



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, December 16, 2008
7:30 p.m.
AGENDA

Members of the City Council

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

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS

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

CONSENT CALENDAR

All matters listed under the consent calendar are considered routine and non-controversial, require no discussion and are expected to have unanimous

Council support and may be enacted by the City Council in one motion in the form listed below. There will be no separate discussion of these items. However, before the City Council votes on the motion to adopt, members of the City Council, staff, or the public may request that specific items be removed from the Consent Calendar for separate discussion and action. Items(s) removed will be discussed later in the meeting as time permits.

- A. Minutes of the Regular Meeting of the City of Winters City Council Held on December 2, 2008 (pp 1-2)
- B. Street Closure – Amgen Tour of California Bike Race – February 15, 2009 (pp 3-10)
- C. Resolution No. 2008- 49 of the City Council of the City of Winters Receiving from the Community Development Agency the Annual Redevelopment Report to Legislative Body, State Controllers Office and State Housing & Community Development Department for Fiscal Year Ending June 30, 2008 and Authorizing its Transmittal to the State Department of Housing and Community Development and the State Controller's Office (pp 11-69/J)
- D. Authorize the City Manager to Execute a Settlement and Release Agreement with ECO Resources DbA Southwest Water Services regarding the Administrative Civil Liability Complaint, no. R5-2007-0502 (pp 70-73)
- E. Authorize the City Manager to Execute an Addendum to the City Services Contract with Southwest Water Services Company, Inc. (pp 74-76)
- F. Award of Contract for 2008 Water and Sewer Main Rehabilitation, Project No. 0801, to TerraCon Pipelines (pp 77-80)

PRESENTATIONS

10-Year Plans to End Homelessness, presented by Janice Critchlow of the Yolo County Homeless Coalition (pp 81-83)

DISCUSSION ITEMS

- 1. Public Hearing To Take Action on Proposed Resolution 2008-46, A Resolution of the City Council of the City of Winters, Rescinding Resolution 2006-03, Establishing a Citywide Habitat Mitigation Program and Adopting the Amended Citywide Habitat Mitigation Program (pp 84-116)
- 2. Notice of Introduction and Waive the First Reading of Ordinance 2008-15, An Ordinance of the City Council of the City of Winters, the Second Amendment to Development Agreement By and

- Between The City of Winters and GBH-Winters Highlands, LLC [Winters Highlands Subdivision] (APN 030-220-17, 030-220-19, 030-220-40, and 030-220-50) (pp 117-136)
3. Resolution 2008-48, Establishing a Formal Procedure for Processing General Plan Amendment Proposals (pp 137-141)
 4. Chamber of Commerce Request to Waive Past Due and Future Rent at the City Community Center for Chamber of Commerce Office (pp 142-146)
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COMMUNITY DEVELOPMENT AGENCY

1. Resolution No. 2008-50 of the Community Development Agency Submitting the Annual Redevelopment Report to Legislative Body, State Controllers Office and State Housing & Community Development Department for Fiscal Year Ending June 30, 2008 (pp 147-156)
 2. Facade Improvement Application from Winters Printing Company for Facade Improvement at 310, 310 ½ Railroad Avenue and Alley Behind Same (pp 157-172)
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CITY MANAGER REPORT

INFORMATION ONLY

1. July 2008 Investment Report (pp 173-174)
2. July 2008 Treasurer Report (pp 175-181)
3. August 2008 Investment Report (pp 182-183)
4. August 2008 Treasurer Report (pp 184-190)
5. September 2008 Investment Report (pp 191-192)
6. September 2008 Treasurer Report (pp 193-199)
7. October 2008 Investment Report (pp 200-201)
8. October 2008 Treasurer Report (pp 202-208)

EXECUTIVE SESSION

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the December 16, 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 December 10, 2008, and made available to the public during normal business hours.

Nancy Jensen for Nanci 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.

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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

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Wednesday at 10:00 a.m.

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



Minutes of the Winters City Council Meeting
Held on Tuesday, December 2, 2008

Mayor Michael Martin called the meeting to order at 7:30 p.m. Those present were Council Members Cecilia Aguiar-Curry, Harold Anderson, Woody Fridae, Tom Stone and Mayor Michael Martin. Also present with City Manager John Donlevy, City Attorney John Wallace and City Clerk Nanci Mills.

Mayor Martin led the Pledge of Allegiance.

Councilmember Stone made a motion to approve the agenda. Seconded by Mayor Martin. Motion carried unanimously.

COUNCIL / STAFF COMMENTS

Council Member Aguiar-Curry indicated that a woman had spoken to her regarding the speed bumps at Rosa and Hemenway and thought that they needed to be looked in to.

PUBLIC COMMENTS: None

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the City of Winters City Council Held on November 18, 2008
- B. Claim Against the City of Winters – Carner

City Manager Donlevy gave a brief overview. Council Member Aguiar-Curry made a motion to approve the Consent Calendar. Seconded by Council Member Stone. Motion carried unanimously.

PRESENTATIONS: None

DISCUSSION ITEMS

1. **Public Hearing and Second Reading of Ordinance 2008-12, an Ordinance of the City Council of the City of Winters, Correcting and Re-numbering Conflicting Sections of the Winters Municipal Code**

Mayor Martin opened the public hearing at 7:35 p.m. and closed the public hearing at 7:35 p.m. Council Member Fridae made a motion to approve Ordinance 2008-12. Seconded by Councilmember Stone. Motion approved with the following roll call vote:

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

COMMUNITY DEVELOPMENT AGENCY

None

CITY MANAGER REPORT: None

INFORMATION ONLY: None

EXECUTIVE SESSION: None

ADJOURNMENT

Mayor Martin adjourned the meeting at 7:40 p.m.

Michael Martin, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: December 16, 2008
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Dan Maguire, Housing Programs Manager *DM*
SUBJECT: Street Closure – Amgen Tour of California Bike Race – February 15, 2009

RECOMMENDATION:

Approve street closure to allow for Tour of California Bike Race

BACKGROUND:

The Winters Police Department, working in conjunction with the California Highway Patrol, local volunteers, and volunteers from the Bike race promoter (Medalist Sports) will coordinate the street closure, which will block access from surface streets along the designated race route.

Closure notification will be posted in all affected streets a minimum of 48 hours prior to the scheduled closures and the race promoter will be responsible for notifying City of Winters residents of the street closure details.

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

FISCAL IMPACT:

To be determined (signage, barricade placement) with Police staff overtime billed to the race promoter, as was the case in the 2007 & 2008 races.



City of Winters Request for Street Closure

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

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

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

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

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

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

Name: <u>NAN MAGUIRE</u>	Organization: <u>CITY OF WINTERS</u>
Address: <u>318 First Street</u>	Mailing Address: <u>same</u>
Telephone: <u>530 795 4910</u>	Today's Date: <u>noon to 1:15 p.m.</u>
Streets Requested: <u>Railroad Avenue, Main Street, Grant Avenue</u>	
Date of Street Closure <u>2/15/2009</u>	Time of Street Closure: _____
Description of Activity: <u>professional bike race - stage 1 Davis to Santa Rosa, car bridge Railroad Ave to Main Street to Grant Ave</u>	
Services Requested of City: <u>Police Department support for road closure, signage, barricades</u>	
APPROVED: <u>[Signature]</u> Police Department	<u>[Signature]</u> Public Works Department

City of Winters Request for Street Closure

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

Chuy's Taqueria 208 Railroad Ave	Devin Aguiar
Buckhorn Cafe 10 Main St.	Jon Delfuss
Mrs. Stewart 237 Main	John E. Stewart
LaLank Agency	Lake Henderson
Jaime Quintana	
TIENDA DELICIOUS ON MAIN STREET	Mark S
Forest N. Baker	Senka S
BonnFeeney, LLP	Jamie Halley
UW Park	Tommy
La Mexicana	Elija Arce
El Pueblo Meat MKT	Elija Arce
Warner Video	W. M. C.
PIZZA FACTORY	Yolanda Tharica
First Adventures CCL	Brandi Seese
EAGLE DRUG	M. Adams
Realty world - Lamett	C. Rhenley
Ace Hardware	Dave
Carnile's	Cornel Brown
Catch Central	Jan Stewart
The Palms	John E. Stewart
Patton Property Group	
The Irish Pub	Steve Brown

ETA @ 22 MPH	ETA @ 24 MPH	ETA @ 26 MPH	ETA @ 28 MPH	Incr.	Miles Ridden	Mile to Go	KM Ridden	Action Taken	Location	Turning From	Notes	M	V	P	Marshal Notes
12:00 PM	12:00 PM	12:00 PM	12:00 PM	0.00	0.00	3.15	0.0	Start	C St. between 3rd and 4th						
12:00 PM	12:00 PM	12:00 PM	12:00 PM	0.03	0.03	3.13	0.0	cs	3rd St		Stop Sign				
12:00 PM	12:00 PM	12:00 PM	12:00 PM	0.07	0.10	3.06	0.2	Left	2nd St	3rd St	Stop Sign				
12:00 PM	12:00 PM	12:00 PM	12:00 PM	0.10	0.20	2.96	0.3	cs	D Street		Stop Sign				
12:00 PM	12:00 PM	12:00 PM	12:00 PM	0.10	0.30	2.86	0.5	cs	E Street		Stop Sign				
12:00 PM	12:00 PM	12:00 PM	12:00 PM	0.00	0.30	2.86	0.5	Left	F Street	2nd St	Stop Sign				
12:01 PM	12:00 PM	12:00 PM	12:00 PM	0.10	0.40	2.76	0.6	cs	3rd Street		Stop Sign				
12:01 PM	12:01 PM	12:01 PM	12:01 PM	0.10	0.50	2.66	0.8	cs	4th Street		Stop Sign				
12:01 PM	12:01 PM	12:01 PM	12:01 PM	0.10	0.60	2.56	1.0	Left	5th Street	F Street	Light				
12:01 PM	12:01 PM	12:01 PM	12:01 PM	0.10	0.70	2.46	1.1	cs	E Street						
12:02 PM	12:01 PM	12:01 PM	12:01 PM	0.05	0.75	2.41	1.2	cs	D Street						
12:02 PM	12:01 PM	12:01 PM	12:01 PM	0.05	0.80	2.36	1.3	Left	C Street	5th Street					
12:02 PM	12:02 PM	12:02 PM	12:01 PM	0.10	0.90	2.26	1.4	cs	4th Street		Stop Sign				
12:02 PM	12:02 PM	12:02 PM	12:02 PM	0.10	1.00	2.16	1.6	cs	3rd		Stop Sign				
12:02 PM	12:02 PM	12:02 PM	12:02 PM	0.10	1.10	2.06	1.8	Left	2nd	C Street	Stop Sign				
12:03 PM	12:02 PM	12:02 PM	12:02 PM	0.05	1.15	2.01	1.8	cs	D Street		Stop Sign				
12:03 PM	12:02 PM	12:02 PM	12:02 PM	0.05	1.20	1.96	1.9	cs	E Street		Stop Sign				
12:03 PM	12:03 PM	12:02 PM	12:02 PM	0.05	1.25	1.91	2.0	Left	F Street	2nd St	Stop Sign				
12:03 PM	12:03 PM	12:03 PM	12:03 PM	0.10	1.35	1.81	2.2	cs	3rd Street		Stop Sign				
12:03 PM	12:03 PM	12:03 PM	12:02 PM	0.05	1.40	1.76	2.2	cs	4th Street		Stop Sign				
12:04 PM	12:03 PM	12:03 PM	12:03 PM	0.10	1.50	1.66	2.4	Left	5th Street	F Street	Light				
12:04 PM	12:03 PM	12:03 PM	12:03 PM	0.10	1.60	1.56	2.6	cs	E Street						
12:04 PM	12:04 PM	12:03 PM	12:03 PM	0.05	1.65	1.51	2.6	cs	D Street						
12:04 PM	12:04 PM	12:03 PM	12:03 PM	0.05	1.70	1.46	2.7	cs	C Street		Stay on 5th				
12:04 PM	12:04 PM	12:04 PM	12:03 PM	0.05	1.75	1.41	2.8	cs	B Street		Light				
12:04 PM	12:04 PM	12:04 PM	12:04 PM	0.05	1.80	1.36	2.9	cs	University		begin divider				
12:05 PM	12:04 PM	12:04 PM	12:04 PM	0.10	1.90	1.26	3.0	cs	A Street		Light				
12:05 PM	12:04 PM	12:04 PM	12:04 PM	0.05	1.95	1.21	3.1	cs	Miller						
12:05 PM	12:05 PM	12:04 PM	12:04 PM	0.10	2.05	1.11	3.3	cs	College Park		Light				
12:05 PM	12:05 PM	12:04 PM	12:04 PM	0.10	2.15	1.01	3.5	cs	Oak St		Light				
12:06 PM	12:05 PM	12:05 PM	12:04 PM	0.15	2.30	0.85	3.7	cs	S. Campus						
12:06 PM	12:05 PM	12:05 PM	12:05 PM	0.10	2.40	0.75	3.9	cs	Oeste						
12:06 PM	12:06 PM	12:05 PM	12:05 PM	0.10	2.50	0.65	4.0	cs	Anderson/LaRue		Light				
12:07 PM	12:06 PM	12:06 PM	12:05 PM	0.20	2.70	0.45	4.3	cs	Sycamore		Light				
12:08 PM	12:07 PM	12:06 PM	12:06 PM	0.30	3.00	0.15	4.8	cs	Freeway entrance/CA 113		Light				
12:08 PM	12:07 PM	12:07 PM	12:06 PM	0.10	3.10	0.05	5.0	cs	Freeway exit/CA 113						
12:08 PM	12:07 PM	12:07 PM	12:06 PM	0.05	3.15	0.00	5.1	cs	Arthur		Light				
End Neutral Section															
12:08 PM	12:07 PM	12:07 PM	12:06 PM	0.00	0.00	107.59	0.0	cs	Arthur St						
12:08 PM	12:07 PM	12:07 PM	12:06 PM	0.22	0.22	107.37	0.4	cs	Eisenhower St						
12:09 PM	12:07 PM	12:07 PM	12:06 PM	0.15	0.37	107.22	0.6	Left	Russell Blvd	Russell Blvd					
12:09 PM	12:08 PM	12:08 PM	12:07 PM	0.24	0.61	106.98	1.0	cs	Portage Bay Ave						
12:10 PM	12:09 PM	12:09 PM	12:08 PM	0.39	1.00	106.59	1.6	cs	Lake Blvd						
12:11 PM	12:10 PM	12:10 PM	12:09 PM	0.44	1.44	106.15	2.3	cs	Patwin Rd						
12:12 PM	12:11 PM	12:10 PM	12:09 PM	0.22	1.66	105.93	2.7	cs	Tierra Linda		stop sign				
12:12 PM	12:11 PM	12:11 PM	12:09 PM	0.11	1.77	105.82	2.8	cs	CR-98						
12:14 PM	12:12 PM	12:12 PM	12:10 PM	0.48	2.25	105.34	3.6	cs	CR-97D						
12:15 PM	12:13 PM	12:13 PM	12:11 PM	0.51	2.76	104.83	4.4	cs	CR-97						
12:17 PM	12:15 PM	12:14 PM	12:13 PM	0.63	3.39	104.20	5.5	cs	Cassidy Lane						
12:18 PM	12:16 PM	12:15 PM	12:14 PM	0.37	3.76	103.83	6.1	cs	CR-96						
12:20 PM	12:18 PM	12:17 PM	12:15 PM	0.87	4.63	102.96	7.5	Left	Stevenson Bridge Rd	Russell Blvd					
12:22 PM	12:20 PM	12:19 PM	12:17 PM	0.72	5.35	102.24	8.6	cs	Creeksedge Rd						
12:22 PM	12:20 PM	12:19 PM	12:17 PM	0.06	5.41	102.18	8.7	cs	road note		bridge				
12:23 PM	12:21 PM	12:20 PM	12:18 PM	0.29	5.70	101.89	9.2	cs	Strathgordon Lane						

ETA @ 22 MPH	ETA @ 24 MPH	ETA @ 26 MPH	ETA @ 28 MPH	Incr.	Miles Ridden	Mile to Go	KM Ridden	Action Taken	Location	Turning From	Notes	M	V	P	Marshal Notes
12:24 PM	12:21 PM	12:20 PM	12:18 PM	0.27	5.97	101.62	9.6	Right	Putah Creek Road	Stevenson Bridge Rd					
12:29 PM	12:26 PM	12:25 PM	12:22 PM	1.91	7.88	99.71	12.7	cs	Campbell Rd						
12:30 PM	12:27 PM	12:25 PM	12:23 PM	0.33	8.21	99.38	13.2	cs	McNeil Lane						
12:39 PM	12:36 PM	12:34 PM	12:31 PM	3.51	11.72	95.87	18.9	cs	Boyce Rd						
12:40 PM	12:37 PM	12:34 PM	12:31 PM	0.32	12.04	95.55	19.4	cs	Gandini Rd						
12:41 PM	12:37 PM	12:35 PM	12:32 PM	0.25	12.29	95.30	19.8	cs	Johnson Rd						
12:42 PM	12:38 PM	12:36 PM	12:33 PM	0.35	12.64	94.95	20.3	cs	Race Course Lane						
12:43 PM	12:39 PM	12:37 PM	12:33 PM	0.38	13.02	94.57	21.0	Right	Winters Road	Putah Creek Road	stop sign				
12:43 PM	12:39 PM	12:37 PM	12:34 PM	0.08	13.10	94.49	21.1	cs	road note		Winters City Limit				
12:43 PM	12:39 PM	12:37 PM	12:34 PM	0.02	13.12	94.47	21.1	cs	Wolfskill St						
12:43 PM	12:39 PM	12:37 PM	12:34 PM	0.03	13.15	94.44	21.2	cs	Russel St						
12:44 PM	12:40 PM	12:37 PM	12:34 PM	0.05	13.20	94.39	21.2	Left	Main St	Winters Road	stop sign				
12:44 PM	12:40 PM	12:37 PM	12:34 PM	0.09	13.29	94.30	21.4	cs	1st St		stop sign				
12:44 PM	12:40 PM	12:37 PM	12:34 PM	0.06	13.37	94.22	21.5	cs	2nd St						
12:44 PM	12:40 PM	12:38 PM	12:34 PM	0.08	13.45	94.14	21.6	cs	3rd St						
12:44 PM	12:40 PM	12:38 PM	12:35 PM	0.11	13.56	94.03	21.8	cs	4th St						
12:45 PM	12:40 PM	12:38 PM	12:35 PM	0.02	13.59	94.01	21.9	cs	road note/Park		Sprint				
12:45 PM	12:41 PM	12:38 PM	12:35 PM	0.07	13.65	93.94	22.0	cs	Haven St						
12:45 PM	12:41 PM	12:38 PM	12:35 PM	0.12	13.77	93.82	22.2	cs	Emery St		stop sign				
12:45 PM	12:41 PM	12:38 PM	12:35 PM	0.09	13.86	93.73	22.3	cs	Abbey St		stop sign				
12:45 PM	12:41 PM	12:39 PM	12:35 PM	0.05	13.91	93.68	22.4	cs	Edwards St						
12:46 PM	12:41 PM	12:39 PM	12:35 PM	0.06	13.97	93.62	22.5	cs	Cody St						
12:46 PM	12:42 PM	12:39 PM	12:36 PM	0.06	14.03	93.56	22.6	Left	Hwy 128	Main St	stop sign				
12:46 PM	12:42 PM	12:39 PM	12:36 PM	0.18	14.21	93.38	22.9	cs	Taylor St						
12:47 PM	12:43 PM	12:40 PM	12:36 PM	0.19	14.40	93.19	23.2	cs	Valley Oak Dr						
12:47 PM	12:43 PM	12:40 PM	12:37 PM	0.21	14.61	92.98	23.5	cs	CR-87E						
12:48 PM	12:44 PM	12:41 PM	12:37 PM	0.27	14.88	92.71	23.9	cs	CR-87D						
12:49 PM	12:44 PM	12:41 PM	12:38 PM	0.22	15.10	92.49	24.3	cs	The Horseshoe						
12:50 PM	12:45 PM	12:42 PM	12:39 PM	0.48	15.58	92.01	25.1	cs	CR-87						
12:55 PM	12:50 PM	12:47 PM	12:43 PM	1.93	17.51	90.08	28.2	cs	Pleasants Valley Rd						
12:56 PM	12:51 PM	12:48 PM	12:44 PM	0.42	17.93	89.66	28.9	cs	Positas Rd						
1:08 PM	1:02 PM	12:58 PM	12:53 PM	4.24	22.17	85.42	35.7	cs	road note		Solono County Line				
1:10 PM	1:04 PM	12:59 PM	12:55 PM	0.76	22.93	84.66	36.9	cs	road note		Napa County Line & Dam				
1:21 PM	1:14 PM	1:09 PM	1:03 PM	3.98	26.91	80.68	43.3	cs	road note		KOM - Cat. 4 - 1025				
1:27 PM	1:20 PM	1:14 PM	1:08 PM	2.39	29.30	78.29	47.2	cs	Wragg Canyon Rd						
1:38 PM	1:30 PM	1:23 PM	1:17 PM	4.00	33.30	74.29	53.6	Right	Hwy 128	Hwy 128	Hwy 121 Intersection				
1:38 PM	1:30 PM	1:23 PM	1:17 PM	0.06	33.36	74.23	53.7	cs	Steele Canyon Rd						
1:45 PM	1:36 PM	1:29 PM	1:22 PM	2.50	35.86	71.73	57.7	cs	Capell Cross Rd						
1:52 PM	1:42 PM	1:35 PM	1:27 PM	2.28	38.14	69.45	61.4	Right	onto Knoxville Berryessa Rd	Hwy 128					
2:02 PM	1:52 PM	1:44 PM	1:36 PM	3.91	42.05	65.54	67.7	cs	Spanish Flat						
2:04 PM	1:53 PM	1:45 PM	1:37 PM	0.60	42.65	64.94	68.6	cs	Mulford Dr						
2:04 PM	1:54 PM	1:45 PM	1:37 PM	0.16	42.81	64.78	68.9	cs	Sugar Loaf Dr						
2:05 PM	1:54 PM	1:46 PM	1:38 PM	0.24	43.05	64.54	69.3	cs	Spanish Flat Loop Rd						
2:10 PM	1:58 PM	1:50 PM	1:41 PM	1.72	44.77	62.82	72.1	cs	Tilford Point Visitor Ctr						
2:24 PM	2:11 PM	2:02 PM	1:53 PM	5.21	49.98	57.61	80.4	cs	Berryessa Rd						
2:26 PM	2:14 PM	2:04 PM	1:55 PM	0.92	50.90	56.69	81.9	cs	road note		bridge				
2:27 PM	2:14 PM	2:04 PM	1:55 PM	0.21	51.11	56.48	82.3	Left	Pope Canyon Rd	Knoxville Berryessa Rd					
2:49 PM	2:35 PM	2:24 PM	2:13 PM	8.27	59.38	48.21	95.6	cs	Hardin Rd						
2:50 PM	2:35 PM	2:24 PM	2:13 PM	0.12	59.50	48.09	95.8	Right	Pope Valley Cross Rd	Pope Canyon Rd					
2:53 PM	2:38 PM	2:26 PM	2:15 PM	1.02	60.52	47.07	97.4	Right	Chiles Pope Valley Rd	Pope Valley Cross Rd					
2:53 PM	2:38 PM	2:27 PM	2:16 PM	0.16	60.68	46.91	97.7	cs	Barnett Rd						
2:55 PM	2:40 PM	2:28 PM	2:17 PM	0.62	61.30	46.29	98.7	vLeft	Howell Mountain Rd	Chiles Pope Valley Rd					
3:01 PM	2:45 PM	2:33 PM	2:22 PM	2.29	63.59	44.00	102.3	cs	White Cottage Rd		KOM - Cat. 3 - 1796				
3:01 PM	2:46 PM	2:34 PM	2:22 PM	0.16	63.75	43.84	102.6	cs	Ink Grade Rd						

WINTERS

Daniel J. Maguire

From: Eric Smith [redbike@earthlink.net]
Sent: Monday, December 01, 2008 5:51 PM
To: Daniel J. Maguire
Subject: RE: 2009 Amgen Tour of California - Solano County Permit Request

Hi Dan,

Yes, we will pick-up the costs (as in previous years). We do not require any volunteers. We will handle things with some of our own travelling course marshals, CHP, and Winters PD. Everything should be the same as in 2007 and 2008... except we are going backwards to shake things up a little.

Eric

From: Daniel Maguire [mailto:daniel.maguire@cityofwinters.org]
Sent: Monday, December 01, 2008 5:14 PM
To: 'Eric Smith'
Subject: RE: 2009 Amgen Tour of California - Solano County Permit Request

Eric:

Next steps are: #1) street closure request on City Council agenda, & #2) confirm that logistics (who does what) and financials (Race promoter picks up costs) are same as in prior years. Also, last year you did not need any volunteers from Winters, your race staff handled everything... do you anticipate similar approach?

Dan

Dan Maguire
Housing Programs Manager
Community Development
City of Winters
118 First Street
Winters, CA 95694
530-795-4910 Ext. 118
daniel.maguire@cityofwinters.org

From: Eric Smith [mailto:redbike@earthlink.net]
Sent: Monday, December 01, 2008 4:38 PM
To: Daniel J. Maguire
Subject: 2009 Amgen Tour of California - Solano County Permit Request

Hi Dan,

The race would like to return through Winters in 2009. Race date is Feb 15th. We will be reversing the route and going from Davis to Santa Rosa. We would take the same route through town. Since we are doing things in reverse, I would like to move the Sprint to the city park. It would be too close to the turn to use the same location we have used the past two years. With Lance Armstrong in the race, I think you can expect to see a lot more people in 2009. Please let me know the next steps.

Regards,

12/2/2008



AMGEN BICYCLE TOUR OF CALIFORNIA

Sunday, February 15, 2009

Race Route:

Putah Creek Road west to Railroad Avenue
Railroad Avenue north to Main Street
Main Street west to Highway 128

*K Merchant
Notification*

STREET CLOSURE:

12:00 PM – 1:15 PM
On Race Route

NO PARKING!

11:00 AM – 1:30 PM
On Main Street
Railroad Avenue to Haven Street

NOTE: This route is a reverse of the 2008 race



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members

DATE : December 16, 2008

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

FROM: Cas Ellena, Redevelopment & Economic Development Director
Shelly Gunby, Director of Finance
Dan Maguire, Housing Programs Manager

SUBJECT: Resolution No. 2008- 49 of the City Council of the City of Winters Receiving from the Community Development Agency, the Annual Redevelopment Report to Legislative Body, State Controllers Office and State Housing & Community Development Department for Fiscal Year Ending June 30, 2008 and Authorizing its Transmittal to the State Department of Housing and Community Development and the State Controller's Office

Requested City Council Action: Approve Resolution authorizing submittal of Annual Redevelopment Report for Fiscal Year Ending June 30, 2008 to Legislative Body and direct staff to transmit the Annual Report to the State Department of Housing and Community Development and the State Controller's Office.

Summary: Section 33080.1 of Community Redevelopment Law of the State of California, Health and Safety Code ("CRL"), requires that each redevelopment agency within the State of California present an annual report to its legislative body within six months of the end of the agency's fiscal year. Each agency is also required to transmit to the California State Controller's Office the agency's financial statement information for the fiscal year ending June 30, 2006, within six months of the end of the agency's fiscal year (December 31, 2008) and transmit to the State Department of Housing and Community Development the agency's low-and moderate-income housing activity statistics for the same fiscal period.

The Community Development Agency of the City of Winters ("Agency") 2007-08 Annual Report consists of various financial and performance information for the Winters Community Development Agency Project Area comprised of the following:

Accounting of Housing and Displacement Activities

CRL Section 33080.1 (a)(2)(c), requires a description of the Agency's affordable housing activities in the 2007-08 fiscal year. Accordingly, the following has been identified:

1) **Displacement:**

There were no non-elderly or elderly households that were displaced or moved from their dwelling units as part of a redevelopment project of the Agency during the 2007-08 fiscal year.

2) **Housing Activities:**

On October 19, 2004, the CDA authorized the expenditure of funds, for the purchase of a 1.71 acre vacant parcel at 110 East Baker (the "Property"), at its \$460,000 appraised value, for the development of the Winters Village Affordable Housing Project. The CDA became the owner on title on November 19, 2004. On March 1, 2005, the CDA entered into an Agreement to Negotiate Exclusively with the Community Housing Opportunity Corporation ("CHOC") to prepare a Disposition and Development Agreement with respect to the Property. In August of 2006, the CDA approved a Ground Lease with Bruhn Orchards Housing Associates, L.P., a California Limited Partnership that was established by CHOC, which provides for a long term lease of the Property for \$1.00 per year and which provides for the development of the Property. The CDA provided a predevelopment loan in the amount of \$50,000, a development loan in the amount of \$150,000, and a grant of \$1,400,000 for the project. The two loans are on favorable terms. The CDA also picked up a portion of closing costs for the project. Additionally, the City of Winters was awarded a HOME grant in 2005 and the City is loaning \$2,850,280 of the HOME funds to CHOC for the Winters Village project under favorable terms. Winters Village was completed in December of 2007, began leasing units in January of 2008, with the project fully leased by June of 2008 and offers a total of 34 very-low income units: 7 at 35% of median income; 7 at 40% of median income; and 20 at 50% of median income.

The CDA provided funds for a consultant (EPS) and provided staff to assist with the preparation of the 2008 Housing Element Update.

Summary of the CDA's Efforts to Alleviate Blight in the Project Area ("Blight Progress Report")

CRL Section 33080.1 (a)(2)(d), requires a description of the CDA's progress, including specific actions and expenditures, in alleviating blight in the previous fiscal year. In its 2003-2008 Implementation Plan the CDA identifies various goals and objectives to alleviate blight in the Project Area. The CDA also adopted a new Implementation Plan

for fiscal years 208/09 through 2012/2013 ("Implementation Plans". Both Implementation Plans list the CDA's plans for the elimination of blight. This Blight Progress Report is described in a manner corresponding to the goals and objectives described in the Implementation Plans.

The overall goal of the CDA is to maximize the potential benefits of the CDA to the community, while preserving the historical ambiance and quality of life in Winters. In order to achieve these goals, the CDA has identified objectives that are designed to alleviate blighting conditions in the project area:

1) Objective: To provide a stable, diversified and stronger economic base for the Project Area and Community.

Accomplishment: In May of 2007, the CDA issued a Request for Proposal for Brand Image Development and on July 15, 2008 entered into an agreement with Kathleen Iudice & Associates to help the CDA prepare a brand and logo to help the Chamber, businesses and the City compete in today's economic market.

Accomplishment: In October of 2007, the CDA/City submitted an application for a State of California Department of Housing and Community Development (HCD) Technical Assistance Allocation (PTA) grant for the preparation of feasibility and market studies associated with the adaptive reuse of the unoccupied and underutilized second floors of three of the City's historic structures. In January of 2008, the CDA/City was awarded the \$70,000 PTA grant to pay for the studies. In May of 2008, the City issued a request for proposals for a consultant to prepare the studies and to assist the City with an Over the Counter Grant for funds to rehabilitate at least one of the structures. On July 15, 2008, the CDA entered into an Agreement with Chabin Concepts to prepare the studies. The studies are currently underway.

Accomplishment: In an effort to encourage lodging in Winters, the CDA commissioned a Hotel Market Demand Study and an appraisal of a property on Grant Avenue.

2) Objective: To provide safer, more efficient, and economical movement of persons and goods within the Project Area and community.

Accomplishment: In March 2006, the CDA approved the Downtown Master Plan which provides a vision for the overall economic and capital development of the central business district of downtown Winters. This adopted document includes a variety of plans and policies which represent key steps in achieving the overall build-out of the area including pedestrian improvements, street improvements, parking improvements, alley way improvements etc. On October 17, 2006 the CDA authorized a \$20,000 budget to begin the implementation of programs for the economic development projects as outlined in the Master Plan. In March of

2007, the CDA released a Request for Proposal for Engineering and Design Services for the Downtown Streetscape Improvement Project. Through an agreement approved on August of 2007, and amended October of 2007, the CDA authorized \$1.35 million for Rick Engineering to take the CDA through the construction document phase for the Downtown Streetscape Improvement Program. Improvements including pedestrian improvements, bulb-outs at Main Street and Railroad Avenue. Phase I is currently under construction and will be completed in December 2008. Phase II of the project is in the design phase and is anticipated to be bid early 2009.

Accomplishment: On October 16, 2007, the CDA approved a Reciprocal Access and Public Parking Easement Agreement with the property owners of the Main Street Village Block (the "Block") which provided for shared public parking areas and improvements for the effective development of the Block.

Accomplishment: On March 4, 2008, the City Council approved Resolution No. 2008-06 regarding a Notice of Intent to vacate a portion of East Abbey Street between Railroad Avenue and Elliot Street to further assist in the development of the block and to reconfigure the remaining portion of the street into a parking lot to provide for a more efficient movement of persons and the more economical feasibility of development.

3) Objective: To conserve and improve existing public facilities and to provide such new facilities as needed for the improvement of the Project Area.

Accomplishment: During the 2007/08 reporting year, the CDA agreed to provide up to \$8.4M toward the development of a new Public Safety Building to house both police and fire services.

Accomplishment: The CDA contributed \$650k toward the development of a new joint use/co-located Winters Library on the Winters High School Campus. The new library broke ground in November of 2008.

4) Objective: To enhance the physical environment of the Project Area and to emphasize its favorable environmental characteristics.

Accomplishment: On September 7, 2004, the CDA approved the Downtown Façade Improvement Program (DFIP), including the Guidelines, Agreement, Application, Rebate Claim Form, and Sample Façade Maintenance Easement needed to implement the program; and authorized CDA tax increment funds for its implementation. The CDA has continued to offer and provide funds for this program each year. During this reporting year, the CDA approved two façade improvement applications: one for the Depot building at 200-208 Railroad Avenue and 3 Russell Street ("Depot Façade"); and one for 111-115 Main Street ("Main Street Façade"). The Depot Façade was completed September 2008 and

was awarded \$20,000. The Main Street Façade is not yet completed but is eligible for \$10,000.

Accomplishment: - On December 17, 2007, the CDA entered into an agreement with Pacific Municipal Consultants (PMC) to prepare a Form Based Code for the Downtown Master Plan Area in order to control the look and type of buildings, streets, landscaping and building details to create and maintain an interesting attractive and livable downtown. The Form Based Code is currently going through the approval process and is anticipated to be adopted early 2009.

5) Objective: To maximize opportunities for the revitalization, expansion and development of commercial and industrial uses within the Project Area.

Accomplishment: Throughout the reporting year, CDA staff was working with and negotiating with Monticello Investors LLC for the Disposition and Development of the CDA property along the easterly side of Railroad Avenue between Main and Abbey Streets (Assessor's Parcel No. 003-224-01) for the Monticello mixed use project. On September 2, 2008, the City Council and the CDA approved the Disposition and Development Agreement. It is anticipated that the Monticello project will break ground in early 2009.

Toward this effort, the CDA contracted with Economic & Planning Systems (EPS) to prepare a residential and Commercial Market Analysis to examine the viability of the Monticello project based on market conditions of the surrounding area, changes in demographic and economic characteristics and current and future supply of the land uses proposed, as well as the Project's competitive position among comparable markets in the area.

6) Objective: To improve and increase the community's supply of affordable housing in a manner consistent with the Housing Element of the General Plan and the policies of California Community Redevelopment Law – Consistent with Community Redevelopment Law of the State of California, Health & Safety Code Sections 33000 et seq., increase, improve, and expand the community's supply of affordable housing.

Accomplishment: On October 19, 2004, the CDA authorized the expenditure of funds, for the purchase a 1.71 acre vacant parcel at 110 East Baker (the "Property"), at its \$460,000 appraised value, for the development of the Winters Village Affordable Housing Project. The CDA became the owner on title on November 19, 2004. On March 1, 2005, the CDA entered into an Agreement to Negotiate Exclusively with the Community Housing Opportunities Corporation ("CHOC") to prepare a Disposition and Development Agreement with respect to the Property. In August of 2006, the CDA approved a Ground Lease with Bruhn Orchards Housing Associates, L.P., a California Limited Partnership that was established by CHOC, which provides for a long term lease of the Property for \$1.00

per year and which provides for the development of the Property. The CDA provided a predevelopment loan in the amount \$50,000, a development loan in the amount \$150,000, and a grant of \$1,400,000 for the project. The two loans are on favorable terms. The CDA also picked up a portion of closing costs for the project. Additionally, the City of Winters was awarded a HOME grant in 2005 and the City is loaning \$2,850,280 of the HOME funds to CHOC for the Winters Village project under favorable terms. Winters Village was completed in December of 2007, began leasing units in January of 2008, with the project fully leased by June of 2008 and offers a total of 34 very-low income units: 7 at 35% of median income; 7 at 40% of median income; and 20 at 50% of median income.

Accomplishment: The CDA contracted with Economic & Planning Systems and provided staff to assist in the preparation of the 2008 Housing Element Update which is currently under review by the State Department of Housing and Community Development

Objective: To accomplish these goals with minimum displacement of any property owner, resident or business person who may wish to remain within the Project Area.

Accomplishment: No property owners, residents or business owners were displaced due to CDA efforts.

Loan Report:

CRL Section 33080.1 (a)(2)(e), requires a list of and status report on, all loans made by the redevelopment agency that are fifty thousand dollars or more, that in the previous fiscal year were in default or not in compliance with the terms of the loan approved by the CDA. There are no loans in default or not in compliance with the terms of the loan.

Description of Agency-owned Property

CRL Section 33080.1 (a)(2)(f), requires a description of the total number of and nature of properties that the Agency owns and those properties the agency acquired in the 2005-06 fiscal year.

1) Railroad Avenue and Main Street Lot

Address: East Side of Railroad Ave. between Abbey St and Main St, Winters
Parcel #: APN 003-224-01
Cost of Purchase: \$120,000

In September 2004, the CDA purchased the above mentioned property from the City for the purpose of moving forward with the development of a mixed-use project on the site and the master plan build out of the Main Street Village block.

The CDA paid the appraised value of \$120,000. The property has an area of 18,949 square feet or .44 acres, is zoned C-2 (Central Business District) and has no known development constraints. The property is located within the Project Area.

On October 2, 2006, the CDA authorized staff to move forward with a Disposition and Development Agreement with Monticello Investors for the development of a mixed use project and the disposition of the property. Staff and developer are currently negotiating the development of the DDA.

2) Winters Village Affordable Housing Complex Property

Address: 110 East Baker Street, Winters
Parcel #: APN 003-370-15
Cost of Purchase: \$460,000

On October 19, 2004, the CDA authorized the expenditure of funds, for the purchase a 1.71 acre vacant parcel at 110 East Baker (the "Property"), at its \$460,000 appraised value, for the development of the Winters Village Affordable Housing Project. The CDA became the owner on title on November 19, 2004. On March 1, 2005, the CDA entered into an Agreement to Negotiate Exclusively with the Community Housing Opportunities Corporation ("CHOC") to prepare a Disposition and Development Agreement with respect to the Property. In August of 2006, the CDA approved a Ground Lease with Bruhn Orchards Housing Associates, L.P., a California Limited Partnership that was established by CHOC, which provides for a long term lease of the Property for \$1.00 per year and which provides for the development of the Property. The CDA provided a predevelopment loan in the amount \$50,000, a development loan in the amount \$150,000, and a grant of \$1,400,000 for the project. The two loans are on favorable terms. The CDA also picked up a portion of closing costs for the project. Additionally, the City of Winters was awarded a HOME grant in 2005 and the City is loaning \$2,850,280 of the HOME funds to CHOC for the Winters Village project under favorable terms. Winters Village was completed in December of 2007, began leasing units in January of 2008, with the project fully leased by June of 2008 and offers a total of 34 very-low income units: 7 at 35% of median income; 7 at 40% of median income; and 20 at 50% of median income.

3) 23 Main Street

Address: 23 Main Street
Parcel #: 003-204-12-1
Cost of Purchase: \$174,178.45

In February 2007, the CDA purchased 23 Main Street in downtown Winters from the Barbour/Whitworth Family for \$174,178.45. The CDA intends to provide for a

permanent ten foot access easement through the property from the alley to Main Street for pedestrian purposes, as identified in the Downtown Master Plan. The Winters Center for the Arts has the option to lease back or purchase the property provide they have a bona fide development proposal for the construction of an Art Center building on the site which would be used by the Winters Center for the Arts and the public.

ATTACHMENTS:

- Independent Financial Audit and Financial Statement
- Report to the State Department of Housing and Community Development
- Resolution No. 2008-49

RESOLUTION NO. 2008-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS RECEIVING FROM THE COMMUNITY DEVELOPMENT AGENCY THE REDEVELOPMENT ANNUAL REPORT FOR FISCAL YEAR ENDING JUNE 30, 2008

WHEREAS, Section 33080.1 of the Community Redevelopment Law of the State of California, Health and Safety Code, requires that each redevelopment agency within the State of California present an annual report to its legislative body within six months of the end of the agency's fiscal year; and

WHEREAS, the Community Development Agency of the City of Winters has prepared the 2007/08 Annual Report containing various financial and performance information for the Winters Community Development Agency Project Area and has submitted it to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winters that it has received from the Community Development Agency the Redevelopment Annual Report for Fiscal Year ending June 30, 2008.

DULY AND REGULARLY ADOPTED this 16th day of December 2008.

CITY OF WINTERS

Mayor

ATTEST:

Nanci Mills, City Clerk

WINTERS COMMUNITY DEVELOPMENT AGENCY

FINANCIAL STATEMENTS

JUNE 30, 2008

WINTERS COMMUNITY DEVELOPMENT AGENCY
Financial Statements
June 30, 2008

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MOSS, LEVY & HARTZHEIM LLP
CERTIFIED PUBLIC ACCOUNTANTS

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INDEPENDENT AUDITOR'S REPORT

Members of the Board of the Winters Community Development Agency
Winters Community Development Agency
Winters, California

We have audited the accompanying financial statements of the governmental activities and each major fund of the Winters Community Development Agency, a component unit of the City of Winters, California, as of and for the fiscal year ended June 30, 2008, which collectively comprise the Agency's basic financial statements, as listed in the table of contents. These financial statements are the responsibility of the Agency's management. Our responsibility is to express opinions on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Governmental Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance as to whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinions.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the Winters Community Development Agency as of June 30, 2008, and the respective changes in the financial position thereof and the respective budgetary comparison for the Housing Set-Aside Fund for the fiscal year then ended, in conformity with accounting principles generally accepted in the United States of America.

The Agency has not presented Management's Discussion and Analysis that the Governmental Accounting Standards Board has determined is necessary to supplement, although not required to be part of, the basic financial statements.

As discussed in note 1 of the notes to basic financial statements effective July 1, 2007, the Agency adopted the provisions of Government Accounting Standards Board (GASB) Statement No. 48, *Sales and Pledges of Receivables and Future Revenues and Intra-Entity Transfers of Assets and Future Revenues* and GASB Statement No. 50, *Pension Disclosures – An Amendment of GASB Statements No. 25 and No. 27*.

In accordance with *Government Auditing Standards*, we have also issued our report dated November 17, 2008, on our consideration of the Agency's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control on financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting and compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be read in conjunction with this report in considering the results of our audit.

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Agency's basic financial statements. The budgetary comparison Schedule of the Capital Projects Fund is presented for purposes of additional analysis and is not a required part of the basic financial statements. The budgetary comparison Schedule of the Capital Projects Fund has been subjected to the auditing procedures applied in our audit of the basic financial statements and, in our opinion, is fairly presented, in all material respects, in relation to the basic financial statements taken as a whole.

