grant funds and organized several volunteer plantings, cleanups, and path building work parties.

With the assistance of Rich Marovich, who was hired in 2000 by the Lower Putah Creek Coordinating Committee as Streamkeeper, much was accomplished on the 100 foot easement between lots on Creekside Way and the top bank of Putah Creek. This easement was acquired by the City through a development agreement. Yellow star thistle and other weeds were replaced by creeping wild rye, coyote brush, oak, toyon, elderberry, and other native species. Replacement was supported by the installation of a drip irrigation system.

In 2001 and 2002, Solano County Department of Environmental Management held a series of public meetings in Winters that identified invasive weed control as a main objective for management of Lower Putah Creek. In 2002, the Lower Putah Creek Coordinating Committee commissioned a study by EDAW to update and expand the scope of invasive weed maps for a creek-wide Watershed Management Action Plan. The EDAW study found 113 occurrences of 12 primary invasive weeds at Winters Putah Creek Park.

By 2004 public access to the north side of the Putah Creek Nature Park was facilitated by a wide path built by community volunteers that extends from the Community Center to the sewage pumping station, and CDC crews directed by the City built access trails to the creek at points near Madrone Court and Wild Rose Lane. As a result of non-sponsored volunteer efforts and daily use, narrow paths on upper and lower terraces now extend all the way from the pumping station to the Wild Rose Lane access point. Improvements proposed by the Putah Creek Master Plan would make this path handicapped accessible.

With the departure of Wirka in 2005, restoration and improvement work came to a halt, save some voluntary plantings and maintenance by residents and vegetation removal by CDC crews. The Winters Putah Creek Committee was re-instituted by City Council Resolution 2006-46 in October 2006 to carry on the mission of enhancing the recreational and environmental value of City-owned lands along Putah Creek and Dry Creek.

⁴ Prepared by Cheryl Sullivan, this plan is currently under revision.

To improve access to the creek and clear paths for spraying invasives (particularly Himalayan blackberry and arundo), the City used CDC crews and LPCCC subcontractors to clear vegetation and cut smaller Eucalyptus trees on the north bank lower terrace of the Nature Park. Most of this work was completed in February and March of 2007.

In 2007 the LPCCC and Solano County Water Agency obtained California River Parkways (Prop. 50) and CalFed Watershed Program grants to remove the percolation dam and to conduct cleanup and restoration work on the south bank. Streamkeeper Rich Marovich has plans to apply for additional River Parkways funding for narrowing of the creek channel to create improved conditions for riparian plants and to improve the fishery.

APPENDIX B: Streamkeeper Recommendations for Herbicide Applications

In April 2007, weed control operations with Milestone Herbicide (aminopyralid) caused unexpected damage to newly sprouted elderberry plants that are host plants for the federally listed Valley Elderberry Longhorn Beetle. Milestone Herbicide is highly effective for control of thistles and other broadleaved weeds and useful for establishment of native grasses; an essential component of weed resistant landscapes. Although the affected elderberries are expected to fully recover, use of Milestone Herbicide within 20 feet of elderberries is suspended pending further studies to determine if it can safely be used in proximity to elderberries in the dormant season. Beyond 20 feet and within 100 feet of elderberries, use of Milestone Herbicide is limited to directed sprays applied with diligence to avoid drift onto elderberry plants.

Roundup Herbicide (glyphosate) has been used safely in close proximity to elderberries in the season when elderberries are fully dormant to release elderberry plants and other dormant native vegetation from competition with Himalayan blackberries and is the preferred treatment in these circumstances. Roundup Herbicide is an effective and highly selective treatment for eucalyptus as a cut stump treatment in any season using diligence to avoid exposure to elderberries.

Garlon 4 Herbicide (triclopyr) is an effective and highly selective herbicide when applied as a basal bark (band of treatment around the base of the trunk) or cut stump treatment for woody weeds. Basal bark and cut stump treatments may be applied with a paint brush or hand-held sprayer under low pressure using directed sprays and diligence to avoid exposure to non-target vegetation. Use of Garlon 4 as a basal bark or foliar treatment is limited to days when high temperatures are not expected to exceed 90 degrees. This is to avoid injury to non-target vegetation from ethylene gas, a naturally occurring plant growth regulator that is produced in response to exposure to Garlon 4 Herbicide.

Ethylene gas causes the observed symptoms of herbicide effect (hooking, wilting, defoliation and die-back). High temperatures cause high release rates of ethylene gas from treated vegetation that can (and has) damaged non-target vegetation. High release rates of ethylene gas does not occur at lower temperatures. The most effective season for basal bark treatments is in late summer, fall and winter when weeds are not actively pushing top growth. Cut stump treatments may be made in any season.