Moss, Levy & Hartzheim

Moss, Levy & Hartzheim, LLP
Beverly Hills, California
November 17, 2008

**WINTERS COMMUNITY DEVELOPMENT AGENCY
STATEMENT OF NET ASSETS
JUNE 30, 2008**

ASSETS	<u>Governmental Activities</u>
Cash and investments	\$ 3,444,218
Restricted cash and investments	14,783,534
Interest receivable	138,964
Accounts receivable	106,387
Notes receivable	352,820
Deferred charges - net of accumulated amortization	933,844
Capital assets - net of accumulated depreciation	<u>3,446,418</u>
Total Assets	<u>23,206,185</u>
LIABILITIES	
Accounts payable	203,834
Interest payable	259,621
Long-term liabilities:	
Due in one year	295,000
Due in more than one year	<u>17,783,922</u>
Total Liabilities	<u>18,542,377</u>
NET ASSETS	
Restricted for:	
Debt service	1,586,638
Low and moderate income housing	<u>3,895,665</u>
Total restricted net assets	5,482,303
Unrestricted	<u>(818,495)</u>
Total Net Assets	<u>\$ 4,663,808</u>

See accompanying notes to financial statements

**WINTERS COMMUNITY DEVELOPMENT AGENCY
STATEMENT OF ACTIVITIES
FOR THE FISCAL YEAR ENDED JUNE 30, 2008**

	Expenses	Program Revenue			Net (Expense) Revenue and Changes in Net Assets
		Charges for Services	Capital Grants and Contributions	Operating Grants and Contributions	
Governmental Activities					
Expenses:					
Legal and professional Administration	\$ 201,620	\$ -	\$ -	\$ -	\$ (201,620)
Community development	505,294				(505,294)
Pass-through agreements	228,502				(228,502)
Interest on long-term debt	363,024				(363,024)
	665,196				(665,196)
Total	\$ 1,963,636	\$ -	\$ -	\$ -	(1,963,636)
General revenues:					
Taxes:					
Incremental property taxes					1,853,339
Use of money and property					756,910
Total general revenues					2,610,249
Change in Net Assets					646,613
Net Assets - Beginning of Fiscal Year					4,017,195
Net Assets - End of Fiscal Year					\$ 4,663,808

See accompanying notes to financial statements

**WINTERS COMMUNITY DEVELOPMENT AGENCY
BALANCE SHEET
GOVERNMENTAL FUNDS
JUNE 30, 2008**

	Housing Set-Aside Special Revenue Fund	Debt Service Fund	Capital Projects Fund	Total Governmental Funds
ASSETS				
Cash and investments	\$ 765,235	\$ 831,915	\$ 1,847,068	\$ 3,444,218
Restricted cash and investments	2,770,845	1,006,657	11,006,032	14,783,534
Notes receivable	352,820			352,820
Accounts receivable	21,277		85,110	106,387
Interest receivable	25,764	7,687	105,513	138,964
Total Assets	\$ 3,935,941	\$ 1,846,259	\$ 13,043,723	\$ 18,825,923
LIABILITIES				
Accounts payable	\$ 40,276	\$ -	\$ 163,558	\$ 203,834
Deferred revenue	352,820			352,820
Total Liabilities	393,096		163,558	556,654
FUND BALANCES				
Reserved for:				
Encumbrances			142,409	142,409
Debt service		1,846,259		1,846,259
Low and moderate income housing	3,542,845			3,542,845
Unreserved, designated			350,000	350,000
Unreserved, undesignated			12,387,756	12,387,756
Total Fund Balances	3,542,845	1,846,259	12,880,165	18,269,269
Total Liabilities and Fund Balances	\$ 3,935,941	\$ 1,846,259	\$ 13,043,723	\$ 18,825,923

See accompanying notes to financial statements

**WINTERS COMMUNITY DEVELOPMENT AGENCY
RECONCILIATION OF THE GOVERNMENTAL FUNDS
BALANCE SHEET TO THE STATEMENT OF NET ASSETS
JUNE 30, 2008**

FUND BALANCES - GOVERNMENTAL FUNDS	\$ 18,269,269
<p>Amounts reported for Governmental Activities in the Statement of Net Assets are different from those reported in the Governmental Funds because of the following:</p>	
<p>Capital assets used in Governmental Activities are not current assets or financial resources and therefore are not reported in the Governmental Funds.</p>	3,446,418
<p>Certain notes receivable are not available to pay for current period expenditures and therefore, are offset by deferred revenue in the Governmental Funds.</p>	352,820
<p>Accrued interest payable from the current portion of interest due on long-term debt has not been reported in the Governmental Funds.</p>	(259,621)
<p>The assets and liabilities below are not due and payable in the current period and therefore, are not reported in the Governmental Funds:</p>	
Deferred charges, net of accumulated amortization	933,844
Bonds payable	(18,060,000)
Compensated absences	(18,922)
	(18,922)
NET ASSETS OF GOVERNMENTAL ACTIVITIES	\$ 4,663,808

See accompanying notes to financial statements

**WINTERS COMMUNITY DEVELOPMENT AGENCY
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
FOR THE FISCAL YEAR ENDED JUNE 30, 2008**

	Housing Set-Aside Special Revenue Fund	Debt Service Fund	Capital Projects Fund	Total Governmental Funds
REVENUES				
Property tax increment revenue	\$ 370,668	\$ 1,482,671	\$ -	\$ 1,853,339
Use of money and property	140,578	52,577	563,755	756,910
Program income	2,000			2,000
Total Revenues	513,246	1,535,248	563,755	2,612,249
EXPENDITURES				
Current:				
Legal and professional	42,237		159,383	201,620
Administration	190,231		315,063	505,294
Community development	25,408		152,859	178,267
Pass-through agreements			363,024	363,024
Capital outlay			517,510	517,510
Debt service:				
Principal	70,000	210,000		280,000
Interest	181,990	452,386		634,376
Total Expenditures	509,866	662,386	1,507,839	2,680,091
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	3,380	872,862	(944,084)	(67,842)
OTHER FINANCING SOURCES (USES)				
Transfers in	2,763		131,599	134,362
Transfers out		(134,362)		(134,362)
Total Other Financing Sources (Uses)	2,763	(134,362)	131,599	
NET CHANGE IN FUND BALANCES	6,143	738,500	(812,485)	(67,842)
FUND BALANCES, BEGINNING OF FISCAL YEAR	3,536,702	1,107,759	13,692,650	18,337,111
FUND BALANCES, END OF FISCAL YEAR	\$ 3,542,845	\$ 1,846,259	\$ 12,880,165	\$ 18,269,269

See accompanying notes to financial statements

**WINTERS COMMUNITY DEVELOPMENT AGENCY
RECONCILIATION OF THE
GOVERNMENTAL FUNDS STATEMENT OF REVENUES,
EXPENDITURES, AND CHANGES IN FUND BALANCES TO
THE STATEMENT OF ACTIVITIES
FOR THE FISCAL YEAR ENDED JUNE 30, 2008**

The schedule below reconciles the Net Changes in Fund Balances reported on the Governmental Funds Statement of Revenues, Expenditures, and Changes in Fund Balances, which measures only changes in current assets and current liabilities on the modified accrual basis, with the Change in Net Assets of Governmental Activities reported in the Statement of Activities, which is prepared on the full accrual basis.

NET CHANGE IN FUND BALANCES \$ (67,842)

Amounts reported for governmental activities in the Statement of Activities are different because of the following:

Certain notes receivable are reported in the governmental funds as expenditures and then offset by a deferred revenue as they are not available to pay current expenditures. This amount is the net change between notes receivable collected and issued 23,408

CAPITAL ASSET TRANSACTIONS

Governmental Funds report capital outlays as expenditures. However, in the Statement of Activities the cost of those assets is capitalized and allocated over their estimated useful lives and reported as depreciation expense.

Capital outlay expenditures are therefore added back to fund balance 513,534
Depreciation expense not reported in Governmental Funds (69,684)

ACCRUAL OF NON-CURRENT ITEMS

The amounts below included in the Statement of Activities do not provide or (require) the use of current financial resources and therefore are not reported as revenue or expenditures in Governmental Funds (net change during current period):

Deferred charges – amortization (32,686)
Interest payable 1,866
Principal repayment of bonds 280,000
Compensated absences (1,983)

CHANGE IN NET ASSETS OF GOVERNMENTAL ACTIVITIES \$ 646,613

See accompanying notes to financial statement

**WINTERS COMMUNITY DEVELOPMENT AGENCY
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
HOUSING SET-ASIDE SPECIAL REVENUE FUND
FOR THE FISCAL YEAR ENDED JUNE 30, 2008**

	Budgeted Amounts		Actual	Variance with Final Budget
	Original	Final		Positive (Negative)
REVENUES				
Properly tax increment revenue	\$ 401,688	\$ 401,688	\$ 370,668	\$ (31,020)
Use of money and property	22,199	22,199	140,578	118,379
Program income			2,000	2,000
Total Revenues	423,887	423,887	513,246	89,359
EXPENDITURES				
Current:				
Legal and professional	27,616	27,616	42,237	(14,621)
Administration	247,377	247,377	190,231	57,146
Community development	1,687,684	1,687,684	25,408	1,662,276
Debt service:				
Principal	70,000	70,000	70,000	
Interest	181,990	181,990	181,990	
Total Expenditures	2,214,667	2,214,667	509,866	1,704,801
Excess of Revenues over (under) Expenditures	(1,790,780)	(1,790,780)	3,380	1,794,160
OTHER FINANCING SOURCES (USES)				
Transfers in			2,763	2,763
Total Other Financing Sources (Uses)			2,763	2,763
NET CHANGE IN FUND BALANCE	(1,790,780)	(1,790,780)	6,143	1,796,923
FUND BALANCE, BEGINNING OF FISCAL YEAR	3,536,702	3,536,702	3,536,702	
FUND BALANCE, END OF FISCAL YEAR	\$ 1,745,922	\$ 1,745,922	\$ 3,542,845	\$ 1,796,923

See accompanying notes to financial statements

**WINTERS COMMUNITY DEVELOPMENT AGENCY
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2008**

NOTE 1 – DESCRIPTION AND SIGNIFICANT ACCOUNTING POLICIES

A. Organization and Purpose

The Winters Community Development Agency (Agency) was established under the provisions of the Community Redevelopment Law (California Health and Safety Code, commencing with Section 33000). The primary purpose of the Agency is to eliminate blighted areas by encouraging and assisting development of residential, commercial, industrial, recreational, and public facilities. The Agency receives incremental tax revenues on the developed property due to increases in assessed value. The Agency functions as an independent entity and its policies are determined by the Council of the City in a separate capacity as members of the Community Development Agency (Board). All staff work is performed by the officials and staff of the City, or by consultants to the Agency.

The Agency is a separate legal entity subject to oversight by the City Council of Winters (Council). As the primary governing unit of the Agency, the Council exercises significant financial and management control over the Agency.

The Agency is an integral part of the City of Winters and, accordingly, the accompanying financial statements are included as a component of the basic financial statements prepared by the City. A component unit is a separate governmental unit, agency, or nonprofit corporation which, when combined with all other component units, constitutes the reporting entity as defined in the City's basic financial statements.

B. Basis of Presentation

Government-wide Statements: The Statement of Net Assets and the Statement of Activities include the financial activities of the overall Agency government. Eliminations have been made to minimize the double counting of internal activities.

The Statement of Activities presents a comparison between direct expenses and program revenues for each function of the Agency's activities. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a particular function. Program revenues include (a) charges paid by the recipients of goods or services offered by the programs and (b) grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Revenues that are not classified as program revenues, including all taxes, are presented as general revenues.

Fund Financial Statements: The fund financial statements provide information about the Agency's funds. Separate statements for each governmental fund are presented. The emphasis of fund financial statements is on major individual funds, each of which is displayed in a separate column. The Agency considers all its funds to be major funds.

WINTERS COMMUNITY DEVELOPMENT AGENCY
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2008

NOTE 1 – DESCRIPTION AND SIGNIFICANT ACCOUNTING POLICIES (Continued)

C. Major Funds

Governmental Accounting Standards Board Statement No. 34 defines major funds and requires that the Agency's major governmental type funds be identified and presented separately in the fund financial statements. Major funds are defined as funds that have either assets, liabilities, revenues, or expenditures equal to ten percent of their fund-type total and five percent of the grand total. The Agency has determined that all of its funds are major funds.

The Agency reported the following major governmental funds in the accompanying financial statements:

Housing Set-Aside Special Revenue Fund – This fund accounts for the portion of City and County tax increment funds received for redevelopment related purposes and set aside for low-and-moderate-income housing.

Capital Projects Fund – This fund accounts for redevelopment project and capital outlays.

Debt Service Fund – This fund accounts for debt service payments on the Agency's long-term debt issues.

D. Basis of Accounting

The government-wide financial statements are reported using the economic resources measurement focus and the full accrual basis of accounting. Revenues are recorded when *earned* and expenses are recorded at the time liabilities are *incurred*, regardless of when the related cash flows take place.

Government funds are reported using the *current financial resources* measurement focus and the *modified accrual* basis of accounting. Under this method, revenues are recognized when *measurable and available*. The Agency considers all revenues reported in the governmental funds to be available if the revenues are collected within sixty days after fiscal year-end. Expenditures are recorded when the related fund liability is incurred, except for principal and interest on long-term debt, and claims and judgments, which are recognized as expenditures to the extent they have matured. Capital asset acquisitions are reported as *expenditures* in governmental funds. Proceeds of long-term debt is reported as *other financing sources*.

Non-exchange transactions, in which the Agency gives or receives value without directly receiving or giving equal value in exchange, include property taxes, grants, entitlements, and donations. On the accrual basis, revenue from property taxes is recognized in the fiscal year for which the taxes are levied. Revenue from grants, entitlements, and donations are recognized in the fiscal year in which all eligibility requirements have been satisfied.

WINTERS COMMUNITY DEVELOPMENT AGENCY
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2008

NOTE 1 – DESCRIPTION AND SIGNIFICANT ACCOUNTING POLICIES (Continued)

E. Accounting Policies

Revenue

The Agency's primary source of revenue is property taxes, referred to in the accompanying component unit financial statements as "incremental property taxes". Property taxes allocated to the Agency are computed in the following manner:

- a. The assessed valuation of all property in the Project Area is determined on the date of adoption of the Redevelopment Plan by a designation of a fiscal year assessment role.
- b. Property taxes related to any incremental increase in assessed values after the adoption of a Redevelopment Plan are allocated to the Agency; all taxes on the "frozen" assessed valuation of the property are allocated to the City and other districts receiving taxes from the project area.

The Agency has no power to levy tax but does receive tax increment revenue from the City's property tax through Yolo County. Any legislative property tax reduction would lower the amount of tax revenues that would otherwise be available to pay the principal and interest on bonds or loans from the City. Conversely, any increase in the tax rate or assessed valuation or any elimination of present exemptions would increase the amount of tax revenues that would be available to pay principal and interest on bonds or loans from the City.

The Agency is also authorized to finance the Redevelopment Plan from other sources, including assistance from the City, the State and federal governments, interest income, and the issuance of Agency debt.

Property Taxes

Property taxes in the State of California are administered for all local agencies at the county level, and consist of secured, unsecured, and utility tax rolls. The following is a summary of major policies and practices relating to property taxes.

Property Valuations and Tax Levies

The California Community Redevelopment Law provides that assessed valuations of a redevelopment project are, in effect, frozen at the level existing when the redevelopment plan is adopted, and all property taxes produced from this valuation continue to flow to all public agencies levying taxes on property in the project. Taxes produced from any increases in the assessed valuation of a project over the "frozen base" may be allocated to a redevelopment agency to pay or repay costs incurred on behalf of the project. The assessed valuation of a project may be temporarily or permanently reduced below the frozen base as a result of ownership of property by a redevelopment agency pending resale to a developer (temporary), or because a permanent reduction of the assessed valuation will cause a concurrent reduction of the frozen base so that the production of tax increment income from new development will not be impaired.

**WINTERS COMMUNITY DEVELOPMENT AGENCY
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2008**

NOTE 1 – DESCRIPTION AND SIGNIFICANT ACCOUNTING POLICIES (Continued)

E. Accounting Policies (Continued)

Tax Levy Dates

All lien dates attach annually on January 1 preceding the fiscal year for which the taxes are levied. The fiscal year begins July 1 and ends June 30 of the following year. Taxes are levied on both real and secured personal property as it exists at that time. Liens against real estate, as well as the tax on personal property, are not relieved by subsequent renewal or change in ownership.

Tax Collections

The county tax collector is responsible for all property tax collections. Taxes and assessments on secured and utility rolls which constitute a lien against the property, may be paid in two installments; the first installment is due on November 1 of the fiscal year and is delinquent if not paid by December 10, the second installment is due on March 1 of the fiscal year and is delinquent if not paid by April 10. Unsecured personal property taxes do not constitute a lien against real property unless the taxes become delinquent. Payment must be made in one installment, which is delinquent if not paid by August 31 of the fiscal year. Significant penalties are imposed by the county for late payments.

F. Budgets and Budgetary Accounting

The budget for the Agency is adopted by the City Council members, in their capacity as members of the Community Development Agency Board, and provides for the general operation of the capital projects, special revenue, and debt service funds. The budget becomes effective on July 1 of every year. Debt service on the bond issue constitutes a legally authorized "nonappropriated budget".

Expenditures in excess of budgeted amounts are allowed by law but must be approved individually by the City Manager.

G. Long-Term Obligations

In the government-wide financial statements, long-term debt and other long-term obligations are reported as liabilities in the statement of net assets. Bond issuance costs are deferred and amortized over the life of the bonds. This item is reported as deferred charges and is amortized over the term of the related debt.

H. Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

WINTERS COMMUNITY DEVELOPMENT AGENCY
 NOTES TO FINANCIAL STATEMENTS
 JUNE 30, 2008

NOTE 1 – DESCRIPTION AND SIGNIFICANT ACCOUNTING POLICIES (Continued)

I. Encumbrances

Encumbrances represent commitments related to unperformed contracts for goods or services. Encumbrance accounting, under which purchase orders, contracts, and other commitments for the expenditure of resources are recorded to reserve that portion of the applicable appropriation, is utilized by the Agency.

J. Capital Assets

All capital assets are valued at historical cost or estimated historical cost if actual historical cost is not available. Contributed capital assets are valued at their estimated fair value on the date contributed.

The purpose of depreciation is to spread the cost of capital assets equitably among all users over the life of these capital assets. The amount charged to depreciation expense each fiscal year represents that fiscal year's pro rata share of the cost of capital assets.

GASB Statement No. 34 requires that all capital assets with limited useful lives be depreciated over their estimated useful lives. Depreciation of all capital assets is charged as an expense against operations each fiscal year and the total amount of depreciation taken over the years, called accumulated depreciation, is reported on the statement of net assets as a reduction in the book value of capital assets.

Major outlays for capital assets and improvements are capitalized as projects are constructed. Interest incurred during the construction phase is reflected in the capitalized value of the capital asset constructed, net of interest earned on the invested proceeds over the same period.

Buildings and improvements are depreciated using the straight-line method over estimated useful lives of 50 years. Improvements other than buildings are depreciated over 10 years using the straight-line method. Infrastructure is depreciated over 50 years using the straight-line method.

The capitalization policy of the Agency is as follows:

<u>Type</u>	<u>Cost</u>
Infrastructure	\$200,000 or more
Equipment	\$ 5,000 or more
Improvements	\$ 5,000 or more

WINTERS COMMUNITY DEVELOPMENT AGENCY
 NOTES TO FINANCIAL STATEMENTS
 JUNE 30, 2008

NOTE 1 - DESCRIPTION AND SIGNIFICANT ACCOUNTING POLICIES (Continued)

K. New Accounting Pronouncements

The Agency implemented the requirements of GASB Statements No. 48 and No. 50 during the fiscal year ended June 30, 2008.

GASB Statement No. 48

This statement is effective for periods beginning after December 15, 2006 and establishes accounting and financial reporting standards for transactions in which a government receives, or is entitled to, resources in exchange for future cash flows generated by collecting specific receivables or specific future revenues. It also contains provisions that apply to certain situations in which a government does not receive resources but, nevertheless, pledges or commits future cash flows generated by collecting specific future revenues. In addition, this statement establishes accounting and financial reporting standards that apply to all intra-entity transfers of assets and future revenues. Implementation of GASB Statement No. 48 did not have an impact on the Agency's basic financial statements for the fiscal year ended June 30, 2008.

GASB Statement No. 50

For the fiscal year ended June 30, 2008, the Agency implemented GASB Statement No. 50, "Pension Disclosures - an Amendment of GASB Statements No. 25 and No. 27". The statement is effective for periods beginning after June 15, 2007. This statement establishes and modifies requirements related to financial reporting by pension plans and by employers that provide defined benefit and defined contribution pensions.

NOTE 2 - RECONCILIATION OF GOVERNMENT-WIDE AND GOVERNMENTAL FUNDS FINANCIAL STATEMENTS

1. Explanation of certain differences between the governmental funds balance sheet and the government-wide statement of net assets

The governmental funds balance sheet includes a reconciliation between fund balances-total governmental funds and net assets-governmental activities as reported in the government-wide statement of net assets.

Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds. The capital assets reported in the *Statement of Net Assets* are as follows:

Land	\$ 782,685
Construction in progress	275,409
Depreciable infrastructure, net of accumulated depreciation	1,435,339
Depreciable improvements, net of accumulated depreciation	952,985
	\$ 3,446,418

WINTERS COMMUNITY DEVELOPMENT AGENCY
 NOTES TO FINANCIAL STATEMENTS
 JUNE 30, 2008

**NOTE 2 - RECONCILIATION OF GOVERNMENT-WIDE AND GOVERNMENTAL FUNDS
 FINANCIAL STATEMENTS (Continued)**

**1. Explanation of certain differences between the governmental funds balance sheet
 and the government-wide statement of net assets (Continued)**

Deferred charges are not available to pay for current-period expenditures and therefore are not reported as governmental fund assets. These deferred charges net of accumulated amortization are as follows:

Deferred bond issuance costs, net of accumulated amortization of \$77,828	\$ 933,844
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Certain liabilities, including bonds payable, accrued interest, and compensated absences are not due and payable in the current period and therefore are not reported in the funds. These liabilities are as follows:

Tax allocation bonds payable	\$ 18,060,000
Accrued interest payable	259,621
Compensated absences payable	18,922
	\$ 18,338,543

**1. Explanation of certain differences between the Governmental Funds Statement of
 Revenues, Expenditures, and Changes in Fund Balances and the government-wide
 Statement of Activities.**

The governmental funds Statement of Revenues, Expenditures, and Changes in Fund Balances includes a reconciliation between net changes in fund balances -- total governmental funds and *changes in net assets* of governmental activities as reported in the government-wide statement of activities. One element of that reconciliation explains that governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. The details of this difference are as follows:

Capital outlay capitalized for fiscal year	\$ 513,534
Current fiscal year depreciation	(69,684)
	\$ 443,850

Another element of that reconciliation states that "the issuance of long-term debt provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds". The details of this adjustment are as follows:

Amortization of deferred charges	\$ (32,686)
Repayment of bond principal	280,000
Change in accrued interest payable	1,866
Change in compensated absences	(1,983)
Total long-term debt adjustment	\$ 247,197

**WINTERS COMMUNITY DEVELOPMENT AGENCY
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2008**

NOTE 3 - CASH AND INVESTMENTS

Cash and investments are reported as follows in the Statement of Net Assets:

Cash and investments	\$	3,444,218
Restricted cash and investments		14,783,534
Total	\$	18,227,752

Cash and investments held by the Agency at June 30, 2008 consisted of the following:

Cash and investments pooled with the City of Winters	\$	227,065
Investments		18,000,687
Total	\$	18,227,752

Investments Authorized by the California Government code and the Agency's Investment Policy

The table below identifies the investment types that are authorized for the Agency by the California Government Code (or the Agency's investment policy, where more restrictive). The table also identifies certain provisions of the California Government Code (or the Agency's investment policy, where more restrictive) that address interest rate risk, credit risk, and concentration of credit risk. This table does not address investments of debt proceeds held by bond trustee that are governed by the provisions of debt agreements of the Agency, rather than the general provisions of the California Government Code or the Agency's investment policy.

Authorized Investment Type	Maximum Maturity	Maximum Percentage of Portfolio	Maximum Investment in One Issuer
Local Agency Investment Fund (State Pool)	N/A	\$40 million	\$40 million
U.S. Treasury Obligations	5 years	None	None
U.S. Government Agency Issues	5 years	None	None
Insured Deposits with Banks and Savings and Loans	N/A	None	15%
Repurchase Agreements	90 days	None	15%
Bankers Acceptance (must be dollar denominated)	9 months	40%	15%
Commercial Paper	6 months	15%	15%
Negotiable Time Certificates of Deposit	5 years	30%	15%
Medium Term Corporate Notes	5 years	30%	10%

Investments Authorized by Debt Agreements

Investment of debt proceeds held by bond trustees are governed by provisions of the debt agreements, rather than the general provisions of the California Government Code or the Agency's investment policy. The table below identifies the investment types that are authorized for investments held by bond trustee. The table also identifies certain provisions of these debt agreements that address interest rate risk, credit risk, and concentration of credit risk.

**WINTERS COMMUNITY DEVELOPMENT AGENCY
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2008**

NOTE 3 - CASH AND INVESTMENTS (Continued)

Investments Authorized by Debt Agreements (Continued)

Authorized Investment Type	Maximum Maturity	Maximum Percentage of Portfolio	Maximum Investment in One Issuer
U.S. Treasury Obligations	5 years	None	None
U.S. Agency Securities	5 years	None	None
Banker's Acceptances	270 days	40%	15%
Commercial Paper	180 days	15%	15%
Money Market Funds	N/A	None	None
Certificates of Deposit	5 years	None	None
Investment Agreements, including GICs	5 years	None	None

Per the Agency's investment policy, if special circumstances arise that necessitate the purchase of securities beyond the five year limitation, the requests must be approved by the Board prior to purchase.

Disclosures Relating to Interest Rate Risk

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. Generally, the longer the maturity of an investment, the greater the sensitivity of its fair value to changes in market interest rates. One of the ways that the Agency manages its exposure to interest rate risk is by purchasing a combination of shorter term and longer term investments and by timing cash flows from maturities so that a portion of the portfolio is maturing or coming close to maturity evenly over time as necessary to provide the cash flows and liquidity needed for operations.

Information about the sensitivity of the fair values of the Agency's investments held by bond trustees to market interest rate fluctuations is provided by the following table that shows the distribution of the Agency's investments by maturity (see the City's Comprehensive Annual Financial Report for risk disclosure relating to the pooled cash and investments with the City of Winters).

Investment Type	Totals	Remaining Maturity (in Months)					
		12 Months Or Less	13 to 24 Months	25-36 Months	37-48 Months	49-60 Months	More Than 60 Months
State Investment Pool (LAIF) Held by bond trustees:	\$ 17,016,848	\$ 17,016,848	\$ -	\$ -	\$ -	\$ -	\$ -
Money market funds	441,571	441,571					
Investment contracts: IXIS	542,268						542,268
	<u>\$ 18,000,687</u>	<u>\$ 17,458,419</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 542,268</u>

**WINTERS COMMUNITY DEVELOPMENT AGENCY
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2008**

NOTE 3 - CASH AND INVESTMENTS (Continued)

Investments with Fair Values Highly Sensitive to Interest Rate Fluctuations

The Agency has no investments (including investments held by bond trustees) that are highly sensitive to interest rate fluctuations (to a greater degree than already indicated in the information provided above). See the City of Winters' Comprehensive Annual Financial Report for more information regarding these disclosures.

Disclosures Relating to Credit Risk

Generally, credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. Presented below is the minimum rating required by (where applicable) the California Government Code, the Agency's investment policy, or debt agreements, and the actual rating as of fiscal year end for each investment type.

Investment Type	Amount	Minimum Legal Rating	Exempt From Disclosure	Rating as of Fiscal Year End			
				AAA	AA	A	Not Rated
State Investment Pool (LAIF)	\$ 17,016,848	N/A	\$ -	\$ -	\$ -	\$ -	\$ 17,016,848
Held by bond trustees:							
Money market funds	441,571	N/A		441,571			
Investment contracts	542,268	N/A					542,268
Total	\$ 18,000,687		\$ -	\$ 441,571	\$ -	\$ -	\$ 17,559,116

Custodial Credit Risk

Custodial credit risk for *deposits* is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover its deposits or will not be able to recover collateral securities that are in the possession of an outside party. The custodial credit risk for *investments* is the risk that, in the event of the failure of the counterparty (e.g. broker-dealer) to a transaction, a government will not be able to recover the value of its investment or collateral securities that are in the possession of another party. The California Government Code and the Agency's investment policy do not contain legal or policy requirements that would limit the exposure to custodial credit risk for deposits or investments, other than the following provision for deposits. The California Government Code requires that a financial institution secure deposits made by state or local governmental units by pledging securities in an undivided collateral pool held by a depository regulated under state law (unless so waived by the governmental unit). The fair value of the pledged securities in the collateral pool must equal at least 110% of the total amount deposited by the public agencies. California law also allows financial institutions to secure Agency deposits by pledging first trust deed mortgage notes having a value of 150% of the secured public deposits.

See the City of Winters' Comprehensive Annual Financial Report for more information relating to custodial credit risk for amounts reported as cash and investments pooled with the City.

**WINTERS COMMUNITY DEVELOPMENT AGENCY
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2008**

NOTE 4 – CAPITAL ASSETS

Capital asset activity for the fiscal year ended June 30, 2008 was as follows:

	July 1, 2007 Balance	Additions	Deletions	June 30, 2008 Balance
Capital assets, not being depreciated:				
Land	\$ 638,685	\$ 144,000	\$ -	\$ 782,685
Construction in progress		275,409		275,409
Total capital assets, not being depreciated	638,685	419,409		1,058,094
Capital assets, being depreciated:				
Improvements other than buildings	926,861	92,306		1,019,167
Infrastructure	1,498,022	1,819		1,499,841
Equipment	5,431			5,431
Total capital assets, being depreciated	2,430,314	94,125		2,524,439
Less accumulated depreciation for:				
Improvements other than buildings	(26,486)	(39,696)		(66,182)
Infrastructure	(34,514)	(29,988)		(64,502)
Equipment	(5,431)			(5,431)
Total accumulated depreciation, net	(66,431)	(69,684)		(136,115)
Total capital assets, net	\$ 3,002,568	\$ 443,850	\$ -	\$ 3,446,418

Depreciation is charged to community development expense in the Statement of Activities.

NOTE 5 - LONG-TERM DEBT

The following is a summary of long-term debt activity of the Agency for the fiscal year ended June 30, 2008:

	Balance July 1, 2007	Additions	Reductions	Balance June 30, 2008	Due within one year
Tax Allocation Bonds					
Series 2004	\$ 6,870,000	\$ -	\$ (280,000)	\$ 6,590,000	\$ 280,000
Series 2007	11,470,000			11,470,000	15,000
Compensated Absences	16,939	1,983		18,922	
Totals	\$ 18,356,939	\$ 1,983	\$ (280,000)	\$ 18,078,922	\$ 295,000

**WINTERS COMMUNITY DEVELOPMENT AGENCY
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2008**

NOTE 5 - LONG-TERM DEBT (Continued)

Tax Allocation Bonds – Series 2004

On February 27, 2004, the Agency issued \$7,820,000 of Tax Allocation Bonds bearing interest between 2.00% and 4.63% and payable semi-annually on March 1 and September 1. These bonds provided funds to aid in the financing of redevelopment in the project area. The Bonds are special obligations of the Agency and are payable as to principal, interest, and any premiums upon redemption at any time exclusively from the pledged tax revenues of the Agency. The outstanding principal balance of the 2004 Series bonds at June 30, 2008 is \$6,590,000.

The scheduled annual minimum debt service requirements at June 30, 2008 are as follows:

Fiscal Year Ended June 30,	Principal	Interest	Total
2009	\$ 280,000	\$ 261,277	\$ 541,277
2010	220,000	256,001	476,001
2011	230,000	250,767	480,767
2012	235,000	244,893	479,893
2013	240,000	238,179	478,179
2014-2018	910,000	1,092,795	2,002,795
2019-2023	1,000,000	912,820	1,912,820
2024-2028	1,220,000	665,455	1,885,455
2029-2033	1,535,000	350,432	1,885,432
2034-2035	720,000	33,799	753,799
Totals	<u>\$ 6,590,000</u>	<u>\$ 4,306,418</u>	<u>\$ 10,896,418</u>

Tax Allocation Bonds – Series 2007

On May 31, 2007, the Agency issued \$11,470,000 of Tax Allocation Bonds bearing interest between 3.50% and 4.75% and payable semi-annually on March 1 and September 1. These bonds provided funds to aid in the financing of redevelopment in the project area. The Bonds are special obligations of the Agency and are payable as to principal, interest, and any premiums upon redemption at any time exclusively from the pledged tax revenues of the Agency. The outstanding principal balance of the 2007 Series bonds at June 30, 2008 is \$11,470,000.

The scheduled annual minimum debt service requirements at June 30, 2008 are as follows:

**WINTERS COMMUNITY DEVELOPMENT AGENCY
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2008**

NOTE 5 - LONG-TERM DEBT (Continued)

Tax Allocation Bonds – Series 2007 (Continued)

Fiscal Year Ended June 30,	Principal	Interest	Total
2009	\$ 15,000	\$ 514,522	\$ 529,522
2010	240,000	509,460	749,460
2011	240,000	499,860	739,860
2012	250,000	490,060	740,060
2013	260,000	479,860	739,860
2014-2018	710,000	2,288,263	2,998,263
2019-2023	790,000	2,160,025	2,950,025
2024-2028	1,380,000	1,930,923	3,310,923
2029-2033	2,105,000	1,546,762	3,651,762
2034-2038	4,280,000	873,100	5,153,100
2039	1,200,000	28,500	1,228,500
Totals	<u>\$ 11,470,000</u>	<u>\$ 11,321,335</u>	<u>\$ 22,791,335</u>

Compensated Absences

The Agency accrues accumulated vacation and compensating time due to its employees. The total amount due at June 30, 2008 is \$18,922.

NOTE 6 - NET ASSETS

GASB Statement No. 34 adds the concept of Net Assets, which is measured on the full accrual basis, to the concept of Fund Balance, which is measured on the modified accrual basis.

Net Assets are divided into three captions under GASB Statement No. 34. These captions apply only to Net Assets as determined at the government-wide level, and are described below:

Invested in Capital Assets, net of related debt describes the portion of Net Assets which is represented by the current net book value of the Agency's capital assets, less the outstanding balance of any debt issued to finance these assets.

Restricted describes the portion of Net Assets which is restricted as to use by the terms and conditions of agreements with outside parties, governmental regulations, laws, or other restrictions which the Agency cannot unilaterally alter. These principally include debt service requirements and redevelopment funds restricted to low and moderate income housing purposes.

Unrestricted describes the portion of Net Assets which is not restricted as to use.

**WINTERS COMMUNITY DEVELOPMENT AGENCY
 NOTES TO FINANCIAL STATEMENTS
 JUNE 30, 2008**

NOTE 7 - FUND EQUITY

Reservation of Fund Balances

The Agency has established certain fund balance reserve accounts to report the amounts in the following funds which represent available spendable resources restricted for a specified purpose:

Low and moderate housing	\$ 3,542,845	\$ -	\$ -
Debt service		1,846,259	
Capital projects			142,409
Total	<u>\$ 3,542,845</u>	<u>\$ 1,846,259</u>	<u>\$ 142,409</u>

NOTE 8 -- NOTES RECEIVABLE

The Agency has issued various first-time homebuyer loans to residents of the City. These loans are payable to the Agency upon sale, transfer of ownership, change in status from owner-occupied to rental, refinancing, or in thirty years, whichever occurs first. The balance of these loans as of June 30, 2008 is \$352,820.

SUPPLEMENTAL INFORMATION

**WINTERS COMMUNITY DEVELOPMENT AGENCY
SCHEDULE OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
CAPITAL PROJECTS FUND
FOR THE FISCAL YEAR ENDED JUNE 30, 2008**

	Final Budget	Actual	Variance with Final Budget Positive (Negative)
REVENUES			
Use of money and property	\$ 75,432	\$ 563,755	\$ 488,323
Total Revenues	75,432	563,755	488,323
EXPENDITURES			
Current:			
Legal and professional	63,838	159,383	(95,545)
Administration	345,429	315,063	30,366
Community development	413,420	152,859	260,561
Pass through agreements	582,448	363,024	219,424
Capital outlay	8,590,332	517,510	8,072,822
Debt service:			
Principal	210,000		210,000
Interest	135,284		135,284
Total Expenditures	10,340,751	1,507,839	8,832,912
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	(10,265,319)	(944,084)	9,321,235
OTHER FINANCING SOURCES (USES)			
Transfers in		131,599	131,599
Total Other Financing Sources (Uses)		131,599	131,599
NET CHANGE IN FUND BALANCE	(10,265,319)	(812,485)	9,452,834
FUND BALANCE, BEGINNING OF FISCAL YEAR	13,692,650	13,692,650	
FUND BALANCE, END OF FISCAL YEAR	\$ 3,427,331	\$ 12,880,165	\$ 9,452,834



MOSS, LEVY & HARTZHEIM LLP
CERTIFIED PUBLIC ACCOUNTANTS

PARTNERS:
RONALD A. LEVY, C.P.A.
CPAIG A. HARTZHEIM, C.P.A.
HADLEY Y. HUI, C.P.A.

9107 WILSHIRE BLVD., STE. 400
BEVERLY HILLS, CA 90210
PHONE: (310) 273-2745
FAX: (310) 273-1689
EMAIL: mlh@mlhcpas.com

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL
CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE
AND OTHER MATTERS BASED ON AN AUDIT OF
FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE
WITH GOVERNMENT AUDITING STANDARDS**

Members of the Board of the Winters Community Development Agency
Winters Community Development Agency
Winters, California

We have audited the financial statements of the governmental activities and each major fund of the Winters Community Development Agency (Agency), a component unit of the City of Winters, California, as of and for the fiscal year ended June 30, 2008 which collectively comprise the Agency's basic financial statements, and have issued our report thereon dated November 17, 2008. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Agency's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Agency's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Agency's internal control.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the Agency's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the Agency's financial statements that is more than inconsequential will not be prevented or detected by the Agency's internal control.

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the Agency's internal control.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.

We noted certain other matters that we reported to management of the Agency in a separate letter dated November 17, 2008.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the component unit financial statements of the Agency are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. Such provisions include those provisions of laws and regulations identified in the *Guidelines for Compliance Audits of California Redevelopment Agencies* issued by the California State Controller. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

This report is intended solely for the information and use of the Agency's Board of Directors, management, and the California State Controller's Office Division of Accounting and Reporting, and is not intended to be and should not be used by anyone other than these specified parties.

Moss, Levy & Hartzheim

Moss, Levy & Hartzheim, LLP
Beverly Hills, California
November 17, 2008

**REDEVELOPMENT AGENCIES
FINANCIAL TRANSACTIONS REPORT
COVER PAGE**

Winters Community Development Agency

Fiscal Year: **2008**

ID Number: **13985798600**

Submitted by:

Shelly A. Gunby
Signature

Director of Financial Management
Title

Shelly A. Gunby
Name (Please Print)

12/17/08
Date

Per Health and Safety Code section 33080, this report is due within six months after the end of the fiscal year. The report is to include two (2) copies of the agency's component unit audited financial statements, and the report on the Status and Use of the Low and Moderate Income Housing Fund (HCD report). To meet the filing requirements, all portions must be received by the California State Controller's Office.

To file electronically:

1. Complete all forms as necessary.
2. Transmit the completed output file using a File Transfer Protocol (FTP) program or via diskette.
3. Sign this cover page and mail to either address below with 2 audits and the HCD report.

Report will not be considered filed until receipt of this signed cover page.

To file a paper report:

1. Complete all forms as necessary.
2. Sign this cover page, and mail complete report to either address below with 2 audits and the HCD report.

Mailing Address:

State Controller's Office
Division of Accounting and Reporting
Local Government Reporting Section
P. O. Box 942850
Sacramento, CA 94250

Express Mailing Address:

State Controller's Office
Division of Accounting and Reporting
Local Government Reporting Section
3301 C Street, Suite 700
Sacramento, CA 95816

Supplement to the Annual Report of Community Redevelopment Agencies

Redevelopment Agency ID Number:	13985798600
Name of Redevelopment Agency:	Winters Community Development Agency

Mark the appropriate box below to indicate the ending date of your agency's fiscal year. Report data for that period only.

September 2007
 December 2007
 June 2008

Return this form to the **California State Controller's Office**. If you have any questions regarding this form please contact:

U.S. Bureau of the Census, Shannon Doyle, 1-800-242-4523

A. Personnel Expenditures

Report your government's total expenditures for salaries and wages during the year, including amounts paid on force account construction projects.

Z00	\$ 183,833.15
------------	---------------

B. Mortgage Revenue Bond Interest Payments

Report your government's total amount of interest paid on mortgage revenue bonds during the year.

U20	\$ 0
------------	------

Winters Community Development Agency

Redevelopment Agencies Financial Transactions Report

General Information

Fiscal Year **2008**

Members of the Governing Body		
	Last Name	First Name
Chairperson	Fridae	Woody
Member	Curry	Cecila
Member	Martin	Mike
Member	Anderson	Harold
Member	Stone	Tom
Member		

Mailing Address

Street 1

Street 2

City State Zip

Phone Is Address Changed?

Agency Officials				
	Last Name	First Name	Middle Initial	Phone
Executive Director	Donlevy Jr.	John	W	(530) 795-4910
Fiscal Officer	Gunby	Shelly		(530) 795-4910
Secretary	Mills	Nanci		(530) 795-4910

	Report Prepared By	Independent Auditor
Firm Name		Moss, Levy, and Harzheim
Last	Gunby	Rampono
First	Shelly	Derek
Middle Initial	A	
Street	318 First St	9107 Wilshire Blvd, Suite 320
City	Winters	Beverly Hills
State	CA	CA
Zip Code	95694-	90210-
Phone	(530) 795-4910	(310) 273-2745

**Winters Community Development Agency
 Redevelopment Agencies Financial Transactions Report**

Audit Information

Fiscal Year	2008	
Was the Report Prepared from Audited Financial Data, and Did You Submit a Copy of the Audit?	Yes	If compliance opinion includes exceptions, state the areas of non-compliance, and describe the agency's efforts to correct.
Indicate Financial Audit Opinion	Unqualified	
If Financial Audit is not yet Completed, What is the Expected Completion Date?		
If the Audit Opinion was Other than Unqualified, State Briefly the Reason Given		
Was a Compliance Audit Performed in Accordance with Health and Safety Code Section 33080.1 and the State Controller's Guidelines for Compliance Audits, and Did You Submit a Copy of the Audit?	Yes	
Indicate Compliance Audit Opinion	Unqualified	
If Compliance Audit is not yet Completed, What is the Expected Completion Date?		

**Winters Community Development Agency
Redevelopment Agencies Financial Transactions Report**

Project Area Report

Fiscal Year 2008

Project Area Name

Winters Comm Development Plan

Please Provide a Brief Description of the Activities for this Project Area During the Reporting Year.