All herbicide applications will be made under the supervision of a licensed pest control operator. The person responsible for supervision shall be aware of the conditions at the site of application and be available to direct and control the manner in which applications are made (per Section 6406 of Title 3, California Code of Regulations).

APPENDIX C: Summary of Target Weeds

Arundo (*Arundo donax*): Arundo, also known as false bamboo was first introduced into the watershed in the 1960s in an effort to control bank erosion on the Pleasants Creek tributary and in the upper Putah Creek watershed. It has since spread throughout Lower Putah Creek. In WPCP there were 18 occurrences totaling just under half an acre in 2002. Some of these clumps have been treated with perhaps half of the original population remaining. Arundo is best controlled with full coverage sprays of Roundup in fall and winter months.

Black Locust (*Robinia pseudoacacia*): Black locust was introduced into the watershed by early settlers as barrier vegetation for its rapid spiny growth to 50 feet. It is widespread on Lower Putah Creek in clonal stands that sprout from root suckers and that also spread by seed. There are five occurrences in WPCP. Control is by basal bark treatment with 20 percent Garlon 4 (triclopyr) for stems under six inches or by "hack and squirt" treatment (injecting herbicide into frills cut with a machete or hatchet) in wood over six inches in diameter. There are five occurrences scattered throughout the park on both banks.

Catalpa (*Catalpa speciosa*): Catalpa is a short-lived coarse growing tree to 90 feet that has escaped from cultivation and spreads by seed. It has large leaves and is tolerant of heat. The infestation on Putah Creek is incipient with relatively few small trees that are widely scattered. There is one occurrence on the lower terrace of WPCP opposite the mid-point of the Creekside Way development.

Domestic Almond (*Prunus dulcis*): Domestic almond has escaped from commercial nut orchards and colonized lower Putah Creek especially at the top of the bank where its tolerance of summer drought has allowed it to compete with native vegetation, especially oaks and elderberry. It spreads by seed, aided by squirrels that horde the seed in buried caches. The white blooms are conspicuous in February. There are 18 occurrence of domestic almond scattered throughout WPCP on the upper banks. It is controlled with Garlon by basal bark or frill treatment.

English Ivy (*Hedera helix*): English ivy is vine that has escaped from cultivation. It smothers the landscape with vines that climb up trees breaking down branches with the weight of the vines and eventually killing the host tree. It is a reservoir for the disease, bacterial leaf scorch (*Xylella fastidiosa*) that is harmful to oaks and other native vegetation. It is a notorious refuge for rats especially near creek channels. It is evergreen and can grow in deep shade. Birds eat and disperse the berries. There is one occurrence at WPCP below Madrone Court. Basal bark treatments with 20 percent Garlon Herbicide are effective. Repeat treatment is often required.

Eucalyptus (*Eucalyptus sp.*): Eucalyptus was introduced into California during the gold rush and probably arrived in Winters during that time. Eucalyptus was promoted for timber, fuel and windbreaks by early settlers. A 1911 postcard of WPCP has the unmistakable form of a mature eucalyptus tree in the background. The species that occurs most along Putah Creek is River Red Gum (*Eucalyptus camaldulensis*) and it is also the most widely distributed Eucalyptus in the United States and in its native Australia. Eucalyptus forms monoculture stands that are allelopathic (poisonous) to

other plants. At WPCP, beavers have attempted to use saplings even though they are not a preferred food source. This is a likely sign of starvation due to lack of other food sources. The Audubon Society considers Eucalyptus to be a sink for native birds, meaning that eucalyptus trees reduce native bird populations. In creek-wide surveys of birds by river mile, WPCP has the fewest species of birds of any reach from Putah Diversion Dam to Davis. Eucalyptus dominates the lower two-thirds of WPCP on the north bank and is the most upstream population of Eucalyptus on Lower Putah Creek, spreading seeds at high flows to all downstream sites. Eucalyptus grows very rapidly in creek channels where water is abundant and is known to grow up to 1.5 inches in diameter per year on Putah Creek. Due to its large size, it is the most costly weed to control on Putah Creek. Cost of removal is approximately \$1,000 per acre per inch of average trunk diameter up to 36 inches. Trees greater than 36 inches in diameter cost thousands of dollars each to remove. Equipment access also affects removal costs. Removal of logs is half the cost of the job, but it is often possible to find beneficial uses of the logs on site as revetments or fill. Due to the high cost of removal, eucalyptus work is best done in stages, creating access routes for equipment and removing the smaller trees so that equipment access routes are established and so that the larger trees can be surveyed and removal contractors can know exactly what the job entails. Seedlings up to three inches can be mowed. Saplings and branches up to twelve inches can be chipped. Larger wood can be used for restoration projects ideally on site or by hauling to other locations. Cut stumps and resprouts can be effectively treated with Roundup Herbicide, full strength as a cut stump treatment or as 5% solution sprayed onto the foliage. The south bank eucalyptus at WPCP was completely removed several years ago but a few seedlings apparently re-established since then. There are 17 occurrences of eucalyptus totaling 3.5 acres on the north bank of WPCP occurring mostly in monoculture stands.