Activity Report

Forwarded from Prior Year ?	Yes
Enter Code for Type of Project Area Report	P
P = Standard Project Area Report L = Low and Moderate Income Housing Fund O = Other Miscellaneous Funds or Programs	A = Administrative Fund M = Mortgage Revenue Bond Program S = Proposed (Survey) Project Area
Does the Plan Include Tax Increment Provisions?	Yes
Date Project Area was Established (MM-DD-YY)	1/20/1992
Most Recent Date Project Area was Amended	
Did this Amendment Add New Territory?	
Most Recent Date Project Area was Merged	
Will this Project Area be Carried Forward to Next Year?	Yes
Established Time Limit :	
Repayment of Indebtedness (Year Only)	2042
Effectiveness of Plan (Year Only)	2032
New Indebtedness (Year Only)	2012
Size of Project Area in Acres	614
Percentage of Land Vacant at the Inception of the Project Area <i>Health and Safety Code Section 33320.1 (xx.x%)</i>	19.0
Percentage of Land Developed at the Inception of the Project Area <i>Health and Safety Code Section 33320.1 (xx.x%)</i>	81.0
Objectives of the Project Area as Set Forth in the Project Area Plan <i>(Enter the Appropriate Code(s) in Sequence as Shown)</i>	RCP

R = Residential I = Industrial C = Commercial P = Public O = Other

**Winters Community Development Agency
Redevelopment Agencies Financial Transactions Report**

Assessed Valuation Data

Fiscal Year **2008**

Project Area Name	Winters Comm Development Plan
Frozen Base Assessed Valuation	61,616,724
Increment Assessed Valuation	209,233,401
Total Assessed Valuation	270,852,125

**Winters Community Development Agency
Redevelopment Agencies Financial Transactions Report**

Pass-Through / School District Assistance

Fiscal Year 2008

Project Area Name Winters Comm Development Plan

Amounts Paid To Taxing Agencies Pursuant To:	Tax Increment Pass Through Detail			Total	Other Payments	
	H & S Code Section 33401	H & S Code Section 33676	H & S Code Section 33607		H & S Code Section 33445	H & S Code Section 33445.5
County	273,748			\$273,748		
Cities				\$0		
School Districts				\$0		
Community College District				\$0		
Special Districts				\$0		
Total Paid to Taxing Agencies	\$273,748	\$0	\$0	\$273,748	\$0	\$0
Net Amount to Agency				\$1,579,591		
Gross Tax Increment Generated				1,853,339		

**Winters Community Development Agency
 Redevelopment Agencies Financial Transactions Report**

Summary of the Statement of Indebtedness - Project Area

Fiscal Year	2008	
Project Area Name		Winters Comm. Development Plan
Tax Allocation Bond Debt		33,742,979
Revenue Bonds		
Other Long Term Debt		
City/County Debt		
Low and Moderate Income Housing Fund		13,141,872
Other		18,245,355
Total		\$65,130,206
Available Revenues		4,428,779
Net Tax Increment Requirements		\$60,701,427

Winters Community Development Agency

Redevelopment Agencies Financial Transactions Report

Agency Long-Term Debt

Fiscal Year 2008

Project Area Name Winters Comm Development Plan

Forward from Prior Year	Yes
Bond Type	Other
Year of Authorization	2002
Principal Amount Authorized	18,922
Principal Amount Issued	18,922
Purpose of Issue	compensated absences
Maturity Date Beginning Year	2006
Maturity Date Ending Year	2032
Principal Amount Unmatured Beginning of Fiscal Year	<u>\$16,939</u>
Adjustment Made During Year	1,983
Adjustment Explanation	increase in leave balaces
Interest Added to Principal	
Principal Amount Issued During Fiscal Year	0
Principal Amount Matured During Fiscal Year	0
Principal Amount Defeased During Fiscal Year	
Principal Amount Unmatured End of Fiscal Year	<u>\$18,922</u>
Principal Amount In Default	
Interest In Default	

Bond Types Allowed:

Tax Allocation Bonds; Revenue Bonds; Certificates of Participation; Tax Allocation Notes; Financing Authority Bonds; City/County Debt; US;State; Loans; Lease Obligations; Notes; Deferred Pass-Throughs; Deferred Compensation; Other

Winters Community Development Agency

Redevelopment Agencies Financial Transactions Report

Agency Long-Term Debt

Fiscal Year 2008

Project Area Name Winters Comm Development Plan

Forward from Prior Year	Yes
Bond Type	Tax Allocation Bonds
Year of Authorization	2004
Principal Amount Authorized	7,820,000
Principal Amount Issued	7,820,000
Purpose of Issue	Economic Development in Project Area
Maturity Date Beginning Year	2005
Maturity Date Ending Year	2035
Principal Amount Unmatured Beginning of Fiscal Year	\$6,870,000
Adjustment Made During Year	
Adjustment Explanation	
Interest Added to Principal	
Principal Amount Issued During Fiscal Year	
Principal Amount Matured During Fiscal Year	280,000
Principal Amount Defeased During Fiscal Year	
Principal Amount Unmatured End of Fiscal Year	\$6,590,000
Principal Amount In Default	
Interest In Default	

Bond Types Allowed:
 Tax Allocation Bonds; Revenue Bonds; Certificates of Participation; Tax Allocation Notes; Financing Authority Bonds; City/County Debt; US; State; Loans; Lease Obligations; Notes; Deferred Pass-Throughs; Deferred Compensation; Other

Winters Community Development Agency

Redevelopment Agencies Financial Transactions Report

Agency Long-Term Debt

Fiscal Year 2008

Project Area Name Winters Comm Development Plan

Forward from Prior Year	Yes
Bond Type	Tax Allocation Bonds
Year of Authorization	2007
Principal Amount Authorized	11,470,000
Principal Amount Issued	11,470,000
Purpose of Issue	Economic Development in Project Area
Maturity Date Beginning Year	2008
Maturity Date Ending Year	2039
Principal Amount Unmatured Beginning of Fiscal Year	<u>\$11,470,000</u>
Adjustment Made During Year	
Adjustment Explanation	
Interest Added to Principal	
Principal Amount Issued During Fiscal Year	
Principal Amount Matured During Fiscal Year	
Principal Amount Defeased During Fiscal Year	
Principal Amount Unmatured End of Fiscal Year	<u>\$11,470,000</u>
Principal Amount in Default	
Interest In Default	

Bond Types Allowed:

Tax Allocation Bonds; Revenue Bonds; Certificates of Participation; Tax Allocation Notes; Financing Authority Bonds; City/County Debt; US;State; Loans; Lease Obligations; Notes; Deferred Pass-Throughs; Deferred Compensation; Other

Winters Community Development Agency

Redevelopment Agencies Financial Transactions Report

Statement of Income and Expenditures - Revenues

Fiscal Year 2008

Project Area Name Winters Comm Development Plan

	Capital Project Funds	Debt Service Funds	Low/Moderate Income Housing Funds	Special Revenue/Other Funds	Total
Tax Increment Gross <i>(Include All Apportionments)</i>		1,482,671	370,668		\$1,853,339
Special Supplemental Subvention					\$0
Property Assessments					\$0
Sales and Use Tax					\$0
Transient Occupancy Tax					\$0
Interest Income	558,255	52,577	140,578		\$751,410
Rental Income	5,500				\$5,500
Lease Income					\$0
Sale of Real Estate					\$0
Gain on Land Held for Resale					\$0
Federal Grants					\$0
Grants from Other Agencies					\$0
Bond Administrative Fees					\$0
Other Revenues			2,000		\$2,000
Total Revenues	\$563,755	\$1,535,248	\$513,246	\$0	\$2,612,249

**Winters Community Development Agency
Redevelopment Agencies Financial Transactions Report**

Statement of Income and Expenditures - Expenditures

Fiscal Year 2008

Project Area Name **Winters Comm Development Plan**

	Capital Project Funds	Debt Service Funds	Low/Moderate Income Housing	Special Revenue/Other	Total
Administration Costs	315,063		190,231		\$505,294
Professional Services	159,383		42,237		\$201,620
Planning, Survey, and Design					\$0
Real Estate Purchases					\$0
Acquisition Expense					\$0
Operation of Acquired Property					\$0
Relocation Costs					\$0
Relocation Payments					\$0
Site Clearance Costs					\$0
Project Improvement / Construction Costs	670,369		25,408		\$695,777
Disposal Costs					\$0
Loss on Disposition of Land Held for Resale					\$0

**Winters Community Development Agency
Redevelopment Agencies Financial Transactions Report**

Statement of Income and Expenditures - Expenditures

Fiscal Year 2008

Project Area Name Winters Comm Development Plan

	Capital Project Funds	Debt Service Funds	Low/Moderate Income Housing	Special Revenue/Other	Total
Decline in Value of Land Held for Resale					\$0
Rehabilitation Costs					\$0
Rehabilitation Grants					\$0
Interest Expense		452,386	181,990		\$634,376
Fixed Asset Acquisitions					\$0
Subsidies to Low and Moderate Income Housing					\$0
Debt Issuance Costs					\$0
Other Expenditures Including Pass- Through Payment(s)	363,024				\$363,024
Debt Principal Payments:					
Tax Allocation Bonds and Notes	0	210,000	70,000		\$280,000
Revenue Bonds, Certificates of Participation, Financing Authority Bonds					\$0
City/County Advances and Loans					\$0
All Other Long-Term Debt					\$0
Total Expenditures	\$1,507,839	\$662,386	\$509,866	\$0	\$2,680,091
Excess (Deficiency) Revenues over (under) Expenditures	(\$944,084)	\$872,862	\$3,380	\$0	(\$67,842)

Winters Community Development Agency

Redevelopment Agencies Financial Transactions Report

Statement of Income and Expenditures - Other Financing Sources

Fiscal Year	2008				
Project Area Name	Winters Comm Development Plan				
	Capital Project Funds	Debt Service Funds	Low/Moderate Income Housing	Special Revenue/Other	Total
Proceeds of Long-Term Debt					\$0
Proceeds of Refunding Bonds					\$0
Payment to Refunded Bond Escrow Agent					\$0
Advances from City/County					\$0
Sale of Fixed Assets					\$0
Miscellaneous Financing Sources (Uses)					\$0
Operating Transfers In	131,599		2,763		\$134,362
Tax Increment Transfers In					\$0
Operating Transfers Out	0	134,362			\$134,362
Tax Increment Transfers Out					\$0
<i>(To the Low and Moderate Income Housing Fund)</i>					
Total Other Financing Sources (Uses)	\$131,599	(\$134,362)	\$2,763	\$0	\$0

Winters Community Development Agency

Redevelopment Agencies Financial Transactions Report

Statement of Income and Expenditures - Other Financing Sources

Fiscal Year	2008				
	Winters Comm Development Plan				
Project Area Name	Capital Project Funds	Debt Service Funds	Low/Moderate Income Housing	Special Revenue/Other	Total
Excess (Deficiency) of Revenues and Other Financing Sources over Expenditures and Other Financing Uses	(\$812,485)	\$738,500	\$6,143	\$0	(\$67,842)
Equity, Beginning of Period	\$13,692,650	\$1,107,759	\$3,536,702	\$0	\$18,337,111
Prior Period Adjustments					\$0
Residual Equity Transfers					\$0
Equity, End of Period	\$12,880,165	\$1,846,259	\$3,542,845	\$0	\$18,269,269

Winters Community Development Agency
Redevelopment Agencies Financial Transactions Report

Balance Sheet - Assets and Other Debits

Fiscal Year 2008	Capital Projects Funds	Debt Service Funds	Low/Moderate Income Housing Funds	Special Revenue/Other Funds	General Long- Term Debt	General Fixed Assets	Total
Assets and Other Debits							
Cash and Imprest Cash	1,847,068	831,915	765,235				\$3,444,218
Cash with Fiscal Agent	11,006,032	1,006,657	2,770,845				\$14,783,534
Tax Increments Receivable							\$0
Accounts Receivable	85,110		21,277				\$106,387
Accrued Interest Receivable	105,513	7,687	25,764				\$138,964
Loans Receivable	0		352,820				\$352,820
Contracts Receivable							\$0
Lease Payments Receivable							\$0
Unearned Finance Charge							\$0
Due from Capital Projects Fund							\$0
Due from Debt Service Fund							\$0
Due from Low/Moderate Income Housing Fund							\$0
Due from Special Revenue/Other Funds							\$0

**Winters Community Development Agency
Redevelopment Agencies Financial Transactions Report**

Balance Sheet - Assets and Other Debits

Fiscal Year 2008	Capital Projects Funds	Debt Service Funds	Low/Moderate Income Housing Funds	Special Revenue/Other Funds	General Long- Term Debt	General Fixed Assets	Total
Investments							\$0
Other Assets							\$0
Investments: Land Held for Resale							\$0
Allowance for Decline In Value of Land Held for Resale							\$0
Fixed Assets: Land, Structures, and Improvements							\$0
Equipment							\$0
Amount Available In Debt Service Fund							\$0
Amount to be Provided for Payment of Long-Term Debt					18,078,922		\$18,078,922
Total Assets and Other Debits	\$13,043,723	\$1,846,259	\$3,935,941	\$0	\$18,078,922	\$0	\$36,904,845

*(Must Equal Total Liabilities,
Other Credits, and Equities)*

**Winters Community Development Agency
Redevelopment Agencies Financial Transactions Report**

Balance Sheet - Liabilities and Other Credits

Fiscal Year	2008	Capital Projects Funds	Debt Service Funds	Low/Moderate Income Housing Funds	Special Revenue/Other Funds	General Long-Term Debt	General Fixed Assets	Total
Liabilities and Other Credits								
Accounts Payable		163,558		40,276				\$203,834
Interest Payable								\$0
Tax Anticipation Notes Payable								\$0
Loans Payable								\$0
Other Liabilities				352,820				\$352,820
Due to Capital Projects Fund								\$0
Due to Debt Service Fund								\$0
Due to Low/Moderate Income Housing Fund								\$0
Due to Special Revenue/Other Funds								\$0
Tax Allocation Bonds Payable					0	18,060,000		\$18,060,000
Lease Revenue, Certificates of Participation Payable, Financing Authority Bonds								\$0
All Other Long-Term Debt						18,922		\$18,922
Total Liabilities and Other Credits		\$163,558	\$0	\$393,096	\$0	\$18,078,922		\$18,635,576

**Winters Community Development Agency
Redevelopment Agencies Financial Transactions Report**

Balance Sheet - Liabilities and Other Credits

Fiscal Year	2008	Capital Projects Funds	Debt Service Funds	Low/Moderate Income Housing Funds	Special Revenue/Other Funds	General Long- Term Debt	General Fixed Assets	Total
Equities								
Investment In General Fixed Assets								\$0
Fund Balance Reserved		142,409	1,846,259	3,542,845				\$5,531,513
Fund Balance Unreserved-Designated		350,000						\$350,000
Fund Balance Unreserved-Undesignated		12,387,756						\$12,387,756
Total Equities		\$12,880,165	\$1,846,259	\$3,542,845	\$0		\$0	\$18,269,269
Total Liabilities, Other Credits, and Equities		\$13,043,723	\$1,846,259	\$3,935,941	\$0	\$18,078,922	\$0	\$36,904,845

Winters Community Development Agency

Redevelopment Agencies Financial Transactions Report

Statement of Income and Expenditures - Summary, Combined Transfers In/Out

Fiscal Year 2008

Operating Transfers In	\$134,362
Tax Increment Transfers In	\$0
Operating Transfers Out	\$134,362
Tax Increment Transfers Out	\$0

**California Redevelopment Agencies - Fiscal Year 2007/2008
 Status of Low and Moderate Income Housing Funds
 Sch C Agency Financial Summary
 WINTERS**

Adjusted Beginning Balance	Project Area Receipts	Agency Other Revenue	Total Expenses	Net Resources Available	Other Housing Fund Assets	Total Housing Fund Assets	Encumbrances	* Unencumbered Balance	Unencumbered Designated	Unencumbered Not Dsgntd
\$3,536,702	\$513,246	\$2,763	\$509,866	\$3,542,845	\$0	\$3,542,845	\$0	\$3,542,845	\$0	\$3,542,845

Expenses	Debt Service	Planning and Administration Costs	Subsidies	Total
2007/2008	\$251,990	\$232,468	\$25,408	\$509,866

*The Unencumbered Balance is equal to Net Resources Available minus Encumbrances

Note: Print this report in Landscape Orientation (Use the Print Icon just above, then Properties then Landscape)

California Redevelopment Agencies - Fiscal Year 2007/2008
 Status of Low and Moderate Income Housing Funds
 Sch C Agency Financial and Program Detail
 WINTERS

	Beginning Balance	\$3,536,702
	Adjustment to Beginning Balance	\$0
<hr/>		
	Adjusted Beginning Balance	\$3,536,702
Total Tax Increment From PA(s) \$370,668	Total Receipts from PA(s)	\$513,246
	Other Revenues not reported on Schedule A	\$2,763
	Sum of Beginning Balance and Revenues	\$4,052,711

<u>Expenditure Item</u>	<u>Subitem</u>	<u>Amount</u>	<u>Remark</u>
Debt Service			
Debt Principal Payments	Tax Allocation, Bonds & Notes	\$70,000	
Interest Expense		\$181,990	
	Subtotal of Debt Service	\$251,990	
Planning and Administration Costs			
Administration Costs		\$190,231	
Professional Services		\$42,237	
	Subtotal of Planning and Administration Costs	\$232,468	
Subsidies from the LMIHF			
1st Time Homebuyer Down Payment Assistance		\$25,408	
	Subtotal of Subsidies from the LMIHF	\$25,408	
	Total Expenditures	\$509,866	

Net Resources Available \$3,542,845

Indebtedness For Setasides Deferred \$0

Other Housing Fund Assets			
<u>Category</u>		<u>Amount</u>	<u>Remark</u>
Total Other Housing Fund Assets			

Total Fund Equity \$3,542,845

California Redevelopment Agencies - Fiscal Year 2007/2008
 Status of Low and Moderate Income Housing Funds
 Sch C Agency Financial and Program Detail
 WINTERS

2003/2004	\$250788		Prior Year Ending	Excess Surplus for
2004/2005	\$293896		Unencumbered Balance	2007/2008
2005/2006	\$357120	sum of 4 Previous Years'	\$759,671	\$0
2006/2007	\$420159	Tax Increment for 2007/2008		
		\$1321963		

Sum of Current and 3 Previous Years' Tax Increments	\$1,441,843
Adjusted Balance	\$3,542,845
Excess Surplus for next year	\$2,101,002
Net Resources Available	\$3,542,845
Unencumbered Designated	\$0
Unencumbered Undesignated	\$3,542,845
Total Encumbrances	\$0
Unencumbered Balance	\$3,542,845
Unencumbered Balance Adjusted for Debt Proceeds	\$0
Unencumbered Balance Adjusted for Land Sales	\$0
Excess Surplus Expenditure Plan	No
Excess Surplus Plan Adoption Date	

Site Improvement Activities Benefiting Households				
Income Level	Low	Very Low	Moderate	Total

Land Held for Future Development					
Site Name	Num Of Acres	Zoning	Purchase Date	Estimated Start Date	Remark

Use of the Housing Fund to Assist Mortgagees

Income Adjustment Factors	<input type="text"/>	Requirements Completed	<input type="text"/>
Home	\$ <input type="text"/>	Hope	\$ <input type="text"/>

Non Housing Redevelopment Funds Usage

California Redevelopment Agencies - Fiscal Year 2007/2008
 Status of Low and Moderate Income Housing Funds
 Sch C Agency Financial and Program Detail
 WINTERS

Resource Needs

--

LMIHF Deposits/Withdrawals

<u>Document Name</u>	<u>Document Date</u>	<u>Custodian Name</u>	<u>Custodian Phone</u>	<u>Copy Source</u>
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Achievements

Description

On October 19, 2004, the CDA authorized the expenditure of funds, for the purchase of a 1.71 acre vacant parcel at 110 East Baker (the "Property"), at its \$460,000 appraised value, for the development of the Winters Village Affordable Housing Project. The CDA became the owner on title on November 19, 2004. On March 1, 2005, the CDA entered into an Agreement to Negotiate Exclusively with the Community Housing Opportunity Corporation ("CHOC") to prepare a Disposition and Development Agreement with respect to the Property. In August of 2006, the CDA approved a Ground Lease with Bruhn Orchards Housing Associates, L.P., a California Limited Partnership that was established by CHOC, which provides for a long term lease of the Property for \$1.00 per year and which provides for the development of the Property. The CDA provided a predevelopment loan in the amount of \$50,000, a development loan in the amount of \$150,000, and a grant of \$1,400,000 for the project. The two loans are on favorable terms. The CDA also picked up a portion of closing costs for the project. Additionally, the City of Winters was awarded a HOME grant in 2005 and the City is loaning \$2,850,280 of the HOME funds to CHOC for the Winters Village project under favorable terms. Winters Village was completed in December of 2007, began leasing units in January of 2008, with the project fully leased by June of 2008 and offers a total of 34 very-low income units: 7 at 35% of median income; 7 at 40% of median income; and 20 at 50% of median income.

California Redevelopment Agencies-Fiscal Year 2007/2008
Project Area Contributions to Low and Moderate Income Housing Funds
Sch A Project Area Summary Report
WINTERS

Project Area	100% of Tax Increment	20% Set Aside Requirement	Tax Increment Allocated	Amount Exempted	Deferral Repayment	Tax Incr. Deposited to Hsng Fund	Percent of Tax Incr Dep	Repayment Deferrals	Other Income	Total Deposited to Housing
WINTERS PROJECT AREA	\$1,853,339	\$370,668	\$370,668	\$0	\$0	\$370,668	20.00%	\$0	\$142,578	\$513,246
Agency Totals:	\$1,853,339	\$370,668	\$370,668	\$0	\$0	\$370,668	20.00%	\$0	\$142,578	\$513,246

Note: Print this report in Landscape Orientation (Use the Print Icon just above, then Properties then Landscape)

California Redevelopment Agencies - Fiscal Year 2007/2008
Sch A/B Project Area Program Information
WINTERS

California Redevelopment Agencies - Fiscal Year 2007/2008
 Sch D General Project Information
 WINTERS

Project Area Name: WINTERS PROJECT AREA

Project Name: Winters Village Affordable Housing Project
Address: 110 East Baker Street Winters 95694
Owner Name: Community Housing Opportunity Corporation

SPECIAL NEEDS UNITS

<u>Category</u>	<u>Sub Category</u>	<u>Count</u>
Special Need Unit	Special Needs	4
Special Need Unit	Disabled (Physical)	2
Special Need Unit	Large Family	2

UNIT INVENTORY

			<u>Very Low</u>	<u>Low</u>	<u>Moderate</u>	<u>Above Mod</u>	<u>Became Ineligible</u>	<u>Total</u>
<u>Inclusionary</u>								
<u>Unit</u>								
Substantial Rehabilitation Pre 1994								
Non-Agency	Rental	Non-Elderly	34	0	0	0	0	34
<u>Other Provided with LMIHF</u>								
<u>Unit</u>								
New Construction								
Non-Agency	Rental	Non-Elderly	34	0	0	0	0	34
Unit Total			68	0	0	0	0	68

PROJECT FUNDING SOURCE

<u>Funding Source</u>	<u>Amount</u>
Redevelopment Funds	\$1,600,000
Federal Funds	\$2,850,280

**SCHEDULE HCD E
CALCULATION OF INCREASE IN AGENCY'S INCLUSIONARY OBLIGATION FOR ACTIVITIES
(This Form is Information Only: Actual Obligation is based on Implementation Plan)**

Report Year: 2007/2008

Agency: WINTERS

NOTE: This form is a summary of the totals of all new construction or substantial rehabilitation units from forms HCD-D7 which are developed in a project area by any entity (agency or non-agency).

PART I [H & SC Section 33413(b)(1)] AGENCY DEVELOPED	
1. New Units	0
2. Substantially Rehabilitated Units	0
3. Subtotal - Baseline of Units (add line 1 & 2)	0
4. Subtotal of Inclusionary Obligation Accrued this Year for Units (line 3 x 30%)	0
5. Subtotal of Inclusionary Obligation Accrued this year for <u>Very-Low</u> Income Units (line 4 x 50%)	0
PART II [H & SC Section 33413(b)(2)] NON-AGENCY DEVELOPED UNITS	
6. New Units	34
7. Substantially Rehabilitated Units	0
8. Subtotal - Baseline of Units (add lines 6 & 7)	34
9. Subtotal of Inclusionary Obligation Accrued this year for Units (line 8 x 15%)	5
10. Subtotal of Inclusionary Obligation Accrued this year for Very Low Income Units (line 9 x 40%)	2
PART III TOTALS	
11. Total Increase in Inclusionary Obligations During This Fiscal Year (add line 4 & 9)	5
12. Total Increase in Very Low Income Units Inclusionary Obligations During This Fiscal Year (add line 5 & 10)	2

**SCHEDULE HCD E1
 CALCULATION OF INCREASE IN AGENCY'S INCLUSIONARY OBLIGATION FOR ACTIVITIES
 (This Form is Information Only: Actual Obligation is based on Implementation Plan)**

Report Year: 2007/2008

Agency: WINTERS

Project Area: WINTERS PROJECT AREA

Project: ~~WINTERS VILLAGE AFFORDABLE HOUSING PROJECT~~

NOTE: This form is a summary of the totals of all new construction or substantial rehabilitation units from forms HCD-D7 which are developed in a project area by any entity (agency or non-agency).

**PART I
 [H & SC Section 33413(b)(1)]
 AGENCY DEVELOPED**

1. New Units	0
2. Substantially Rehabilitated Units	0
3. Subtotal - Baseline of Units (add line 1 & 2)	0
4. Subtotal of Inclusionary Obligation Accrued this Year for Units (line 3 x 30%)	0
5. Subtotal of Inclusionary Obligation Accrued this year for <u>Very-Low</u> Income Units (line 4 x 50%)	0

**PART II
 [H & SC Section 33413(b)(2)]
 NON-AGENCY DEVELOPED UNITS**

6. New Units	34
7. Substantially Rehabilitated Units	0
8. Subtotal - Baseline of Units (add lines 6 & 7)	34
9. Subtotal of Inclusionary Obligation Accrued this year for Units (line 8 x 15%)	5
10. Subtotal of Inclusionary Obligation Accrued this year for Very Low Income Units (line 9 x 40%)	2

**PART III
 TOTALS**

11. Total Increase in Inclusionary Obligations During This Fiscal Year (add line 4 & 9)	5
12. Total Increase in Very Low Income Units Inclusionary Obligations During This Fiscal Year (add line 5 & 10)	2



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: December 16, 2008
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Carol Scianna, Management Analyst *CS*
SUBJECT: Authorize the City Manager to Execute a Settlement and Release Agreement with ECO Resources, Dba Southwest Water Services Company, Inc (SWWC) regarding the Administrative Civil Liability Complaint, no. R5-2007-0502.

RECOMMENDATION:

City Staff recommends that the Council authorize City Manager to Execute a Settlement and Release Agreement with ECO Resources, Dba Southwest Water Company Services (SWWC) regarding the Administrative Civil Liability Complaint, no. R5-2007-0502. The terms of the Settlement and Release Agreement state that ECO Resources, dBa SWWC will pay the City \$41,908.00 which is 60% of the total penalty demanded by the Regional Water Quality Control Board in September 2007.

BACKGROUND:

In September 2007 the City was issued an Administrative Civil Liability Complaint (ACL), Order no. R5-2007-0502, as a result of a violation of the Waste Discharge Requirements Order No. R5-2002-0136. The liability amount imposed was \$70,000. The City paid \$27,500 of the liability and the remaining \$42,500 was used to complete a Supplemental Environmental Project (which consists of developing an educational video about the effects of water quality on stream habitat). This Settlement and Release Agreement with ECO Resources is the agreed upon fair share of their responsibility of the civil liability imposed.

FISCAL IMPACT: None

SETTLEMENT AND RELEASE AGREEMENT

This Settlement and Release Agreement (the "Agreement") is made as of this 3rd day of January, 2008 (the "Effective Date") by and between ECO Resources, Inc. ("ECO") and City of Winters, California ("CITY").

RECITALS

WHEREAS, ECO and the CITY entered into a Service Contract dated December 1, 2002 (the "Service Contract") pursuant to which ECO agreed to provide and the CITY agreed to accept certain operation and management services to COW's wastewater treatment facilities and collection systems; and

WHEREAS, pursuant to Section 6.1 of the Service Contract, ECO agrees to and shall indemnify and hold harmless the CITY, its elective and appointive boards, officers, agents and employees from any liability for damages or claims for damages for personal injury, including death, or for property damages which arise from ECO's intentional, willful, or negligent operations under the Service Contract, whether such operations be by ECO or any employee, officer, agent, or subcontractor of ECO and ECO's duty to indemnify shall be limited to the comparative fault of ECO or its agent for such liability; and

WHEREAS, on or about February 22, 2007, the California Regional Water Quality Control Board, Central Valley Region (the "Regional Water Board"), filed an administrative civil liability complaint, no. R5-2007-0502, against the CITY, Yolo County (the "Complaint"); and

WHEREAS, the Complaint alleges that the CITY violated Waste Discharge Requirements Order No. R5-2002-0136 and demanded the amount of \$70,000.00 in administrative civil liability (the "Penalty"); and

WHEREAS, The CITY has agreed to pay the Penalty in full to the Regional Water Board and pursuant to Section 6.1 of the Service Contract, seek indemnification limited to ECO's comparative fault; and

WHEREAS, it is determined that ECO's responsibility shall be limited to the comparative fault of about sixty (60%), or \$41,908 (the "Claim"), of the Penalty.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ECO and the CITY agree as follows:

1. In consideration of this Agreement and full and complete satisfaction of the Claim, ECO agrees to pay and the CITY agrees to accept the total amount of \$41,908.00 (the "Settlement Amount") payable in one lump sum payment.

2. As additional consideration for entering into this Agreement, the CITY hereby fully and forever releases, discharges and holds harmless ECO, as well as its successors, assigns, representatives, heirs, administrators, executors, partners, agents, and employees, for any and all claims, demands, and causes of action, whether known or unknown, of every kind or nature whatsoever which they had or have against ECO through the date hereof that arise from the Complaint, Penalty and Claim.

3. The CITY is aware of and specifically waives all rights under California Civil Code section 1542 which provides as follows:

Section 1542. General Release – Claims Extinguished.

"A general release does not extend to claims which the creditor does not know or suspects to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

The CITY acknowledges and agrees that its knowing and voluntary waiver of the provisions of Section 1542 is an essential and material term to the above settlement and the Agreement would not have been entered into without such waiver.

4. This Agreement represents a compromise of claims and shall not be constructed as an admission by ECO of any liability or of any contention or allegation made by the CITY.

5. This Agreement shall be binding upon, and inure to the benefit of, the executors, administrators, heirs, assigns and successors of each party hereto.

6. Each party to this Agreement warrants and represents that it is fully and properly authorized to enter into this Agreement and that all necessary corporate, administrative, or governmental approvals have been obtained prior to execution of this Agreement.

7. The parties shall promptly execute any and all further or additional instruments and will perform any acts which may become necessary in order to effectuate and carry out the purposes of this Agreement.

8. Neither any failure nor any delay on the part of any party in exercising any right hereunder shall operate as a waiver thereof, nor shall any single or partial exercise of any right hereunder preclude any other or further exercise thereof or the exercise of any right.

9. This Agreement shall be construed and enforced in accordance with the laws of the State of California, without reference to conflicts of law principles. All disputes relating to or arising from this Agreement shall be settled by binding arbitration before a single arbitrator in California.

10. This Agreement contains the entire understanding, agreement of compromise and settlement between the parties with respect to its subject matter, and supersedes all previous agreements concerning the subject matter. This Agreement can be amended only by mutual consent and in writing and signed by both parties.

IN WITNESS WHEREOF, ECO and Employee have executed this Agreement as of the Effective Date.

CITY OF WINTERS, CALIFORNIA

ECO RESOURCES, INC.

By: _____
Name:
Title:

By: _____
Name:
Title:



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: December 16, 2008
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Carol Scianna, Management Analyst *CS*
SUBJECT: Authorize the City Manager to Execute an addendum to City Service Contract with Southwest Water Services Company, Inc (SWWC).

RECOMMENDATION:

City Staff recommends that the Council authorize the City Manager to Execute an Addendum to the service contract with Southwest Water Company Services Inc. (SWWC) Dba ECO Resources. The City's original service contract with ECO Resources was entered into on December 1, 2002. ECO Resources has recently merged with Southwest Water Company Services (SWWC) and has asked the City to acknowledge this merger.

BACKGROUND:

In December 2007 the City was notified that ECO Resources would be merging into SWWC Services, Inc. City staff took this opportunity to clarify a few issues regarding SWWC responsibilities and performance under the current contract hence the proposed addendum. The existing contract with SWWC is in effect until 2012.

The changes implemented by SWWC in staffing and improvements in their day to day operations and maintenance have greatly improved the performance, communication and working relationship with the SWCC.

FISCAL IMPACT: None



City Hall
318 First Street
Winters, CA 95694

**CITY OF WINTERS
SERVICE CONTRACT (ECO) ADDENDUM**

Factual Recital. This is an addendum to the service contract entered into December 1, 2002 (hereinafter "The Contract") by The City of Winters (hereinafter CITY) and ECO Resources, Inc. (hereinafter ECO). ECO Resources, Inc. has merged into SWWC Services, Inc. (hereinafter SWWC), a wholly-owned subsidiary of Southwest Water Company. During the performance of this contract, issues have arisen between CITY and ECO regarding the performance under the contract, fines, and spills. To resolve the difficulty in allocating responsibility under the contract, and to resolve the issues of prior performance under the contract, CITY agrees to the ECO merger into SWWC, subject to approval of the following revised sections of The Contract:

Section 4.3. The following language is added to Section 4.3 after the first sentence: "Copies of the certifications of all SWWC employees performing under this contract shall be filed with the City of Winters Public Works Department."

Section 4.9. The following language is added to 4.9 at the end of the second paragraph: "SWWC shall provide an annual summary of the cleaning of 53,000 linear feet of sewer lines, and their manholes. The summary shall specifically include a map of Winters showing what part of the sewer lines was cleaned. Failure to clean 53,000 linear feet of sewer lines in any year will result in a reduction of the Contract compensation equal to the difference between 53,000 linear feet and the actual amount cleaned, at \$.50 per linear foot. The cleaning of more than 53,000 linear feet will result in an increase in Contract compensation equal to the difference between 53,000 linear feet and the actual amount cleaned."

Section 4.10. The following language is added to Section 4.10 at the end of the paragraph: "SWWC shall provide an annual summary of the cleaning of 10,000 linear feet of storm lines, and 140 catch basins. The summary shall specifically include a map of Winters showing what part of the storm lines were not cleaned. Failure to clean 10,000 linear feet of storm lines in any year will result in a reduction of the Contract compensation equal to the difference between 10,000 linear feet and the actual amount cleaned, at \$.20 per linear foot."

Section 6.1. The following language is added to Section 6.1 at the end of the paragraph: "Based on the conditions herein, SWWC agrees to assume liability for fines

and penalties imposed for violation of Applicable Law during the term of this agreement for wastewater effluent exceeding the limits of the wastewater permits that are Solely caused by the gross negligent actions or omissions or willful conduct of SWWC, its employees, or its subcontractors.”

In all other respects the Service Contract will continue in full force and effect.

Dated: _____

Dated: _____

CITY OF WINTERS

SWWC Services, Inc.

By _____

By _____

John Donlevy, Jr.
City Manager
City of Winters

By _____



STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: December 16, 2008
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nick Ponticello, City Engineer
SUBJECT: Award of Contract for 2008 Water and Sewer Main Rehabilitation to Terracon Pipelines, Project No. 08-01

RECOMMENDATION: Staff recommends the City Council (1) award the construction contract for the 2008 Water and Sewer Main Rehabilitation, Project No. 08-01, to Terracon Pipelines, Inc., in the amount of One Million One Hundred Eighty One Thousand Nine Hundred Three Dollars (\$1,181,903); (2) authorize expenditures in the amount of One Million Three Hundred Sixty Thousand Dollars (\$1,360,000) for construction; and (3) authorize the City Manager to execute the Contract on the City's behalf.

BACKGROUND: On December 18, 2007 City Council authorized the project budget and design of the water and sewer main rehabilitation on Russell Street, Second Street, East Edwards Street and Walnut Lane. Due to ongoing and costly sewer maintenance concerns on Mermod Place, a short section of the sewer main was added to the project definition, by staff.

The design work includes 3,916 feet of 8-inch water main and 4,861 feet of 8 and 6-inch sewer main. Sewer manholes and other appurtenances will be replaced or reconstructed as necessary. New water services will be connected to the homes water meter ready. Water meters will not be installed since the City is in the process of switching meter brands. Damaged sewer laterals and cleanouts will be replaced behind the sidewalk and connected to the new sewer main.

In November 2008 the construction documents were advertised for bid. The bid opening was held on December 4, 2008 and twenty seven (27) bids were received. The bid result summary is attached for your review. Based upon the bid results, Terracon Pipelines, located in Healdsburg, CA, is the lowest responsible/responsive bidder for the utility phase, with a bid of \$1,181,903. The engineer's estimate was \$2,200,000. The requested amount for construction expenditures (\$1,360,000) includes a 15% contingency, which is typical for this type of project.

ALTERNATIVES: None recommended by staff.

FISCAL IMPACT: The project is funded through the recent sale of Infrastructure Revenue Bonds, which will be paid back with utility user fees.

Attachments: Exhibit A - Bid Results Summary

**2008 Water & Sewer Rehabilitation,
Project No. 08-01
BID OPENING - Thursday, December 4, 2008
2:00 P.M.**

Engineer's Estimate: \$2,200,000

	Contractor	Base Bid Amount
1	TerraCon Pipelines	\$1,181,903.00
2	J&M Inc.	\$1,256,823.00
3	Ghilotti	\$1,265,786.00
4	Pacific Underground	\$1,321,905.00
5	CA Trenchless	\$1,350,780.00
6	Lister Construction (DISQUALIFIED)	\$1,357,893.00
7	Argonaut	\$1,388,831.00
8	Doug Veerkamp	\$1,419,514.00
9	Navajo Pipelines	\$1,423,568.00
10	Northbay Construction	\$1,453,198.00
11	K.I. Woods	\$1,464,000.00
12	Sierra National	\$1,466,571.00
13	Teichert	\$1,488,454.00

**2008 Water & Sewer Rehabilitation,
Project No. 08-01
BID OPENING - Thursday, December 4, 2008
2:00 P.M.**

Engineer's Estimate: \$2,200,000

	Contractor	Base Bid Amount
14	DW Young	\$1,539,170.00
15	Cruz Excavating	\$1,539,763.00
16	Cox & Cox	\$1,566,571.00
17	Pfister Exc.	\$1,630,077.00
18	Civil Engineering Construction	\$1,636,322.00
19	Florez Paving	\$1,658,328.00
20	Delta Excavating	\$1,717,722.00
21	Maxicrete	\$1,750,000.00
22	WR Ford Associates	\$1,769,569.00
23	West Valley	\$1,809,156.00
24	Lund Consruction	\$1,889,613.00
25	Broward Builders	\$1,926,724.00
26	Con-Quest	\$1,956,550.00

**2008 Water & Sewer Rehabilitation,
Project No. 08-01
BID OPENING - Thursday, December 4, 2008
2:00 P.M.**

Engineer's Estimate: \$2,200,000

	Contractor	Base Bid Amount
27	Jurin Construction	\$2,526,947.00

Yolo County 10-Year Plan to End Homelessness

Homelessness is a solvable problem, research and twenty years of experience have proven that to be true. But like most problems, it will not go away on its own.

Managing homelessness without **addressing the root causes of homelessness** is not beneficial for our communities or cost-effective, the increased financial costs are born by hospitals, police, business and local government.

Local Ten Year Plans to End Homelessness, encouraged by the Federal Interagency Council On Homelessness, are **results-oriented plans** that incorporate cost-benefit analyses, prevention, housing, and services innovations and best practices.

Communities who have developed and implemented Ten Year Plans have seen **reductions in homelessness** by creating more humane and more economical systems to serve people experiencing homelessness.

For Example:

- Portland, Oregon experienced a **70 percent drop** in the number of chronically homeless people living on the street in the first two years of its plan.
- Sacramento **housed 756** homeless people in the first eighteen months of its plan.

More than 300 cities and counties across the country are **developing and implementing** plans. The best plans incorporate:

- * Support of local government officials
- * Involvement of local organizations
- * Incremental goals
- * Practices tailored to local needs
- * A committed and realistic budget
- * Innovative strategies
- * Coordinated, varied resources from a wide range of sources.

Yolo County's Ten Year Planning process has just begun.

- The Yolo County Board of Supervisors and the cities of Davis, West Sacramento, Winters, and Woodland are sponsoring the planning process to end homelessness.
- In October, over 20 people from all areas of the county, and from a variety of sectors including: city council members, non-profit service providers, housing developers, businesses, police officers, faith based organizations, and other concerned citizens met to discuss the Yolo County ten year plan.
- Participants decided that the Yolo County 10-year planning process needed to **encompass persons from all fields**, including local elected officials, community and faith-based groups, businesses, homeless service providers, and consumers.
- Accordingly, we hope to hold one **community meeting in each Board of Supervisors' district**, for a total of five meetings, at which we can learn **Yolo County residents' thoughts and feelings about the issues and strategies** surrounding homelessness in Yolo County.
- In addition, topic specific groups of **subject matter experts** will begin to meet in January to review and discuss Yolo County data, research, and successful practices and make recommendations to the ten year planning body.

January 2009 Homeless Count

Why do a point-in-time homeless count?

1. HUD requires a point-in-time homeless count in order to qualify for Continuum of Care/Supportive Housing Program (SHP) funding. Yolo County homeless service providers currently receive about \$330,000 annually in SHP funding.
2. Provides information that allows service providers to target services to meet the specific needs of the homeless in our communities and, to some extent, gauge the success of existing services.

When will the count be conducted?

1. HUD requires that all homeless continua perform the point-in-time counts on one of the last seven days of January 2009 so that there can be a more accurate nationwide count.
2. The Yolo County Homeless and Poverty Action Coalition (HPAC) will attempt to coordinate the count with Sacramento and Placer Counties in order to avoid duplication and obtain a more accurate count in West Sacramento.
3. Tentative date is Thursday, 1/29.
4. The count will occur in the morning before most folks are up and about for the day, which could make them more difficult to identify and count.

Where will the count take place?

The count is limited to Yolo County. Counts will occur simultaneously in each of the four cities and the outlying county and will focus on areas that the homeless are known to frequent.

What information will be collected?

1. The count will include both sheltered and unsheltered homeless individuals and families. The count of sheltered individuals will occur the night before the street count and include emergency shelters, transitional housing, and hotel/motel/apartment voucher programs. It will not include waiting lists or those staying in motels the night of the count. The unsheltered homeless count will include those sleeping in places not meant for human habitation according to HUD guidelines.
2. At a minimum, information will be collected to allow the HPAC to complete HUD's Continuum of Care application.
3. We are also required to do a Housing Inventory during the last week of January.

Who will conduct the count and who will be counted?

The count will be conducted by HPAC, primarily with volunteers from member and partner agencies. HPAC may also utilize student and homeless/formerly homeless volunteers. A letter requesting volunteers will be released in early January. Training will occur the week of 1/19.

How will the information be collected?

1. HUD limits the methodologies that may be used to conduct the count. HUD has provided guidance in *Guidance on Counting Sheltered Homeless People* and *A Guide to Counting Unsheltered People*.
2. HUD has not provided updates for the 2009 counts yet.
3. The HPAC is selecting the methodology that best fits a small, rural county with distinct population concentrations.
4. The count and survey do not have to be done at the same time; however, a short survey will be conducted during the count to ensure that those counted meet HUD's homeless/chronically homeless definitions.
5. A more in-depth question and answer survey may be conducted at a later date in order to provide information in addition to that required by HUD for program planning and evaluation purposes.

HUD Definitions

HUD requires that these definitions be used in collecting data to complete the Continuum of Care Plan (a.k.a. Exhibit 1).

- ❖ A person is considered **homeless** only when he/she is:
 - living in places not meant for human habitation
 - living in an emergency shelter
 - living in transitional housing for the homeless but originally came from the streets or an emergency shelter
 - living in any of the above places but is spending a short time (30 days) in a hospital or other institution
 - being evicted within a week from a private dwelling unit and no subsequent residence has been identified and the person lacks the resources and support networks needed to obtain housing
 - being discharged within a week from an institution (where a resident for more than 30 days) and no subsequent residences have been identified and lacks the resources and support network needed to access housing.

- ❖ A **chronically homeless person** is:
 - an unaccompanied homeless individual
 - who has either been continually homeless for at least a year, or
 - has had at least four episodes of homelessness in the past three years, and
 - has a disabling condition, including:
 - diagnosable substance use disorder
 - serious mental illness
 - developmental disability, or
 - chronic physical illness or disability such as the co-occurrence of two or more of these conditions



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE : December 16, 2008
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Kate Kelly, Contract Planner 
SUBJECT: Public Hearing To Take Action On Proposed Resolution 2008 - 46 Rescinding Resolution No. 2006 - 03 Establishing A Citywide Habitat Mitigation Program and Adopting the Amended Citywide Habitat Mitigation Program.

RECOMMENDATION: Staff recommends that the City Council take the following actions:

- 1) Receive the staff report;
- 2) Conduct the public hearing;
- 3) Approve proposed Resolution 2008 - 46 rescinding Resolution No. 2006 - 03 establishing a Citywide Habitat Mitigation Program and adopting the Amended Citywide Habitat Mitigation Program as presented.

BACKGROUND: On May 2, 2006 the City adopted the Citywide Habitat Mitigation Program. Since then efforts have been made to implement the program's required easements. Those efforts have ceased due to the economy and the development projects coming to a halt. The initial work identified two areas in the Citywide Habitat Mitigation Program which warrant amendment:

- Area of Qualifying Land
- Review of Qualifying Conservation Entities

Qualifying Land

Currently the Citywide Habitat Mitigation Program requires mitigation to occur on lands generally located within 7 miles of Winters in Yolo County and if mitigation is not possible in Yolo County then in an approved mitigation bank in Solano County that is within 7 miles of Winters. At this time there are no approved mitigation banks in Solano County within 7 miles of Winters.

When the Citywide Habitat Mitigation Program was originally proposed, Qualifying Land included those lands located within a seven mile radius of Winters in both Yolo and Solano County. Maria Wong of the Yolo County Habitat/Natural Community Conservation Plan Joint Powers Authority expressed concern that mitigation for Winters projects located in Solano County would not be credited to the Yolo Natural Heritage Program and that this would create a burden for that Program. Based upon Ms. Wong's concerns, the general boundary for Qualifying Lands was directed to Yolo County.

The City of Winters is a member of the Joint Powers Authority which manages the Yolo Natural Heritage Program and looks forward to continued participation in that Program. The Yolo Natural Heritage Program is currently working on a large mitigation receiving site near Winters that will potentially provide an excellent mitigation and conservation opportunities. Projects such as this

provide incentive for mitigation to occur in Yolo County and the City looks forward to required mitigation being met with such projects whenever feasible.

The past two years of work on implementing mitigation easements for recently approved Winters projects has shown that it is essential to have wide range of opportunities for mitigation. The current limitation directing mitigation to Yolo County has hindered the City's Program. As a result several otherwise excellent mitigation sites located very close to Winters in Solano County were disallowed. This has proved to be a challenge in establishing mitigation for the development projects.

The biological resources that may be impacted by development projects in Winters are part of a larger biological community that occupies both Yolo and Solano Counties. On a human scale, Solano County is also strongly a part of the Winters community. Mitigation located near Winters in Solano County would benefit both the biological and human communities. For that reason staff recommends including Solano County in the 7 mile radius for Qualifying Lands.

Qualifying Conservation Entity

One of the requirements of the Habitat Mitigation Program is that the entity or organization that holds the mitigation easement/land must be acceptable to the City. As the City has begun to implement the Habitat Mitigation Program, it has become apparent that it would be beneficial to clarify how potential conservation entities are reviewed and accepted by the City.

Mitigation is the most demanding form of conservation because it must fulfill regulatory requirements and uphold the public trust of a community in perpetuity. Because of these demands and responsibilities the conservation entities that hold mitigation easements/lands must have a long-term proven track record of holding and administering easements/lands. The proposed amendments to the Habitat Mitigation Program are to clarify for applicants and potential conservation entities how the City reviews and considers potential conservation entities.

The list of required information outlined in "*Required Information for Proposed Conservation Easement Holders*" is intended to assist the City in determining if the proposed entity is legitimate, has an established track record in holding and managing conservation easements/lands, and has the organizational structure to carry out the proposed mitigation in a legally defensible, perpetually sustainable manner.

The criteria listed in the Qualifying Conservation Entity section of the Habitat Mitigation Program is based upon criteria utilized by adopted by Yolo County LAFCO in their Agricultural Mitigation Program and the membership screening process used by the California Council of Land Trusts.

PLANNING COMMISSION ACTION: The proposed revisions to the Habitat Mitigation Program were heard by the Planning Commission on November 25, 2008. The Commission received comments from Maria Wong of the Yolo County Habitat/Natural Community Conservation Plan JPA, Tyler Wade of Granite Bay Holdings, and David Lennon of Hofmann Land. A letter of comment was also received from Tuleyome expressing concern that the proposed requirements for Qualifying Conservation Entities are too restrictive.

Ms. Wong spoke of her program's activities including the recent acquisition of conservation easements and expressed concern that the proposed expansion of Winters Citywide Habitat Mitigation Program into Solano County would create a financial burden to the Yolo Natural Heritage Program. Ms Wong also requested the City require use of the Department of Fish and

Game's Swanson's Hawk easement template and that the Citywide Habitat Mitigation Program specifically name the JPA as a Qualified Conservation Entity.

Mr. Wade spoke of his experience working to obtain required mitigation easements and expressed support for the expansion of the Program into Solano County.

Mr. Lennon requested more flexibility to the Program.

A letter of comment was also received from Tuleyome expressing concern that the requirements for Qualifying Conservation Entity are too restrictive.

The Planning Commission unanimously recommended the Council adopt the proposed revisions to the Citywide Habitat Mitigation Program as presented by staff.

FISCAL IMPACT: None

RECOMMENDED ACTION:

Staff recommends that the City Council:

Approve proposed Resolution 2008 - 46 rescinding Resolution No. 2006 - 03 establishing a Citywide Habitat Mitigation Program and adopting the Amended Citywide Habitat Mitigation Program.

ATTACHMENTS:

- 1) Resolution 2008 - 46 Rescinding Resolution No. 2006 - 03 Establishing A Citywide Habitat Mitigation Program and Adopting the Amended Citywide Habitat Mitigation Program.
- 2) Amended Habitat Mitigation Program

**CITY OF WINTERS
RESOLUTION NO. 2008 - 46**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
RESCINDING RESOLUTION NO. 2006 - 03 ESTABLISHING A CITYWIDE HABITAT
MITIGATION PROGRAM AND ADOPTING THE AMENDED CITYWIDE HABITAT
MITIGATION PROGRAM**

WHEREAS, Resolution 2006-03 established the Citywide Habitat Mitigation Program; and

WHEREAS, the Citywide Habitat Mitigation Program is critical to maximizing community benefit from coordinated implementation of project-level habitat mitigation requirements;

WHEREAS, the City is desirous of amending the Citywide Habitat Mitigation Program to include Solano County within the 7 mile radius for Qualifying Lands and to clarify the qualifications and review process for the selection of Qualified Conservation Entities; and

WHEREAS, the attached City of Winters Habitat Mitigation Program is consistent with the direction of the City Council and with the City General Plan.

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

- 1) Resolution 2006-03 establishing the Citywide Habitat Mitigation Program is rescinded.
- 2) The City of Winters Habitat Mitigation Program, as amended, is hereby adopted as official policy of the City of Winters.
- 3) The staff is directed to ensure that this program is fully implemented in the course of implementing development approvals.

I HEREBY CERTIFY THAT the foregoing resolution was duly and regularly adopted by the City Council of the City of Winters, County of Yolo, State of California, on the 16TH day of December 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Michael Martin, Mayor

ATTEST:

Nanci G. Mills, City Clerk

CITY OF WINTERS HABITAT MITIGATION PROGRAM

The City currently faces oversight of the implementation of various habitat mitigation requirements associated with recently approved and pending development project approvals. The purpose of this program is to establish a framework for acceptable satisfaction of these requirements.

The program is formatted as follows:

State and Federal Framework	page 1
Swainson's Hawk	
Other Raptors	
Burrowing Owls	
Valley Elderberry Longhorn Beetle (VELB)	
Seasonal Wetlands Habitat and Species	
General Plan Policy Framework	page 5
Approved Projects	page 7
Callahan Estates	
Creekside Estates	
Hudson/Ogando Subdivision	
Winters Highlands Subdivision	
Summary of Habitat Preservation Acreage Requirements	
Statement of Guiding Values	page 10
Mitigation Strategy by Resource	page 11
Swainson's Hawk	
Other Raptors	
Burrowing Owls	
Valley Elderberry Longhorn Beetle (VELB)	
Seasonal Wetlands Habitat and Species	
Framework for Mitigation	page 13
Qualifying Land	
Qualifying Conservation Entity	
Minimum Standards for the Agreement	
Requirements for the Submittal	

STATE AND FEDERAL FRAMEWORK

Swainson's Hawk -- The Swainson's Hawk is listed as a "threatened" species under the California Endangered Species Act (CESA) and is also protected pursuant to Section 3503.5 of the State Fish and Game Code and the Federal Migratory Bird Treaty Act. Swainson's Hawk impacts are generally distinguished as nesting impacts and foraging impacts. Nesting impacts are those that remove or disturb occupied nesting habitat, including native or nonnative trees along riparian corridors, roadside trees, or isolated trees or groups of trees. Foraging habitat impacts are those that remove suitable foraging habitat, such as open grasslands and agricultural lands that are

compatible with their foraging behavior (i.e., hay, grain, and row crops and pasturelands with low vegetative height).

To mitigate impacts to Swainson's Hawk nesting and foraging habitat, mitigation strategies are generally imposed in accordance with California Department of Fish and Game (CDFG) guidelines set forth in the "Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California" (CDFG, 1994). Pre-construction nesting surveys are required to be conducted during the nesting season. If an active nest is located, or if previously active nests are documented by CDFG, mitigation measures may include delineation of no-construction buffer zones around the active nest site and/or a delay of construction until nestlings have fledged. CDFG guidelines require mitigation for losses of Swainson's hawk foraging habitat within ten miles of an active nest, and indicate that such losses can be mitigated by providing suitable habitat management (HM) lands (i.e., foraging habitat) based on the following ratios:

- a) Projects within one mile of an active nest shall provide one acre of HM land for each acre of development authorized (1:1 ratio);
- b) Projects within five miles of an active nest tree but greater than one mile from the nest tree shall provide 0.75 acre of HM land for each acre of development authorized (0.75:1 ratio);
- c) Projects within 10 miles of an active nest tree but greater than five miles from an active nest tree shall provide 0.5 acre of HM land for each acre of development authorized (0.5:1 ratio).

Other Raptors – Other raptors are also protected pursuant to Section 3503.5 of the State Fish and Game Code and the Federal Migratory Bird Treaty Act. In the local area, both nesting and foraging impacts are considered mitigated by the same measures that apply to the Swainson's Hawk. Pre-construction surveys for the Swainson's Hawk include identification of nests for other raptor species and Swainson's Hawk foraging mitigation provides mitigation for other raptor foraging impacts.

Burrowing Owls – The Burrowing Owl is designated by the CDFG as a "species of special concern" and is also protected pursuant to Section 3503.5 of the State Fish and Game Code and the Federal Migratory Bird Treaty Act. The Burrowing Owl nests and finds cover in subterranean burrows, typically those made by ground squirrels; however, man-made structures, such as culverts, pipes, and debris piles are also used. It forages primarily in open grasslands, but also uses agricultural types with low vegetative cover.

The Burrowing Owl is not a state or federally listed species; however, its status as a species of special concern indicates that populations are declining or the species is otherwise imperiled in California. Impacts to Burrowing Owls and other non-listed special-status species are typically addressed during CEQA review. To mitigate impacts to Burrowing Owl habitat, mitigation strategies are generally imposed in accordance with CDFG guidelines set forth in the "Staff Report on Burrowing Owl Mitigation" (CDFG, 1995). Surveys are required to be conducted for California Environmental Quality Act (CEQA) review to verify potential habitat and/or the existence of occupied habitat. If an active nest

is located, mitigation measures may include delineation of no-construction buffer zones around the active nest site and/or a delay of construction until nestlings have fledged. Where potential habitat exists pre-construction surveys are also required.

CDFG guidelines require mitigation for losses of Burrowing Owl nesting or foraging habitat based on acquisition and permanent protection of a minimum ratio of 6.5 acres of foraging habitat per pair or unpaired resident bird. Enhancement or creation of new burrows on the protected habitat is required at a ratio of 2:1. Avoidance buffers during the breeding and nesting season may also be required.

Valley Elderberry Longhorn Beetle (VELB) – The VELB is listed as a “threatened” species under the Federal Endangered Species Act (FESA). It is a wood boring beetle that depends entirely on its host plant, the elderberry shrub, for habitat. Elderberry shrubs are generally found in riparian and upland habitats throughout the Central Valley, including the City of Winters. Potentially occupied shrubs are defined as having stems greater than one inch in diameter regardless of the presence of emergence holes (an indicator of VELB use). Shrubs that do not support stems greater than one inch are not considered potential habitat. To mitigate impacts to the VELB, mitigation strategies are generally imposed in accordance with United States Fish and Wildlife Service (USFWS) “Conservation Guidelines for the Valley Elderberry Longhorn Beetle” (USFWS, 1999). Surveys are required to identify potentially occupied elderberry shrubs.

The USFWS has issued a programmatic consultation that requires mitigation as summarized below. The actual mitigation ratio applied depends on several factors including whether the host plant is located in a riparian or non-riparian area, the actual size of the branches that meet the one-inch minimum threshold, and presence of emergence (exit) holes. The guidelines provide a table to determine the appropriate mitigation ratio.

- a) Avoidance with a minimum buffer zone of 100-feet around each plant. Protection, restoration, and maintenance are required; or,
- b) Transplantation to a conservation area; new plantings at a mitigation ratio ranging from 1:1 to 8:1 (new planting to affected one-inch stems); over-story and under-story native species plantings at a mitigation ratio ranging from 1:1 to 2:1 (native tree or plant to new elderberry planting)
- c) The size of the conservation area depends on the number of plantings – approximately 1,800 square feet for every ten plantings (combined elderberry and/or natives).

Seasonal Wetlands Habitat and Species – A variety of state and federal regulations affect aquatic habitat and species, including the Federal Clean Water Act, the FESA, the Fish and Wildlife Coordination Act, the State Porter-Cologne Water Quality Control Act, the CESA, the California Native Plant Protection Act, the State Fish and Game Code, and State Wetlands Conservation Policy (Executive Order). Relevant agencies, depending on the circumstances, include the US Army Corps of Engineers, USFWS, CDFG, and the Central Valley Regional Water Quality Control Board (CVRWQCB).

The impact analysis and mitigation determination process for aquatic resources starts with a biological assessment of on-site features, in particular wetlands. Wetlands are defined differently at the federal and State level, with federal agencies requiring all three wetland indicators (hydrology, soils, and vegetation) and the State requiring only one of the three. Furthermore, wetlands policy differs as well. State policy is generally no net loss of wetlands acreage and values; federal policy is general no net loss of wetlands acreage or values.

If wetlands are present a delineation must be prepared and a determination must be made as to whether they are jurisdictional (meaning they fall under the jurisdiction of the US Army Corps of Engineers (ACOE) pursuant to Section 404 of the federal Clean Water Act) or "isolated" meaning they are not adjacent to navigable waters and therefore fall outside of the regulation of the ACOE pursuant to the Supreme Court's ruling in *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers*, 531 U.S. 159 (2001) ("SWANCC").

For avoided wetlands occupied or potentially occupied by federally listed invertebrates, the USFWS generally requires a 250 foot buffer. If the wetlands are jurisdictional, impacts to them will trigger either a general permit under Section 404 or an individual permit. General Permits have already received National Environmental Policy Act (NEPA) clearance. The most commonly applicable general permit that would apply to projects in Winters is Nationwide Permit #39 which covers projects that impact less than or equal to one half acre of wetlands and less than or equal to 300 linear feet of streambed. Whether or not a project can qualify for a general permit is ultimately a determination made by the ACOE. "Minimal impact" standards and compliance with general permit conditions factor into their decision. If the impacts from a project do not fall under a general permit, then an individual permit is required and separate NEPA clearance would be triggered as well.

Impacts to wetlands that contain or provide suitable habitat for federally listed species trigger a consultation requirement under FESA, before a federal Incidental Take Permit (ITP) can be issued to allow the project to move forward. If the wetlands are jurisdictional, the consultation must satisfy FESA Section 7 and requires the USFWS to render a formal Biological Opinion. If the wetlands are non-jurisdictional, the consultation must satisfy FESA Section 10 and requires the preparation of a project-level HCP.

The USFWS has issued a programmatic consultation for impacts to small areas (less than one acre) of vernal pool habitat containing invertebrates. Projects with larger impacts would not be covered by this consultation and may be subject to different mitigation requirements.

a) a "preservation" requirement of 2:1 for mitigation at a mitigation bank or 3:1 for mitigation on-site or at a non-bank location; and

b) a "creation" requirement of 1:1 for mitigation at a mitigation bank or 2:1 for mitigation on-site or at a non-bank location.

For jurisdictional wetlands, Section 401 of the Clean Water Act triggers a requirement for Water Quality Certification from the Central Valley Regional Water Quality Control Board. For isolated wetlands similar regulatory authority is provided to the Regional Board through Porter-Cologne Water Quality Control Act. The Water Quality Certification is needed for both individual and general permits from the Corps and the Certification is required before any such permit issued or authorized by the Corps can be acted upon.

It should be noted that invertebrates in general, and "rare" listed plants under the California Native Plant Protection Act, are not regulated under CESA. Therefore, unless the wetlands lie within a stream bed or channel, CDFG has no direct permitting authority except through CEQA. Through their CEQA authority, CDFG generally requires that permanent wetlands be protected by no less than 100-foot setback buffer areas, and intermittent streams and swales be protected by no less than a 50-foot non-building setback buffer established on each side of the stream. They generally advise that buffers be extended to protect riparian habitats. Where impacts to these resources will result CDFG relies on the State policy of no net loss of wetlands acreage and values for establishing mitigation. Section 1600 of the State Fish and Game Code triggers the requirement for a Lake or Streambed Alteration Agreement if activities are proposed within the bed or bank of a river, stream, or lake including wetlands or riparian vegetation associated with that stream.

At the local level, the City of Winters has separate relevant policies which are discussed below.

GENERAL PLAN POLICY FRAMEWORK

The Winters General Plan adopted May 19, 1992, includes a Natural Resources Element with the following goal and policies relevant to habitat values:

Goal VI.C: To protect sensitive native vegetation and wildlife communities and habitat.

Policies:

- VI.C.1. Prior to approving public or private development projects in areas containing or adjacent to areas containing large trees, riparian vegetation, wetlands, or other significant wildlife habitat, the City shall require the project area and its environs be field surveyed for the presence of special-status plant and animal taxa. Such field surveys shall be conducted by a qualified biologist. If special-status taxa are encountered during the field surveys, appropriate measures shall be developed to minimize disturbance and protect identified populations where feasible.

- VI.C.2. In regulating private development and constructing public improvements, the City shall ensure that there is no net loss of riparian or wetland habitat acreage and value and shall promote projects that avoid sensitive areas. Where habitat loss is unavoidable, the City shall

require replacement on at least a 1:1 basis. Replacement entails creating habitat that is similar in extent and ecological value to that displaced by the project. The replacement habitat should consist of locally-occurring, native species and be located as close as possible to the project site. Implementation of this policy should be based on baseline data concerning existing native species. Study expenses shall be borne by development.

VI.C.3. Unless there are overriding considerations as defined in the California Environmental Quality Act, the City shall not approve any project that would cause significant unmitigatable impacts on rare, threatened, or endangered wildlife or plant species.

VI.C.4. The City shall support and participate in local and regional attempts to restore and maintain viable habitat for endangered or threatened plant and animal species. To this end, the City shall work with surrounding jurisdictions and state and federal agencies in developing a regional *Habitat Management Plan*. Such plan shall provide baseline data for the Winters area on special-status plant and animal taxa, including Swainson hawk and the valley elderberry longhorn beetle, and provide guidelines and standards for mitigation of impacts on special-status taxa.

VI.C.5. The City shall require mitigation of potential impacts on special-status plant and animal taxa based on a policy of no-net-loss of habitat value. Mitigation measures shall incorporate as the City deems appropriate, the guidelines and recommendations of the U.S. Fish and Wildlife Service and the California Department of Fish and Game. Implementation of this policy may include a requirement that project proponents enter into an agreement with the City satisfactory to the City Attorney to ensure that the proposed projects will be subject to a City fee ordinance to be adopted consistent with the regional *Habitat Management Plan*.

VI.C.6. The City shall undertake a feasibility study for the establishment of an Open Space Preserve between the Urban Limit Line and Grant Avenue west of I-505. Such preserve should be designed to provide for a combination of uses including agriculture, habitat protection, groundwater recharge, and educational and recreational activities. The Open Space Preserve should, to the maximum extent possible, be designed to function as part of the City's flood control and wastewater discharge system. The City should consider requiring developments that cannot mitigate wetlands or riparian habitat impacts on-site to make in-lieu contributions to the establishment, development, and maintenance of the Open Space Preserve or other mitigations consistent with the regional *Habitat Management Plan*.

- VI.C.7. The City shall promote the use of drought-tolerant and native plants, especially valley oaks, for landscaping roadsides, parks, schools, and private properties.
- VI.C.8. Parks, the drainage detention areas, and golf course development shall incorporate areas of native vegetation and wildlife habitat.
- VI.C.9. Large, older and historically-significant trees should not be removed unless they are diseased or represent an unavoidable obstacle to development. Development should be designed and constructed to avoid adverse impacts on such trees.
- VI.C.10. The City shall encourage and support development projects and programs that enhance public appreciation and awareness of the natural environment.

Policy VI.C.2 is most directly relevant and was used as the basis for local compensatory replacement habitat requirements applied to recent project approvals, which are discussed further herein.

APPROVED PROJECTS

The City has recently approved four significant residential projects (Callahan Estates, Creekside Estates, Hudson/Ogando, and Winters Highlands) that required discretionary approvals and CEQA clearance. A brief summary of the habitat mitigation requirements of each is provided below.

Callahan Estates Subdivision (approved April 5, 2005) -- The project is a residential subdivision of 26.4 acres to create 120 single-family lots; Parcels A and D (exchange lots); Parcels E, F, and G (open space lots); and Parcel X (detention pond/well site).

Habitat mitigation summary (full text of mitigation measures attached):

Other Raptors (MM #3) – Nest survey required. Avoidance required.

Burrowing Owl (MM #4) – Nest survey required. Preservation area required per nest per DFG.

Swainson's Hawk (MM #5) – 1:1 preservation of foraging land required for 26.4 acres. Payment of MOU fee allowed.

Wetlands Invertebrates (MM #5.1) – 0.25 acres seasonal wetlands in SE corner. Avoid or do protocol surveys. Mitigation required pursuant to USFWS and DFG requirements.

Seasonal Wetlands (MM #5.2) – 0.25 acres seasonal wetlands in SE corner plus unknown acreage for Highlands Canal onsite. Local 1:1 mitigation required per

GP Policy VI.C.2 located either at the City's Community Sports Park site north of Moody Slough Road or at the wetlands site in the northeast corner of the Winters Highlands property.

Creekside Estates Subdivision (approved May 17, 2005) -- The project is a residential subdivision of 13.7 acres to create 40 single-family lots.

Habitat mitigation summary (full text of mitigation measures attached):

Valley Elderberry Longhorn Beetle (VELB) (MM #4) – Species survey required. Preservation area required per bush per USFWS.

Other Raptors (MM #5) – Nest survey required. Avoidance required.

Burrowing Owl (MM #6) – Nest survey required. Preservation area required per nest per DFG.

Swainson's Hawk (MM #7) – 1:1 preservation of foraging land required for 13.7 acres. Payment of MOU fee allowed.

Seasonal Wetlands – None. Not applicable.

Hudson/Ogando Subdivision (approved December 13, 2005) -- The project is a residential subdivision of 15.97 acres to create 72 single-family lots (47 R-1 lots on 10.06 acres; plus 25 R-3 lots on 3.63 acres), Parcel A (5,360 sf) for a small open space or well site, and Parcel Y (93,608 sf) for a proposed City Public Safety Center .

Habitat mitigation summary (full text of mitigation measures attached):

Burrowing Owl (MM #4) – Nest survey required. Preservation area required per nest per DFG.

Swainson's Hawk (MM #5) – 1:1 preservation of foraging land required for 15.97 acres. Payment of MOU fee allowed if MOU is in effect, otherwise land required.

Other Raptors (MM #6) – Nest survey required. Avoidance required.

Wetlands Invertebrates (MM #7) – 0.78 acre seasonal wetlands in the center of the northern portion of the site. Avoid or do protocol surveys. Mitigation required pursuant to USFWS, DFG, and RWQCB requirements, as applicable.

Seasonal Wetlands (MM #8) – 0.78 acre seasonal wetlands in the center of the northern portion of the site. Local 1:1 mitigation required per GP Policy VI.C.2 located either at the City's Community Sports Park site north of Moody Slough Road, at the wetlands site in the northeast corner of the Winters Highlands property, or elsewhere as directed/approved by the City Council.

Winters Highlands Subdivision (approved April 4, 2006) -- The project is a proposed residential subdivision of 102.6 acres to create 413 single-family lots (including 36 "duplex" lots) on 49.49 acres, a 2.01 acre multifamily lot on which 30 apartments will be developed, a 10.63 acre park site (plus a proposed 10,000 square foot well site), a 7.43 acre wetlands/open space area, an exchange parcel of 0.04 acres to the Callahan property to the south; and 32.81 acres in public roads.

Habitat mitigation summary (full text of mitigation measures attached):

Wetlands Invertebrates (MM #4.3-1a) – Protocol surveys identified 0.67 acre of populated seasonal wetlands (vernal pools) on-site. Mitigation is required pursuant to USFWS requirements.

Seasonal Wetlands On-Site Preserve (MM #4.3.2a) – Preserve and manage in perpetuity 7.43 acres in northeast corner comprised of 0.99 acres wetlands/vernal pools, 2.10 acres open space grasslands, and 4.33 acres of open space buffer.

Swainson's Hawk and Other Foraging Raptors (MM #4.3-3a) – 1:1 preservation of foraging land required for 102.6 acres. Payment of MOU fee allowed if MOU is in effect, otherwise land required.

Burrowing Owl (MM #4.3-4a/b) – Three owl pair/individuals identified. Pre-construction nest survey required. 19.5 acres of habitat required to be preserved and enhanced per DFG.

Seasonal Wetlands (MM #4.3-5a) – Local 1:1 mitigation required per GP Policy VI.C.2 for the 0.54 acre of seasonal wetlands that occur in the Highlands Canal. Local 2:1 mitigation required per GP Policy VI.C.2 for the 0.81 acre of wetlands that occur outside the Highlands Canal. Total mitigation requirement 2.16 acres. See specified performance criteria.

Other Raptors (MM #4.3-6a) – Nest survey required. Avoidance required.

Riparian Corridor Adjoining Dry Creek (MM #4.3-9a) – Restoration plan required for 50 foot section on either side of Highlands Canal outlet (0.05 acre).

Summary of Habitat Preservation Acreage Requirements

Based on the information provided above by project, aggregate preservation requirements by resources (as currently known) are as follows:

Burrowing Owl – 19.5 acres for Highlands (additional acreage may be required depending on results from site surveys to be completed).

VELB -- 0 acres (additional acreage may be required depending on results from site surveys to be completed).

Swainson's Hawk – 158.7 acres (Callahan 26.4, Creekside 13.7, Hudson 15.97, Highlands 102.6).

Wetlands Invertebrates – 0.67 acre for Highlands (additional acreage may be required depending on results from protocol surveys to be completed at Callahan project sites).

Seasonal Wetlands – 3.19 acres (Callahan 0.25 + for Canal, Creekside 0.0, Hudson 0.78, Highlands 2.16 comprised of 0.54 at 1:1 and 0.81 at 2:1) (additional acreage may be required depending on results from delineation of Highlands Canal on Callahan site to be completed).

Total – 182.1 acres (additional acreage may be required depending on results from site surveys to be completed as noted above).

STATEMENT OF GUIDING VALUES

It is the goal of the City to achieve the greatest possible social and habitat value from the implementation of the City's habitat mitigation requirements. This is another way to achieve community gains from the various projects, in exchange for the right to develop and the approval to convert these properties to new neighborhoods. Although these development approvals have been planned in the General Plan to convert to residential uses, there are still important community values to be gained in maximizing the mitigation. The General Plan goal and policies listed above support this concept. In light of this, the City will oversee the implementation of mitigation requirements based on the following guiding values:

- Consolidate single-project mitigation into a large and biologically meaningful preserve.
- Maximize open space and habitat value for Winters' community.
- Coordinate with other cities and agencies to maximize land preservation opportunities. This shall include coordination with the JPA to maximize opportunities for joint benefit. It is the intent of the City to remain a partner and participant in the JPA and that this program be consistent with the efforts of the JPA.
- Be flexible, practical, and efficient with resources and opportunities.
- Ensure that this Habitat Mitigation Program (HMP) has been satisfied as early as possible and no later than prior to issuance of building permits. Require mitigation implementation to be consistent with this program.
- Require land dedications generally, but allow use of established mitigation banks under specified circumstances, where the habitat and monitoring requirements are particularly complicated, regulated, or technical.

- Where Swainson's Hawk mitigation for less than 40 acres is a requirement of a project, as a last resort where the developer has made a compelling case to demonstrate their inability to purchase land or easements pursuant to the program, the City retains the authority to allow that developer to pay in-lieu fees through the JPA.

MITIGATION STRATEGY BY RESOURCE

Overall Vision -- Strategies for each impacted biological resource are provided below. If properly implemented, it is the intent that these strategies will result in contiguous acreage of preserved land in proximity to the City comprised of open space and/or cropland adjoining a local creek or slough with significant riparian values. The open space or crop land would be used for Swainson's Hawk mitigation. Mitigation for Burrowing Owl, VELB, and/or seasonal wetlands would be incorporated into the open space or located between the open space/cropland (depending on the presence of existing resources and physical characteristics) and the slough or creek area which would be accepted as mitigation under General Plan Policy VI.C.2. Furthermore, this land would be managed in a manner allowing for controlled open space recreational value to be gained for Winters residents and children, in the form of education programs, trails, viewing points, event gathering areas, etc.

In all cases, the mitigation land must not only be acquired and put under a conservation easement, but the applicant must provide an appropriate endowment to cover management of the land in perpetuity. The applicant must, therefore, provide a management plan acceptable to the agencies and City that identifies the management actions required for the land being set aside.

Swainson's Hawk and Other Raptors – Swainson's Hawk foraging land is easily located throughout the local area and in proximity of the City. As such where mitigation for Swainson's Hawk is triggered, the City will generally not allow it to occur through a mitigation bank, but rather require that it occur on land placed under easement by the applicant, under the management of a local established land trust approved by the City and acceptable to CDFG. In addition, preservation of Swainson's Hawk land generally has the dual effect of preservation of agricultural land in those cases where the foraging land is agricultural row crop land.

The County and all cities within the County have a Memorandum of Understanding executed with CDFG that allows for the payment of in-lieu fees to the Yolo County Habitat Joint Powers Agency (JPA) as mitigation for the Swainson's Hawk. These fees are to be used to make purchases of Swainson's Hawk foraging land and/or easements on such land, for permanent conservation as a precursor to adoption of the Yolo County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). The JPA has recently begun to acquire Swainson's Hawk easements.

As written, the City approvals for the Callahan and Creekside projects defer to payment of the in-lieu fees to the JPA for mitigation of Swainson's Hawk. Whereas, the City's

approval of the Hudson and Highlands projects indicate that unless the MOU and/or the countywide HCP/NCCP are approved and in effect, the applicants must directly secure land dedications, and can not rely on payment of the in-lieu fee.

Therefore, for all four projects the City position is that the applicants will purchase and set aside in perpetuity the appropriate acreage of Swainson's Hawk foraging land consistent with the parameters of this report, through the purchase of the underlying land and/or the development rights and execution of an irreversible conservation easement to be managed by a local established land trust approved by the City.

Burrowing Owl – It is possible to successfully create Burrowing Owl habitat and encourage use by Burrowing Owls. Additionally, this species shares some of the same habitat requirements as the Swainson's Hawk, primarily open grasslands. As such, where mitigation for Burrowing Owls is required, the City will not generally allow it to occur through a mitigation bank, but rather require that it occur on land placed under easement by the applicant, adjacent to Swainson's Hawk mitigation land (see discussion above), and under the management of a local established land trust approved by the City and acceptable to CDFG. "Stacking" of Burrowing Owl and Swainson's Hawk habitat on the same acreage is not supported by the City.

Valley Elderberry Longhorn Beetle – A similar situation exists for the VELB. The host plant for this beetle is fairly easy to transplant. Similarly, the success rate for new plantings is high. As such, where mitigation for VELB is triggered, the City will not generally allow it to occur through a mitigation bank, but rather require that it occur on land placed under easement by the applicant, adjacent to and on the fringes of Swainson's Hawk mitigation land (see discussion above), and under the management of a local established land trust approved by the City and acceptable to the USFWS.

Seasonal Wetlands Habitat/Species – The technology for preservation and creation of riparian and wetlands habitat is fairly standard and well understood but in many cases poorly implemented, managed and monitored. Where permitting approval from State or federal agencies is required (as is the case for example where protected invertebrates would be impacted) the mitigation requirements generally become no more technically difficult, however the regulatory requirements seem to increase significantly in the form of bureaucratic oversight. For this reason the City sees a logical distinction between mitigating riparian and wetlands habitat losses pursuant solely to local General Plan Policy VI.C.2 verses satisfaction of State and federal agencies requirements for mitigation of impacts to jurisdictional wetlands and/or protected species.

Pursuant to the General Plan requirements, projects with impacts to riparian or wetland features must mitigate those impacts with land acquisition in the same fashion described above for the Swainson's Hawk. There then needs to be new habitat created on this land that replaces the habitat that was lost due to the project. This General Plan mitigation will not be allowed to occur in a mitigation bank as that removes it from City proximity and does not fully take advantage of the potential to permanently preserve open space around the city.

To the extent that State or federal mitigation is also triggered for jurisdictional wetlands and/or protected species, this may be allowed to be satisfied within the same land acquisition but on separate acreage, but not to the extent that it limits or impairs full satisfaction of the City's General Plan requirements and not to the extent that it might limit the ability of the City and its residents to gain open space recreational value from the dedicated lands and have management autonomy over them. The City recognizes that at both the State and federal level, agencies generally do not support "multi-use" management due to concerns regarding incompatibilities between human activities (even passive) and habitat preservation. Should this be the case, then mitigation for State and federal purposes must occur on separate land.

The mitigation text for the Callahan and Hudson projects specify that mitigation under City General Plan Policy VI.C.2 is to take place at the City's community sports park site north of Moody Slough Road or at the preserved wetlands in the northwest corner of the Highlands project site. However all non-mounded land at the community sports park site will be needed for sports fields and the mounded areas will likely not be suitable for surface wetlands creation due to the underlying landfill cells and hazardous materials concerns. As part of the recent approval of the Highlands project a decision was made not to preserve the wetlands in the northwest corner of the project. Therefore, the City will exercise its discretion to direct that the wetlands mitigation for Callahan and Hudson be satisfied pursuant to this program in the same manner as will be required of the Highlands project.

FRAMEWORK FOR MITIGATION

The City hereby establishes the following framework for habitat mitigation in Winters:

Qualifying Land

- Establish mitigation areas as close to town as practicable without detrimentally affecting likely direction of future growth. The precise acceptability of a particular mitigation property shall be decided on a case-by-case basis to avoid manipulating the market. Generally favorable areas are those that occur in Yolo County within a seven-mile radius of the current City limits (see Exhibit A). Priority shall be given to mitigation sites in Yolo County.
- Isolated mitigation areas should be avoided. They should be contiguous to one another or to other existing preserved land, or as a part of a larger conservation strategy.
- Preserved areas must have equal or better habitat values for the subject species, or must be restored and maintained in perpetuity to such level as part of the mitigation. This shall be demonstrated through the submittal of an assessment of biological value prepared by a qualified biologist acceptable to the City.
- Agricultural land may not be taken out of production for the purposes of qualifying land for this program.

- The property may be zoned or designated for any use but must be redesignated to Agriculture, Open Space, or equivalent designation at the applicant's expense.
- The mitigation area shall be comprised of units of land that meet minimum size (40 acres) and shape requirements (grossly irregular parcels that preclude efficient operation are not acceptable) so as to ensure efficient management. Whether or not particular parcels of land proposed for mitigation are acceptable under these requirements shall be evaluated by the City based on geographic and soil characteristics, natural features (including topography, hydrology, and vegetation), habitat values, adjacent property ownership and land use, etc.
- Existing rural development on mitigation parcels is not acceptable and shall be rejected or discounted from the calculation of net mitigation credit. Planned or proposed rural residential development on mitigation land shall render it unacceptable for this program.
- The mitigation land shall have adequate water supply to support the agricultural use and the water supply shall be protected in the conservation easement.
- Proposed mitigation land shall be examined through a title search for easements or other prior encumbrances and the City and conservation entity shall be satisfied that any such encumbrances will not adversely affect the intended use and management of the parcel for habitat mitigation purposes.

Qualifying Conservation Entity

- The applicant shall identify an appropriate and qualified "conservation entity" to hold and manage the conservation easement.
- The conservation entity and the inclusion of any other signatories on the agreement must be acceptable to the City. The conservation entity is expected to have an established track record in holding and managing conservation easements for the purposes of conserving and maintaining lands habitat values.
- The City favors the use of a local non-profit habitat conservation entity or the regional branch of a nationally recognized non-profit habitat conservation entity as the easement holder.
- This entity must satisfy the definition of a "qualified organization" under Internal Revenue Code Section 170(h) related to conservation easements and their treatment in the federal tax laws.
- The proposed entity shall submit the information outlined in the "Required Information for Proposed Conservation Entity" (Exhibit A), along with any other information requested by the City, to assist the City in their review of the proposed entity's qualifications.

- The City will use the following criteria when approving the non-profit habitat conservation entity for these purposes:
 - a. Whether the entity is a non-profit organization that is either based locally or is a regional branch of a national non-profit organization whose principal purpose is holding and administering habitat conservation easements for the purposes of conserving and maintaining habitat values;
 - b. Whether the entity has a long-term proven and established record for holding and administering easements for the purposes of conserving and maintaining lands habitat values;
 - c. Whether the entity has a history of holding and administering easements in Yolo County for the foregoing purposes;
 - d. Whether the entity has adopted the Land Trust Alliance's "Standards and Practices" and is operating in compliance with those Standards;
 - e. Whether the entity is a member in good standing of the California Council of Land Trusts;
 - f. Whether the entity has been accredited by the Land Trust's Alliance's Land Trust Accreditation Commission; and
 - g. Any other information that the City finds relevant under the circumstances.
- The City retains the discretion to determine whether the habitat conservation entity identified by the applicant has met the criteria delineated above.

Minimum Standards for the Agreement

- The method of preservation must ensure permanent protection of the mitigation land for the habitat uses.
- Control of the land shall be established either through outright purchase (fee title) or through acquisition of development rights.
- As a courtesy, notice of the transaction shall be provided by the applicant to the City or County with land use jurisdiction and the Yolo Natural Heritage Program. Evidence of this shall be provided to the City of Winters.
- Preservation shall be ensured through the use of a conservation easement, deed restriction, or other equivalent mechanism, for specified habitat purposes in perpetuity.

- Develop a standard conservation easement agreement to serve as a template throughout the program.
- The agreement shall address funding for ongoing management fees for stewardship, property-specific management, record keeping, transfers, and legal defense. This shall be in the form of a long-term "non-wasting" endowment that comprises a minimum of five percent of the value of the easement, unless a lesser amount is acceptable to the conservation entity.
- All ownership interests in the land must execute the instrument.
- The agreement must be recorded and contain an accurate legal description of the mitigation property.
- The agreement must prohibit any activity which adversely affects the habitat value of the mitigation land.
- The City shall be named as a beneficiary under any instrument conveying the interest in the mitigation land to a management entity.
- The interest in the mitigation land shall be held in trust by the conservation entity in perpetuity.
- The conservation entity may not sell, lease, or convey any interest in the mitigation land except for fully compatible agricultural or open space uses.
- If the conservation entity ceases to exist, the duty to hold, administer, monitor, and enforce the interest shall be reassigned to another qualified conservation entity.
- The agreement shall specifically address the monitoring requirements of the property including specific performance criteria for the species or habitats being mitigated, contingencies and short-term adaptive management measures (e.g. replanting riparian trees that die in the first three years), monitoring time periods, etc.
- "Stacked easements" refer to the concept of allowing mitigation for one species to occur on the same land (or portion thereof) as mitigation for another species. For example, Swainson's Hawk and Burrowing Owl. While adjacency and contiguity of mitigation property is required as noted elsewhere, it is the City's position that the greatest social and habitat value of the mitigation is achieved by having each impacted species/habitat mitigated through separate acreage. Similarly stacking of the General Plan wetlands mitigation with other State/federal wetlands mitigation requirements is not allowed. Though it may be located within the same land acquisition, it must be located on separate acreage.
- Other specific requirements of the approved project mitigation measures shall be implemented unless otherwise modified herein.

Required Submittals

In order to satisfy the mitigation requirements of the City, the developer must submit appropriate evidence that all requirements of this program have been satisfied. This information will be used by the City to determine whether or not the proposed mitigation property is located strategically to allow maximum benefit from the preservation program. This shall include the following:

- A legal description of the property including water rights and water supply.
- Evidence of control of the land (e.g. title report) and documentation regarding any outstanding loans.
- Disclosure of any easement (including mineral rights), physical condition, or other material fact that would preclude or substantially impair the intended use.
- Required Information for Proposed Conservation Easement Holders (Exhibit B)
- A letter from the proposed conservation entity confirming their qualifications to manage the property, their interest in the property, and agreement to accept the conservation easement.
- A draft conservation easement or other proposed mechanism. The draft easement shall be provided to the City for review prior to being circulated to any other responsible agencies.
- The agreement must contain language that requires outstanding loans and mineral rights to be subordinated to the mitigation interests.
- A letter of acceptance from the State Department of Fish and Game if necessary to satisfy State mitigation requirements.
- Letters of acceptance from other responsible agencies if appropriate.
- Information on soils, topography, hydrology, and vegetation prepared by a qualified professional, as determined by the City.
- A history of use and practices on the property included as part of a Phase I Environmental Site Assessment that meets applicable standards in the industry.
- A map of the property and surrounding area depicting the following:
 - Lands in the vicinity of the proposed mitigation property that have restricted development rights such as a conservation or habitat easement, flowage or flood easement, etc., already in place.

- A delineation of the proposed mitigation property
- Parcel numbers, ownership, zoning, and acreage.
- Soils, topography, hydrology, and vegetation for the mitigation property and surrounding parcels in the vicinity.
- 100-year floodplain, landfills, or other such limiting features.
- Known areas of special status species habitat.
- Structures and residences.
- Any other information required by the City.

EXHIBITS

A – 7-Mile Radius Map

B – Required Information for Proposed Conservation Easement Holders

C – Habitat-Related Mitigation Measures For Recent New Development

Seven-Mile Radius CITY OF WINTERS

Date: 4/3/2006

Customer(s): YOLO LAND TRUST
District: Yolo County RCD
Approximate Acres: 93,432.6
42.83 Mile Perimeter

Field Office: WOODLAND SERVICE CENTER
Agency: USDA NRCS
Assisted By: PHIL HOGAN



Legend

-  County Boundary
-  Seven-mile Radius - 93,432.6 ac
-  City of Winters



Image: 2005 Aerial Yolo Co. & Solano Co.





EXHIBIT B

Required Information for Proposed Conservation Easement Holders

Please submit the following information about your organization and its experience in acquiring, holding, and managing conservation easements. This information will be used to evaluate your organization's qualifications to hold conservation easements intended to fulfill mitigation requirements for projects approved by the City of Winters.

Board Composition Please provide biographical information for board of directors and executive officer or director. Specifically, this must include a (1) list of all board members and staff, (2) biographical statement for each including a list of other key affiliations for each, and (3) identification of all officers of the organization.

Organizational Structure Please identify and describe the structure and composition of the organization, such as officer positions, committees, staff (titles and percentage time, committee members who are not board members, number of volunteers, groups of volunteers (such as monitoring volunteers; if applicable), and so forth.

Financial Please provide your IRS 990 statements for the last three years. If your land trust holds land or conservation easements, please describe how their immediate and long-term management and defense are funded, the approximate amount available and how those funds are managed. Please provide copies of financial policies, the dates of adoption and dates of any amendments to these policies.

Key Legal and Policy Documents Legal documents: (1) IRS letter, (2) articles of incorporation, (3) by-laws, and (4) most recent filing with the California Attorney General. Please provide copies of policies related to board membership, board participation and decision-making, and transactional matters. Examples include: board member job description, conflict of interest policy, land protection criteria, and transaction approval process. Please provide the dates of adoption and dates of any amendments to these policies.

Geographic Area of Operations and Resource Focus List geographic area of land protection activities and all counties in which the land trust has worked or would consider working. Also identify any particular resource(s) (e.g., oak woodlands) in which the land trust focuses upon.

Activities Please describe your organization's activities and relative percentages of *time spent* (e.g., land/easement transactions 75%, land management 10%, education and community outreach 10%, restoration 60%, administration 5%, land use or policy advocacy 25%).

Conservation Accomplishments Please describe specifically (1) acres protected and the protection mechanism (e.g., "X" acres in fee title), (2) acres of land, easement or currently held, (3) acres for which the land trust holds a responsibility (e.g., stewardship) although it may not hold a property interest, (4) miles of trails constructed, and (5) acres held that originated through the mitigation process. These figures should include lands that you may have protected even if ownership was subsequently transferred to another. Please share any other accomplishments of note, e.g., assisting with transactions, annual educational program for local 3rd graders, etc.

Model Conservation Easement Please provide copy or copies of the model conservation easement(s) which your organization is currently using as a basis for your easement negotiations and easement drafting. Model easement should be relevant to proposed mitigation easement (e.g. model Swainson's Hawk easement)

Conservation Easement Management Please provide a list of conservation easements held by your organization including: (1) location, (2) purpose, (3) acreage, (4) date acquired, (5) how acquired (e.g. purchase, donated, mitigation), (6) funding sources (e.g. grant sources, in lieu fees). Please provide example monitoring report(s) prepared by your organization for easement(s) similar to the proposed easement. Also provide your amendment policy for conservation easements, and enforcement policy for conservation easements. Please provide the dates of adoption and dates of any amendments to these policies.

Community Support For the past year, please provide (1) number in each category that have contributed funds (e.g., individuals, organizations and public "agencies"), (2) number of volunteers, (3) number on your mailing list, and (4) any other examples of community support you would like to share. Is there any particular way that you "market" or describe your organization to others? Please provide examples of your key communication materials, e.g., brochures, website, newsletters, annual appeal.

EXHIBIT C

HABITAT-RELATED MITIGATION MEASURES FOR RECENT NEW DEVELOPMENT

CALLAHAN ESTATES SUBDIVISION:

Mitigation Measure #3: The project proponent shall mitigate for potential project-related impacts to nesting raptors by conducting a pre-construction survey of all trees suitable for use by nesting raptors on the subject property or within 500 feet of the project boundary as allowable. The preconstruction survey shall be performed no more than 30 days prior to the implementation of construction activities. The preconstruction survey shall be conducted by a qualified biologist familiar with the identification of raptors known to occur in the vicinity of the City of Winters. If active special-status raptor nests (e.g. Swainson's hawk or white-tailed kite) are found during the preconstruction survey, a 0.25-mile (1,320-feet) buffer zone shall be established around the nest and no construction activity shall be conducted within this zone during the raptor nesting season (typically March-August) or until such time that the biologist determines that the nest is no longer active. The buffer zone shall be marked with flagging, construction lathe, or other means to mark the boundary of the buffer zone. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

Mitigation Measure #4: The project proponent shall mitigate for potential project-related impacts to burrowing owl by conducting a pre-construction survey no more than 30 days prior to the initiation of construction activity. The pre-construction survey shall be conducted by a qualified biologist familiar with the identification of burrowing owls and the signs of burrowing owl activity. If active burrows are found on the project site, the California Department of Fish and Game (CDFG) shall be consulted regarding appropriate mitigation measures for project-related impacts to burrowing owl. Pursuant to the CDFG document entitled "Staff Report on Burrowing Owl Mitigation" (September 25, 1995), it is likely that replacement habitat will be required by CDFG. The guidelines include specific mitigation to protect nesting and wintering owls and to compensate for loss of breeding sites. In general, if the project would remove habitat of an occupied breeding site (e.g., if an active nest and surrounding habitat are removed), the project proponent will be required to compensate by preserving 6.5 acres of suitable habitat for each active nest site. In addition, the project proponent must install artificial burrows to offset the direct loss of the breeding site. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

Mitigation Measure #5: The project proponent shall mitigate for potential project-related impacts to Swainson's hawk foraging habitat by complying with the Yolo County Memorandum of Understanding (MOU) regarding project-related impacts to Swainson's hawk foraging habitat. The MOU requires the project proponent mitigate at a 1:1 ratio for every acre of suitable Swainson's hawk foraging habitat that is impacted by the project. A fee shall be collected by the City of Winters for impacts to 26.4 acres of potential Swainson's hawk foraging habitat. The fee shall be payable to the Wildlife Mitigation Trust Account. Funds paid into the trust account shall be used to purchase or acquire a conservation easement on suitable Swainson's hawk foraging habitat and for maintaining and managing said habitat in perpetuity. The cost per acre for acquisition and maintenance of foraging habitat is reviewed annually and the project proponent shall be charged at the rate per acre at the time of project approval. Payment shall be made to the trust account prior to the initiation of construction activity and shall be confirmed by the City of Winters prior to the issuance of a grading permit.

Mitigation Measure #5.1: (a) If the project can avoid ground disturbing activities that would affect the hydrology of the wetland or avoid fill into the wetland, then no mitigation for impacts to special status invertebrates is required. A buffer around the seasonal wetland would be required to ensure that any possibility of take is avoided. The amount of this buffer would be determined by a qualified biologist based on a site-specific determination of hydrology and shall not be less than 20-feet. If impacts to the wetland will not be avoided, then consultation and on-site inspection with USFWS shall determine whether the Service will require protocol surveys to be conducted to determine presence or absence of the listed species. If as a result of the consultation or protocol level surveys it is determined that the species are absent, then no mitigation is required. If the species are present, or if the project proponent

decides to assume presence by not conducting the surveys if such surveys are required by USFWS, then compensatory mitigation will be required. If compensatory mitigation is required and there is no federal regulatory lead agency (as is the case with this project), the project proponent, through coordination with the USFWS, would prepare a project-level Habitat Conservation Plan under Section 10 of the federal Endangered Species Act. The project-level HCP will identify specific actions including the amount of compensation that is required. Typically, impacts on these species require replacement of the habitat acreage at a 3:1 ratio (1:1 preservation and 2:1 creation). The City of Winters shall confirm implementation of this mitigation measure prior to the issuance of a grading permit.

(b) Notwithstanding the Corps' determination, the California Department of Fish and Game (CDFG) retains jurisdiction over State biological resources including wetlands, and should be contacted regarding any separate regulatory authority or requirement they may have for vernal pool species. Prior to the commencement of work on the Callahan Estates project site, the applicant shall contact the CDFG regarding their potential jurisdiction over wetlands that exist on the project site and comply with all requirements, if any, established by CDFG arising from this consultation with the Department.

Mitigation Measure #5.2: (a) Pursuant to General Plan Policy VI.C.2, the applicant must replace loss of riparian and wetland habitat acreage and/or value on at least a 1:1 basis. Replacement entails creating habitat that is similar in extent and ecological value to that displaced by the project. The replacement habitat must consist of locally-occurring, native species and be located either at the City's Community Sports Park site north of Moody Slough Road or at the wetlands site in the northeast corner of the Winters Highlands property. Implementation of this condition shall be based on baseline data concerning existing native species. Study expenses shall be borne by development.

(b) Additional field investigation shall be undertaken by a qualified wetlands specialist to establish the condition of the Highland Canal and to determine the potential for it to be subject to CDFG jurisdiction. The following information shall be provided: the source and terminus of the drainage, whether the feature is natural or artificial, and what its current and historical purpose is relative to water delivery. Prior to the commencement of work on the Callahan Estates project site, the applicant shall contact the CDFG regarding their potential jurisdiction over habitat or species within the Highland Canal and comply with all requirements, if any, established by CDFG arising from this consultation with the Department. If the Highland Canal is found to be subject to CDFG jurisdiction, it shall also be included in the calculation of total loss of habitat for which City General Plan Policy VI.C.2 requires 1:1 mitigation.

CREEKSIDE ESTATES SUBDIVISION:

Mitigation Measure #4: Focused surveys for Valley Longhorn Elderberry Beetles (VELB) shall be conducted by a qualified biologist to determine presence of the species. The surveys shall be conducted, data collected, and mitigation required according to the USFWS' guidance document Conservation Guidelines for the Valley Elderberry Longhorn Beetle (USFWS 1999). If no plants are found then no further mitigation is required. If plants are found they shall be avoided and a 20-foot buffer from the dripline is required. If the plants can not be avoided then consultation with the USFWS is required and a mitigation plan should be prepared for approval by the Service. At a minimum the mitigation plan should include acquisition of credits at an approved mitigation bank or implementation of onsite mitigation and monitoring plan that includes transplantation of plants and planting elderberry seedlings. If the potential for take is identified following surveys, the project proponent will implement the referenced guidelines through coordination with the USFWS under Section 10 of the federal Endangered Species Act.