Fig (*Ficus carica*): Edible fig has escaped from cultivation and is rapidly spreading in the riparian corridor of Putah Creek, aided by fruit eating birds. On the Merced River fig has established large clonal populations from root suckers and is the most significant weed in that watershed. There are four occurrences of fig at WPCP, three on the north bank under the pedestrian crossing, the fourth on the north bank terrace below Creekside Way. There are hundreds of stems of fig on the north bank just upstream of WPCP.

Foxtail barley (*Hordeum jubatum*) is a native perennial grass that becomes weedy in neglected areas. It produces sharp awns (seeds) that lodge in the noses, ears, and feet of pets, and in shoes and socks. It is readily displaced by planting native grasses.

Himalayan blackberry (*Rubus discolor*): Himalayan blackberry is an extremely invasive shrub that can dominate entire creek channels. It grows four to six feet high and is evergreen at our latitude. It is native to Eurasia. It spreads by underground stems, canes that touch ground or water and root, and by seeds, especially when eaten by birds. Himalayan blackberry impedes flood flows and traps sediment, elevating floodplains especially along the edge of the channel. Almost all of WPCP is lined with Himalayan blackberry along the edge of the channel. While Himalayan blackberry provides some food and shelter for birds, it also harbors rats that prey heavily on bird nests. Control of Himalayan blackberry requires high volumes of dilute (3%) Roundup Herbicide applied in winter months. This requires making trails through berry patches with an enclosed cab tractor. Himalayan blackberry will resprout in the trails because where tops are removed the plant does not absorb the herbicide. Dormant riparian vegetation is unaffected by

Roundup, even when the berries are mixed with dormant stems. Years with early and prolonged rainfall may greatly reduce or eliminate the season in which Himalayan blackberry can be selectively controlled. There are more than three acres of Himalayan blackberry at WPCP.

Milk Thistle (*Silybum marianum*.) is a winter annual herb native to the Mediterranean that grows to eight feet with white marbling along the veins of dark green leaves that are tipped with woody spines. Milk thistle is most prevalent along the top of banks in sunny areas. Heavy infestations limit the movement of people and wildlife and displace native vegetation. Dense stands produce up to 1.4 million viable seeds per acre. Milk thistle accumulates nitrate to levels that are toxic to grazing animals. Control is most effective in the seedling stage with herbicides that provide residual control of germinating seeds. Milestone (aminopyralid) is particularly effective. Thistle control should be coordinated with native grass restoration to establish weed resistant landscapes

Pepper Tree (*Schinus sp*): Pepper tree is an escaped ornamental that is extremely invasive in Florida and Hawaii and in local areas of California. It is so far uncommon on Putah Creek. There are eight occurrences in WPCP. It can be controlled in winter with basal bark or frill treatments with Garlon Herbicide.

Ripgut brome (*Bromus diandrus*): is a winter annual grass native to Europe that has spread throughout California occupying waste places and fields at low elevation. It is commonly associated with black walnut and apparently tolerates the natural herbicide (juglone) that suppresses most other undergrowth. Ripgut brome is injurious to pets and produces awns (seeds) that lodge in shoes and socks and are difficult to remove. Control of ripgut brome is best accomplished by displacement with native grasses, especially creeping wild rye after final grade is established. Creeping wild rye can also be established under black walnut. Control is established by seeding the area to native grasses and treating with Roundup Herbicide as a broadcast spray after the brome has germinated but before the native grass emerges.

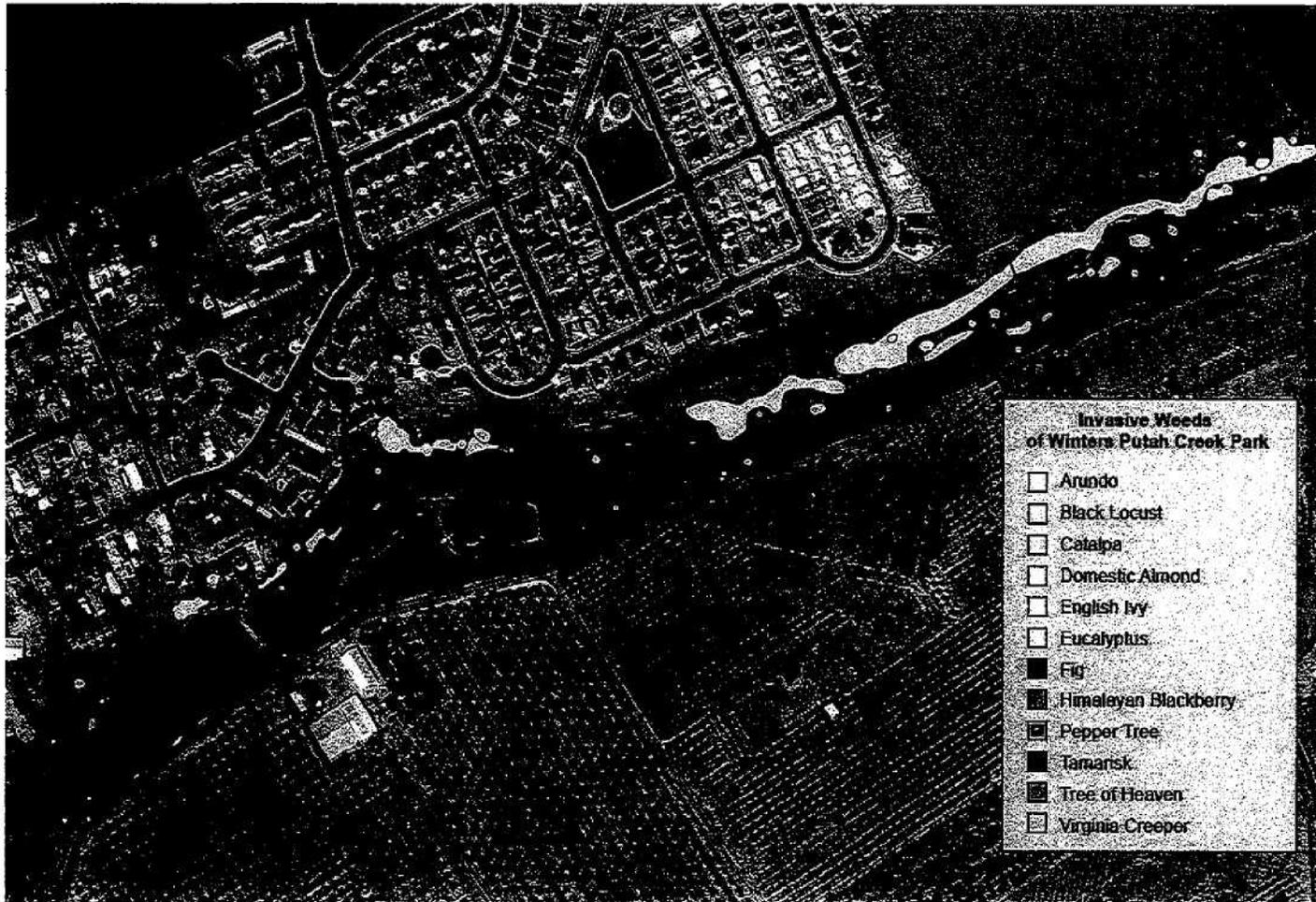
Tamarisk (*Tamarix sp.*): Tamarisk is a highly invasive coniferous shrub with magenta flowers in late March. Like arundo, it was introduced to control erosion but has taken over channels where it then induces erosion. It produces large quantities of small seeds and also spreads by root suckers. It extracts salts from the soil that inhibit other plants from growing in the vicinity. It can completely dominate creek channels. The infestation is noticeably increasing on Putah Creek. It also impedes flood flows, trapping sediment and forming mounds. There are six occurrences of Tamarisk in WPCP. It is controlled with basal bark or frill treatments with 20% Garlon 4 Herbicide or full coverage sprays of 2% Garlon 4 in fall and winter months. It can also be cut to the ground with an excavator-mounted mower and treated with 20% Garlon as a cut stump treatment.

Tree-of-heaven (*Ailanthus altissima*): Tree of Heaven was introduced by Chinese laborers at their camp sites. It is a tree to 40 feet that spreads by root suckers and seeds. It excludes all other vegetation and forms dense clumps. It grows mostly on the tops of banks and apparently does not tolerate flooding. There are 16 occurrences of Tree of Heaven totaling just under one-half acre in WPCP. Control is the same as for tamarisk.