Mitigation Measure #5: The project proponent shall mitigate for potential project-related impacts to nesting raptors by conducting a pre-construction survey of all trees suitable for use by nesting raptors on the subject property or within 500 feet of the project boundary as allowable. The preconstruction survey shall be performed no more than 30 days prior to the implementation of construction activities. The preconstruction survey shall be conducted by a qualified biologist familiar with the identification of raptors known to occur in the vicinity of the City of Winters. If active special-status raptor nests (e.g. Swainson's hawk or white-tailed kite) are found during the preconstruction survey, a 0.25-mile (1,320-foot) buffer zone shall be established around the nest and no construction activity shall be conducted within this zone during the raptor nesting season (typically March-August) or until such time that the biologist determines

that the nest is no longer active. The buffer zone shall be marked with flagging, construction lathe, or other means to mark the boundary of the buffer zone. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

Mitigation Measure #6: The project proponent shall mitigate for potential project-related impacts to burrowing owl by conducting a pre-construction survey no more than 30 days prior to the initiation of construction activity. The pre-construction survey shall be conducted by a qualified biologist familiar with the identification of burrowing owls and the signs of burrowing owl activity. If active burrows are found on the project site, the California Department of Fish and Game (CDFG) shall be consulted regarding appropriate mitigation measures for project-related impacts to burrowing owl. Pursuant to the CDFG document entitled "Staff Report on Burrowing Owl Mitigation" (September 25, 1995), it is likely that replacement habitat will be required by CDFG. The guidelines include specific mitigation to protect nesting and wintering owls and to compensate for loss of breeding sites. In general, if the project would remove habitat of an occupied breeding site (e.g., if an active nest and surrounding habitat are removed), the project proponent will be required to compensate by preserving 6.5 acres of suitable habitat for each active nest site. In addition, the project proponent must install artificial burrows to offset the direct loss of the breeding site. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

Mitigation Measure #7: The project proponent shall mitigate for potential project-related impacts to Swainson's hawk foraging habitat by complying with the Yolo County Memorandum of Understanding (MOU) regarding project-related impacts to Swainson's hawk foraging habitat. The MOU requires the project proponent mitigate at a 1:1 ratio for every acre of suitable Swainson's hawk foraging habitat that is impacted by the project. The City shall review the MOU with DFG to determine whether or not the portion of the project area that was planted in orchard is subject to the mitigation fee. A fee shall be collected by the City of Winters for impacts to up to 13.7 acres of potential Swainson's hawk foraging habitat. The fee shall be payable to the Wildlife Mitigation Trust Account. Funds paid into the trust account shall be used to purchase or acquire a conservation easement on suitable Swainson's hawk foraging habitat and for maintaining and managing said habitat in perpetuity. The cost per acre for acquisition and maintenance of foraging habitat is reviewed annually and the project proponent shall be charged at the rate per acre at the time of project approval. Payment shall be made to the trust account prior to the initiation of construction activity and shall be confirmed by the City of Winters prior to the issuance of a grading permit.

HUDSON/OGANDO SUBDIVISION:

Mitigation Measure #4 – The project proponent shall mitigate for potential project-related impacts to burrowing owl by conducting a pre-construction survey no more than 30 days prior to the initiation of construction activity. The pre-construction survey shall be conducted by a qualified biologist familiar with the identification of burrowing owls and the signs of burrowing owl activity. If active burrows are found on the project site, the California Department of Fish and Game (CDFG) shall be consulted regarding appropriate mitigation measures for project-related impacts to burrowing owl. Pursuant to the CDFG document entitled "Staff Report on Burrowing Owl Mitigation" (September 25, 1995), it is likely that replacement habitat will be required by CDFG. The guidelines include specific mitigation to protect nesting and wintering owls and to compensate for loss of breeding sites. In general, if the project would remove habitat of an occupied breeding site (e.g., if an active nest and surrounding habitat are removed), the project proponent will be required to compensate by preserving equivalent suitable habitat for each active nest site. In addition, the project proponent must install artificial burrows to offset the direct loss of the breeding site. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

Mitigation Measure #5 – The project proponent shall mitigate for potential project-related impacts to Swainson's hawk foraging habitat by complying with one of the following:

If the Yolo County Memorandum of Understanding (MOU) regarding project-related impacts to Swainson's hawk foraging habitat is in full force and effect at the time the applicant seeks to satisfy this mitigation, the applicant may pay the appropriate fees allowed by this agreement. The MOU requires the project proponent mitigate at a 1:1 ratio for every acre of suitable Swainson's hawk foraging habitat that is impacted by the project. A fee is collected by the City of Winters for impacts to 15.97 acres of potential Swainson's hawk foraging habitat. The fee shall be payable to the Wildlife Mitigation Trust Account. Funds paid into the trust account shall be used to purchase or acquire a conservation easement on suitable Swainson's hawk foraging habitat and for maintaining and managing said habitat in perpetuity. The cost per acre for acquisition and maintenance of foraging habitat is reviewed annually and the project proponent shall be charged at the rate per acre at the time. Payment shall be made to the trust account prior to the initiation of construction activity and shall be confirmed by the City of Winters prior to the issuance of a grading permit.

If the Yolo County NCCP/HCP has been adopted, the applicant shall mitigate for Swainson's hawk impacts by complying with the terms and requirements of the Plan. Compliance shall occur and be confirmed by the City of Winters prior to the issuance of a grading permit.

If the MOU is not in full force and effect, and if the NCCP/HCP has not yet been adopted, the project applicant shall purchase and set aside in perpetuity, 15.97 acres of Swainson's hawk foraging land in proximity to the City of Winters (as approved by the City) through the purchase of development rights and execution of an irreversible conservation easement to be managed by a qualified party (e.g. Yolo Land Trust). Mitigation shall include an annuity or other mechanism to pay for permanent maintenance and management by the managing entity. Compliance shall occur and be confirmed by the City of Winters prior to the issuance of a grading permit.

Mitigation Measure #6 -- The project proponent shall mitigate for potential project-related impacts to nesting raptors (White-tailed Kite, Northern Harrier, and Loggerhead Shrike) by conducting a pre-construction survey of all trees suitable for use by nesting raptors on the subject property or within 500 feet of the project boundary as allowable. The preconstruction survey shall be performed no more than 30 days prior to the implementation of construction activities. The preconstruction survey shall be conducted by a qualified biologist familiar with the identification of raptors known to occur in the vicinity of the City of Winters. If active special-status raptor nests are found during the preconstruction survey, a 0.25-mile (1,320-foot) buffer zone shall be established around the nest and no construction activity shall be conducted within this zone during the raptor nesting season (typically March-August) or until such time that the biologist determines that the nest is no longer active. The buffer zone shall be marked with flagging, construction lathes, or other means to mark the boundary of the buffer zone. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

Mitigation Measure #7 -- If special-status vernal pool invertebrates are not found at the completion of a full protocol-level survey conducted by qualified biologists, and the USFWS agrees with the findings of the survey, then no further mitigation would be required. If special-status vernal pool invertebrates are found onsite, or if the USFWS disagrees then the mitigation specified below would still be required. The City of Winters shall confirm implementation of this mitigation measure prior to the issuance of a grading permit. The project proponent shall mitigate for potential project-related impacts to federally listed vernal pool invertebrates by complying with U.S. Fish and Wildlife Service (USFWS) guidelines regarding mitigation for project-related impacts to vernal pool invertebrate habitat. The USFWS typically requires a 250-foot setback from the edge of vernal pools to be avoided, however, this setback may be reduced if pools are degraded or no potential adverse effects to the habitat are anticipated with a decreased setback. If vernal pools onsite cannot be avoided, a mitigation plan shall be developed in conjunction with the USFWS to ensure no net negative effect to these species occurs. Likely mitigation measures include onsite or offsite preservation and creation of vernal pools at a ratio acceptable to the USFWS or purchase of credits at a qualified proximate vernal pool mitigation bank as specified by the USFWS and agreed to by the City. Typically, the USFWS in coordination with the Corps requires a 3:1 combination ratio (1:1 preservation and 2:1 creation) of vernal pools that potentially, or are known to support listed invertebrates.

Notwithstanding other federal jurisdiction, the Regional Water Quality Control Board may have jurisdiction over the wetlands, and shall be contacted regarding any separate regulatory authority or requirement they may have. Prior to the commencement of work on the project site, the applicant shall contact the RWCQB regarding their potential jurisdiction over wetlands that exist on the project site and comply with all applicable requirements, if any, established by that agency.

The California Department of Fish and Game (CDFG) retains jurisdiction over State biological resources including wetlands, and shall be contacted regarding any separate regulatory authority or requirement they may have for vernal pool species. Prior to the commencement of work on the project site, the applicant shall contact the CDFG regarding their potential jurisdiction over wetlands that exist on the project site and comply with all requirements, if any, established by CDFG arising from this consultation with the Department.

Mitigation Measure #8 -- (a) Pursuant to General Plan Policy VI.C.2, the applicant must replace loss of riparian and wetland habitat acreage and/or value on at least a 1:1 basis. Replacement entails creating habitat that is similar in extent and ecological value to that displaced by the project. The replacement habitat must consist of locally-occurring, native species and be located either at the City's Community Sports Park site north of Moody Slough Road, at the wetlands site in the northeast corner of the Winters Highlands property, or elsewhere as directed/approved by the City Council. Implementation of this condition shall be based on baseline data concerning existing native species. Study expenses shall be borne by development.

WINTERS HIGHLANDS SUBDIVISION:

Mitigation Measure 4.3-1(a). The applicant shall mitigate for Project-related impacts to 0.67 acre of habitat for federally listed vernal pool invertebrates by complying with U.S. Fish and Wildlife Service (USFWS) guidelines regarding mitigation for Project-related impacts to vernal pool invertebrate habitat. A mitigation plan shall be developed in conjunction with the USFWS to ensure no net negative effect to these species occurs.

Mitigation Measure 4.3-2(a). The applicant will develop and implement a plan to manage the Preserve with the objective of ensuring that the wetland and upland habitats within the Preserve core zone are maintained in perpetuity at their present condition or better, and ensuring that any activities or structures authorized within the Preserve buffer zone are consistent with preserving the integrity of the Preserve core zone.

The Preserve shall cover approximately 7.43 acres in the northeast portion of the Project site and will include both a core zone ("wetlands area") and a buffer zone ("open space area"). The Preserve core zone shall be approximately 3.10 acres and include the 0.99 acre of seasonal wetland/vernal pool habitat and 2.10 acres of immediately adjacent annual grassland habitat. The Preserve buffer zone will cover approximately 4.33 acres and border the Preserve core zone to the north and west and provide an upland buffer to protect the Preserve core zone from adjacent land uses.

The Management Plan shall be consistent with the terms proposed by the applicant as outlined in the EIR, with the following modifications:

1. The conservation easement shall protect the entire 7.43 acres, not just the 3.10-acre core zone.
2. The buffer zone shall be maintained in a natural condition and shall not be planted with non-native vegetation. Irrigation will occur only during the initial establishment of any vegetation planted at the Preserve.
3. The U.S. Army Corps of Engineers does not need to be involved in the decision-making for removal of problematic non-native plant species.
4. No surface runoff from other sources shall be allowed.
5. Approval for the use of pesticides and other chemical agents must go through the U.S. Fish and Wildlife Service but need not go through the U.S. Army Corps of Engineers.

6. "Low impact" activities shall be defined and guidance on activities not allowed shall be provided. The U.S. Army Corps of Engineers need not be involved in the decision-making.
7. The structure of the conservation easement, including parties to the agreement, shall be to the satisfaction of the City of Winters.
8. The U.S. Fish and Wildlife Service rather than the U.S. Army Corps of Engineers shall be given authority to enforce provisions of the Management Plan and conservation easement.
9. The Management Plan shall include provisions for access by the Sacramento-Yolo Mosquito & Vector Control District personnel for routine surveillance of the ponded area(s) and shall identify a procedure for addressing possible vegetation management concerns should the District determine that dense vegetation growth in the wetland(s) may contribute to future mosquito outbreaks.

Mitigation Measure 4.3-3(a). The applicant shall mitigate for potential project-related impacts to Swainson's hawk foraging habitat by complying with one of the following:

- i) If the Yolo County Memorandum of Understanding (MOU) regarding project-related impacts to Swainson's hawk foraging habitat is in full force and effect at the time the applicant seeks to satisfy this mitigation, the applicant may pay the appropriate fees allowed by this agreement. The MOU requires the applicant to mitigate at a 1:1 ratio for every acre of suitable Swainson's hawk foraging habitat that is impacted by the project. A fee will be collected by the City of Winters for impacts to 102.6 acres of potential Swainson's hawk foraging habitat. The fee shall be payable to the Wildlife Mitigation Trust Account. Funds paid into the trust account shall be used to purchase or acquire a conservation easement on suitable Swainson's hawk foraging habitat and for maintaining and managing said habitat in perpetuity. The cost per acre for acquisition and maintenance of foraging habitat is reviewed regularly and the applicant shall be charged at the rate per acre in effect at the time. Payment shall be made to the trust account prior to the initiation of construction activity and shall be confirmed by the City of Winters prior to the issuance of a grading permit.
- ii) If the Yolo County NCCP/HCP has been adopted, the applicant shall mitigate for Swainson's hawk impacts by complying with the terms and requirements of the Plan. Compliance shall occur and be confirmed by the City of Winters prior to the issuance of a grading permit.
- iii) If the MOU is not in full force and effect and if the NCCP/HCP has not yet been adopted, the project applicant shall purchase and set aside in perpetuity 102.6 acres of Swainson's hawk foraging land in proximity to the City of Winters (as approved by the City) through the purchase of the underlying land and/or the development rights and execution of an irreversible conservation easement to be managed by a qualified party (e.g. Yolo Land Trust). Mitigation shall include an endowment or other mechanism to pay for permanent maintenance and management by the managing entity. Compliance shall occur and be confirmed by the City of Winters prior to the issuance of a grading permit. To the extent feasible as determined by the City, identification of acceptable mitigation land shall be coordinated with the Yolo County Habitat Conservation Joint Powers Agency.

Mitigation Measure 4.3-4(a). The applicant shall conduct pre-construction surveys of suitable habitat at the Project site and buffer zone(s) within 30 days prior to initiation of construction activity. If ground disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the Project site shall be resurveyed.

Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the California Department of Fish and Game verifies through non-invasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

If owls must be moved away from the Project site, passive relocation techniques shall be used rather than trapping. At least one or more weeks will be necessary to accomplish this and allow the owls to acclimate to alternate burrows.

Mitigation Measure 4.3-4(b). The loss of foraging and nesting habitat on the Project site will be offset by either acquiring and permanently protecting off-site at a location satisfactory to the City a minimum of 6.5 acres of foraging habitat (calculated on a 100 m {approx. 300 ft.} foraging radius around the burrow) per pair or unpaired resident bird or acquiring the requisite number of acres of credit at an approved mitigation bank satisfactory to the City.

The applicant shall either acquire and protect, or mitigation credits purchased at an approved mitigation bank 19.5 acres of burrowing owl habitat. If the applicant chooses to acquire and protect land for the burrowing owl, the protected lands shall be adjacent to occupied burrowing owl habitat and at a location acceptable to the California Department of Fish and Game and the City.

If the applicant chooses to acquire and protect land for the burrowing owl, existing unsuitable burrows at the protected land shall be enhanced (enlarged or cleared of debris) or new burrows created (by installing artificial burrows) at a ratio of 2:1. This will require that the applicant have the Project site surveyed to determine the number of active burrows being used by the burrowing owl.

The applicant shall provide funding for long-term management and monitoring of the protected lands should the applicant choose to pursue that option. The monitoring plan shall include success criteria, remedial measures, and an annual report to the California Department of Fish and Game and the City of Winters.

Mitigation Measure 4.3-5(a). Pursuant to General Plan Policy VI.C.2 the applicant must replace loss of riparian and wetland habitat acreage and ecological value on at least a 1:1 basis. Replacement entails creating habitat that is similar in extent and ecological value to that displaced by the Project. The replacement habitat must consist of locally occurring, native species and be located either at the City's Community Sports Park site north of Moody Slough Road or elsewhere as directed and approved by the City. Study expenses shall be born by the applicant.

The mitigation ratio for the 0.54 acre of seasonal wetlands that occur in the Highlands Canal shall be at a 1:1 ratio but the mitigation ratio for the 0.81 acre of wetlands that occur outside the Highlands Canal shall be mitigated at a 2:1 ratio (creation of 1.62 acres of new wetlands). The 0.81 acre of seasonal wetlands are dominated by native species and either provide known habitat or potential habitat for federally listed vernal pool crustaceans. These seasonal wetlands represent one of the few areas in the western part of Yolo County and nearby area of Solano County known to support federally listed vernal pool crustaceans.

The applicant shall develop and submit to the City of Winters a written plan that describes the actions to be taken to identify an appropriate site to construct 2.16 acres of seasonal wetlands, the construction procedures and a monitoring plan with performance criteria to document that the constructed seasonal wetlands achieve the desired habitat conditions.

The format of the plan shall follow the format prescribed by the Corps of Engineers for wetland mitigation and monitoring plans. The plan shall contain the following sections:

- Detailed description of the proposed mitigation site, including the location, ownership status, presence of any jurisdictional areas, topography and hydrology of the proposed site, soils (subsurface soil information to confirm that the soils are appropriate for wetland construction), vegetation and wildlife habitat and use of the proposed site, present and historical uses of the proposed mitigation site, and present and planned use of areas adjacent to the proposed mitigation site.
- Description of the seasonal wetland habitat to be created, including the mitigation ratio, long-term goals, anticipated future site topography and hydrology, vegetation, and anticipated wildlife habitat on the proposed mitigation site.
- Performance criteria and monitoring protocol to document that the constructed seasonal wetland habitat are meeting or exceeding the performance criteria, including a detailed description of the monitoring methods and justification of the methods, the monitoring schedule and other means of documenting the development of the mitigation (e.g., photo documentation).
- An implementation plan that describes in detail the physical preparation of the site, the planting plan, irrigation (if necessary) and the implementation schedule. The surface soils at the seasonal wetlands at the Project site that support primarily native species shall be collected and used to inoculate the constructed pools, especially the three largest pools at the Project site.
- A maintenance plan that describes the actions to be taken to address or prevent adverse conditions, such as invasion by undesirable vegetation, control of erosion of bare ground. This plan shall present a maintenance schedule and identify the party responsible for the

maintenance, which will be the applicant unless another party agreeable to the City of Winters is selected.

- A contingency plan that identifies measures to be taken if the constructed seasonal wetlands are not performing according to the established standards. This plan shall be adaptive and identify how monitoring data will be used to define future actions to achieve the performance criteria. The contingency plan shall also identify the funding mechanism for the initial monitoring period and the endowment that will be provided by the applicant for the long-term management of the site.

The applicant shall work with the City of Winters to identify an acceptable third-party entity (e.g., Yolo Land Trust, Wildlife Heritage Foundation) to manage the mitigation site once the initial monitoring period has been completed. The applicant will be responsible for the site until the performance criteria have been met and will work with the third-party entity to develop the long-term management endowment.

Mitigation Measure 4.3-6(a). The applicant shall mitigate for potential Project-related impacts to nesting raptors by conducting a pre-construction survey of all trees suitable for use by nesting raptors on the subject property or within 500 feet of the Project boundary as allowable. The preconstruction survey shall be performed no more than 30 days prior to the implementation of construction activities. The preconstruction survey shall be conducted by a qualified biologist familiar with the identification of raptors known to occur in the vicinity of the City of Winters. If active raptor nests are found during the preconstruction survey, a 500-foot buffer zone shall be established around the nest and no construction activity shall be conducted within this zone during the raptor nesting season (typically March-August) or until such time that the biologist determines that the nest is no longer active. The buffer zone shall be marked with flagging, construction lathe, or other means to mark the boundary of the buffer zone. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

If an active Swainson's hawk nest is encountered during the pre-construction surveys, the buffer zone shall be 0.25 miles (1,320 feet) and it shall be fenced. This exclusion zone shall remain active until fledglings have left the nest or until such time that the biologist determines that the nest is no longer active.

Mitigation Measure 4.3-7(a). Implement Mitigation Measure 4.3-3(a).

Mitigation Measure 4.3-8(a). Implement Mitigation Measure 4.3-3(a).

Mitigation Measure 4.3-9(a). The applicant shall prepare and submit to the City for its approval a riparian restoration plan for restoring riparian trees and shrubs along a 50-foot section of Dry Creek on either side of where the outlet from the Highlands Canal is constructed.

This plan shall be similar in content to the wetland mitigation and monitoring plan described for Mitigation Measure 4.3-5(a) and shall be approved by the City prior to issuance of the grading permit. The proposed modifications to Dry Creek shall be coordinated with representatives of the California Department of Fish and Game, U.S. Army Corps of Engineers, and Central Valley Regional Water Quality Control Board, as necessary, to obtain the required permits and authorizations.



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: December 16, 2008
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Kate Kelly, Contract Planner 
SUBJECT: Introduce and Waive First Reading of Proposed Ordinance 2008-15 - Second Amendment to Development Agreement By and Between The City of Winters and GBH-Winters Highlands, LLC [Winters Highlands Subdivision] (APN 030-220-17, 030-220-19, 030-220-40, and 030-220-50).

RECOMMENDATION: Staff recommends that the City Council take the following actions:

- 1) Receive the staff report;
- 2) Introduce and Waive First Reading of Proposed Ordinance 2008-15 - Second Amendment to Development Agreement By and Between The City of Winters and GBH-Winters Highlands, LLC [Winters Highlands Subdivision]
- 3) Schedule Public Hearing and Second Reading of Ordinance 2008-15 for the January 6, 2009 City Council Meeting.

BACKGROUND: In April 2006, the City Council approved the Winters Highlands Subdivision project and its accompanying Development Agreement (DA) which would result in 413 single family residential lots, 30 apartments, 10.43 acres of park land, 7.43 acres of open space and wetlands, and associated infrastructure. In December 2006 the City Council approved the first Amendment to the Winters Highlands Subdivision DA which: 1) changed the start of the phasing plan for construction of market-rate residential units from September 1, 2006 to September 1, 2007; 2) advanced the payment of \$1,250,000 for the construction of the new Bobbie Greenwood Community Swimming Pool from March 31, 2007 to January 1, 2007; and 3) limited the financial obligation for expansion of the City's Wastewater Treatment Plant to \$8,000,000.

Since 2007 the housing market has rapidly declined and recently the economy has plummeted. It has become difficult for developers, builders, and homebuyers to obtain financing. As a result, most development projects cannot be implemented at this time. Because of these factors the applicant has been forced to delay the development of Winters Highlands. Given the changed economy and delayed development, the project timing and funding structure in the DA is obsolete. This is not a circumstance limited to the Winters Highlands Place project. In light of the changed real estate market and economy, the City Council approved an amendment to the Anderson Place DA earlier this year and is currently processing amendments to Hudson-Ogando Subdivision and Callahan Estates DAs to address

timing and funding structure issues. Amendments to DAs are provided for under California Government Code Section 65868 and Chapter 15.72.210 of the City of Winters Municipal Code. The following amendments are proposed for the Winters Highlands Subdivision DA:

1. Extending term of DA to 12/31/2016.
2. Updating the subject property's Assessor Parcel Numbers.
3. Correcting error in reference to City of Winters Municipal Code for DAs.
4. Shifting filing of final map for Phase I from October June 17, 2007 to the discretion of the developer.
5. Elimination of same number of days extension provision.
6. Revision of building allocation for dwelling units as follows:

Year	Current	Proposed
1	69	118
2	127	132
3	54	83
4	83	44
5	44	25
6 through 10	25 per year	25 per year

Note: The total of the above units is not reflective of the total number of residential units within the Winters Highlands Subdivision.

7. Affirmation that issuance of building permits shall be governed by the DA.
8. Provision for advancement or deferment of up to 50% of building allocation per year to adjust to changing economic conditions.
9. Deferred payment of impact fees for building permits issued on or before June 30, 2010 to payment of 50% at issuance of building permit and 50% at issuance of certificate of occupancy.
10. Provision for the City to provide developer with conceptual design for linear park and well site within 12 months from recordation of the Second Amendment.
11. Shifting completion of linear park construction from December 1, 2009 or Phase I final map to construction concurrently with each Phase of the Subdivision.
12. Shifting payment of \$250,000 for off-site park improvements from recordation of Phase II final map to no later than issuance of the 118th building permit.
13. Shifting payment of police, fire and general municipal facilities fees from filing of final map to either concurrently with issuance of first building permit for all 443 residential units or payment with each building permit at the then current fees.

14. Shifting payment to library fund from Phase I final map to issuance of the first Phase I building permit.
15. Shifting the dates funding is due for the waste water treatment plant (WWTP) expansion from 2007 to 2010 for design costs, from 2008 to 2012 for land acquisition costs, and from 2009 to 2013 for construction costs.
16. Shifting provision of sewer connections for Phases I, II, and III from 2010 to 2014.
17. Shifting payment for Urban Water Management Plan from recordation of final map to issuance of the 118th market rate building permit.
18. Provision for reimbursement of costs advanced for the construction of Well No. 7, transfer of well design documents, the potential funding by the City for the completion of the well, and the reimbursement of costs for the completion of the well.
19. Shifting payment of Miscellaneous Contributions for environmental education programs, Putah Creek Park Development Fund, high school cafeteria, and the evaluation of growth impacts and bringing jobs to the community from recordation of Phase I final map to no later than issuance of 118th building permit.
20. Provision for any payments by Developer to City for economic development projects to be credited against the Miscellaneous Contribution for evaluation of growth impacts and bringing jobs to the community.
21. Revised Exhibit F to reflect location of Public Safety Center.

DISCUSSION: Given the extraordinary economic climate, Staff supports the amendments to the DA. The amendments maintain substantial public benefit provided to the City by the DA, allow time for the housing market and economy to adjust and provide needed flexibility for the applicant to meet the changed economic climate. Without these amendments the DA would be in default and the significant public benefits diminished.

This situation is not unique to the Winters Highlands Subdivision project or even Winters. The development community as a whole is struggling and the City is in the process of amending the development agreements for several of our projects.

The proposed Amendments have been generated by City and applicant. The way all types of projects are financed in the future is forever changed. The proposed Amendments enable the applicant to be better positioned to move forward in more feasible economic times.

Staff has advanced these to provide for significant City infrastructure needs and economic goals. The Amendments reflect a new financial and economic reality. The projects advance the City's General Plan and will serve as catalysts for improving the community. The proposed Amendments preserve the entitlements for quality projects for which the City, developer and community have made significant investment. Literally thousands of hours and millions of dollars have been spent toward these projects.

The proposed Amendments enable key infrastructure to move forward during an advantageous economic period for doing so. All projects of moderate size which will bring economic development and to the City are contingent on Well #7 being completed and brought on-line. The development of the Public Safety Facility and Water Well #7 will be more cost effective by building now while the bidding climate is advantageous for the City.

APPLICABLE REGULATIONS: This project is subject to several regulations:

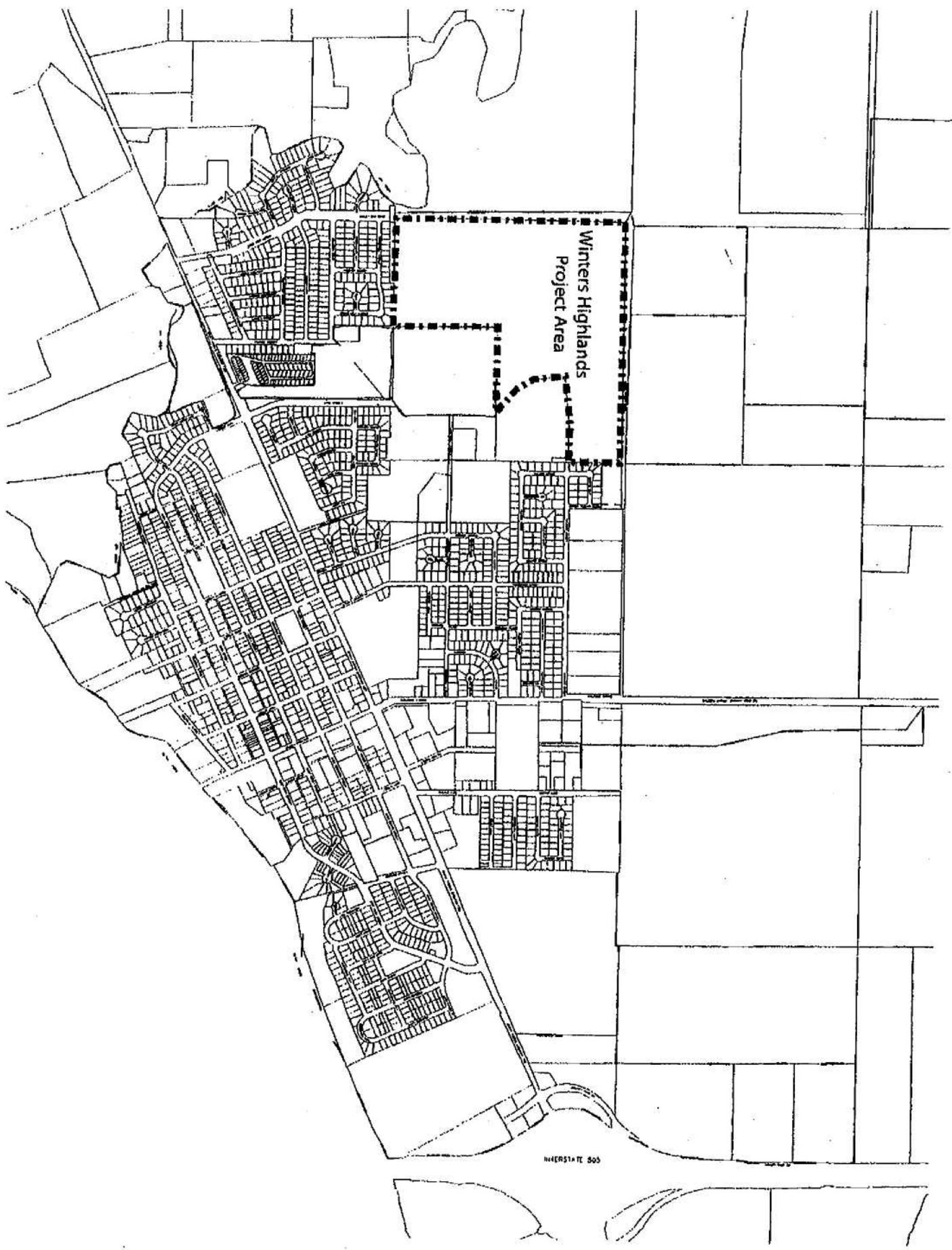
- State Planning and Zoning Law
- City of Winters General Plan
- City of Winters Municipal Code
- City of Winters Zoning Ordinance

ENVIRONMENTAL ASSESSMENT: The proposed amendment to the DA for the Winters Highlands has been reviewed in accordance with the California Environmental Quality Act (CEQA). On April 4, 2006 the City of Winters City adopted Resolution No. 2006-08 approving CEQA findings of fact, adopting a statement of overriding considerations, adopting a mitigation monitoring plan, and certifying the final environmental impact report for the Winters Highlands Project. Per Section 15060c2 of the CEQA Guidelines, the proposed DA Amendment is not subject to CEQA due to the lack of direct or reasonably foreseeable indirect physical change to the environment which would result from the adoption of the proposed Amendment to that Development Agreement.

PLANNING COMMISSION ACTION: The proposed amendments to the Winters Highlands DA were heard and considered by the Planning Commission on November 25, 2008. The Planning Commission unanimously recommended Councils approval of the proposed amendments.

ATTACHMENTS:

1. Location Map for Project
2. Proposed Second Amendment to the Winters Highlands Development Agreement
3. Proposed Ordinance 2008-15 – Second Amendment to Development Agreement by and between the City of Winters and GBH-Winters Highlands, LLC [Winters Highlands Subdivision] (APN 030-220-17, 030-220-19, and 030-220-50)
4. Winters Highlands Development Agreement – recorded May 30, 2006 and amended January 16, 2007



Winters Highlands
Project Area

INTERSTATE 505

**SECOND AMENDMENT
TO
DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF WINTERS
AND
GBH-WINTERS HIGHLANDS, LLC
[WINTERS HIGHLANDS SUBDIVISION]**

THIS SECOND AMENDMENT TO DEVELOPMENT AGREEMENT (hereinafter referred to as the "**Second Amendment**") is entered into as of November _____, 2008 ("**Effective Date**"), by and between the CITY OF WINTERS, a municipal corporation, (the "**City**"), and GBH-WINTERS HIGHLANDS, LL C, a California limited liability company (the "**Developer**").

Recitals

- A. The City and the Developer have heretofore entered into a Development Agreement executed as of May 25, 2006 (the "**Development Agreement**"), and a First Amendment to Development Agreement executed as of December 21, 2006 (the "**First Amendment**"), providing for the residential development of certain real property commonly referred to as the Winters Highlands property (the "**Project**") located within the boundaries of the City of Winters. Capitalized terms used but not defined in this Second Amendment shall have the meanings given in the Development Agreement.
- B. The severe and adverse change in economic conditions that has occurred subsequent to the execution of the Development Agreement by the City and Developer has threatened the economic viability of the Project.
- C. In an effort to restore the economic viability of the Project, encourage Developer to invest in the City of Winters, and provide new housing, the City and the Developer desire to enter into this First Amendment to make certain modifications to the Development Agreement as set forth herein.
- D. City has given the required notice of its intention to adopt this Second Amendment and has conducted public hearings thereon pursuant to Government Code Section 65867. As required by Government Code Section 65867.5, the City has found that the provisions of this Second Amendment and its purposes are consistent with the goals, policies, standards and land use designations specified in the City's General Plan.
- E. On _____, 2008, the City of Winters Planning Commission (the "**Planning Commission**"), the initial hearing body for purposes of Development Agreement review, recommended approval of this Second Amendment. On _____, 2008, the City of Winters City Council adopted its Ordinance No. _____ approving this Second Amendment and authorizing its execution, and that Ordinance ("**Enacting Ordinance**") became effective on _____, _____.

Agreement

Section 1. Amendment to Sections 1.1.23, 1.1.25, and 2.2 "Property"

Sections 1.1.23, 1.1.25 and 2.2 of the Development Agreement are amended by replacing the old Yolo County Assessor's Parcel Numbers 030-220-17, 030-220-19 and 030-220-33 with the new Yolo County Assessor's Parcel Numbers 030-220-17, 030-220-19, 030-220-49 and 030-220-50 to reflect updated Yolo County Assessor's Parcel Numbers. The project acreage remains the same.

Section 2. Amendment to Section 2.3, Agreement to be Recorded; Effective Date; Term.

Section 2.3, paragraph b., of the Development Agreement is replaced in its entirety and shall read as follows:

- b. The term of this Agreement shall expire on December 31, 2016, unless extended by mutual consent of the Parties. It may be terminated as provided in Article 5 of the Development Agreement.

Section 3. Amendment to Section 2.7, Whole Agreement; Conflict with Municipal Code.

Section 2.7, paragraph b., of the Development Agreement is replaced in its entirety and shall read as follows:

- b. The provisions of Title 15, Chapter 15.72 of the Winters Municipal Code entitled "Development Agreements" are incorporated by this reference into this Agreement. However, if there is a conflict between a specific provision of the Winters Municipal Code and a specific provision of this Agreement, this Agreement shall prevail.

Section 4. Amendment to Section 3.6, Commencement of Development.

Section 3.6, paragraphs a. and b., of the Development Agreement are replaced in their entirety and shall read as follows:

- a. The Developer shall have sole discretion to determine when the final map for Phase I of the Winters Highlands Subdivision, and accompanying subdivision improvement plans, are submitted for City review and approval.
- b. Deleted.

Section 3.6, paragraphs c. and d., of the Development Agreement shall remain unchanged.

Section 5. Amendment to Section 3.7, Maximum Number of Building Permits Per Year; Non-Market Rate Units.

Section 3.7. of the Development Agreement, as previously amended in the First Amendment, is replaced in its entirety and shall read as follows:

a. To provide for orderly growth within the City of Winters, the Developer shall be entitled to apply for and receive no more than the following number of single family residential building permits per year for the 413 market rate residential units (including the forty-one (41) lots to be offered for sale to local builders) in the Winters Highlands Subdivision. For purposes of this section, the first year commences upon the date that the first final map is recorded.

1. Year 1: 118
2. Year 2: 132
3. Year 3: 83
4. Year 4: 44
5. Year 5: 25
6. Years 6 through 10: 25 per year

The total of the above number of units is not reflective of the total number of residential units within the Winters Highlands Subdivision.

b. No building permit shall be issued for any residential lot for which the Developer has not made application at the time of the expiration of this Agreement, unless and until the City and Developer enter into a subsequent Development Agreement. This provision shall survive the termination of this Agreement.

c. Sixty-six (66) deed restricted affordable housing units shall be constructed in the Winters Highlands Subdivision pursuant to the City's land use regulations. Such affordable housing units are comprised of twenty-six (26) units for very low income households, twenty-five (25) units for low income households, and fifteen (15) units for moderate income households. The Developer may apply for and receive building permits for these units at any time during the term of the Agreement, provided however; the Developer must complete the construction of the affordable units within each Phase of the subdivision prior to the issuance of building permits for market rate units within any subsequent Phases. The permits for the affordable housing units are in addition to, and not part of, the number of units per year set forth in Section 3.7, paragraph a., above.

d. The purpose of limiting the number of building permits issued in any year is to allow the City to meter growth in such a manner that the total number of new units built per year, within the Winters Highlands Subdivision and within other properties, does not exceed the number which can reasonably be served with municipal and educational services without unduly impacting those existing units which receive such services.

e. In order to allow the Developer the flexibility to adjust to changing economic conditions, or other circumstances, and notwithstanding the provisions of Section 3.8b, the Developer may advance or defer up to fifty percent (50%) of its allocation of building permits in any one (1) year. For example, if Developer selects Year 3, then, up to 41 units can be advance to Year 2 or deferred to Year 4.

Section 6. Addition of Section 3.15, Deferral of Impact Fees.

Section 3.15 of the Development Agreement is added to read as follows:

In order to assist the Developer during these critical economic times, and to encourage the Developer to proceed with construction of new affordable and market rate housing within the City of Winters, except as otherwise provided for herein, the City hereby agrees to defer all development impact fees imposed by the City on building permits issued by the City on or before June 30, 2010, such that fifty percent (50%) of the impact fees shall be due at time of issuance of the building permit, and fifty percent (50%) shall be due at time of issuance of a certificate of occupancy. The Rancho Arroyo Drainage District Fees shall be paid in accordance with City of Winters Ordinance 96-02 and any applicable Conditions of Approval.

Section 7. Amendment to Section 4.2, On-Site Park Improvements.

Section 4.2, paragraphs b. and c., of the Development Agreement are replaced in their entirety and shall read as follows:

b. The City, through a public process, has or will create a conceptual design for the linear park, including improvements to the well site, and will provide the Developer with the conceptual design within twelve months from the recordation of the Second Amendment.

c. The Developer shall improve and construct the linear park concurrently with the construction of each Phase of the Subdivision, such that Lot X shall be developed concurrently with Phase I; Lot W shall be developed concurrently with Phase II; and Lot V shall be developed concurrently with Phase III. The park shall be constructed in accordance with the design provided and approved by the City, and in accordance with the City Public Works Improvement Standards and Construction Specifications. Any changes to the design or timing of construction shall be approved in writing by the City. If actual costs will exceed the estimated cost set forth in paragraph d. below, the parties will either (i) cooperate on a re-design of the improvements such that the actual cost does not exceed the estimated cost, or (ii) the City may elect, in its sole and absolute discretion, to fund the difference between the actual cost and estimated cost, for construction of the improvements as initially designed.

Section 4.2, paragraphs a. and d., of the Development Agreement shall remain unchanged.

Section 8. Amendment to Section 4.3, Off-Site Park Improvements.

Section 4.3, paragraph b., of the Development Agreement is amended by replacing the old phrase "prior to the recordation of the Final Map for Phase II of" with the new phrase, "no later than the issuance of the 118th building permit for."

Section 9. Amendment to Section 4.4, Funding For Police/Fire/Municipal Facilities.

Section 4.4 of the Development Agreement is replaced in its entirety and shall read as follows:

- a. The Parties acknowledge that the City intends to construct a joint use facility for police and fire services, and for a corporation yard, on the 3.45+/- acre parcel, a portion of which is shown on Exhibit F of the Development Agreement. In order to provide sufficient funds for the City to construct this facility, the Developer agrees to pay to the City the police facilities fee, the fire facilities fee, and the general municipal facilities fee for the Winters-Highlands Subdivision in either of the following manners, at the option of the Developer: (1) concurrently with the issuance of the first building permit, pay the above development impact fees at the then current rates for all 443 residential units, or (2) concurrently with the issuance of a building permit, pay the above development impact fees at the then current rates for only that unit.
- b. If the Developer elects to pay the development impact fees for all 443 residential units concurrently with the issuance of the first building permit, then each time the Developer applies for and receives a building permit thereafter, the Developer shall be credited with the amount paid under subsection a. for each permit. If at the time of the issuance of a subsequent building permit, the fees payable at that time have increased since the payment made under subsection a., the Developer shall pay the difference between the two amounts.

Section 10. Amendment to Section 4.6, Payment to Library Fund and Community Pool Fund.

Section 4.6, paragraph a., of the Development Agreement is replaced in its entirety and shall read as follows:

- a. Concurrently with the issuance of the first building permit for Phase I, the Developer shall pay to the City the sum of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) and concurrently with the issuance of the first building permit for Phase II, the Developer shall pay to the City the sum of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000), for an aggregate payment of ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000). This amount shall be kept in a separate account designated for library improvement funds by the City and used solely for constructing, maintaining, and/or improving a public library facility in the City of Winters.

Section 4.6, paragraph b., of the Development Agreement, as amended in the First Amendment, shall remain as set forth in the First Amendment.

Section 11. Amendment to Section 4.7, Wastewater Treatment Plant Expansion.

Section 4.7 of the Development Agreement, and as previously amended in the First Amendment, is replaced in its entirety to read as follows:

a. An expanded and upgraded Wastewater Treatment Plant ("WWTP") is needed in order to treat the wastewater from the Winters Highlands Subdivision, and other developing properties within the City. The Developer shall be required to fund the cost of the expansion and upgrade project (referred to as "WWTP Phase II"), which would expand the capacity of the WWTP to approximately 1.2 million gallons per day, in accordance with the terms of this Section 4.7.

b. The Developer shall be required to provide funding for WWTP Phase II in excess of the Developer's fair share obligation, and shall receive credit and/or reimbursement for such excess funding, pursuant to the terms of a credit and/or reimbursement agreement, which agreement shall be negotiated and executed by the Parties prior to the approval of the Final Map for Phase I for the Winters Highlands Subdivision.

c. Notwithstanding any provision to the contrary, Developer's funding obligation pursuant to this Section 4.7 shall not be greater than EIGHT MILLION DOLLARS (\$8,000,000). Developer agrees to work with City to create a financing plan and mechanism for WWTP Phase II. The Developer shall provide funding as follows:

1. On or before June 1, 2011, the Developer shall provide funding to the City in the amount estimated as necessary by the City Engineer to fully pay for the cost of designing the WWTP Phase II. Sixty (60) days prior to June 1, 2011, the City shall provide written notification to the Developer of the estimated amount needed for design costs.

2. On or before June 1, 2012, the Developer shall provide funding to the City in the amount estimated as necessary to fully pay for the acquisition of land necessary for the construction of the WWTP Phase II. This amount shall include the estimated cost of the land (based upon an appraisal) and administrative, legal and environmental review costs directly related to the land acquisition. Sixty (60) days prior to June 1, 2012, the City shall provide written notification to the Developer of the estimated amount needed for land acquisition costs.

3. On or before June 1, 2013, the Developer shall provide funding to the City in the amount estimated by the City Engineer as necessary to pay for the cost of constructing the WWTP Phase II, up to the funding limit specified above. One hundred and twenty (120) days prior to June 1, 2013, the City shall provide written notification to the Developer of the estimated amount needed for construction of the WWTP Phase II.

d. In consideration of Developer's commitment to provide funding as set forth in this Section 4.7, City agrees to provide sewer connections for each residential unit within Phases I, II and III of the Winters Highlands Subdivision prior to completion of WWTP Phase II, subject to the following conditions, which must be satisfied prior to the issuance of a Building Permit for each residential unit:

1. Developer is in compliance with the terms of this Agreement, including this Section 4.7;

2. The Building Permit for the applicable residential unit has been issued prior to June 1, 2014; and

3. No circumstances beyond the control of the City have occurred. For the purposes of this subsection d.3., "circumstances beyond the control of the City" shall

include, but are not limited to, acts of God, natural disasters, and acts of the State and/or federal government.

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

Section 12. Amendment to Section 4.9, Urban Water Management Plan.

Section 4.9 of the Development Agreement is amended by replacing the old phrase "Prior to the recordation of the Final Map for Phase I" with the new phrase, "No later than the issuance of the 118th building permit."

Section 13. Amendment to Section 4.10; Water Well.