Virginia creeper (*Parthenocissus quinquefolia*): Virginia creeper is an escaped ornamental deciduous vine that appears to have originated with a planting on Dry Creek that is rapidly spreading along Putah Creek in the Winters area. Birds spread the seed. There were two occurrences in 2002 in WPCP. Basal bark treatment with Garlon 4 Herbicide in the fall or winter is effective.

Yellow star thistle (*Centaurea solstitialis*): Native of Eurasia, yellow star thistle was introduced into California in the gold rush with the onset and spread of alfalfa production. It occurs in clearings with sunny exposures. Milestone Herbicide and Transline Herbicide (chlorypyralid) provide excellent control but resistance has been documented from repeat applications of Transline. Native grasses resist invasion by yellow star thistle once established and are the best strategy for long term control of yellow star thistle.

APPENDIX D: Map of Existing Weeds



D-1

APPENDIX E: Federal and State Laws Affecting Restoration Work

FEDERAL ENDANGERED SPECIES ACT

Pursuant to the federal ESA, the National Marine Fisheries Service (NMFS) has authority over projects that may result in take of federally listed anadromous fish species.

Similarly, the USFWS has authority over projects that may result in take of federally listed wildlife and plant species. Under the ESA, the definition of “take” is to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” USFWS has also interpreted the definition of “harm” to include significant habitat modification that could result in take. If a project has a likelihood that it would result in take of a federally listed species, either an incidental take permit, under Section 10(a) of the ESA, or a federal interagency consultation, under Section 7 of the ESA, is required.

CALIFORNIA ENDANGERED SPECIES ACT

Pursuant to the California Endangered Species Act (CESA) and Section 2081 of the Fish and Game Code, a permit from DFG is required for projects that could result in the take of a statelisted Threatened or Endangered species. Under CESA, “take” is defined as an activity that would directly or indirectly kill an individual of a species, but the definition does not include “harm” or “harass,” as the federal act does. As a result, the threshold for a take under the CESA is higher than that under the ESA.

FEDERAL INVASIVE SPECIES LAWS AND REGULATIONS

Executive Order 11312 – Invasive Species (February 3, 1999) directs all federal agencies to prevent and control introductions of invasive non-native species (i.e., pest plants, animals, or other organisms) in a cost-effective and environmentally sound manner to minimize their economic, ecological, and human health impacts. Executive Order 11312 established a national Invasive Species Council composed of federal agencies and departments and a supporting Invasive Species Advisory Committee made up of state, local, and private entities. The Invasive Species Council and Advisory Committee oversee and facilitate implementation of the Executive Order, including preparing a National Invasive Species Management Plan. A number of other federal laws pertain to noxious and invasive weeds, including the Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990 as amended (16 U.S.C.

4701 et seq.); Lacey Act as amended (18 U.S.C. 42); Federal Plant Pest Act (7 U.S.C. 150aa et seq); Federal Noxious Weed Act of 1974 as amended by the Food, Agriculture, Conservation and Trade Act of 1990 (Section 1453 “Management of Undesirable Plants on Federal Lands;” U.S.C. 2801 et seq); and the Carlson-Fogey Act of 1968 (Public Law 90-583). The U.S. Department of Agriculture and other federal agencies maintain lists of pest plants of economic or ecological concern.

STATE INVASIVE SPECIES LAWS AND REGULATIONS

A number of state laws and regulations pertain to preventing the spread of non-native invasive species (i.e., pest plants, animals, or other organisms). Section 403 of the California Food and Agricultural Code (FAC) directs the California Department of Agriculture (CDFA) to “prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.”

FAC Section 5004 defines a noxious weed as follows: "Noxious weed means any species of plant that is, or is liable to be, troublesome, aggressive, intrusive, detrimental, or destructive to agriculture, silviculture, or important native species, and difficult to control or eradicate, which the director, by regulation, designates to be a noxious weed. In determining whether or not a species shall be designated a noxious weed for the purposes of protecting silviculture or important native plant species, the director shall not make that designation if the designation will be detrimental to agriculture." The state-listed noxious weeds are indicated in Section 4500 of the CCR.

CDFA develops and enforces regulations created to protect California from the importation, cultivation, and spread of plant species that are deemed "noxious" by law. Plant species that have been designated as noxious weeds may be subject to various restrictions including the statutory provisions for weed-free areas, California Seed Law, and noxious weed management. Management or control activities taken against noxious weeds may both protect California's agricultural industry and important native species.

CALIFORNIA PEST AND NOXIOUS WEED RATINGS

State-listed pests, including noxious weeds, are rated A, B, C, D, or Q based on CDFA's view of the statewide importance of the pest, the likelihood that eradication or control efforts would be successful, and the present distribution of the pest within the state. The ratings guide CDFA, county agricultural commissioners, and others regarding appropriate actions to take. "A" ranked pests are organisms of known economic importance and are subject to state enforced actions involving eradication, quarantine, containment, rejection, or other holding actions. "B" ranked pests are similar to "A" ranked pests, but actions taken to control them are at the discretion of the individual county agricultural commissioner. "B" ranked pests also includes organisms subject to state actions and eradication only when found in a nursery. "C" ranked pests include organisms subject to no state enforced action outside of nurseries except to retard spread. "C" ranked pests are controlled at the discretion of the county agricultural commissioners. "Q" ranked pests are organisms or disorders requiring temporary "A" action pending determination of a permanent rating. The organism is suspected to be of economic importance but its status is uncertain because of incomplete identification or inadequate information. "D" ranked organisms include parasites, predators, and organisms of little or no economic importance that require no action.

Eleven invasive weed species were recently determined by CDFA to present a serious threat and are in the process of being added to the list of noxious weed species. They include the following species located within the lower Putah Creek watershed: *Ailanthus altissima* (tree of heaven); *Arundo donax* (giant reed); *Cortaderia jubata* (jubata grass); and *Tamarisk chinensis*, *T. gallica*, *T. parviflora*, and *T. ramosissima* (salt cedar). Additional invasive weeds within the watershed are already designated as state noxious weeds. The status of invasive weeds within the watershed is provided in the Invasive Weeds section in Chapter 7, "Invasive Weeds."

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Quality Act (CEQA), encoded in Sections 21000 et seq of the Public Resources Code (PRC) with Guidelines for implementation codified in the California Code of Regulations (CCR), Title 14, Chapter 3, Sections 15000 et seq.,

requires state and local public agencies to identify the environmental impacts of proposed discretionary activities or projects, determine if the impacts will be significant, and identify alternatives and mitigation measures that will substantially reduce or eliminate significant impacts to the environment. State owned properties are subject to the provisions of Public Resources Code Section 5024 and 5024.5

Historical resources are considered part of the environment and a project that may cause a substantial adverse effect on the significance of a historical resource is a project that may have a significant effect on the environment. The definition of "historical resources" is contained in Section 15064.5 of the CEQA Guidelines.

This list is not meant to be a comprehensive and complete list of applicable environmental regulations.

APPENDIX F: Communication Plan

Purpose of this Plan

This plan is intended to:

- Keep Winters citizens apprised of restoration plans and progress
- Notify affected property owners of pending spraying, tree cutting, vegetation removal, and other large projects such as creek bed restructuring
- Notify citizens of planned cleanups, plantings, and other opportunities for volunteer activities

Responsibilities and Mechanisms

To announce plans for restoration, proposed and successful grant applications, and other news of general interest:

- The LPCCC should update the City and the WPCC,
- The City and the WPCC should coordinate preparation of press releases

When there are major restoration efforts planned such as: tree or vegetation removal, and spraying:

- The City should coordinate schedules with LPCCC and notify both the WPCC and affected property owners.
- The City should provide press releases to the Express and City Newsletter (if possible) for activities that are scheduled more than four weeks in advance.

For shorter-schedule work such as spraying and minor vegetation removal the City will distribute handbills and use phone trees and email lists to inform affected property owners at least 48 hours in advance of work. Signs to be posted in affected areas along trails and at access points will be coordinated with applicator and public works staff.

For cleanups, plantings, and similar activities the WPCC will coordinate with the Putah Creek Council and issue press releases in the Express, City Newsletter, phone trees and to email lists one or more weeks in advance.

Development and Maintenance of Contact Information

Contact information including emails will be solicited from all interested citizens attending WPCC meetings, cleanups and other sources. This contact information will include participant's preference for receiving information and notices and be used to distribute appropriate Putah Creek Nature Park project information to interested or affected parties. The WPCC will be responsible for maintaining the lists and conveying updates to the City. The LPCCC may be available to assist with these tasks.

APPENDIX G: Grant Opportunities

Current Grants

The City has grant funds remaining in the amount of \$19,900 to build trails, install signage, and construct a kiosk.

A \$1.2 million grant from the Wildlife Conservation Board that has been used for restoration work over the entire watershed expires in August 2007. Almost all of the weed removal on Putah Creek has been funded by this grant.

A California River Parkway grant in the amount of \$452,000 has been received that will fund removal of the percolation dam.