Section 4.10 of the Development Agreement is replaced in its entirety and shall read as follows:

a. A water well is required in order to provide water service to the Winters Highlands Subdivision and other developing properties. A second water well may be required, depending upon the productivity of the first water well.

b. Conditions of Approval No. 37.- (Mitigation Measure 15) and No. 140, in part, require the Developer to advance the costs for the design and construction of a water well if not already constructed by others, and alternatively, to pay its fair share obligation if the first water well is constructed by others. In addition, the Conditions of Approval require the Developer to advance the costs for the design and construction of a second water well, if the City Engineer determined that a second well is necessary in order to serve the Winters Highlands Subdivision.

c. The City Engineer has determined that the water well, referred to as "Well No. 7", shall be located at the southern portion of the Hudson-Ogando Subdivision. Another developer has completed the first phase of construction of Well No. 7, which includes the actual development of the well. Acceptance of these improvements by the City is contingent upon (1) conveyance of the property by such developer to City in accordance with Section 4.2, and (2) assignment by such developer to City of all design plans for the construction of the second phase of Well No. 7.

d. City intends to fund, but is not obligated to fund, the construction of the second phase of Well No. 7, which includes the pump station and site improvements, subject to the availability of funds. Should the City fund the construction of Well No. 7 from sources other than water development impact fees, the City shall be reimbursed from

water development impact fee funds, when available, and prior to the reimbursement of any costs incurred by Developer. Funding of the second phase of Well No. 7 by the City is contingent upon (1) available funding, (2) conveyance of the property by another developer to City, and (3) assignment by such other developer to City of all design plans for the construction of the second phase of Well No. 7.

e. Developer acknowledges and agrees that it will be required to pay the full amount of water development impact fees at the time of issuance of each building permit for the development, which shall be used, in part, to reimburse City for the costs of constructing Well No. 7.

f. The amount and timing of reimbursement for funds advanced by Developer and related to the construction of Well No. 7 shall be set forth in a separate reimbursement agreement in accordance with the provisions of section 3.10 of the Agreement.

g. The Developer understands and acknowledges that Building Permits shall not be issued for any residential unit within the Winters Highlands Subdivision until the construction of Well No. 7 is completed, accepted and placed in service by City. In the event that the City does not fund the construction of the second phase of Well No. 7, Developer will be required to fund and construct the second phase of Well No. 7 prior to the issuance of Building Permits, if it desires to proceed with the development of the Winters Highlands Subdivision.

h. The Developer agrees to dedicate a second well site acceptable to the City and at no cost to the City. Developer also agrees to construct a second water well or pay its *pro rata* share of the cost of such facility, upon demand by the City Engineer. If Developer fails to dedicate the site, construct or pay for such facility upon demand and as determined by the City Engineer, then the City may withhold the issuance of Building Permits for the Winters Highlands Subdivision, in addition to other remedies available to the City.

Section 14. Amendment to Section 4.15; Miscellaneous Contributions.

Section 4.15, paragraphs a., b., c., and d., of the Development Agreement are amended by replacing the old phrase "Prior to the recordation of the Final Map for Phase I" with the new phrase, "No later than the issuance of the 118th building permit."

Section 4.15, paragraph d. of the Development Agreement is amended to add the following new sentence to the end of the paragraph: "Any payments by Developer to City for economic development projects shall be a credit against the above amount."

Section 15. Amendment to Exhibit F, Phasing Schedule.

Exhibit F to the Development Agreement is replaced in its entirety with new Exhibit F, attached to this Second Amendment.

Section 16. Force and Effect

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

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

CITY:	DEVELOPER:
CITY OF WINTERS _____ Mayor	GBH-WINTERS HIGHLANDS, LLC a California limited liability company By: _____ Its: _____
APPROVED AS TO FORM: _____ JOHN C. WALLACE CITY ATTORNEY	
ATTEST: _____ NANCI MILLS CITY CLERK	

EXHIBIT F

EXHIBIT A-1

LEGAL DESCRIPTION
for
PARCEL "A"
DEDICATION TO THE CITY OF WINTERS
for
HOFFMAN LAND DEVELOPMENT COMPANY

That real property situate in the City of Winters, Yolo County, State of California, lying in the South half of Section 21, Township 8 North, Range 1 West, Mount Diablo Meridian, being a portion of that Parcel described in Doc-2004-0007937-00, Yolo County Records, also being a portion of Lot 3, Bank of Yolo Subdivision, Book 3 of Maps and Surveys, at Page 23, more particularly described as follows:

BEGINNING at a point on the Eastern line of said Parcel described in Doc-2004-0007937-00, said point bears North 00°00'23" East 159.85 feet from the Southwest corner of Lot A, as said Lot appears on Subdivision Map No. 4284 "CARTER RANCH PHASE 1", filed for record in the Yolo County Recorder's Office, in Book 2000 of Maps, at Page 170; thence, from said POINT OF BEGINNING, leaving said Eastern line, North 89°59'37" West 161.78 feet to the Westerly line of said Parcel; thence North 00°03'41" East 374.65 feet; thence South 89°59'37" East 162.22 feet to a point on the Eastern line of said Parcel, said point also being the Western line of Main Street, as shown on said Subdivision Map No. 4284; thence, along said line and the Western line of said Lot A, South 00°00'23" West 374.65 feet, more or less, to the POINT OF BEGINNING.

The parcel of land described above contains 1.39 acres, more or less.

End of description.



EXHIBIT A-2

LEGAL DESCRIPTION
for
PARCEL "B"
DEDICATION TO THE CITY OF WINTERS
for
HOFFMAN LAND DEVELOPMENT COMPANY

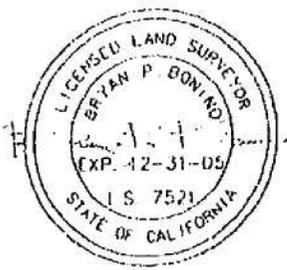
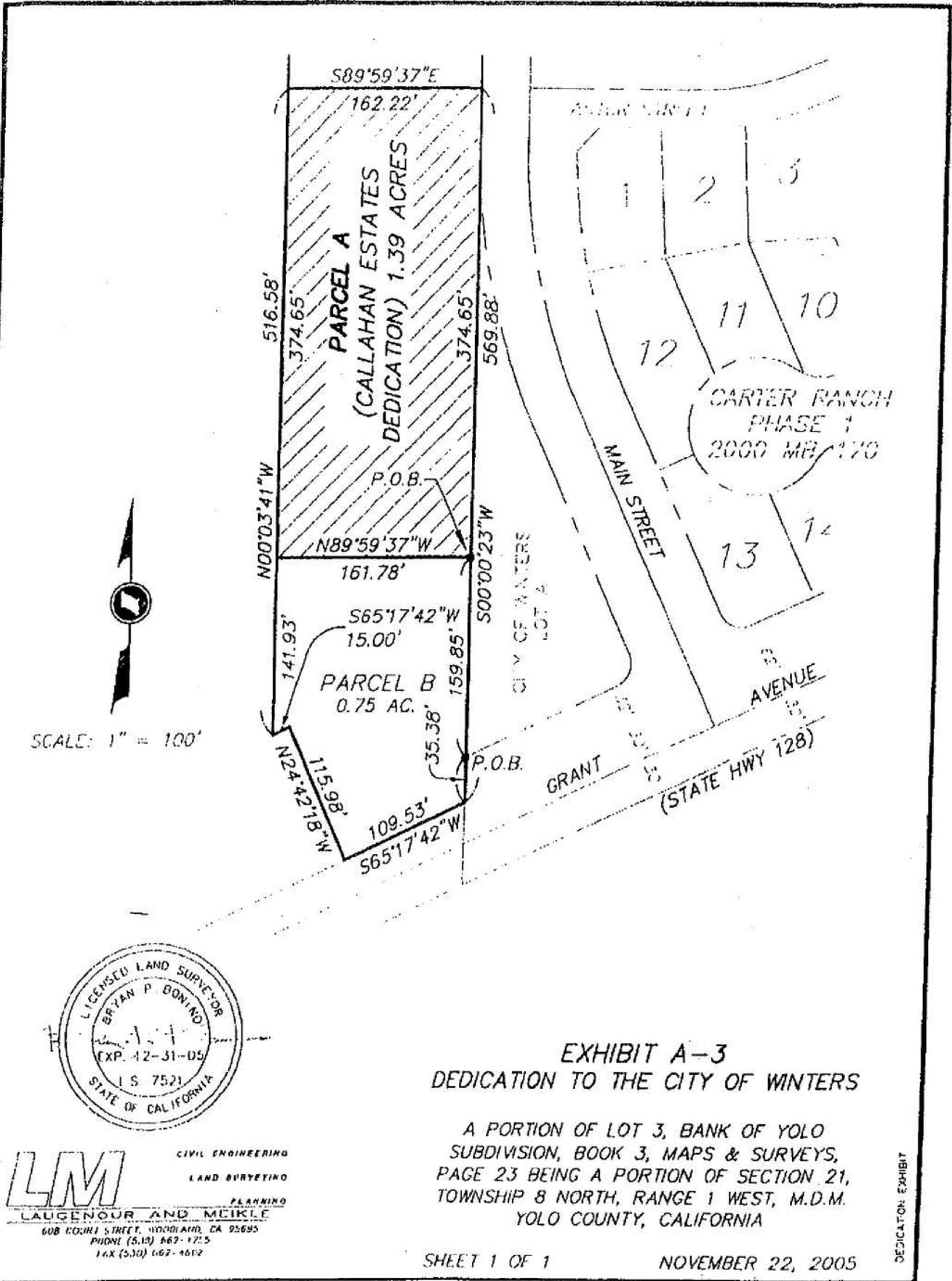
That real property situate in the City of Winters, Yolo County, State of California, lying in the South half of Section 21, Township 8 North, Range 1 West, Mount Diablo Meridian, being a portion of that Parcel described in Doc-2004-0007937-00, Yolo County Records, also being a portion of Lot 3, Bank of Yolo Subdivision, Book 3 of Maps and Surveys, at Page 23, more particularly described as follows:

BEGINNING at a point on the Eastern line of said Parcel described in Doc-204-0007937-00, said point also being the Southwest corner of Lot A, as said Lot appears on Subdivision Map No. 4284 "CARTER RANCH PHASE 1", filed for record in the Yolo County Recorder's Office, in Book 2000 of Maps, at Page 170; thence, along said Eastern line, South 00°00'23" West 35.38 feet to the Southeast corner of said Parcel; thence, along the boundary line of said Parcel, South 65°17'42" West 109.53 feet; thence North 24°42'18" West 115.98 feet; thence South 65°17'42" West 15.00 feet; thence North 00°03'41" West 141.93 feet; thence, leaving said boundary line, South 89°59'37" East 161.78 feet to the Easterly boundary line of said parcel; thence, along said line, South 00°00'23" West 159.85 feet, more or less, to the POINT OF BEGINNING.

The parcel of land described above contains 0.75 acres, more or less

End of description.





LM CIVIL ENGINEERING
 LAND SURVEYING
 PLANNING
LAUGENOUR AND MEIKLE
 608 MOORE STREET, WOODLAND, CA 95695
 PHONE (510) 862-1725
 FAX (510) 862-4612

EXHIBIT A-3
DEDICATION TO THE CITY OF WINTERS

A PORTION OF LOT 3, BANK OF YOLO
 SUBDIVISION, BOOK 3, MAPS & SURVEYS,
 PAGE 23 BEING A PORTION OF SECTION 21,
 TOWNSHIP 8 NORTH, RANGE 1 WEST, M.D.M.
 YOLO COUNTY, CALIFORNIA

SHEET 1 OF 1

NOVEMBER 22, 2005

DEDICATOR: EXHIBIT

CITY OF WINTERS

ORDINANCE NO. 2008-15

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

The City Council of the City of Winters hereby ordains as follows:

Section 1: Recitals

- A. To strengthen the public planning process and encourage private participation in comprehensive planning, the Legislature of the State of California adopted Section 65864 *et seq.*, of the Government Code ("Development Agreement Statute"), which authorizes the City of Winters and any person having a legal or equitable interest in real property to enter into a development agreement, establishing certain development rights in property subject to a development agreement.
- B. On May 25, 2006, the City of Winters and GBH-Winters Highlands, LLC, a California limited liability company ("the Developer"), executed a development agreement ("Development Agreement") providing for the residential development of certain real property commonly referred to as the Winters Highlands property (the "Project") located at Yolo County Assessor's Parcels No. 030-220-17, No. 030-220-19 and No. 030-220-33, within the boundaries of the City of Winters (the "Property").
- C. On Dec 21, 2006, the City and the Developer executed the first amendment to the Development Agreement ("First Amendment") making certain modifications related to the expansion of the wastewater treatment plant.
- D. The severe and adverse change in economic conditions that has occurred subsequent to the execution of the Development Agreement and First Amendment by the City and Developer has threatened the economic viability of the Project.
- E. In an effort to restore the economic viability of the Project, encourage Developer to invest in the City of Winters, and provide new housing, the City of Winters, and the Developer desire to enter into a second amendment to the Development Agreement ("Second Amendment") to make certain modifications to the Development Agreement, pursuant to Section 65868 of the Government Code and Chapter 15.72.210 of the City of Winters Municipal Code.
- F. The City of Winters Planning Commission conducted a noticed public hearing on the Second Amendment on _____, and has recommended the approval of the Second Amendment.

- G. The City Council of the City of Winters has given the required notice of its intention to adopt the Second Amendment and has conducted public hearings thereon pursuant to Government Code Section 65867.
- H. In accordance with Section 65867.5 of the Government Code, the City Council finds that the provisions of the Second Amendment and its purposes are consistent with the goals, policies, standards and land use designations specified in the City's General Plan.
- I. The Second Amendment has been reviewed in accordance with the California Environmental Quality Act ("CEQA") and is exempt pursuant to CEQA Guidelines Section 15061(b)(3).

Section 2: Approval

Pursuant to the provisions of Government Code §65864 et seq. and Chapter 15.72 of Title 15 of the Winters Municipal Code, the City Council of the City of Winters hereby:

1. Adopts and approves that certain document entitled, "Second Amendment to Development Agreement By and Between the City of Winters and GBH-Winters Highlands, LLC" relating to the development of the Property commonly know as the "Winters Highlands Subdivision," attached hereto as Exhibit A and incorporated herein by reference.
2. Authorizes and directs the Mayor to sign the document on behalf of the City after the effective date of this Ordinance and after it has first been signed by the duly authorized representatives of GBH-Winters Highlands, LLC.
3. Authorizes and directs the City Clerk to record the document, after it is signed by both parties, in the Office of the Recorder of Yolo County.

Section 3. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Winters hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

Section 4. Effective Date.

This Ordinance shall be in full force and effect 30 days after its adoption and shall be published and posted as required by law. The City Clerk of the City of Winters shall cause this

Ordinance to be posted and published in accordance with 36933 of the Government Code of the State of California.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Winters, California, held on _____, 2009 and was passed and adopted at a regular meeting of the City Council held on _____, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Clerk



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers

FROM: Nelia C. Dyer, Community Development Director

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

DATE: December 16, 2008

SUBJECT: Public Hearing to Take Action on Proposed Resolution 2008-48
Establishing a Formal Procedure for Processing General Plan
Amendment Proposals

RECOMMENDATION:

Staff recommends that the City Council take the following actions: 1) Receive the staff report and conduct the Public Hearing; and 2) Approve the proposed resolution establishing a formal procedure for processing General Plan Amendment Proposals.

BACKGROUND:

According to Government Code Section 65358 (b), a mandatory element of the general plan may be amended only four times during any calendar year. However, more than one change can be made at a time and will be considered a single amendment to the general plan.

At the October 28, 2008 Planning Commission meeting, staff introduced a discussion item of proposing to establish a formal procedure for processing General Plan amendments. Staff explained to the Planning Commission that the intent of the formal procedure is to consider general plan amendments on a quarterly basis. While state law allows local municipalities to "batch" amendments into a single amendment to the general plan, the purpose of reviewing general plan amendments on a quarterly basis is to allow the City to evaluate the cumulative impacts of proposed general plan changes. By limiting amendments to four times a year, staff and, ultimately, planning commissioners and council members can review groups of amendments at one time, thus providing an opportunity for a more comprehensive assessment of the proposed revisions. After some discussion of the proposed procedure, the Planning Commission directed staff to draft the procedure for formal review. At the November 25, 2008

Planning Commission meeting, the Planning Commission unanimously recommended the resolution to the Winters City Council for approval (4-0-2).

DISCUSSION:

It is recommended that the procedure be established by resolution. This approach would provide a basis for the City's review process, while providing for flexibility in its implementation. The attached resolution prepared by staff establishes the following general policies and procedures:

- Hearing dates for general plan amendments shall be limited to the Planning Commission meetings in January, April, July, and October.
- The following types of amendments shall not be limited to quarterly review and shall be accepted for any Planning Commission deadline:
 - New General Plan Elements and Specific Plans;
 - Specific Plan Amendments;
 - General Plan Amendments related to the annexation of property into the City

APPLICABLE REGULATIONS:

This course of action is subject to the following regulations:

- The California Environmental Quality Act (CEQA)
- State Planning and Zoning Law

PUBLIC NOTIFICATION: Public notice advertising for the public hearing on this project was prepared by the Community Development Department's Administrative Assistant in accordance with notification procedures set forth in the City of Winters' Municipal Code and State Planning Law. A legal notice was published in the Winters Express on Thursday, December 4, 2008. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since Tuesday, December 9, 2008.

ENVIRONMENTAL ASSESSMENT: The Ordinance is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061 (b)(3).

RECOMMENDED FINDINGS FOR RESOLUTION ESTABLISHING A FORMAL PROCEDURE FOR PROCESSING GENERAL PLAN AMENDMENT PROPOSALS

General Findings:

1. Notice of Hearing has been given at the time and in the manner required by state law and city code.
2. The resolution is consistent with state planning and zoning law.

CEQA Findings:

1. The resolution qualifies for an exemption from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061 (b)(3).
2. The Planning Commission has considered comments received on the resolution during the public review process.
3. The exemption finding reflects the independent judgment and analysis of the City of Winters.

RECOMMENDATION

Staff recommends that the Winters City Council approve the subject resolution by making an affirmative motion as follows:

I MOVE THAT THE WINTERS CITY COUNCIL APPROVE A RESOLUTION ESTABLISHING A FORMAL PROCEDURE FOR PROCESSING GENERAL PLAN AMENDMENT PROPOSALS

ALTERNATIVES:

The City Council can recommend modifications to the resolution or not approve the resolution. If the City Council chooses to deny the resolution, the City Council would need to submit findings for the official record that would illustrate the reasoning behind the decision to deny the resolution.

ATTACHMENTS:

1. A Resolution Establishing a Formal Procedure for Processing General Plan Amendment Proposals
2. Public Hearing Notice (published copy)

City Council/GP Amendment Procedures

**CITY OF WINTERS
RESOLUTION NO. 2008-48**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
SETTING FORTH PROCEDURES FOR THE ADOPTION OF POLICIES AND
PROCEDURES FOR AMENDING THE CITY'S GENERAL PLAN**

WHEREAS, the City of Winters has amended the adopted General Plan four times during any calendar year as set forth in Government Code Section 65358(b); and

WHEREAS, it has been determined that processing more than one General Plan amendment on a quarterly basis would not unduly delay those seeking amendment, but would assist the City in evaluating any cumulative impacts and making a comprehensive assessment of the proposed amendments to the General Plan; and

WHEREAS, the City Planning Commission has recommended that this procedure, be considered for approval, and be adopted by the City Council; and

WHEREAS, the City Council has duly considered the staff report prepared for this proposed policy relating to amendments to the General Plan, and the oral and written information submitted during the public hearing process;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winters, California, that policies and procedures be formalized by this resolution for processing amendments to the adopted General Plan as follows:

Section 1. Applications for amendments to the City's General Plan may be accepted at any time, and hearing dates for said revisions to the General Plan shall be limited to the Planning Commission meetings in January, April, July, and October following a determination by the Community Development Director, or his or her designee that the application is complete.

Section 2. The following types of requested amendments to the General Plan are not limited to the quarterly schedule set forth in Section 1 above and shall be accepted for consideration by the Planning Commission in accordance with the established processing schedule for regular meetings of the Planning Commission:

- a. New General Plan Elements and Specific Plans;
- b. Specific Plan amendments; and
- c. General Plan amendments related to the annexation of property into the City.

I HEREBY CERTIFY THAT the foregoing resolution was duly and regularly adopted by the City Council of the City of Winters, County of Yolo, State of California, on the 16th day of December, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Michael Martin, Mayor

ATTEST:

Nanci G. Mills, City Clerk



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE : December 16, 2008
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Cas Ellena, Redevelopment & Economic Development Director *CE*
SUBJECT: Chamber of Commerce Request to Waive Past Due and Future Rent at the City Community Center for Chamber of Commerce Office

RECOMMENDATION: Staff is requesting direction from the City Council as to whether or not it will waive the Chamber of Commerce's past due and future rent fees.

BACKGROUND: On August 19, 1997, the City of Winters approved a Lease (attached) with the Winters Chamber of Commerce (the "Chamber") which allowed the Chamber to locate its offices in the City's Community Center Facility ("Community Center"). The Lease term was for a period of two years with an automatic two year extension, unless either party terminates, with a final ending date of August 31, 2001. Though the agreement had a sunset date, the City and the Chamber have continued to honor the lease agreement and the Chamber has used the Community Center for its offices continuously since the agreement termination date and has continued to pay the \$150 per month.

It has recently come to the City's and the Chamber's attention that the last time the monthly rental amount was paid to the City was March 2007.

On October 27, 2008, the City Council received a letter from Nancy Meyer, Chamber President, asking the City to waive the past due rental fees and any future fees.

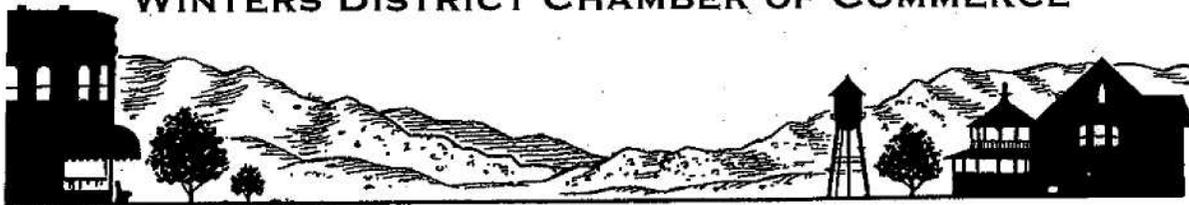
FISCAL IMPACT: Waiver of past due fees would amount to \$3,150 (\$150 per month times 20 months for the period of April 2007 through December 2008). The City Council would need to fund the past due amount from the Community Services Fund.

The Chamber is also requesting waiver of any future fees. This would amount to \$1,800 per year (\$150 per month times 12 months).

ATTACHMENTS:

- Letter from Nancy Meyer dated October 27, 2008
- Lease dated August 19, 1997 between the City and the Chamber

WINTERS DISTRICT CHAMBER OF COMMERCE



HISTORIC DOWNTOWN WINTERS, CA

201 RAILROAD AVENUE • P.O. BOX 423 • WINTERS, CALIFORNIA 95694

PHONE (530) 795-2329 • FAX (530) 795-3202

October 27, 2008

City of Winters
318 First Street
Winters, Ca. 95694

Attn: Mayor Michael Martin & City Council

RE: Winters Chamber of Commerce Rent

Dear Mayor Martin & City Council,

It has been recently brought to my attention that in the past the Winters Chamber had been paying the city \$150 per month for our desk space and a small storage area at the community center. Our records show the last time this amount paid to the city was March of 2007. The chamber & city staff were quite surprised by this discovery. Many hours have been spent trying to confirm whether or not this in fact was a rental agreement between the two parties, which we do believe was the intent.

Since the chamber provides a valuable service to the community, its seniors & the businesses, we request that the city waive the past due & any future fees.

Respectfully,

Nancy S. Meyer
President

LEASE

THIS LEASE, made and entered into this 19th day of August 1997, by and between the CITY OF WINTERS, hereinafter referred to as "City" or "Lessor", and the WINTERS DISTRICT CHAMBER OF COMMERCE, hereinafter referred to as "Chamber" or "Lessee";

WITNESSETH

WHEREAS, the City is the owner of the Community Center commonly known as 200 Railroad Avenue, Winters, Yolo County, California; and,

WHEREAS, City is willing to lease to Lessee and Lessee is desirous of hiring from City the office space in the Community Center, hereinafter referred to as "the leased premises".

NOW, THEREFORE, the parties hereto agree as follows:

1. City hereby leases to Lessee, and Lessee hereby rents from City, the leased premises.
2. The term of this lease shall be for a period of two (2) years, commencing on the first day of the month following the effective date of this Lease, and ending in twenty-four (24) months. Unless either party unilaterally terminates this lease prior to expiration of the two year term, this lease shall automatically be extended for two additional years ending August 31, 2001.
3. Lessee hereby acknowledges the title of City to the leased premises, and agrees never to assail or resist said title.
4. Lessee agrees to pay rental for the leased premises at the rate of One Hundred Fifty Dollars (\$150.00) per month, payable in advance by the first day of each month during the term of this lease.
5. Said leased premises shall be used by Lessee solely and exclusively for the day-to-day office operations of a Chamber of Commerce.
6. Lessee agrees to keep the leased premises in a neat and safe condition satisfactory to City. City shall have the right to enter the leased premises to inspect same.
7. Lessee acknowledges and agrees that the leased premises are subject to mutual occupancy by persons conducting City related business associated with operation of the Community Center.
8. Lessee shall have the right to install Chamber of Commerce identification signs at two locations on the site. The location and type of signs shall be subject to approval of the Community Development Director. Potential locations for the signs may be near the ~~Railroad Avenue door to the Community Center and at the marquee sign located at the~~ intersection of Railroad Avenue and Main Street.

9. Lessee shall not alter the existing structure in any way without the express written consent of City.
10. Lessee shall pay for its own telephone expenses. All other utilities will be paid by Lessor.
11. This lease is made on the express condition that City is to be free from all liability or loss by reason of death or injury of any person or the injury of property, from whatever cause, while in or on the leased premises or in any way connected with the lease premises or with the improvements or personal property therein or thereon, including liability for injury to or death of any person, including Lessee's employees, agency, and invitees. Lessee shall indemnify and hold City harmless from any and all liability, loss, cost, or obligation on account of, or arising out of, any such injury or losses, however occurring.

Lessee agrees to obtain and keep in effect for the term of this Lease commercial general liability and property damage insurance. The City of Winters shall be named as an additional insured on the commercial general liability policy and named as a loss payee on the property damage policy.

12. The parties hereto shall have the right to unilaterally terminate lease prior to maturity upon delivery of six (6) months written notice.
13. If the Community Center is totally or partially destroyed by fire or any other cause occurring on or after the commencement date of this lease, Lessee can terminate this lease by giving written notice to City not more than thirty (30) days after the destruction.
14. Lessee shall not create any liens or encumbrances of any kind or character against or upon the leased premises or any part or character against or upon the lease premises or any part thereof during the term hereof.
15. Lessee shall not have the right to sublease portions of the premises so long as Lessee is the primary tenant. Lessee shall not assign this lease.
16. Lessee, at its sole cost and expense, will comply with all applicable zoning, municipal, county, and state laws, ordinances and regulations governing and regulating the use of the premises. Lessee shall not commit or suffer to be committed any waste in or upon the leased premises.
17. In the event any action is necessary to enforce the provisions of this Lease, the unsuccessful litigant in any action agrees to pay the successful and prevailing litigant reasonable attorney's fees and court costs.
18. Time shall be deemed of the essence of this Lease and of all covenants, terms and conditions thereof.

19. The waiver of any breach of covenants or conditions herein contained by City shall not be construed as a waiver of any breach thereof subsequently arising or to be a waiver of a breach of any other covenant or agreement herein contained.
20. This Lease shall not bind and inure to the benefit of the parties successors and assigns.

EXECUTED at Winters, California, on the date or dates set forth below.

CITY OF WINTERS

WINTERS DISTRICT
CHAMBER OF COMMERCE

By Harold R. Anderson, Mayor 9/4/97
(date)

By Lim Myer 8/3/97
Vice President (date)

ATTEST:

Danci G. Miles 9/4/97
City Clerk (date)

APPROVED:

[Signature]

John C. Wallace
Attorney for the City of Winters

APPROVED:

N/A

Attorney for Lessee



**COMMUNITY DEVELOPMENT COMMISSION
STAFF REPORT**

TO: Honorable Chairman and Agency Members
DATE : December 16, 2008
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Cas Ellena, Redevelopment & Economic Development Director
Shelly Gunby, Director of Finance
Dan Maguire, Housing Programs Manager
SUBJECT: Resolution No. 2008-50 of the Community Development Agency
Submitting the Annual Redevelopment Report to Legislative Body, State
Controllers Office and State Housing & Community Development
Department for Fiscal Year Ending June 30, 2008

Requested City Council Action: Approve Resolution authorizing submittal of Annual Redevelopment Report for Fiscal Year Ending June 30, 2008 to Legislative Body and direct staff to transmit the Annual Report to the State Department of Housing and Community Development and the State Controller's Office.

Summary: Section 33080.1 of Community Redevelopment Law of the State of California, Health and Safety Code ("CRL"), requires that each redevelopment agency within the State of California present an annual report to its legislative body within six months of the end of the agency's fiscal year. Each agency is also required to transmit to the California State Controller's Office the agency's financial statement information for the fiscal year ending June 30, 2006, within six months of the end of the agency's fiscal year (December 31, 2008) and transmit to the State Department of Housing and Community Development the agency's low-and moderate-income housing activity statistics for the same fiscal period.

The Community Development Agency of the City of Winters ("Agency") 2007-08 Annual Report consists of various financial and performance information for the Winters Community Development Agency Project Area comprised of the following:

- 1) Independent Financial Audit and Financial Statement
- 2) Report to the State Controller's Office
- 3) Report to the State Department of Housing and Community Development
- 4) Accounting of Housing and Displacement Activities

- 5) Summary of the Agency's Efforts to Alleviate Blight in the Project Area
- 6) Loan Report identifying any loans made by the Agency that are \$50,000 or more and which are in default or non-compliance with the terms of the loan.
- 7) Description of Agency-owned Property

These materials are described below:

Independent Financial Audit and Financial Statement

The CDA's Independent Financial Audit and Fiscal Statement for Fiscal Year 2007-08 is on file with the Director of Financial Management. An independent auditor conducted an audit on the Agency's financial statements and each major fund of the Agency for the year ending June 30, 2008. The auditor's opinion is that the financial statements of the Agency present fairly, in all material respects, the respective financial position of the Agency's governmental activities and each major fund of the Agency as of June 30, 2008 and the respective changes in the financial position thereof and the respective budgetary comparison for the Housing Set-Aside Fund for the fiscal year then ended, in conformity with accounting principles generally accepted in the United States of America. The auditor's analysis and financial highlights concluded that the assets of the Agency exceeded its liabilities by \$ 4,663,808, at the government-wide level. Of the Agency's \$23,206,185 Total Assets \$3,895,665 is restricted for housing projects, \$18,078,922 is restricted for debt service and the remaining amount relates to capital assets or is unrestricted. The audit also determined that the Agency's governmental funds reported ending fund balances of \$18,269,269 (\$3,542,845 for the Housing Set-Aside Special Revenue Fund, \$1,846,259 for the Debt Service Fund, and \$12,880,165_ for the Capital Projects Funds).

Report to the State Controller's Office

The Report to the State Controller's Office is a compilation of the materials described within this staff report. California Redevelopment Law requires these materials to be sent to the State Controller's Office within six months of the end of the CDA's fiscal year (by December 31, 2008).

Report to the State Department of Housing and Community Development (HCD)

Attached is a draft HCD report for the City Council's review. California Redevelopment Law requires the HCD Report to be submitted within six months of the end of the CDA's fiscal year (by December 31, 2008). This report can be transmitted electronically.

Accounting of Housing and Displacement Activities

CRL Section 33080.1 (a)(2)(c), requires a description of the Agency's affordable housing activities in the 2007-08 fiscal year. Accordingly, the following has been

identified:

1) Displacement:

There were no non-elderly or elderly households that were displaced or moved from their dwelling units as part of a redevelopment project of the Agency during the 2007-08 fiscal year.

2) Housing Activities:

On October 19, 2004, the CDA authorized the expenditure of funds, for the purchase of a 1.71 acre vacant parcel at 110 East Baker (the "Property"), at its \$460,000 appraised value, for the development of the Winters Village Affordable Housing Project. The CDA became the owner on title on November 19, 2004. On March 1, 2005, the CDA entered into an Agreement to Negotiate Exclusively with the Community Housing Opportunity Corporation ("CHOC") to prepare a Disposition and Development Agreement with respect to the Property. In August of 2006, the CDA approved a Ground Lease with Bruhn Orchards Housing Associates, L.P., a California Limited Partnership that was established by CHOC, which provides for a long term lease of the Property for \$1.00 per year and which provides for the development of the Property. The CDA provided a predevelopment loan in the amount of \$50,000, a development loan in the amount of \$150,000, and a grant of \$1,400,000 for the project. The two loans are on favorable terms. The CDA also picked up a portion of closing costs for the project. Additionally, the City of Winters was awarded a HOME grant in 2005 and the City is loaning \$2,850,280 of the HOME funds to CHOC for the Winters Village project under favorable terms. Winters Village was completed in December of 2007, began leasing units in January of 2008, with the project fully leased by June of 2008 and offers a total of 34 very-low income units: 7 at 35% of median income; 7 at 40% of median income; and 20 at 50% of median income.

The CDA provided funds for a consultant (EPS) and provided staff to assist with the preparation of the 2008 Housing Element Update.

Summary of the CDA's Efforts to Alleviate Blight in the Project Area ("Blight Progress Report")

CRL Section 33080.1 (a)(2)(d), requires a description of the CDA's progress, including specific actions and expenditures, in alleviating blight in the previous fiscal year. In its 2003-2008 Implementation Plan the CDA identifies various goals and objectives to alleviate blight in the Project Area. The CDA also adopted a new Implementation Plan for fiscal years 2008/09 through 2012/2013 ("Implementation Plans". Both Implementation Plans list the CDA's plans for the elimination of blight. This Blight Progress Report is described in a manner corresponding to the goals and objectives described in the Implementation Plans.

The overall goal of the CDA is to maximize the potential benefits of the CDA to the community, while preserving the historical ambiance and quality of life in Winters. In order to achieve these goals, the CDA has identified objectives that are designed to alleviate blighting conditions in the project area:

1) Objective: To provide a stable, diversified and stronger economic base for the Project Area and Community.

Accomplishment: In May of 2007, the CDA issued a Request for Proposal for Brand Image Development and on July 15, 2008 entered into an agreement with Kathleen Iudice & Associates to help the CDA prepare a brand and logo to help the Chamber, businesses and the City compete in today's economic market.

Accomplishment: In October of 2007, the CDA/City submitted an application for a State of California Department of Housing and Community Development (HCD) Technical Assistance Allocation (PTA) grant for the preparation of feasibility and market studies associated with the adaptive reuse of the unoccupied and underutilized second floors of three of the City's historic structures. In January of 2008, the CDA/City was awarded the \$70,000 PTA grant to pay for the studies. In May of 2008, the City issued a request for proposals for a consultant to prepare the studies and to assist the City with an Over the Counter Grant for funds to rehabilitate at least one of the structures. On July 15, 2008, the CDA entered into an Agreement with Chabin Concepts to prepare the studies. The studies are currently underway.

Accomplishment: In an effort to encourage lodging in Winters, the CDA commissioned a Hotel Market Demand Study and an appraisal of a property on Grant Avenue.

2) Objective: To provide safer, more efficient, and economical movement of persons and goods within the Project Area and community.

Accomplishment: In March 2006, the CDA approved the Downtown Master Plan which provides a vision for the overall economic and capital development of the central business district of downtown Winters. This adopted document includes a variety of plans and policies which represent key steps in achieving the overall build-out of the area including pedestrian improvements, street improvements, parking improvements, alley way improvements etc. On October 17, 2006 the CDA authorized a \$20,000 budget to begin the implementation of programs for the economic development projects as outlined in the Master Plan. In March of 2007, the CDA released a Request for Proposal for Engineering and Design Services for the Downtown Streetscape Improvement Project. Through an agreement approved on August of 2007, and amended October of 2007, the CDA authorized \$1.35 million for Rick Engineering to take the CDA through the

construction document phase for the Downtown Streetscape Improvement Program. Improvements including pedestrian improvements, bulb-outs at Main Street and Railroad Avenue. Phase I is currently under construction and will be completed in December 2008. Phase II of the project is in the design phase and is anticipated to be bid early 2009.

Accomplishment: On October 16, 2007, the CDA approved a Reciprocal Access and Public Parking Easement Agreement with the property owners of the Main Street Village Block (the "Block") which provided for shared public parking areas and improvements for the effective development of the Block.

Accomplishment: On March 4, 2008, the City Council approved Resolution No. 2008-06 regarding a Notice of Intent to vacate a portion of East Abbey Street between Railroad Avenue and Elliot Street to further assist in the development of the block and to reconfigure the remaining portion of the street into a parking lot to provide for a more efficient movement of persons and the more economical feasibility of development.

3) Objective: To conserve and improve existing public facilities and to provide such new facilities as needed for the improvement of the Project Area.

Accomplishment: During the 2007/08 reporting year, the CDA agreed to provide up to \$8.4M toward the development of a new Public Safety Building to house both police and fire services.

Accomplishment: The CDA contributed \$650k toward the development of a new joint use/co-located Winters Library on the Winters High School Campus. The new library broke ground in November of 2008.

4) Objective: To enhance the physical environment of the Project Area and to emphasize its favorable environmental characteristics.

Accomplishment: On September 7, 2004, the CDA approved the Downtown Façade Improvement Program (DFIP), including the Guidelines, Agreement, Application, Rebate Claim Form, and Sample Façade Maintenance Easement needed to implement the program; and authorized CDA tax increment funds for its implementation. The CDA has continued to offer and provide funds for this program each year. During this reporting year, the CDA approved two façade improvement applications: one for the Depot building at 200-208 Railroad Avenue and 3 Russell Street ("Depot Façade"); and one for 111-115 Main Street ("Main Street Façade"). The Depot Façade was completed September 2008 and was awarded \$20,000. The Main Street Façade is not yet completed but is eligible for \$10,000.

Accomplishment: - On December 17, 2007, the CDA entered into an agreement

with Pacific Municipal Consultants (PMC) to prepare a Form Based Code for the Downtown Master Plan Area in order to control the look and type of buildings, streets, landscaping and building details to create and maintain an interesting attractive and livable downtown. The Form Based Code is currently going through the approval process and is anticipated to be adopted early 2009.

5) Objective: To maximize opportunities for the revitalization, expansion and development of commercial and industrial uses within the Project Area.

Accomplishment: Throughout the reporting year, CDA staff was working with and negotiating with Monticello Investors LLC for the Disposition and Development of the CDA property along the easterly side of Railroad Avenue between Main and Abbey Streets (Assessor's Parcel No. 003-224-01) for the Monticello mixed use project. On September 2, 2008, the City Council and the CDA approved the Disposition and Development Agreement. It is anticipated that the Monticello project will break ground in early 2009.

Toward this effort, the CDA contracted with Economic & Planning Systems (EPS) to prepare a residential and Commercial Market Analysis to examine the viability of the Monticello project based on market conditions of the surrounding area, changes in demographic and economic characteristics and current and future supply of the land uses proposed, as well as the Project's competitive position among comparable markets in the area.

6) Objective: To improve and increase the community's supply of affordable housing in a manner consistent with the Housing Element of the General Plan and the policies of California Community Redevelopment Law – Consistent with Community Redevelopment Law of the State of California, Health & Safety Code Sections 33000 et seq., increase, improve, and expand the community's supply of affordable housing.

Accomplishment: On October 19, 2004, the CDA authorized the expenditure of funds, for the purchase a 1.71 acre vacant parcel at 110 East Baker (the "Property"), at its \$460,000 appraised value, for the development of the Winters Village Affordable Housing Project. The CDA became the owner on title on November 19, 2004. On March 1, 2005, the CDA entered into an Agreement to Negotiate Exclusively with the Community Housing Opportunities Corporation ("CHOC") to prepare a Disposition and Development Agreement with respect to the Property. In August of 2006, the CDA approved a Ground Lease with Bruhn Orchards Housing Associates, L.P., a California Limited Partnership that was established by CHOC, which provides for a long term lease of the Property for \$1.00 per year and which provides for the development of the Property. The CDA provided a predevelopment loan in the amount \$50,000, a development loan in the amount \$150,000, and a grant of \$1,400,000 for the project. The two loans are on favorable terms. The CDA also picked up a portion of closing costs for the project.

Additionally, the City of Winters was awarded a HOME grant in 2005 and the City is loaning \$2,850,280 of the HOME funds to CHOC for the Winters Village project under favorable terms. Winters Village was completed in December of 2007, began leasing units in January of 2008, with the project fully leased by June of 2008 and offers a total of 34 very-low income units: 7 at 35% of median income; 7 at 40% of median income; and 20 at 50% of median income.

Accomplishment: The CDA contracted with Economic & Planning Systems and provided staff to assist in the preparation of the 2008 Housing Element Update which is currently under review by the State Department of Housing and Community Development

Objective: To accomplish these goals with minimum displacement of any property owner, resident or business person who may wish to remain within the Project Area.

Accomplishment: No property owners, residents or business owners were displaced due to CDA efforts.

Loan Report:

CRL Section 33080.1 (a)(2)(e), requires a list of and status report on, all loans made by the redevelopment agency that are fifty thousand dollars or more, that in the previous fiscal year were in default or not in compliance with the terms of the loan approved by the CDA. There are no loans in default or not in compliance with the terms of the loan.

Description of Agency-owned Property

CRL Section 33080.1 (a)(2)(f), requires a description of the total number of and nature of properties that the Agency owns and those properties the agency acquired in the 2005-06 fiscal year.

1) Railroad Avenue and Main Street Lot

Address: East Side of Railroad Ave. between Abbey St and Main St, Winters
Parcel #: APN 003-224-01
Cost of Purchase: \$120,000

In September 2004, the CDA purchased the above mentioned property from the City for the purpose of moving forward with the development of a mixed-use project on the site and the master plan build out of the Main Street Village block. The CDA paid the appraised value of \$120,000. The property has an area of 18,949 square feet or .44 acres, is zoned C-2 (Central Business District) and has no known development constraints. The property is located within the Project Area.

On October 2, 2006, the CDA authorized staff to move forward with a Disposition and Development Agreement with Monticello Investors for the development of a mixed use project and the disposition of the property. Staff and developer are currently negotiating the development of the DDA.

2) Winters Village Affordable Housing Complex Property

Address: 110 East Baker Street, Winters
Parcel #: APN 003-370-15
Cost of Purchase: \$460,000

On October 19, 2004, the CDA authorized the expenditure of funds, for the purchase a 1.71 acre vacant parcel at 110 East Baker (the "Property"), at its \$460,000 appraised value, for the development of the Winters Village Affordable Housing Project. The CDA became the owner on title on November 19, 2004. On March 1, 2005, the CDA entered into an Agreement to Negotiate Exclusively with the Community Housing Opportunities Corporation ("CHOC") to prepare a Disposition and Development Agreement with respect to the Property. In August of 2006, the CDA approved a Ground Lease with Bruhn Orchards Housing Associates, L.P., a California Limited Partnership that was established by CHOC, which provides for a long term lease of the Property for \$1.00 per year and which provides for the development of the Property. The CDA provided a predevelopment loan in the amount \$50,000, a development loan in the amount \$150,000, and a grant of \$1,400,000 for the project. The two loans are on favorable terms. The CDA also picked up a portion of closing costs for the project. Additionally, the City of Winters was awarded a HOME grant in 2005 and the City is loaning \$2,850,280 of the HOME funds to CHOC for the Winters Village project under favorable terms. Winters Village was completed in December of 2007, began leasing units in January of 2008, with the project fully leased by June of 2008 and offers a total of 34 very-low income units: 7 at 35% of median income; 7 at 40% of median income; and 20 at 50% of median income.

3) 23 Main Street

Address: 23 Main Street
Parcel #: 003-204-12-1
Cost of Purchase: \$174,178.45

In February 2007, the CDA purchased 23 Main Street in downtown Winters from the Barbour/Whitworth Family for \$174,178.45. The CDA intends to provide for a permanent ten foot access easement through the property from the alley to Main Street for pedestrian purposes, as identified in the Downtown Master Plan. The Winters Center for the Arts has the option to lease back or purchase the property provide they have a bona fide development proposal for the construction of an

Art Center building on the site which would be used by the Winters Center for the Arts and the public.

ATTACHMENTS:

- Independent Financial Audit and Financial Statement (see City Council companion item)
- Report to the State Department of Housing and Community Development (see City Council companion item)
- Resolution No. 2009-50

RESOLUTION NO. 2008-50

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WINTERS SUBMITTING
THE REDEVELOPMENT ANNUAL REPORT FOR
FISCAL YEAR ENDING JUNE 30, 2008 TO THE CITY COUNCIL OF THE CITY OF WINTERS**

WHEREAS, Section 33080.1 of the Community Redevelopment Law of the State of California, Health and Safety Code, requires that each redevelopment agency within the State of California present an annual report to its legislative body within six months of the end of the agency's fiscal year; and

WHEREAS, the Community Development Agency of the City of Winters has prepared the 2007/08 Annual Report containing various financial and performance information for the Winters Community Development Agency Project Area and has submitted it to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Community Development Agency of the City of Winters that it has submitted the Redevelopment Annual Report for Fiscal Year ending June 30, 2008 to the City Council of the City of Winters.

DULY AND REGULARLY ADOPTED this 16th day of December 2008.

CITY OF WINTERS

Mayor

ATTEST:

Nanci Mills, City Clerk



**COMMUNITY DEVELOPMENT AGENCY
STAFF REPORT**

TO: Honorable Chairman and Board of Directors
DATE : December 16, 2008
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Cas Ellena, Redevelopment & Economic Development Director *CE*
SUBJECT: Façade Improvement Application from Winters Printing Company for Façade Improvement at 310, 310 ½ Railroad Avenue and Alley Behind Same.

RECOMMENDATION: Staff recommends that the Community Development Agency ("CDA") accept the Downtown Façade Improvement Program Application from the Winters Printing Company, Inc. ("Applicant") and authorize staff to issue a Notice to Proceed for identified façade improvements pursuant to the Downtown Façade Improvement Program Guidelines.

BACKGROUND: On September 7, 2004, the CDA approved a Downtown Façade Improvement Program for the purpose of promoting physical and visual improvements to structures within the Central Business District.

On December 1, 2008, the CDA received a Downtown Façade Improvement Program Application from the Applicant for façade improvements to the store fronts and alley way at 310 and 310 ½ Railroad Avenue. The project will include the removal of existing roll-up door in the alley parking lot and the installation of handicapped doors creating a new entrance to the future Winters Museum. The space will house the Winters Printing Company and an updated museum with Winters memorabilia, photo displays, slide shows and a working printing museum. There will be a 300 square foot office created on the inside of the building to serve as office rental and museum entrance. Two windows will be replaced with double hung, double pan windows. A new handicapped accessible door for the Winters Printing Company will also be installed. There will be a new awning (purple like the one in the front of the building) with a screen to hide the utilities, along with a new roof drainage system. The chain link fence will be re-aligned for handicapped accessibility to the Winters Printing Company. The entire building will be painted, including the front, with the doorway at 310 ½ being made handicapped accessible. The building will be the same light blue that it is now, with an accent color to be determined later. There will be some patching of broken or missing masonry to the building. The handicapped bathroom has already been completed and passed inspection by the City of Winters Building Department (the Project).