The Department of Water Resources (DWR) Urban Streams Restoration Program funded a grant in the amount of \$345,440 to restore the south bank of Putah Creek below the confluence with Dry Creek and other improvements on Dry Creek below Highway 128. An extension of this grant through May 2008 has been requested to allow installation of rock weirs and other bank-protection measures.

A proposal submitted under the Department of Water Resources CALFED Watershed program to follow-up on weed removal and other projects in the Dry Creek and Nature Park areas was approved in August 2007. The \$536,490 grant will enhance the continuity of wildlife migration corridors, deter unauthorized vehicle access, stabilize eroding banks, reduce sediment loading, deter illegal dumping and beautify the most visible reaches of Putah Creek and contiguous portions of the Dry Creek tributary by installing a 15-foot wide native vegetation hedgerow (removing weeds and infilling existing native vegetation) along three miles of south bank of Lower Putah Creek on the southern boundary of the City of Winters; and extend bank re-vegetation of Dry Creek on the southwestern boundary of Winters. The project will feature rock vanes installed by a geomorphologist, native vegetation hedgerow and oak woodland plantings on both banks.

Planned Grant Applications

One more round of funding will be available through the California River Parkway program under Proposition 50. The LPCCC intends to submit a proposal for geomorphic restoration (re-design of the creek channel) under this program. A total statewide appropriation of \$20.5 million has been proposed for 2007-8.

If the DWR Urban Streams grant is not extended, a follow up grant application could be submitted in the fall of 2007.

The California Parks Department Off-Highway Vehicle (OHV) Program funds projects to prevent damage by unauthorized use of OHVs including a past grant for vehicle barriers and restoration of areas damaged by OHVs beneath Highway 505. A new grant request for approximately \$50,000 is proposed to extend existing vehicle barriers along Putah Creek Road and to provide for more robust vehicle barrier gates where needed.

The Cal/EPA Integrated Waste Management Board Farm and Ranch Cleanup Program has provided grants for removal of solid wastes from agricultural lands along Putah Creek. The City of Winters and LPCCC are proposing a new grant for cleanup of

agricultural lands on Dry Creek below Highway 128. IWMB is also interested in sponsoring spring creek cleanup grants much like the California Coastal Commission sponsors Coastal Cleanup Day each fall.

Solano County Water Agency has budgeted \$2 million for capital improvement projects throughout Lower Putah Creek in accordance with the Lower Putah Creek Watershed Management Action Plan.

CITY COUNCIL RESOLUTION NO. 2008-23

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS ADOPTING
THE WINTERS PUTAH CREEK NATURE PARK MASTER PLAN**

WHEREAS, the City of Winters adopted a Winters Putah Creek Nature Park Master Plan in 1995; and

WHEREAS, the City established the Winters Putah Creek Committee in October 2006 to advise the City Council on the Winters Putah Creek Nature Park; and

WHEREAS, the City Council approved preparation of an update to the Winters Putah Creek Nature Park Master Plan in January 2007, and hired a Winters Putah Creek Nature Park Master Plan consultant in January 2007 as part of the implementation process; and

WHEREAS, two public workshops were held to solicit input on the Winters Putah Creek Nature Park Master Plan, and the Winters Putah Creek Committee has held extensive meetings to review drafts of the Winters Putah Creek Nature Park Master Plan; and

WHEREAS, the Winters Putah Creek Nature Park Master Plan is a long-range planning document which is to be used in managing the development of the one-mile stretch of the Putah Creek between Railroad Avenue and I-505 from 100 feet north of the top of the north bank and south to Putah Creek Road; and

WHEREAS, the Winters Putah Creek Nature Park Master Plan goals are to integrate the Park into the community fabric, support the City's economic vitality, provide access to a native riparian habitat and improve the ecological vitality of the creek; and

WHEREAS, Winters Putah Creek Nature Park Master Plan includes circulation routes to and through the park, parking areas, conceptual creek realignments, accessible areas, recreational zones, and educational opportunities; and

WHEREAS, the Winters Putah Creek Committee determined that the proposed Winters Putah Creek Nature Park Master Plan adequately addresses the issues, proposed amenities and improvements within the Winters Putah Creek Nature Park and recommended that the City Council adopt the Plan during their meeting on March 10, 2008; and

WHEREAS, an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Program was prepared and circulated between April 4, 2008 and May 5, 2008; and

WHEREAS, the Planning Commission held a public hearing on May 27th, 2008, took public input, held a discussion, then voted approve the Initial Study/Mitigated Negative Declaration, adopt the Mitigation Monitoring Plan, and to recommend approval of the Winters Putah Creek Nature Park Master Plan by the City Council

WHEREAS, on June 23, 2008, the City Council held a public hearing to receive

public participation on the Winters Putah Creek Nature Park Master Plan;

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves and adopts the Winters Putah Creek Nature Park Master Plan.