Winters Printing Company Façade Application
Page Two

Discussion: The Project meets the CDA Downtown Façade Improvement Program Guidelines and as proposed would make a substantial visible improvement to the appearance of the storefronts and to the Downtown area.

FISCAL IMPACT: Estimated costs for the total Project are Twenty Thousand Dollars (\$20,000). The Project would incorporate a total of five storefronts (two in the Alley for the Winters Museum and the Winters Printing Company; one side façade at the alley and two storefronts on Railroad Avenue (310 and 310 ½ Railroad Avenue). According to the Guidelines, "For corner buildings fronting more than on street, improvements must be made to each frontage if determined necessary by staff. Corner buildings generally have two facades and therefore are eligible for higher rebates."

The Alley facade and the front of 310 Railroad will only include paint improvements and therefore only eligible for a 25% reimbursement (up to \$1,500 per storefront). The two Alleyway storefronts and 310 ½ Railroad facades include paint and other improvements and are therefore eligible for a 50% reimbursement (up to \$2,500 per storefront). Therefore, per the Guidelines, this façade application is eligible for up to \$10,000 in reimbursement costs (3 storefronts at \$2,500 and 2 storefronts at \$1,500)

ATTACHMENTS:

- Application from Winters Printing Company, Inc
- Downtown Façade Improvement Program Guidelines
- Map of Façade Improvement Area
- Location Map of Project

Winters Printing Company, Inc.

312 Railroad Avenue
Winters, CA 95694
(530) 795-0135 - FAX (530) 795-3578
email: charley@wintersexpress.com

Printers & Publishers since 1884

Cas Ellena
City of Winters

December 1, 2008

re: remodel of 310 Railroad Avenue.

I'm submitting an application for the facade improvement program for 310 Railroad Avenue.

The project will include the removal of the roll-up door in the alley parking lot and the installation of handicapped doors creating a new entrance to the future Winters Museum. The space will house the Winters Printing Company and an updated museum with Winters memorabilia, photo displays, slide shows and a working printing museum. There will be a 300 sq. ft. office created on the inside of the building to serve as office rental and museum entrance.

Two windows will be replaced with double hung, double pane windows. A new handicapped accessible door for the Winters Printing Company will also be installed. There will be a new awning (purple like the one in the front of the building) with a screen to hide the utilities, along with a new roof drainage system. The chain link fence will be re-aligned for handicapped accessibility to the Winters Printing Company.

The entire building will be painted, including the front, with the doorway at 310 1/2 being made handicapped accessible. The building will be the same light blue that it is now, with an accent color to be determined later. There will be some patching of broken or missing masonry to the building. The handicapped bathroom has already been completed and passed inspection by the City of Winters Building Department.

The figures on the application are estimates supplied by Jordan Construction, a licensed contractor, and are just that, estimates. I understand that this is a reimbursement will be based on actual payments. The drawings were done by Designworks architect Eric Doud.

Let me know if you have any questions.

Thanks
Charley Wallace





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

1. Project Location

Address or Property to be Improved: 310 Railroad Ave
 Assessor Parcel Number(s): _____
 Name of Business(es) in Project: Winters Printing Company Museum

2. Applicant Information

Name: Charles Wallace
 Address: 312 Railroad Ave, Winters
 Phone: 795-4551 Cell 304-0508
 Do you: _____ Own ~~_____~~ Rent (month to month) ~~_____~~ Lease the subject property?
 If leased, date of lease expiration: 2010
 Name of Property Owner J. Newton Wallace Phone 795-4551

3. Business or Services Offered on site

Printing, Furniture, Hair Salon, ~~Laundry~~
 Total Building Square Footage: 1800 Leased Square Footage: 1800 Building Frontage: 30'

4. Description of proposed Improvements:

Alley facade. New doors- Windows, Awning

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

5. Estimated Costs and Timing:

	<i>Estimated Cost</i>
A. Water Clean Exterior	\$ <u>650</u>
B. Exterior Paint	\$ <u>1850</u>
C. Sign Removal	\$ <u>N/A</u>
D. New Signage	\$ <u>1100</u>
E. Awnings	\$ <u>2200</u>
F. Window Replacements <u>- doors</u>	\$ <u>6275</u>
G. Exterior Lighting	\$ <u>2120</u>
H. Facade Restoration	\$ <u>3790</u>
I. Architectural/Design Fees	\$ <u>1440</u>
J. Other Proposed Improvements	\$ <u>1665</u>
K. Building Permit/Planning Fees	\$ <u>73</u>
TOTAL ESTIMATED COST	\$ <u>~20,000</u>
<i>Estimated Days/Months for Completion:</i>	<u>5/21/08</u>

Signed: _____

Signed: [Signature]

Property Owner(s) Signature(s)

Applicant(s) Signature(s)

Date: _____

Date: 11/21/08



**Winters Community Redevelopment Agency
Downtown Façade Improvement Program
AGREEMENT**

THIS AGREEMENT made and entered into this ____ day of _____, 200__, by and between the Winters Community Agency, hereinafter referred to as "Agency" and _____, hereinafter referred to as "Applicant."

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

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

8. Applicant agrees to allow the Agency and the City of Winters or its agents access to buildings and improvements, when convenient for all parties, for inspection of the Downtown Façade Improvement Program work.
9. In accordance with the terms of this Agreement, The Applicant shall hire all personnel and pay for all labor, materials, tools, transportation, services, City business license, licenses and permits necessary to perform or cause to have performed, all work as specified in the Application. Applicant is aware of Labor Code Section 3700, which requires workers compensation insurance or self insurance for employees.
10. Upon the signing of this Agreement, the Applicant shall have a period of ninety (90) days in which to take out a building permit. Work shall commence within sixty (60) days of the approval date of the building permit. Extensions, if warranted, may be granted at the discretion of the Agency. No change to work without the written consent of both the Agency and Applicant will be permitted.
11. The Applicant shall give all required notices and comply with all applicable laws, ordinances, and codes and shall, at their expense, secure and pay all said fees and charges for the performance of the work.
12. Applicant understands and agrees that the Agency, and the City of Winters, their officers, agents, and employees shall have no responsibility or liability of any failure or inadequacy of performance or defective workmanship or materials in regard to the agreed-upon improvements. Applicant shall indemnify, release, defend and hold Agency, City, their officers, employees and agents harmless from all claims, losses, liabilities, damages, suits, actions or proceedings by any person including Applicants, its employees and agency from personal injury, death or property damage from any cause whatsoever in whole or in part arising out of this Agreement or the activities completed hereunder by this indemnification shall not include the sole negligence or wilful misconduct of Agency, City, their officers, employees or agents.
13. This Agreement incorporates the following documents as fully a part of this Agreement as if herein repeated: a) Downtown Façade Improvement Program Application; and b) Downtown Façade Improvements Program Guidelines.

Executed this _____ day of _____, 200__

Winters Community Redevelopment Agency

Executive Director

Property Owner



Applicant

Property Owner

Applicant



Winters Community Redevelopment Agency Downtown Façade Improvement Program GUIDELINES

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

Program Goals

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

Eligible Properties

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

Eligible Participants

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

Minimum Guidelines

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

Application Prioritization

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

Rebate Amounts

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

Storefront Type	Project Description	% Reimbursement	Max. Reimbursement
Non-historic	Paint only	25%	\$1,500 per storefront
Historic or non-historic	Performs only one improvement such as: lighting and awnings	25%	\$1,500 per storefront
Non-historic	Paint plus other exterior improvements	50%	\$2,500 per storefront
Historic	Paint only	50%	\$3,500 per storefront
Historic	Paint plus other exterior improvements	50%	\$5,000 per storefront

Historic is defined as those properties identified in the City's historic inventory list.

Properties with Multiple Storefronts or Facades

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

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

Eligible Improvements

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

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

Façade Maintenance Easement

Once the work is completed, the Agency will record a five-year façade maintenance easement on the property. If the applicant does not maintain the improvements that were funded through the program, the Agency has the authority to record a lien on the property to recover the Agency's cost. A sample of the easement is attached to these guidelines.

Application Process

Program Application and Agreement forms are available from the Winters Community Redevelopment Agency, 318 First Street, telephone (530) 795-4910 x118. The application process is as follows:

1. After reviewing the Program Guidelines, the applicant will meet with Agency staff to discuss desired work to be undertaken. If proposed work is within Program Guidelines as determined exclusively by Agency staff, a completed Application is submitted to the Agency. Written bids, sketches, color samples and material samples should be included.
2. The applicant is responsible for submitting plans and specifications to the City of Winters and obtaining all required planning and building permits, and any other applicable approvals, with the assistance of Agency staff.
3. Upon approval, the Agency will send a "Notice to Proceed" to the applicant. The applicant may proceed with the façade improvements pursuant to the approved design and issued permits. All payments for the work should be made by the applicant supported by clearly defined invoices outlining eligible work. Work shall commence within 90 days of the approval date of the building permit. Extensions may be granted at the discretion of Agency staff.
4. Agency staff will monitor the ongoing progress during construction to ensure that the work is performed according to the approved application and plans. No changes to work shall be made without the written consent of both the applicant and the Agency.
5. Once the work is completed, the Agency will record a facade maintenance easement, good for five years, on the subject property.
6. Reimbursement claims for all eligible expenses must be submitted with the following supporting documents:
 - A completed Rebate Claim form, supplied by the Agency
 - Any applicable planning and building permits
 - Canceled checks and paid invoices/receipts for eligible work

After final approval of the improvements, the rebate reimbursement will be processed. Allow 30 days for receipt of the rebate check.

7. After the work is completed, applicant shall display a sign (provided by the Agency) indicating participation in the Downtown Façade Improvement Program. The sign shall be displayed either on the exterior or in the front window of the building for a period of 30 days.

Attachments: Map of Façade Improvement Area; Agreement; Application; Rebate Claim Form; and Sample Façade Maintenance Easement



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

1. **Project Location**
 Address or Property to be Improved: _____
 Assessor Parcel Number(s): _____
 Name of Business(es) in Project: _____

2. **Applicant Information**
 Name: _____
 Address: _____
 Phone: _____
 Do you: Own Rent (month to month) Lease the subject property?
 If leased, date of lease expiration: _____
 Name of Property Owner _____ Phone _____

3. **Business or Services Offered on site** _____

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

4. **Description of proposed Improvements:** _____

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

5. Estimated Costs and Timing:	<i>Estimated Cost</i>
A. Water Clean Exterior	\$ _____
B. Exterior Paint	\$ _____
C. Sign Removal	\$ _____
D. New Signage	\$ _____
E. Awnings	\$ _____
F. Window Replacements	\$ _____
G. Exterior Lighting	\$ _____
H. Facade Restoration	\$ _____
I. Architectural/Design Fees	\$ _____
J. Other Proposed Improvements	\$ _____
K. Building Permit/Planning Fees	\$ _____
TOTAL ESTIMATED COST	\$ _____
<i>Estimated Days/Months for Completion:</i>	_____

Signed: _____

Signed: _____

 Property Owner(s) Signature(s)

 Applicant(s) Signature(s)

Date: _____

Date: _____



**Winters Community Redevelopment Agency
Downtown Façade Improvement Program
REBATE CLAIM FORM**

Program Participant: _____

Project Address: _____

Exterior Improvements

Type:

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

Total \$ _____

Rebate Amount (per Program Guidelines) \$ _____

I/We hereby make a formal claim for reimbursement of the above-indicated expenses incurred in improving the façade of the subject property under the Winters Community Redevelopment Agency Downtown Façade Improvement Program. I/We certify that the expenses incurred are as listed and have attached invoices marked "paid" and copies of canceled checks in support of the claim.

Date: _____

Applicant

Applicant

SAMPLE FAÇADE MAINTENANCE EASEMENT
(To be recorded upon completion of façade improvements)

For valuable consideration, receipt of which is hereby acknowledged, the undersigned (Grantor) hereby grants to the Winters Community Redevelopment Agency (Grantee), a public body corporate and politic, its successors and assigns, an easement for the right to maintain the exterior surfaces of he Grantor's property located at _____, Winters, California, which real property is legally described on Exhibit "A" attached hereto and incorporated herein by this reference (the Real Property). Said Easement includes the right ingress and egress over and across the subject property insofar as such ingress and egress is necessary to the property use of Easement granted herein. This Easement shall be in effect for five (5) years beginning on the date of recording of this Easement and expiring five (5) years after such date.

The Grantor agrees to maintain the exterior building improvements on the Real Property at his/her sole expense. In the event the Grantor fails to maintain the improvements, upon thirty (30) day prior written notice to Grantor from Grantee, the Grantee, its agents and representatives may record a lien against the Real Property for the benefit of Grantee in the dollar amount of the cost to acquire this Easement. As an alternate matter of recourse, Grantee may enter on the Real Property and cause any maintenance or repair work to be performed at the Grantor's expense if such work has not been performed by Grantor within such thirty-day period. Grantor shall pay to Grantee within ten (10) days of being presented with an invoice with respect to amounts owed for repairs or maintenance, which Grantee has performed. If any such amounts are not paid within ten (10) days of delivery of an invoice with respect thereto: 1) All such amounts shall bear interest at a rate of interest equal to twelve percent (12%) per annum or the highest amount permitted by applicable law, whichever is lower; and 2) Grantor hereby consents to a lien against the Real Property for the benefit of Grantee to secure the maintenance obligations of Grantor set forth in this Easement.

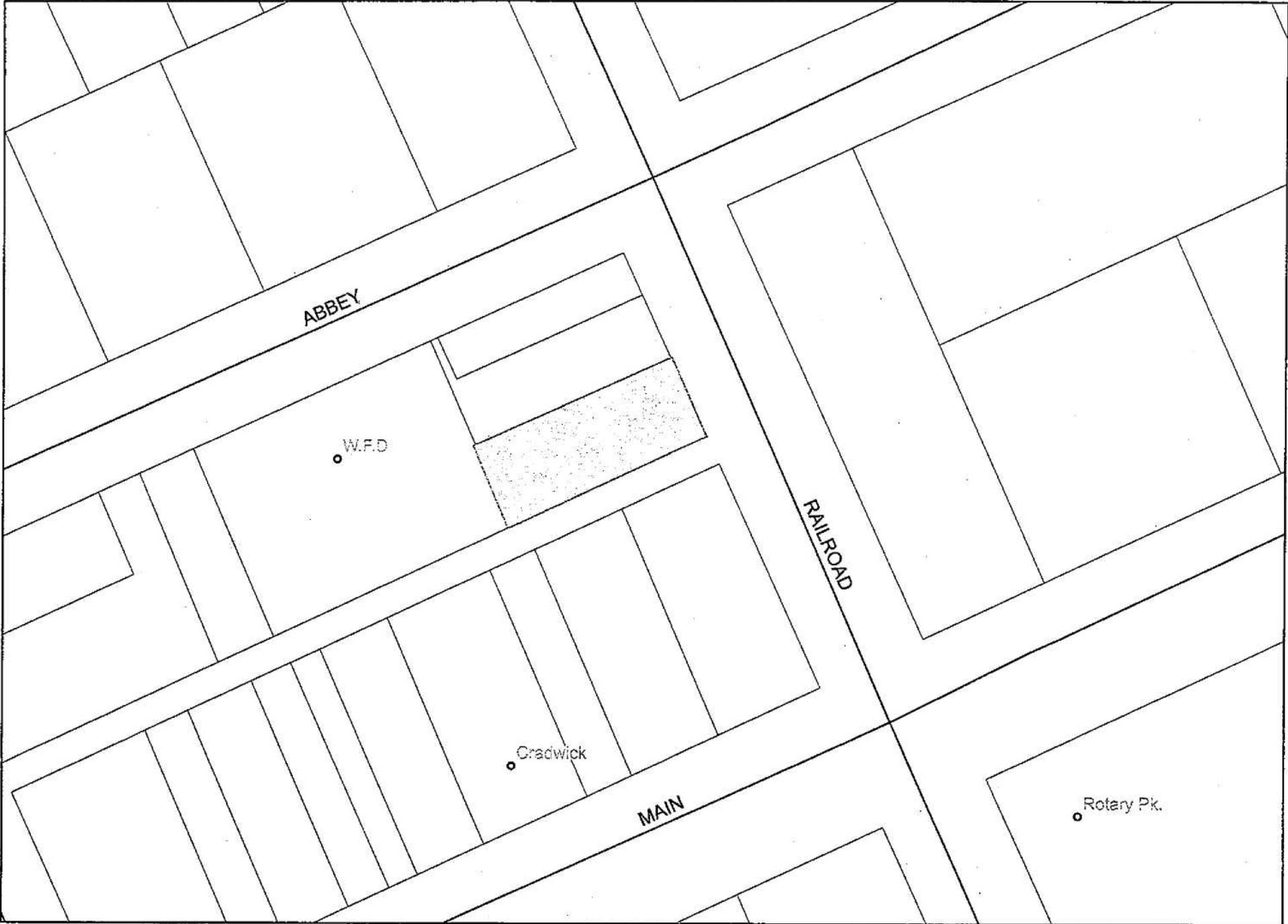
This Easement shall bind Grantor and all successors or assigns in the Real Property described on Exhibit "A".

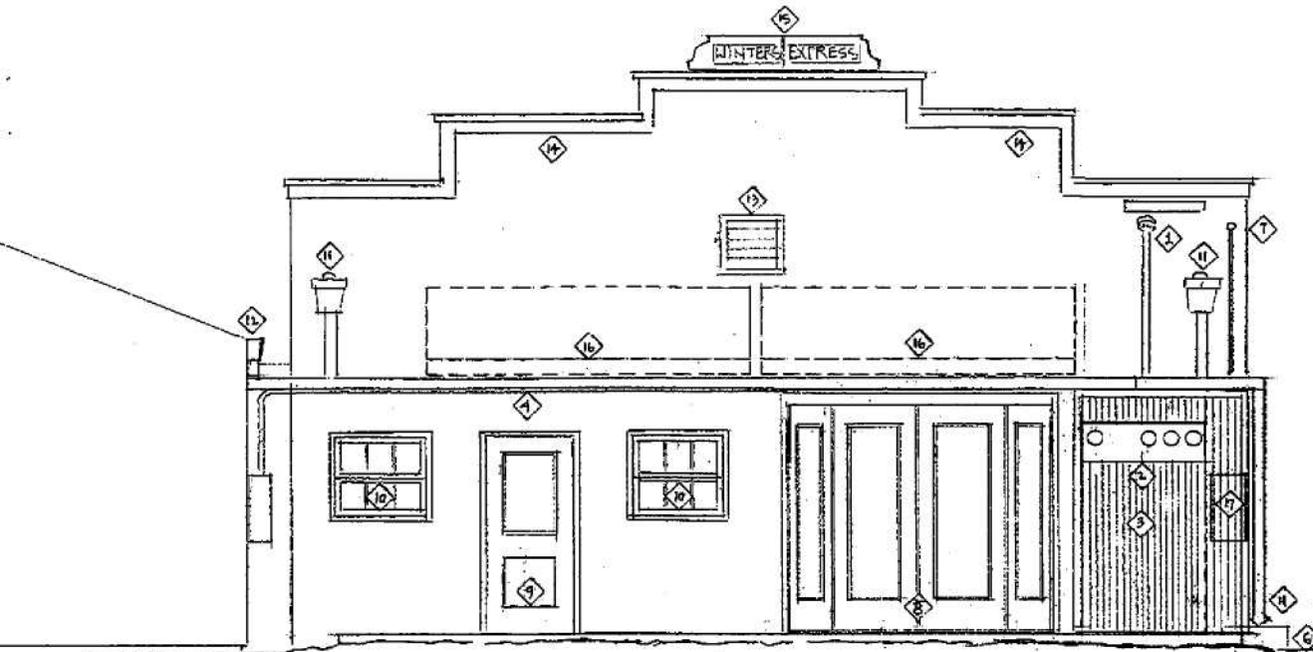
It is understood that each undersigned Grantor grants only that portion of the Real Property described on Exhibit "A" in which said Grantor has an interest.

Executed this _____ day of _____, 200_.

Grantor(s)

310 & 310.5 Railroad Avenue





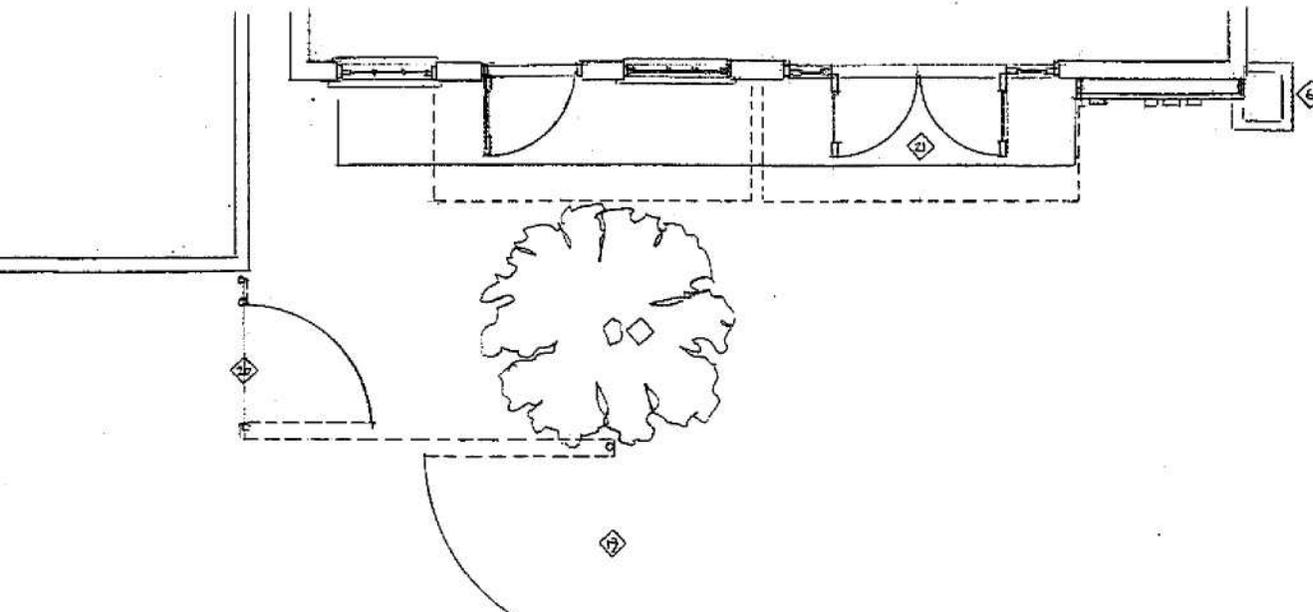
- UTILITY NOTES**
1. Electrical Masthead to remain
 2. Meter Bases & PV Meter Base to remain. Meters & conduit to be covered.
 3. Utility Housing w/ corrugated metal frame & door.
 4. PV Conduit to remain. set adjacent to (N) stormwater transverse pipe.
 5. Gas Meter to remain.
 6. Water Shut Off to remain. Optional; remove curb and set Christie Box flush w/ alleyway.
 7. Telephone & Communication Line & Distribution to be relocated to corrugated metal utility housing

- ARCHITECTURAL NOTES**
8. Commercial Double Glass Doors w/ sidelites
 9. Entry Door w/ 1/2 Glass
 10. Double Hung Window
 11. Stormwater Leader to drain to transverse pipe & discharge to alley.
 12. Stormwater Downspout @ Adjacent Building to be piped to transverse pipe.
 13. Attic Vent to remain & be reconditioned w/ linseed oil.
 14. Parapet Flashing to be reviewed and replaced as required.
 15. "Winters Express" capstones to be set @ parapet w/ metal backplate seismic anchorage.

ALLEY FACADE ELEVATION (Proposed)

1/4" = 1'-0"

11.20.08



- SIGNAGE NOTES**
16. Canvas Canopies set on light metal frame, backlight w/ business name in canvas front.
 17. Business Directory Information & Location.

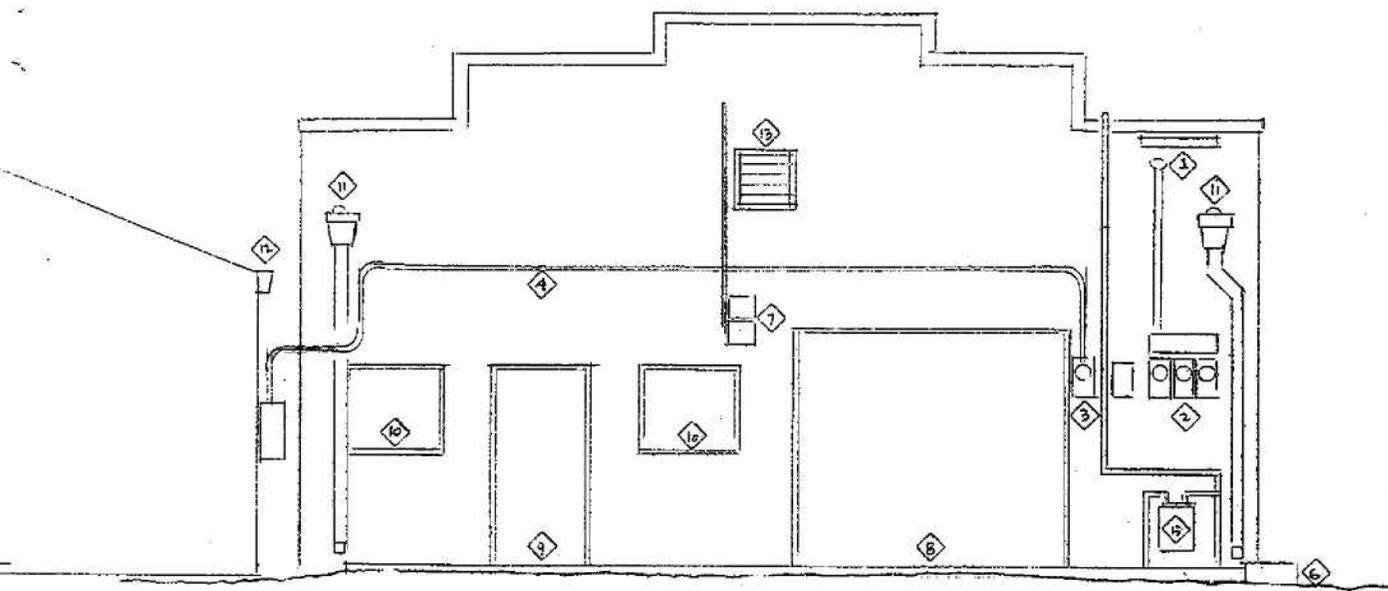
- LANDSCAPE NOTES**
18. Rose Bush to remain, prune.
 19. Double Vehicular Gate to remain. Optional; Replace chain link gate & fence w/ cedar material.
 20. Walkway Gate to be relocated. Optional; as above.
 21. Review existing concrete walk, replace if required.

ALLEY FACADE PLAN (Proposed)

1/4" = 1'-0"

11.20.08

Eric Doud M. Arch.
 Architecture + Site Planning
 15 Main Street, Winters, CA 95994
 530.795-3506 Ph / 530.795-1119 Fax
 eldoud@dcn.davis.ca.us email
 www.ericdoudarchitect.com



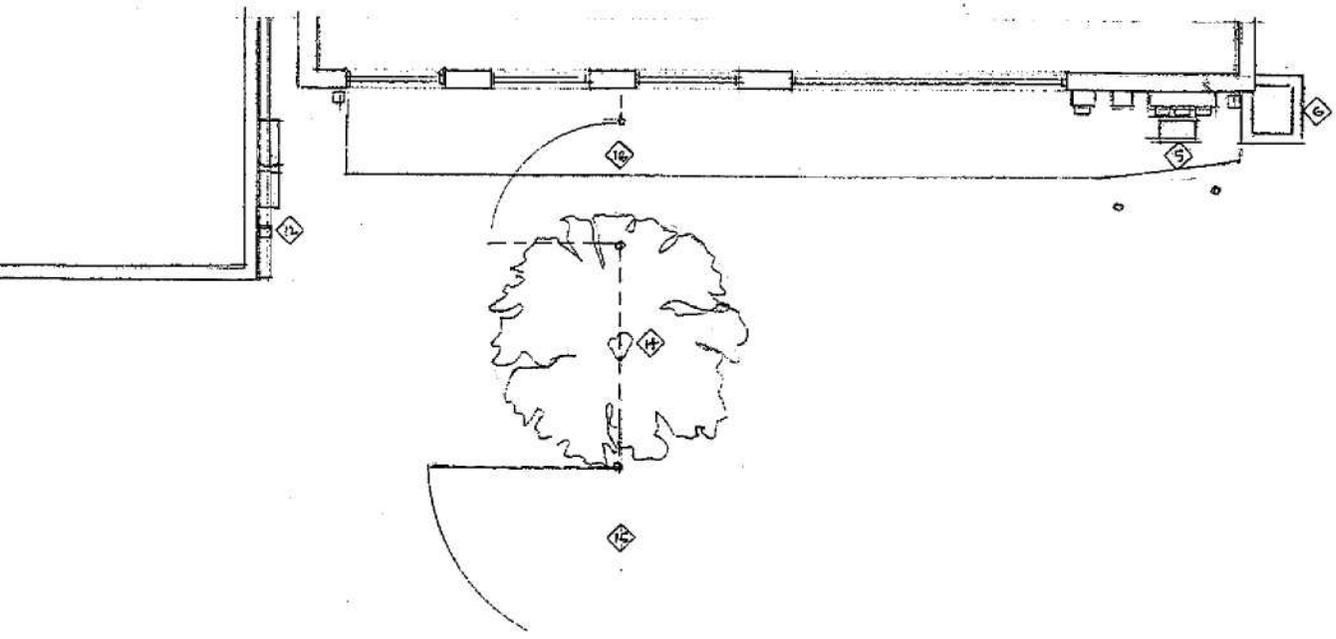
- UTILITY NOTES**
1. Electrical Masthead
 2. Meter Bases
 3. PV Meter Base
 4. PV Conduit
 5. Gas Meter
 6. Water Shut Off
 7. Telephone & Communication Line & Distribution

- ARCHITECTURAL NOTES**
8. Garage Door, non functional
 9. Entry Door, non functional
 10. Window, non functional
 11. Stormwater Leader & Downspout
 12. Stormwater Downspout @ Adjacent Building
 13. Attic Vent

ALLEY FACADE ELEVATION (Existing)

1/4" = 1'-0"

11.20.08



- LANDSCAPE NOTES**
14. Rose Bush
 15. Double Vehicular Gate
 16. Walkway Gate

ALLEY FACADE PLAN (Existing)

1/4" = 1'-0"

11.20.08



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: December 16, 2008
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Investment Report for July 2008

RECOMMENDATION:

The City Council receive and file the City of Winters monthly investment report for July 2008.

BACKGROUND:

The City of Winters financial policy requires at minimum, quarterly investment earnings reports. The attached report shows the earnings July 2008 as well as the year to date investment earnings. The City of Winters is invested in Local Agency Investment Funds (LAIF), a savings account at our local First Northern Bank, a Guaranteed Investment Contract for 2004 Tax Allocation Bond Reserve, and receives interest payments on the various CDBG and EDBG funded loans made to residents and businesses within the City of Winters. The investment earnings for July 2008 reflect investment earnings from the CDBG and EDBG funded loans.

FISCAL IMPACT:

None.

City of Winters
Investment Earnings Report
As of July 31, 2008

	July Earnings	Year To Date Earnings
311 STBG-700	\$ 7	\$ 7
313 STBG 96-1043	74	74
321 EDBG 99-688	784	784
Total Earnings	<u>\$ 865</u>	<u>\$ 865</u>



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: December 16, 2008
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Treasurer Report for July 2008

RECOMMENDATION:

The City Council receives and file the City of Winters Treasurer's Report July 2008

BACKGROUND:

The City of Winters financial policy requires monthly reports regarding receipts, disbursements and fund balances be submitted to the City Council for review, the reports for the month of July 2008 are before you.

General Fund:

General Fund revenues are 3% of budgeted. The following items affect how the cash flows into the general fund.

- The first installment of Property tax will be received in January 2009..
- The first installment of Property tax in lieu of sales tax will be received in January 2009.
- The first installment of Property tax in lieu of VLF will be received in January 2009.
- Sales and Use Taxes are remitted to the City two (2) months after they are received by the State Board of Equalization.
- Municipal Services Tax collections are 8% of budgeted.
- Building permit fees collected are 5% of budgeted.

General Fund Expenditures are 9% of the budgeted expenditures.

Other Funds:

Fund 211 City Wide Assessment District: Expenditures are 11% of budgeted and the first installment of the City Wide Assessment fee will be received from the county in January 2009.

Fund 221 Gas Tax: Expenditures are 12% of budgeted.

Fund 231 State COPS: Expenditures are 9% of budgeted.

Funds 701 Redevelopment Non-Housing Tax Increment and 711 Redevelopment Housing Tax Increment: The first installment on property taxes will be received in January 2009, Expenditures for these funds are 2% of budget for the Community

Development Agency Increment fund . The Low income housing expenditures are 4% of budgeted.

Fund 611 Water Fund: Revenues are 8% of budget, and Expenditures are 11% of budgeted, this is due to the implementation of capital projects for the water system.

Fund 621 Sewer The Sewer O & M fund expenditures are 8% of budgeted while revenues are 10% of budgeted. .

FISCAL IMPACT:

None

City of Winters
Summary of Revenues
July 2008

Fund #	Fund Description	Budget FY 08-09	% of Year Complete		Difference	Actual/ Budget
			July Actual	Actual Year to Date		
101	General Fund	\$ 3,296,100	\$109,667	\$ 109,667	\$ 3,186,433	3%
106	Monitoring Fee	3,023			3,023	0%
211	City Wide Assessment	272,906			272,906	0%
212	Flood Assessment District	137			137	0%
221	Gas Tax	130,509			130,509	0%
223	PERS Trust Fund	1,936			1,936	0%
231	State COPS AB1913	107,384			107,384	0%
251	Traffic Safety	11,678	75	75	11,603	1%
252	Asset Forfeiture	750			750	0%
254	Vehicle Theft Deterrent	900			900	0%
261	Traffic Congestion Relief	3,317			3,317	0%
291	Beverage Recycling	5,502			5,502	0%
294	Transportation	336,547	4,051	4,051	332,496	1%
298	Workforce Grant	425,000			425,000	0%
311	STBG 700 Housing	5,765	299	299	5,466	5%
313	STBG 96-1043 Housing & Public W	7,645	727	727	6,918	10%
321	EDBG 99-688 Buckhorn	16,168	1,450	1,450	14,718	9%
351	RLF Housing Rehab	6,393	410	410	5,983	6%
352	RLF Affordable Housing	8,980	615	615	8,365	7%
355	RLF Small Business	22,546	1,450	1,450	21,096	6%
411	Street Impact Fee	1,160,355			1,160,355	0%
412	Storm Drain Impact Fee	9,444			9,444	0%
413	Parks & Recreation Impact Fee	288,667			288,667	0%
414	Public Safety Impact Fee	345,991			345,991	0%
415	Fire Impact Fee	230,748			230,748	0%
416	General Facilities Impact Fee	323,426			323,426	0%
417	Water Impact Fee	657,622			657,622	0%
418	Sewer Impact Fee	536,254			536,254	0%
421	General Fund Capital	20,633			20,633	0%
422	Landfill Capital	14,155			14,155	0%
424	Parks & Recreation Capital	1,485			1,485	0%
427	Capital Equipment	17,856			17,856	0%
429	Service Reserve Fund	26,814			26,814	0%
481	General Plan 1992	134,883			134,883	0%
482	Flood Control Study	46			46	0%
492	RAJA Storm Drain	1,374			1,374	0%
494	CARF	2,679	1,200	1,200	1,479	45%
495	Monitoring Fee	134,883			134,883	0%
496	Storm Drain Non-Flood	8			8	0%
501	General Debt Service	2,745			2,745	0%
611	Water O & M	932,712	75,271	75,271	857,441	8%
612	Water Reserve	2,000			2,000	0%
617	Water Meter Fund		1,070	1,070	(1,070)	
621	Sewer O & M	1,018,331	84,506	84,506	933,825	8%
701	Community Redevelopment	1,729,956			1,729,956	0%
702	RDA Project Area Fund	25,000			25,000	0%
703	2007 Bond Project Fund	350,000			350,000	0%
711	Community Redevelopment LIH	435,938			435,938	0%
712	RDA Housing Project Area	80,221			80,221	0%
751	Community Redevelopment LTD	280			280	0%
821	Winters Library	18,357			18,357	0%
831	Swim Team	65,710	52,023	52,023	13,687	79%
	Total Revenues	<u>\$13,231,759</u>	<u>\$332,814</u>	<u>\$ 332,814</u>	<u>\$12,898,945</u>	<u>3%</u>

City of Winters
General Fund Summary
July 2008

G/L Code	Account Description	% of Year complete			8%
		Budget FY 08-08	July Actual	Year to Date Actual	Actual Budget %
101-41101	Property Tax	\$ 795,519			0%
101-41102	Property Tax in Lieu of Sales Tax	92,250			0%
101-41103	Property Tax in Lieu of VLF	536,945			0%
101-41401	Sales & Use Tax	276,750			0%
101-41402	Prop 172	25,000			0%
101-41403	Franchise Fee	213,738	10	10	0%
101-41404	Property Transfer Tax	11,000			0%
101-41405	Utility Tax	378,000			0%
101-41406	Municipal Services Tax	284,760	23,740	23,740	8%
101-41408	TOT Tax	3,200			0%
101-41407	Business Licenses	26,285	1,295	1,295	5%
101-46102	Building Permits	127,646	6,861	6,861	5%
101-46103	Encroachment Permit	1,000			0%
101-46104	Other Licenses & Permits	59,356	2,364	2,364	4%
101-41507	Motor Vehicle in Lieu	51,000			0%
101-41509	Homeowners Property Tax Relief	17,511			0%
101-48106	Post Reimbursement	5,500			0%
101-41511	Off-Highway Motor Vehicle				
101-42102	Copy Fees	150	10	10	7%
101-42103	Plan Check Fees	52,881	1,554	1,554	3%
101-42104	Planning Application Fees	2,040	2,000	2,000	98%
101-42105	Sales of Maps and Publications	150			0%
101-42107	Project Monitoring Fees		818	818	
101-42108	Police Reports	818	52	52	6%
101-42109	Fingerprint Fees	2,862	402	402	14%
101-42111	Towing/DUI Reimbursement	2,000	195	195	10%
101-42112	Ticket Sign Off Fees	250	65	65	26%
101-42201	Recreation Fees	9,000	1,760	1,760	20%
101-42203	Youth Drama Revenues	4,000			0%
101-42205	Basketball Revenues	4,700			0%
101-42211	Pool Ticket Sales	2,000			0%
101-42213	Pool Proceeds		482	482	0%
101-42215	Swim Passes	4,000	1,683	1,683	42%
101-42216	Swim Lessons	600	850	850	142%
101-42218	Swim Team Reimbursement	20,000			0%
101-42219	Life Guard Classes	900			0%
101-42301	Park Rental	850	30	30	4%
101-42302	Library Hall Rental	800	268	268	34%
101-42303	Community Center Rental	24,000	3,377	3,377	14%
101-42304	Community Center Insurance Collected	2,500			0%
101-44101	Rents/Leases Revenues	40,888	2,485	2,485	6%
101-43110	Fines-No Building Permits	750			0%
101-44102	Interest Earnings	98,131			0%
101-49101	Contributions		2,563	2,563	0%
101-49102	Reimbursements/Refunds		709	709	0%
101-49104	Miscellaneous Revenues	20,000	301	301	2%
101-49106	Cash Over/Short		46	46	0%
101-49108	Commissions on Coke Machine	100			0%
101-49901	PERS Asset Transfer	66,456			0%
101-49111	Fireworks Contributions	3,000			0%
101-49999	Interfund Operating Transfer	26,814	55,747	55,747	208%
	Total Revenues	<u>3,296,100</u>	<u>109,667</u>	<u>109,667</u>	<u>3%</u>

City of Winters
Estimated Fund Balances
As of July 31, 2008

Fund #	Fund Name	Fund Balance 6/30/2008	Current Year Revenues	Current Year Expenditures	Transfer In (Out)	Ending Fund Balance	Change From 6/30/2008
101	General Fund	\$ 2,458,976	\$ 53,920	\$ 323,443	\$ 55,747	\$ 2,245,200	\$ (213,776)
201	Fire Prevention Grant	2,097				2,097	
208	First Time Homebuyer	80,984				80,984	
211	City Wide Assessment	70,253		30,995		39,258	(30,995)
212	Flood Assessment District	3,671				3,671	
221	Gas Tax	21,477		11,923		9,554	(11,923)
223	PERS Trust Fund	64,141				64,141	
231	State COPS 1913	62,114		20,669		41,445	(20,669)
243	'96 COPS MORE Grant	1,639				1,639	
251	Traffic Safty	167,065	75			167,140	75
252	Asset Forfeiture	12,901				12,901	
254	Vehicle Theft Deterrent	28,927				28,927	
261	Traffic Congestion Relief	88,854				88,854	
264	Safe Routes to School	(53,994)				(53,994)	
274	Park Grant	146				146	
291	Beverage Recycling Grant	14,996				14,996	
294	Transportation	388,696	4,051	1,830		390,917	2,221
298	Workforce Grant	(16,804)				(16,804)	
299	After School Program	169,890		1,580		168,310	(1,580)
311	STBG 700 Housing		299		(298)		
313	STBG-96-1043 Housing and P	(29,070)	727		(727)	(29,070)	
321	EDBG 99-688 Buckhorn		1,450		(1,450)		
351	RLF Housing Rehabilitation	67,634			410	68,044	410
352	RLF Affordable Housing	113,195			615	113,810	615
355	RLF Small Business	212,274			1,450	213,724	1,450
356	RLF HOME Program	72,510				72,510	
411	Street Impact Fee	1,110,686				1,110,686	
412	Storm Drain Impact Fee	173,378				173,378	
413	Parks & Recreation Impact	728,878				728,878	
414	Public Safty Impact Fee	245,832				245,832	
415	Fire Impact Fee	166,733				166,733	
416	General Facilities Impact	235,761				235,761	
417	Water Impact Fee	557,519				557,519	
418	Sewer Impact Fee	(194,795)				(194,795)	
421	General Fund Capital	529,525				529,525	
422	Landfill Capital	357,556				357,556	
424	Parks and Recreation Capit	151,208				151,208	
427	Equipment Replacement Fund	447,566				447,566	
429	Service Reserve Fund	555,747			(55,747)	500,000	(55,747)
481	General Plan 1992	(576,411)				(576,411)	
482	Flood Control Study	(123,757)				(123,757)	
492	RAJA Storm Drain	27,302				27,302	
494	CARF	64,460	1,200			65,660	1,200
496	Storm Drain Non-Flood	224				224	
501	General Debt Service	53,860				53,860	
611	Water O & M	665,276	75,271	79,179		661,368	(3,908)
612	Water Reserve	56,160				56,160	
615	2007 Water Bonds	(200,355)			2,940,339	2,739,984	2,940,339
616	Water Conservation	14,076				14,076	
617	Water Meter Fund	6,913	1,070			7,983	1,070
619	Water Debt Service	121,016			(2,940,339)	(2,819,323)	(2,698,307)
621	Sewer O & M	2,445,554	84,506	91,031		2,439,029	(6,525)
626	2007 Sewer Bonds	(40,511)			3,472,351	3,431,840	3,472,351
629	Sewer Debt Service	143,186			(3,472,351)	(3,329,165)	(3,185,979)
651	Central Service Overhead	1,513		(2,538)		4,051	2,538
701	Community Redevelopment	2,883,090		103,987		2,779,103	(103,987)
702	RDA Project Area	1,589,207				1,589,207	
703	2007 Bond Project Fund	9,228,153				9,228,153	
711	Community Redevelopment LJ	675,569		21,512		654,057	(21,512)
712	RDA Housing Project Area	1,363,129				1,363,129	
713	2007 LHI Bond Projects	1,504,148				1,504,148	
751	Community Redevelopment LT	1,025,974				1,025,974	
821	Winters Library	491,704				491,704	
831	Winters Library	62,226	52,023	45,147		69,102	6,876
911	General Fixed Assets	4,543,056				4,543,056	
	Totals	\$35,092,928	\$ 274,592	\$ 728,758	\$ -	\$34,638,761	\$ 74,237

City of Winters
Summary of Expenditures
July 2008

Fund	Fund Description	% of Year Complete			Budget Available	Actual/ Budget %
		Budget FY 08-09	July Actual	Year to Date Actual YTD		
101	General Fund Expenditures by Department					8%
110	City Council	\$ 3,652	\$ 25	\$ 25	\$ 3,627	1%
120	City Clerk	14,867	1,523	1,523	13,344	10%
130	City Treasurer	343	32	32	311	9%
160	City Manager	35,441	3,200	3,200	32,241	9%
170	Administrative Services	175,169	18,475	18,475	156,694	11%
180	Finance	2,830	244	244	2,586	9%
210	Police Department	1,802,900	157,609	157,609	1,645,291	9%
310	Fire Department	409,872			409,872	
410	Community Development	376,989	57,679	57,679	319,310	15%
420	Building Inspections	100,646	8,570	8,570	92,076	9%
610	Public Works-Administration	307,478	26,242	26,242	281,236	9%
710	Recreation	128,407	18,758	18,758	109,649	15%
720	Community Center	85,618	11,134	11,134	74,484	13%
730	Swimming Pool	77,533	19,951	19,951	57,582	26%
	Total General Fund Expenditure	\$ 3,521,745	\$323,442	\$ 323,442	\$ 3,198,303	9%
211	City Wide Assessment	272,883	30,995	30,995	241,888	11%
221	Gas Tax Fund	97,846	11,923	11,923	85,923	12%
223	PERS Trust Fund	66,456			66,456	
231	State COPS 1913	222,864	20,669	20,669	202,195	9%
261	Traffic Congestion Relief	18,500			18,500	
264	Safe Routes to School	110,015			110,015	
291	Beverage Recycling Grant	5,000			5,000	
294	Transportation	158,444	1,830	1,830	156,614	1%
299	After School Program	367,278	1,580	1,580	365,698	
311	STBG 700 Housing Rehab	5,766	299	299	5,467	5%
313	STBG 96-1043 Housing & Public W	7,645	727	727	6,918	10%
321	EDBG 99-688 Buckhorn	16,168	1,450	1,450	14,718	9%
411	Street Impact Fee	68,675			68,675	
412	Storm Drain Impact Fee	50,000			50,000	
414	Public Safety Impact Fee	303,446			303,446	
415	Fire Impact Fee	223,292			223,292	
416	General Facility Impact Fee	322,677			322,677	
417	Water Impact Fee	750,000			750,000	
418	Sewer Impact Fee	10,000			10,000	
422	Landfill Capital	66,300			66,300	
424	Parks & Recreation Capital	400,000			400,000	
427	Equipment Replacement Fund	31,600			31,600	
429	Service Reserve	26,814	55,747	55,747	(28,933)	208%
495	Monitoring Fee	134,807			134,807	
611	Water O & M	741,774	79,179	79,179	662,595	11%
615	07 Water Bonds	1,716,690			1,716,690	
621	Sewer O & M	933,722	91,031	91,031	842,691	10%
651	Central Service Overhead		(2,538)	(2,538)	2,538	
701	Community Redevelopment	4,425,864	103,987	103,987	4,321,877	2%
702	RDA Project Arca Fund H	1,797,955			1,797,955	
703	2007 Bond Project Fund	8,152,000			8,152,000	
711	Community Redevelopment LIH	523,109	21,512	21,512	501,597	4%
712	LIH Bond Proceeds	1,340,270			1,340,270	
713	2007 LIH Bond Project Fund	1,446,935			1,446,935	
831	Swim Team	72,777	45,147	45,147	27,630	62%
	Total Expenditures	<u>\$28,409,317</u>	<u>\$786,980</u>	<u>\$ 786,980</u>	<u>\$27,622,337</u>	3%

City of Winters
Cash and LAIF Balances
As if July 31, 2008

	Balance 6/30/2008	Balance 7/31/2008
101 General Fund	\$ 2,645,810	\$ 2,466,872
201 Fire Prevention Grant	2,097	2,097
208 First Time Homebuyer	80,360	80,984
211 City Wide Assessment	57,095	34,023
212 Flood Assessment District	3,643	3,671
221 Gas Tax	(22,702)	(33,933)
223 PERS Trust Fund	62,415	64,141
231 State COPS 1913	61,679	42,038
243 COPS MORE Grant	1,626	1,639
251 Traffic Safety	171,395	167,586
252 Asset Forfeiture	12,805	12,901
254 Vehicle Theft Deterrent	28,704	28,927
261 Traffic Congestion Relief	88,169	88,854
264 Safe Route to School Grant	(51,223)	(51,223)
274 Park Grant	146	146
291 Beverage Recycling Fund	15,631	14,996
294 Transportation(Including Bus Se	417,339	392,904
298 Workforce Grant	(16,804)	(16,804)
299 After School Program	186,789	178,496
351 RLF Housing Rehab	55,566	56,401
352 RLF First Time Homebuyer	95,095	96,384
355 RLF Small Business	210,691	213,725
356 RLF-HOME Program	71,952	72,510
411 Street Impact Fee	1,007,515	1,015,686
412 Storm Impact Fee	142,274	143,378
413 Parks and Recreation Impact Fee	723,265	728,878
414 Police Impact Fee	262,470	254,140
415 Fire Impact Fee	183,981	172,193
416 General Facilities Impact Fee	233,946	235,761
417 Water Impact Fee	553,226	557,519
418 Sewer Impact Fee	220,055	221,762
421 General Fund Capital	525,447	529,525
422 Landfill Capital	358,467	361,249
424 Parks and Recreation Capital	150,045	151,208
427 Capital Equipment Fund	462,286	465,868
429 Service Reserve	551,467	500,000
481 General Plan 1992 Study	(576,411)	(576,411)
482 Flood Control Study	1,233	1,243
492 RAJA Storm Drain	36,606	36,891
494 Captial Asset Recovery Fee	63,977	65,660
496 Storm Drain Non-Flood	223	224
501 General Debt Service	53,730	53,858
502 General LTD	2	2
611 Water O & M	398,486	420,964
612 Water Reserve	53,828	54,239
615 07 Water Bonds	(3,434,461)	(502,119)
616 Water Conservation	13,967	14,076
617 Water Meter	10,093	11,223
621 Sewer O & M	474,094	536,151
626 07 Sewer Bonds	(3,564,338)	(91,986)
651 Central Services	17,460	39,582
701 Redevelopment	2,885,929	2,804,551
702 2004 Bond Proceeds	1,630,059	1,613,437
703 2007 Bond Proceeds	9,157,398	9,228,153
711 RDA Low Income Housing	681,143	660,338
712 RDA 2004 LIH Bond Proceeds	1,354,133	1,363,939
713 2007 LIH Bond Proceeds	1,500,804	1,489,586
751 Redevelopment LTD	19,073	19,131
821 Winters Library	487,918	491,704
831 Swim Team	62,546	74,134
Total Cash	<u>\$20,880,214</u>	<u>\$ 27,063,072</u>



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: December 16, 2008
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Investment Report for August 2008

RECOMMENDATION:

The City Council receive and file the City of Winters monthly investment report for August 2008.