BE IT FURTHER RESOLVED, that the goals and capital improvement projects outlined in the Winters Putah Creek Nature Park Master Plan will be given full attention in reviews and updates of the General Plan and Zoning for the Putah Creek and downtown area and in budget planning.

PASSED AND ADOPTED at a regular meeting the City of Winters City Council, County of Yolo, State of California, on the 23rd day of June, 2008, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Michael Martin, Mayor, City of Winters

ATTEST:

Nanci G. Mills, City Clerk, City of Winters



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE : June 23, 2008
THROUGH: John W. Donlevy, Jr., City Manager *JD*
FROM: Shelly Gunby, Director of Financial Management *Shelly*
SUBJECT: City of Winters 2008/2009 Budget

RECOMMENDATION:

City Council adopt Resolution 2008-25, A resolution of the City Council of the City of Winters Approving and Adopting a Budget of Revenues and Estimated Expenditures For Fiscal Year 2008-2009

BACKGROUND:

The City of Winters is required to prepare and adopt a budget each fiscal year. Staff has prepared the budget, and the General Fund Budget is a balanced budget with the use of fund balance available of approximately \$225,646

FISCAL IMPACT:

The Budget gives hiring and spending authority to staff for the Fiscal Year 2008-2009

**CITY COUNCIL
RESOLUTION 2008-25**

**RESOLUTION OF THE CITY OF WINTERS APPROVING AND ADOPTING A
BUDGET OF ESTIMATED EXPENDITURES FOR FISCAL YEAR 2008-2009.**

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

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

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

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Winters that a budget for the Fiscal Year 2008/2009 a copy of which is on file in the City Clerk's Office, is hereby adopted for the City of Winters as follows;

Section 1. General Fund estimated revenues of \$3,202,830, use of available fund balance of \$225,646, and transfer from the fund PERS Reserve of \$93,270 for a total source of funds of \$3,521,746 and total appropriations of \$3,521,746.

Section 2. Special Revenues Funds estimated revenues of \$1,617,655, use of available fund balance of \$251,707, for a total source of funds of \$1,869,362 and total appropriations of \$1,869,363.

Section 3. Capital Revenue Funds estimated revenues of \$3,907,322, use of available fund balance of \$2,724,759 for total source of funds of \$6,632,081 and total appropriations of \$6,632,081.

Section 4. Water O & M Fund estimated revenues of \$934,714 use of available fund balance of \$-0- for total source of funds of \$934,714 and total expenses of \$741,772.

Section 5. Sewer O & M estimated revenues of \$1,018,331, use of available fund balance of \$-0- for a total source of funds of \$1,018,331 and total expenses of \$933,720.

PASSED AND ADOPTED by the City of Winters this 23rd day of June 2008 by the following vote:

AYES;
NOES;
ABSTAIN;
ABSENT;

Mike Martin, Mayor

ATTEST:

Nanci G. Mills, City Clerk



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE : June 23, 2008
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Shelly Gunby, Director of Financial Management 
SUBJECT: City of Winters Community Development Agency Budget Fiscal Year
2008-2009

RECOMMENDATION:

City Council adopt Resolution 2008-26, A resolution of the City of Winters Community Development Agency Approving and Adopting a Budget of Revenues and Estimated Expenditures For Fiscal Year 2008-2009

BACKGROUND:

The City of Winters Community Development Agency is required to prepare and adopt a budget each fiscal year. Staff has prepared the budget and presents it for approval this evening.

FISCAL IMPACT:

The Budget gives hiring and spending authority to staff for the Fiscal Year 2008-2009

**COMMUNITY DEVELOPMENT AGENCY
RESOLUTION 2008-26**

RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WINTERS APPROVING AND ADOPTING A BUDGET OF ESTIMATED REVENUES AND EXPENDITURES FOR FISCAL YEAR 2008-2009

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

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

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

NOW, THEREFORE BE IT RESOLVED by the Community Development Agency of the City of Winters, that a budget for Fiscal Year 2008-2009 a copy of which is on file in the City Clerk's office is hereby adopted for a total estimated revenues of \$2,621,114, and use of available fund balance of \$15,065,019 for a total source of funds \$17,686,133 and total appropriations of \$17,686,133.

PASSED AND ADOPTED by the City of Winters Community Development Agency this 23rd day of June 2008 by the following vote:

AYES;
NOES;
ABSTAIN;
ABSENT;

Woody Fridae, Chairman

ATTEST:

Nanci G. Mills, City Clerk