BACKGROUND:

The City of Winters financial policy requires at minimum, quarterly investment earnings reports. The attached report shows the earnings August 2008 as well as the year to date investment earnings. The City of Winters is invested in Local Agency Investment Funds (LAIF), a savings account at our local First Northern Bank, a Guaranteed Investment Contract for 2004 Tax Allocation Bond Reserve, and receives interest payments on the various CDBG and EDBG funded loans made to residents and businesses within the City of Winters. The investment earnings for August reflect investment earnings from the CDBG and EDBG funded loans as well as the interest earned on the 2004 Tax Allocation Bond Reserve.

FISCAL IMPACT:

None.

City of Winters
Investment Earnings Report
As of August 31, 2008

Fund	Description	August Investment Earnings	Year to Date Investment Earnings
311	STBG-700	\$ 45	\$ 52
313	STBG 96-1043	72	146
321	EDBG 99-688		784
751	REDEVELOPMENT LTD	11,444	11,444
	Total Investment Earnings	<u>\$ 11,561</u>	<u>\$ 12,426</u>



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: December 16, 2008
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Treasurer Report for August 2008

RECOMMENDATION:

The City Council receives and file the City of Winters Treasurer's Report August 2008

BACKGROUND:

The City of Winters financial policy requires monthly reports regarding receipts, disbursements and fund balances be submitted to the City Council for review, the reports for the month of August 2008 are before you.

General Fund:

General Fund revenues are 6% of budgeted. The following items affect how the cash flows into the general fund.

- The first installment of Property tax will be received in January 2009..
- The first installment of Property tax in lieu of sales tax will be received in January 2009.
- The first installment of Property tax in lieu of VLF will be received in January 2009.
- Sales and Use Taxes are remitted to the City two (2) months after they are received by the State Board of Equalization.
- Municipal Services Tax collections are 9% of budgeted.
- Building permit fees collected are 7% of budgeted.

General Fund Expenditures are 14% of the budgeted expenditures.

Other Funds:

Fund 211 City Wide Assessment District: Expenditures are 15% of budgeted and the first installment of the City Wide Assessment fee will be received from the county in January 2009.

Fund 221 Gas Tax: Expenditures are 18% of budgeted.

Fund 231 State COPS: Expenditures are 16% of budgeted.

Funds 701 Redevelopment Non-Housing Tax Increment and 711 Redevelopment Housing Tax Increment: The first installment on property taxes will be received in January 2009. Expenditures are 14% of budget for the Community Development

Agency Increment fund . The Low income housing expenditures are 43% of budgeted.

Fund 611 Water Fund: Revenues are 16% of budget, and Expenditures are 14% of budgeted, this is due to the implementation of capital projects for the water system.

Fund 621 Sewer The Sewer O & M fund expenditures are 11% of budgeted while revenues are 17% of budgeted. .

FISCAL IMPACT:

None

City of Winters
 Summary of Revenues
 July 1, 2008 through August 31, 2008

Fund #	Fund Description	Budget FY 08-09	% of Year Complete		Difference	Actual/ Budget %
			August Actual	Year to Date Actual		
101	General Fund	\$ 3,296,100	\$ 80,521	\$ 190,188	\$ 3,105,912	6%
106	Monitoring Fee	3,023			3,023	
211	City Wide Assessment	272,906			272,906	
212	Flood Assessment District	137			137	
221	Gas Tax	130,509			130,509	
223	PERS Trust Fund	1,936			1,936	
231	State COPS AB1913	107,384			107,384	
251	Traffic Safety	11,678	155	230	11,448	2%
252	Asset Forfeiture	750			750	
254	Vehicle Theft Deterrent	900			900	
261	Traffic Congestion Relief	3,317			3,317	
291	Beverage Recycling	5,502			5,502	
294	Transportation	336,547		4,051	332,496	1%
298	Workforce Grant	425,000			425,000	
311	STBG 700 Housing	5,765	1,049	1,348	4,417	23%
313	STBG 96-1043 Housing & Public W	7,645	727	1,454	6,191	19%
321	EDBG 99-688 Buckhorn	16,168		1,450	14,718	9%
351	RLF Housing Rehab	6,393	420	830	5,563	13%
352	RLF Affordable Housing	8,980	630	1,245	7,735	14%
355	RLF Small Business	22,546	727	2,177	20,369	10%
411	Street Impact Fee	1,160,355			1,160,355	
412	Storm Drain Impact Fee	9,444			9,444	
413	Parks & Recreation Impact Fee	288,667			288,667	
414	Public Safety Impact Fee	345,991			345,991	
415	Fire Impact Fee	230,748			230,748	
416	General Facilities Impact Fee	323,426			323,426	
417	Water Impact Fee	657,622			657,622	
418	Sewer Impact Fee	536,254			536,254	
421	General Fund Capital	20,633			20,633	
422	Landfill Capital	14,155			14,155	
424	Parks & Recreation Capital	1,485			1,485	
427	Capital Equipment	17,856			17,856	
429	Service Reserve Fund	26,814			26,814	
481	General Plan 1992	134,883	536	536	134,347	
482	Flood Control Study	46			46	
492	RAJA Storm Drain	1,374			1,374	
494	CARF	2,679	440	1,640	1,039	61%
495	Monitoring Fee	134,883	536	536	134,347	
496	Storm Drain Non-Flood	8			8	
501	General Debt Service	2,745			2,745	
611	Water O & M	932,712	75,743	151,014	781,698	16%
612	Water Reserve	2,000	1,046	1,046	954	52%
617	Water Meter Fund		785	1,855	-1,855	
621	Sewer O & M	1,018,331	85,448	169,954	848,377	17%
701	Community Redevelopment	1,729,956			1,729,956	
702	RDA Project Area Fund	25,000			25,000	
703	2007 Bond Project Fund	350,000			350,000	
711	Community Redevelopment LIH	435,938			435,938	
712	RDA Housing Project Area	80,221			80,221	
751	Community Redevelopment LTD	280	11,444	11,444	-11,164	999%
821	Winters Library	18,357			18,357	
831	Swim Team	65,710		52,023	13,687	79%
	Total Revenues	\$ 13,231,759	\$ 260,207	\$ 593,021	\$ 12,638,738	4%

City of Winters
Fund Balances Report
Estimated Fund Balances as of August 31, 2008

Fund	Description	Audited Fund Balance 6/30/2008	Current Years Revenues	Current Years Expenditures	Transfers In/(Out)	Ending Fund Fund Balance	Change From 6/30/2008
101	General Fund	\$ 2,458,976	\$ 134,441	\$ 476,612	\$ 55,747	\$ 2,172,552	\$ (286,424)
201	Fire Prevention Grant	2,097			-	2,097	-
208	First Time Homebuyer	80,984			-	80,984	-
211	City Wide Assessment	70,253		41,285	-	28,968	(41,285)
212	Flood Assessment District	3,671			-	3,671	-
221	Gas Tax	21,477		17,230	-	4,247	(17,230)
223	PERS Trust Fund	64,141			-	64,141	-
231	State COPS 1913	62,114		35,655	-	26,459	(35,655)
243	'96 COPS MORE Grant	1,639			-	1,639	-
251	Traffic Safety	167,065	230		-	167,295	230
252	Asset Forfeiture	12,901			-	12,901	-
254	Vehicle Theft Deterrent	28,927			-	28,927	-
261	Traffic Congestion Relief	88,854			-	88,854	-
264	Safe Routes to School	(53,994)			-	(53,994)	-
274	Park Grant	146			-	146	-
291	Beverage Recycling Grant	14,996			-	14,996	-
294	Transportation	388,696	4,051	1,830	-	390,917	2,221
298	Workforce Grant	(16,804)			-	(16,804)	-
299	After School Program	169,890	23,603	13,900	-	179,593	9,703
311	STBG 700 Housing		1,348		(1,348)		-
313	STBG-96-1043 Housing and P	(29,070)	1,454		(1,454)		-
321	EDBG 99-688 Buckhorn		1,450		(1,450)		-
351	RLF Housing Rehabilitation	67,634			830	68,464	830
352	RLF Affordable Housing	113,195			1,245	114,440	1,245
355	RLF Small Business	212,274			2,177	214,451	2,177
356	RLF HOME Program	72,510			-	72,510	-
411	Street Impact Fee	1,110,686			-	1,110,686	-
412	Storm Drain Impact Fee	173,378			-	173,378	-
413	Parks & Recreation Impact	728,878			-	728,878	-
414	Public Safety Impact Fee	245,832		9,695	-	236,137	(9,695)
415	Fire Impact Fee	166,733		9,695	-	157,038	(9,695)
416	General Facilities Impact	235,761			-	235,761	-
417	Water Impact Fee	557,519			-	557,519	-
418	Sewer Impact Fee	(194,795)			-	(194,795)	-
421	General Fund Capital	529,525			-	529,525	-
422	Landfill Capital	357,556			-	357,556	-
424	Parks and Recreation Capit	151,208			-	151,208	-
427	Equipment Replacement Fund	447,566		25,986	-	421,580	(25,986)
429	Service Reserve Fund	555,747			(55,747)	500,000	(55,747)
481	General Plan 1992	(576,411)			536	(575,875)	536
482	Flood Control Study	(123,757)			-	(123,757)	-
492	RAJA Storm Drain	27,302			-	27,302	-
494	CARF	64,460	1,640		-	66,100	1,640
495	Monitoring Fee		536		(536)		-
496	Storm Drain Non-Flood	224			-	224	-
501	General Debt Service	53,860			-	53,860	-
611	Water O & M	665,276	151,014	106,781	-	709,509	44,233
612	Water Reserve	56,160	1,046		-	57,206	1,046
615	2007 Water Bonds	(200,355)			2,940,339	2,739,984	2,940,339
616	Water Conservation	14,076			-	14,076	-
617	Water Meter Fund	6,913	1,855		-	8,768	1,855
619	Water Debt Service	121,016			(2,940,339)	(2,819,323)	(2,940,339)
621	Sewer O & M	2,445,554	169,954	106,001	-	2,509,507	63,953
626	2007 Sewer Bonds	(40,511)			3,472,351	3,431,840	3,472,351
629	Sewer Debt Service	143,186			(3,472,351)	(3,329,165)	(3,472,351)
651	Central Service Overhead	1,513		(2,538)	-	4,051	2,538
701	Community Redevelopment	2,883,090		635,829	-	2,247,261	(635,829)
702	RDA Project Area	1,589,207			-	1,589,207	-
703	2007 Bond Project Fund	9,228,153			-	9,228,153	-
711	Community Redevelopment LJ	675,569		224,635	-	450,934	(224,635)
712	RDA Housing Project Area	1,363,129			-	1,363,129	-
713	2007 LH Bond Projects	1,504,148			-	1,504,148	-
751	Community Redevelopment LT	1,025,974	11,444		-	1,037,418	11,444
821	Winters Library	491,704			-	491,704	-
831	Winters Library	62,226	52,023	46,364	-	67,885	5,659
911	General Fixed Assets	4,543,056			-	4,543,056	-
	Total Fund Balance	\$ 26,633,168	\$ 387,336	\$1,119,610	\$ -	\$25,903,432	\$ (729,736)

City of Winters
Summary of Expenditures
July 1, 2008 through August 31, 2008

Fund #	Fund Description	Budget FY 08-09	August Actual	% of Year Completed		Actual Budget
				Year to Date Actual	Balance	
101	General Fund Expenditures by Department					17%
110	City Council	\$ 3,652	\$ 11	\$ 36	\$ 3,616	1%
120	City Clerk	14,867	182	1,705	13,162	11%
130	City Treasurer	343	27	60	283	17%
160	City Manager	35,441	2,169	5,369	30,072	15%
170	Administrative Services	175,169	5,373	23,847	151,322	14%
180	Finance	2,830	202	447	2,383	16%
210	Police Department	1,802,900	93,235	250,844	1,552,056	14%
310	Fire Department	409,872			409,872	0%
410	Community Development	376,989	10,835	68,514	308,475	18%
420	Building Inspections	100,646	7,203	15,773	84,873	16%
610	Public Works-Administration	307,478	12,612	38,854	268,624	13%
710	Recreation	128,407	11,308	30,066	98,341	23%
720	Community Center	85,618	3,921	15,055	70,563	18%
730	Swimming Pool	77,533	6,090	26,041	51,492	34%
	Total General Fund Expenditure	\$ 3,521,745	\$ 153,168	\$ 476,611	\$ 3,045,134	14%
211	City Wide Assessment	272,883	10,290	41,285	231,598	15%
221	Gas Tax Fund	97,846	5,308	17,230	80,616	18%
223	PERS Trust Fund	66,456			66,456	0%
231	State COPS 1913	222,864	14,986	35,655	187,209	16%
261	Traffic Congestion Relief	18,500			18,500	0%
264	Safe Routes to School	110,015			110,015	0%
291	Beverage Recycling Grant	5,000			5,000	0%
294	Transportation	158,444		1,830	156,614	1%
299	After School Program	367,278	12,320	13,900	353,378	4%
311	STBG 700 Housing Rehab	5,766	1,049	1,348	4,418	23%
313	STBG 96-1043 Housing & Public W	7,645	727	1,454	6,191	19%
321	EDBG 99-688 Buckhorn	16,168		1,450	14,718	9%
411	Street Impact Fee	68,675			68,675	0%
412	Storm Drain Impact Fee	50,000			50,000	0%
414	Public Safety Impact Fee	303,446	9,695	9,695	293,751	3%
415	Fire Impact Fee	223,292	9,695	9,695	213,597	4%
416	General Facility Impact Fee	322,677			322,677	0%
417	Water Impact Fee	750,000			750,000	0%
418	Sewer Impact Fee	10,000			10,000	0%
422	Landfill Capital	66,300			66,300	0%
424	Parks & Recreation Capital	400,000			400,000	0%
427	Equipment Replacement Fund	31,600	25,986	25,986	5,614	82%
429	Service Reserve	26,814		55,747	(28,933)	208%
495	Monitoring Fee	134,807	536	536	134,271	0%
611	Water O & M	741,774	27,602	106,781	634,993	14%
615	07 Water Bonds	1,716,690			1,716,690	0%
621	Sewer O & M	933,722	14,971	106,001	827,721	11%
651	Central Service Overhead			(2,538)	2,538	
701	Community Redevelopment	4,425,864	531,842	635,829	3,790,035	14%
702	RDA Project Area Fund H	1,797,955			1,797,955	0%
703	2007 Bond Project Fund	8,152,000			8,152,000	0%
711	Community Redevelopment LHH	523,109	203,124	224,635	298,474	43%
712	LHH Bond Proceeds	1,340,270			1,340,270	0%
713	2007 LHH Bond Project Fund	1,446,935			1,446,935	0%
831	Swim Team	72,777	1,217	46,364	26,413	64%
	Total Expenditures	\$ 28,409,317	\$ 1,022,516	\$ 1,809,494	\$ 26,599,823	6%

City of Winters
General Fund Revenue Summary
July 1, 2008 through August 31, 2008

G/L Code	Account Description	% of Year Completed			Actua Budget %
		Budget FY 08-09	August Actual	Year to Date Actual	
101-41101	Property Tax	\$ 795,519			0%
101-41102	Property Tax in Lieu of Sales Tax	92,250			0%
101-41103	Property Tax in Lieu of VLF	536,945			0%
101-41401	Sales & Use Tax	276,750			0%
101-41402	Prop 172	25,000			0%
101-41403	Franchise Fee	213,738	-10		0%
101-41404	Property Transfer Tax	11,000			0%
101-41405	Utility Tax	378,000	33,515	33,515	9%
101-41406	Municipal Services Tax	284,760	23,750	47,490	17%
101-41408	TOT Tax	3,200			0%
101-46101	Building Permit Surcharge		25	25	
101-41407	Business Licenses	26,285	695	1,990	8%
101-46102	Building Permits	127,646	2,171	9,032	7%
101-46103	Encroachment Permit	1,000	500	500	50%
101-46104	Other Licenses & Permits	59,356	1,983	4,347	7%
101-41507	Motor Vehicle in Lieu	51,000	2,515	2,515	5%
101-41509	Homeowners Property Tax Relief	17,511			0%
101-48106	Post Reimbursement	5,500			0%
101-41511	Off-Highway Motor Vehicle				
101-42102	Copy Fees	150		10	7%
101-42103	Plan Check Fees	52,881	358	1,913	4%
101-42104	Planning Application Fees	2,040		2,000	98%
101-42105	Sales of Maps and Publications	150			0%
101-42107	Project Monitoring Fees			818	
101-42108	Police Reports	818	10	62	8%
101-42109	Fingerprint Fees	2,862	103	505	18%
101-42111	Towing/DUI Reimbursement	2,000	140	335	17%
101-42112	Ticket Sign Off Fees	250	15	80	32%
101-42201	Recreation Fees	9,000	305	2,065	23%
101-42203	Youth Drama Revenues	4,000			0%
101-42205	Basketball Revenues	4,700			0%
101-42211	Pool Ticket Sales	2,000			0%
101-42213	Pool Proceeds		22	504	
101-42215	Swim Passes	4,000	2,797	4,480	112%
101-42216	Swim Lessons	600		850	142%
101-42218	Swim Team Reimbursement	20,000			0%
101-42219	Life Guard Classes	900			0%
101-42301	Park Rental	850	125	155	18%
101-42302	Library Hall Rental	800		268	34%
101-42303	Community Center Rental	24,000	1,321	4,698	20%
101-42304	Community Center Insurance Collected	2,500			0%
101-44101	Rents/Leases Revenues	40,888	3,094	5,580	14%
101-43110	Fines-No Building Permits	750	495	495	66%
101-44102	Interest Earnings	98,131			0%
101-49101	Contributions		1	2,564	
101-49102	Reimbursements/Refunds			709	
101-49104	Miscellaneous Revenues	20,000	6,592	6,893	34%
101-49106	Cash Over/Short		-2	44	
101-49108	Commissions on Coke Machine	100			0%
101-49901	PERS Asset Transfer	66,456			0%
101-49111	Fireworks Contributions	3,000			0%
101-49999	Interfund Operating Transfer	26,814		55,747	208%
	Total General Fund Revenues	\$ 3,296,100	\$ 80,520	\$ 190,189	6%

City of Winters
Cash and LAIF Balances
As of August 31, 2008

Fund	Description	Balance 6/30/2008	Balance 8/31/2008
101	General Fund	\$ 2,645,810	\$ 2,338,929
201	Fire Prevention Grant	2,097	2,097
208	First Time Homebuyer	80,360	80,984
211	City Wide Assessment	57,095	13,233
212	Flood Assessment District	3,643	3,671
221	Gas Tax	(22,702)	(40,151)
223	PERS Trust Fund	62,415	64,141
231	State COPS 1913	61,679	26,459
243	COPS MORE Grant	1,626	1,639
251	Traffic Saftay	171,395	167,295
252	Asset Forfeiture	12,805	12,901
254	Vehicle Theft Deterrent	28,704	28,927
261	Traffic Congestion Relief	88,169	88,854
264	Safe Route to School Grant	(51,223)	(53,994)
274	Park Grant	146	146
291	Beverage Recycling Fund	15,631	14,996
294	Transportation(Including Bus S	417,339	390,917
298	Workforce Grant	(16,804)	(16,804)
299	After School Program	186,789	179,793
351	RLF Housing Rehab	55,566	56,821
352	RLF First Time Homebuyer	95,095	97,013
355	RLF Small Business	210,691	214,452
356	RLF-HOME Program	71,952	72,510
411	Street Impact Fee	1,007,515	1,015,686
412	Storm Impact Fee	142,274	143,378
413	Parks and Recreation Impact Fe	723,265	728,878
414	Police Impact Fee	262,470	244,445
415	Fire Impact Fee	183,981	162,498
416	General Facilities Impact Fee	233,946	235,761
417	Water Impact Fee	553,226	557,519
418	Sewer Impact Fee	220,055	221,762
421	General Fund Capital	525,447	529,525
422	Landfill Capital	358,467	357,556
424	Parks and Recreation Capital	150,045	151,208
427	Capital Equipment Fund	462,286	447,566
429	Service Reserve	551,467	500,000
481	General Plan 1992 Study	(576,411)	(575,875)
482	Flood Control Study	1,233	1,243
492	RAJA Storm Drain	36,606	36,891
494	Captial Asset Recovery Fee	63,977	66,100
496	Storm Drain Non-Flood	223	224
501	General Debt Service	53,730	53,858
502	General LTD	2	2
611	Water O & M	398,486	418,444
612	Water Reserve	53,828	55,135
615	07 Water Bonds	(3,434,461)	(506,407)
616	Water Conservation	13,967	14,076
617	Water Meter	10,093	12,008
621	Sewer O & M	474,094	515,841
626	07 Sewer Bonds	(3,564,338)	(91,986)
651	Central Services	17,460	127
701	Redevelopment	2,885,929	2,314,485
702	2004 Bond Proceeds	1,630,059	1,609,797
703	2007 Bond Proceeds	9,157,398	9,228,153
711	RDA Low Income Housing	681,143	469,329
712	RDA 2004 LH Bond Proceeds	1,354,133	1,363,129
713	2007 LH Bond Proceeds	1,500,804	1,486,802
751	Redevelopment LTD	19,073	472,473
821	Winters Library	487,918	491,704
831	Swim Team	62,546	67,885
	Total Cash	<u>\$ 20,880,214</u>	<u>\$ 26,544,049</u>



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: December 16, 2008
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Investment Report for September 2008

RECOMMENDATION:

The City Council receive and file the City of Winters monthly investment report for September 2008.

BACKGROUND:

The City of Winters financial policy requires at minimum, quarterly investment earnings reports. The attached report shows the earnings September 2008 as well as the year to date investment earnings. The City of Winters is invested in Local Agency Investment Funds (LAIF), a savings account at our local First Northern Bank, a Guaranteed Investment Contract for 2004 Tax Allocation Bond Reserve, and receives interest payments on the various CDBG and EDBG funded loans made to residents and businesses within the City of Winters. The investment earnings for September reflect investment earnings from the CDBG and EDBG funded loans.

FISCAL IMPACT:

None.

City of Winters
Investment Report
As of September 30, 2008

Fund	Description	September Earnings	Year to Date Earnings
101	GENERAL FUND		\$ 1
311	STBG-700	13	65
313	STBG 96-1043	71	217
321	EDBG 99-688	1,507	2,292
751	REDEVELOPMENT LTD		11,444
	Total Earnings	<u>\$ 1,591</u>	<u>\$ 14,019</u>



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: December 16, 2008
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Treasurer Report for September 2008

RECOMMENDATION:

The City Council receives and file the City of Winters Treasurer's Report September 2008

BACKGROUND:

The City of Winters financial policy requires monthly reports regarding receipts, disbursements and fund balances be submitted to the City Council for review, the reports for the month of September 2008 are before you.

General Fund:

General Fund revenues are 9% of budgeted. The following items affect how the cash flows into the general fund.

- The first installment of Property tax will be received in January 2009..
- The first installment of Property tax in lieu of sales tax will be received in January 2009.
- The first installment of Property tax in lieu of VLF will be received in January 2009.
- Sales and Use Taxes are remitted to the City two (2) months after they are received by the State Board of Equalization.
- Municipal Services Tax collections are 25% of budgeted.
- Building permit fees collected are 10% of budgeted.

General Fund Expenditures are 21% of the budgeted expenditures.

Other Funds:

Fund 211 City Wide Assessment District: Expenditures are 20% of budgeted and the first installment of the City Wide Assessment fee will be received from the county in January 2009.

Fund 221 Gas Tax: Expenditures are 26% of budgeted.

Fund 231 State COPS: Expenditures are 23% of budgeted.

Funds 701 Redevelopment Non-Housing Tax Increment and 711 Redevelopment Housing Tax Increment: The first installment on property taxes will be received in

January 2009. Expenditures are 17% of budget for the Community Development Agency Increment fund . The Low income housing expenditures are 49% of budgeted.

Fund 611 Water Fund: Revenues are 24% of budget, and Expenditures are 20% of budgeted, this is due to the implementation of capital projects for the water system.

Fund 621 Sewer The Sewer O & M fund expenditures are 19% of budgeted while revenues are 25% of budgeted. .

FISCAL IMPACT:

None

City of Winters
 Summary of Revenues
 July 1, 2008 through September 30, 2008

Fund	Fund Description	% of Year Completed				25%
		Budget FY 08-09	September Actual	Year to Date Actual YTD	Difference	
101	General Fund	\$ 3,296,100	\$ 122,759	\$ 312,947	\$ 2,983,153	9%
106	Monitoring Fee	3,023			3,023	
211	City Wide Assessment	272,906			272,906	
212	Flood Assessment District	137			137	
221	Gas Tax	130,509	20,544	20,544	109,965	16%
223	PERS Trust Fund	1,936			1,936	
231	State COPS AB1913	107,384			107,384	
251	Traffic Safety	11,678	125	355	11,323	3%
252	Asset Forfeiture	750			750	
254	Vehicle Theft Deterrent	900			900	
261	Traffic Congestion Relief	3,317			3,317	
291	Beverage Recycling	5,502			5,502	
294	Transportation	336,547		4,051	332,496	1%
298	Workforce Grant	425,000			425,000	
311	STBG 700 Housing	5,765	479	1,828	3,937	32%
313	STBG 96-1043 Housing & Public W	7,645	727	2,181	5,464	29%
321	EDBG 99-688 Buckhorn	16,168	2,901	4,351	11,817	27%
351	RLF Housing Rehab	6,393	192	1,022	5,371	16%
352	RLF Affordable Housing	8,980	288	1,533	7,447	17%
355	RLF Small Business	22,546	3,628	5,805	16,741	26%
411	Street Impact Fee	1,160,355			1,160,355	
412	Storm Drain Impact Fee	9,444			9,444	
413	Parks & Recreation Impact Fee	288,667			288,667	
414	Public Safety Impact Fee	345,991			345,991	
415	Fire Impact Fee	230,748			230,748	
416	General Facilities Impact Fee	323,426			323,426	
417	Water Impact Fee	657,622			657,622	
418	Sewer Impact Fee	536,254			536,254	
421	General Fund Capital	20,633			20,633	
422	Landfill Capital	14,155			14,155	
424	Parks & Recreation Capital	1,485			1,485	
427	Capital Equipment	17,856			17,856	
429	Service Reserve Fund	26,814			26,814	
481	General Plan 1992	134,883		536	134,347	
482	Flood Control Study	46			46	
492	RAJA Storm Drain	1,374			1,374	
494	CARF	2,679	695	2,335	344	87%
495	Monitoring Fee	134,883		536	134,347	
496	Storm Drain Non-Flood	8			8	
501	General Debt Service	2,745			2,745	
611	Water O & M	932,712	76,001	227,015	705,697	24%
612	Water Reserve	2,000		1,046	954	52%
617	Water Meter Fund			1,855	-1,855	
621	Sewer O & M	1,018,331	86,467	256,420	761,911	25%
701	Community Redevelopment	1,729,956			1,729,956	
702	RDA Project Area Fund	25,000			25,000	
703	2007 Bond Project Fund	350,000			350,000	
711	Community Redevelopment LIH	435,938			435,938	
712	RDA Housing Project Area	80,221			80,221	
751	Community Redevelopment LTD	280		11,444	-11,164	999%
821	Winters Library	18,357			18,357	
831	Swim Team	65,710	888	52,910	12,800	81%
	Total Revenues	\$ 13,231,759	\$ 315,694	\$ 908,714	\$ 12,323,045	7%

City of Winters
 Summary of Expenditures
 July 1, 2008 through September 30, 2008

Fund	Fund Description	Budget FY 08-09	September Actual	% of Year Complete		Actual Budget
				Year to Date Actual	Balance	
101	General Fund Expenditures by Department					25%
110	City Council	\$ 3,652	\$ 12	\$ 48	\$ 3,604	1%
120	City Clerk	14,867	4,610	6,315	8,552	42%
130	City Treasurer	343	29	88	255	26%
160	City Manager	35,441	3,263	8,631	26,810	24%
170	Administrative Services	175,169	12,708	36,555	138,614	21%
180	Finance	2,830	212	659	2,171	23%
210	Police Department	1,802,900	115,882	366,726	1,436,174	20%
310	Fire Department	409,872	440	440	409,432	0%
410	Community Development	376,989	44,088	112,602	264,387	30%
420	Building Inspections	100,646	7,626	23,399	77,247	23%
610	Public Works-Administration	307,478	34,598	73,451	234,027	24%
710	Recreation	128,407	17,390	47,456	80,951	37%
720	Community Center	85,618	5,827	20,882	64,736	24%
730	Swimming Pool	77,533	1,218	27,259	50,274	35%
	Total General Fund Expenditure	\$ 3,521,745	\$ 247,903	\$ 724,511	\$ 2,797,234	21%
211	City Wide Assessment	272,883	14,039	55,323	217,560	20%
221	Gas Tax Fund	97,846	7,864	25,094	72,752	26%
223	PERS Trust Fund	66,456			66,456	0%
231	State COPS 1913	222,864	15,983	51,638	171,226	23%
261	Traffic Congestion Relief	18,500			18,500	0%
264	Safe Routes to School	110,015	101,507	101,507	8,508	92%
291	Beverage Recycling Grant	5,000			5,000	0%
294	Transportation	158,444	48,110	49,939	108,505	32%
299	After School Program	367,278	21,678	35,579	331,699	10%
311	STBG 700 Housing Rehab	5,766	479	1,828	3,938	32%
313	STBG 96-1043 Housing & Public W	7,645	727	2,181	5,464	29%
321	EDBG 99-688 Buckhorn	16,168	2,901	4,351	11,817	27%
411	Street Impact Fee	68,675			68,675	0%
412	Storm Drain Impact Fee	50,000			50,000	0%
414	Public Safety Impact Fee	303,446	9,707	19,402	284,044	6%
415	Fire Impact Fee	223,292	9,708	19,403	203,889	9%
416	General Facility Impact Fee	322,677			322,677	0%
417	Water Impact Fee	750,000			750,000	0%
418	Sewer Impact Fee	10,000			10,000	0%
422	Landfill Capital	66,300			66,300	0%
424	Parks & Recreation Capital	400,000			400,000	0%
427	Equipment Replacement Fund	31,600	3,572	29,558	2,042	94%
429	Service Reserve	26,814		55,747	-28,933	208%
494	CARF		7,938	7,938	-7,938	
495	Monitoring Fee	134,807		536	134,271	0%
611	Water O & M	741,774	44,500	151,281	590,493	20%
615	07 Water Bonds	1,716,690	7,265	7,265	1,709,425	0%
621	Sewer O & M	933,722	75,750	181,752	751,970	19%
626	2007 Sewer Bond		6,935	6,935	-6,935	
651	Central Service Overhead		-950	-3,488	3,488	
701	Community Redevelopment	4,425,864	100,137	735,966	3,689,898	17%
702	RDA Project Area Fund H	1,797,955	64,030	64,030	1,733,925	4%
703	2007 Bond Project Fund	8,152,000			8,152,000	0%
711	Community Redevelopment LIH	523,109	31,705	256,340	266,769	49%
712	LIH Bond Proceeds	1,340,270			1,340,270	0%
713	2007 LIH Bond Project Fund	1,446,935	26	26	1,446,909	0%
831	Swim Team	72,777	564	46,927	25,850	64%
	Total Expenditures	\$28,409,317	\$ 822,078	\$ 2,631,569	\$25,777,748	9%

City of Winters
General Fund Revenues
July 1, 2008 through September 30, 2008

Account	Description	Budget 08-09	% of Year Complete		% of Budget Received
			September Actual	Year to Date Actual	
101-41101	Property Tax	\$ 795,519			
101-41102	Property Tax in Lieu of Sales Tax	92,250			
101-41103	Property Tax in Lieu of VLF	536,945			
101-41401	Sales & Use Tax	276,750	38,140	38,140	14%
101-41402	Prop 172	25,000			0%
101-41403	Franchise Fee	213,738			0%
101-41404	Property Transfer Tax	11,000			0%
101-41405	Utility Tax	378,000	39,247	72,762	19%
101-41406	Municipal Services Tax	284,760	23,750	71,240	25%
101-41408	TOT Tax	3,200			0%
101-46101	Building Permit Surcharge		1	26	
101-41407	Business Licenses	26,285	1,150	3,140	12%
101-46102	Building Permits	127,646	3,779	12,811	10%
101-46103	Encroachment Permit	1,000		500	50%
101-46104	Other Licenses & Permits	59,356	1,886	6,233	11%
101-41507	Motor Vehicle in Lieu	51,000	5,767	8,282	16%
101-41509	Homeowners Property Tax Relief	17,511			0%
101-48106	Post Reimbursement	5,500			0%
101-41511	Off-Highway Motor Vehicle				
101-42102	Copy Fees	150	2	12	8%
101-42103	Plan Check Fees	52,881	294	2,207	4%
101-42104	Planning Application Fees	2,040		2,000	98%
101-42105	Sales of Maps and Publications	150			0%
101-42107	Project Monitoring Fees		299	1,117	
101-42108	Police Reports	818		62	8%
101-42109	Fingerprint Fees	2,862	234	739	26%
101-42111	Towing/DUI Reimbursement	2,000	165	500	25%
101-42112	Ticket Sign Off Fees	250	10	90	36%
101-42201	Recreation Fees	9,000		2,065	23%
101-42203	Youth Drama Revenues	4,000			0%
101-42205	Basketball Revenues	4,700			0%
101-42211	Pool Ticket Sales	2,000			0%
101-42213	Pool Proceeds			504	
101-42215	Swim Passes	4,000	525	5,005	125%
101-42216	Swim Lessons	600		850	142%
101-42218	Swim Team Reimbursement	20,000			0%
101-42219	Life Guard Classes	900			0%
101-42301	Park Rental	850	60	215	25%
101-42302	Library Hall Rental	800		268	34%
101-42303	Community Center Rental	24,000	612	5,310	22%
101-42304	Community Center Insurance Collected	2,500			0%
101-44101	Rents/Leases Revenues	40,888	3,706	9,286	23%
101-43110	Fines-No Building Permits	750		495	66%
101-44102	Interest Earnings	98,131		1	0%
101-46106	Reinspect Fee		158	158	
101-49101	Contributions		-400	2,164	
101-49102	Reimbursements/Refunds		802	1,512	
101-49104	Miscellaneous Revenues	20,000	1,968	8,861	44%
101-49106	Cash Over/Short		321	366	
101-49108	Commissions on Coke Machine	100			0%
101-49901	PERS Asset Transfer	66,456			0%
101-49111	Fireworks Contributions	3,000			0%
101-49999	Interfund Operating Transfer	26,814		55,747	208%
	Total Revenues	\$ 3,296,100	\$ 122,476	\$ 312,668	9%

City of Winters
Fund Balance Report
Estimated Fund Balance As of September 30, 2008

Fund	Description	Audited Fund Balance 6/30/2008	Current Year Revenues	Current Year Expenditures	Transfers In/(Out)	Estimated Fund Balance 09/30/08	Change From 6/30/2008
101	General Fund	\$ 2,458,976	\$257,201	\$ 725,912	\$ 55,747	\$ 2,046,012	\$ (412,964)
201	Fire Prevention Grant	2,097			-	2,097	-
208	First Time Homebuyer	80,984			-	80,984	-
211	City Wide Assessment	70,253		55,323	-	14,930	(55,323)
212	Flood Assessment District	3,671			-	3,671	-
221	Gas Tax	21,477	20,544	25,094	-	16,927	(4,550)
223	PERS Trust Fund	64,141			-	64,141	-
231	State COPS 1913	62,114		51,638	-	10,476	(51,638)
243	'96 COPS MORE Grant	1,639			-	1,639	-
251	Traffic Safety	167,065	355		-	167,420	355
252	Asset Forfeiture	12,901			-	12,901	-
254	Vehicle Theft Deterrent	28,927			-	28,927	-
261	Traffic Congestion Relief	88,854			-	88,854	-
264	Safe Routes to School	(53,994)		101,507	-	(155,501)	(101,507)
274	Park Grant	146			-	146	-
291	Beverage Recycling Grant	14,996			-	14,996	-
294	Transportation	388,696	4,051	49,939	-	342,808	(45,888)
298	Workforce Grant	(16,804)			-	(16,804)	-
299	After School Program	169,890	32,973	35,579	-	167,284	(2,606)
311	STBG 700 Housing		1,828		(1,828)	-	-
313	STBG-96-1043 Housing and P	(29,070)	2,181		(2,181)	(29,070)	-
321	EDBG 99-688 Buckhorn		4,351		(4,351)	-	-
351	RLF Housing Rehabilitation	67,634			1,022	68,656	1,022
352	RLF Affordable Housing	113,193			1,533	114,728	1,533
355	RLF Small Business	212,274			5,805	218,079	5,805
356	RLF HOME Program	72,510			-	72,510	-
411	Street Impact Fee	1,110,686			-	1,110,686	-
412	Storm Drain Impact Fee	173,378			-	173,378	-
413	Parks & Recreation Impact	728,878			-	728,878	-
414	Public Safety Impact Fee	245,832		19,402	-	226,430	(19,402)
415	Fire Impact Fee	166,733		19,403	-	147,330	(19,403)
416	General Facilities Impact	235,761			-	235,761	-
417	Water Impact Fee	557,519			-	557,519	-
418	Sewer Impact Fee	(194,795)			-	(194,795)	-
421	General Fund Capital	529,525			-	529,525	-
422	Landfill Capital	357,556			-	357,556	-
424	Parks and Recreation Capit	151,208			-	151,208	-
427	Equipment Replacement Fund	447,566		29,558	-	418,008	(29,558)
429	Service Reserve Fund	555,747			(55,747)	500,000	(55,747)
481	General Plan 1992	(576,411)			536	(575,875)	536
482	Flood Control Study	(123,757)			-	(123,757)	-
492	RAJA Storm Drain	27,302			-	27,302	-
494	CARF	64,460	2,335	7,938	-	58,857	(5,603)
495	Monitoring Fee		536		(536)	-	-
496	Storm Drain Non-Flood	224			-	224	-
501	General Debt Service	53,860			-	53,860	-
611	Water O & M	665,276	227,015	151,281	-	741,010	75,734
612	Water Reserve	56,160	1,046		-	57,206	1,046
615	2007 Water Bonds	(200,355)		7,265	2,940,339	2,732,719	2,933,074
616	Water Conservation	14,076			-	14,076	-
617	Water Meter Fund	6,913	1,855		-	8,768	1,855
619	Water Debt Service	121,016			(2,940,339)	(2,819,322)	(2,940,339)
621	Sewer O & M	2,445,554	256,420	181,752	-	2,520,222	74,668
626	2007 Sewer Bonds	(40,511)		6,935	3,472,351	3,424,905	3,465,416
629	Sewer Debt Service	143,186			(3,472,351)	(3,329,165)	(3,472,351)
651	Central Service Overhead	1,513		(3,488)	-	5,001	3,488
701	Community Redevelopment	2,883,090		735,966	-	2,147,124	(735,966)
702	RDA Project Area	1,589,207		64,030	-	1,525,177	(64,030)
703	2007 Bond Project Fund	9,228,153			-	9,228,153	-
711	Community Redevelopment LI	675,569		256,340	-	419,229	(256,340)
712	RDA Housing Project Area	1,363,129			-	1,363,129	-
713	2007 LIH Bond Projects	1,504,148		26	-	1,504,122	(26)
751	Community Redevelopment LT	1,025,974	11,444		-	1,037,418	11,444
821	Winters Library	491,704			-	491,704	-
831	Winters Library	62,226	52,910	46,927	-	68,209	5,983
911	General Fixed Assets	4,543,056			-	4,543,056	-
	Total Fund Balance	\$35,092,928	\$877,045	\$ 2,568,327	\$ (0)	\$33,401,646	\$(1,691,282)

City of Winters
Cash and LAIF Balances
As of September 30, 2008

Fund	Description	Balance	
		6/30/2008	9/30/2008
101	General Fund	\$ 2,645,810	\$ 2,313,901
201	Fire Prevention Grant	2,097	2,097
208	First Time Homebuyer	80,360	80,984
211	City Wide Assessment	57,095	103
212	Flood Assessment District	3,643	3,671
221	Gas Tax	(22,702)	16,928
223	PERS Trust Fund	62,415	64,141
231	State COPS 1913	61,679	17,335
243	COPS MORE Grant	1,626	1,639
251	Traffic Safety	171,395	167,420
252	Asset Forfeiture	12,805	12,901
254	Vehicle Theft Deterrent	28,704	28,927
261	Traffic Congestion Relief	88,169	88,854
264	Safe Route to School Grant	(51,223)	(155,500)
274	Park Grant	146	146
291	Beverage Recycling Fund	15,631	14,996
294	Transportation(Including Bus S	417,339	342,808
298	Workforce Grant	(16,804)	(16,804)
299	After School Program	186,789	167,806
351	RLF Housing Rehab	55,566	57,013
352	RLF First Time Homebuyer	95,095	97,301
355	RLF Small Business	210,691	218,079
356	RLF-HOME Program	71,952	72,510
411	Street Impact Fee	1,007,515	1,015,686
412	Storm Impact Fee	142,274	143,378
413	Parks and Recreation Impact Fe	723,265	728,878
414	Police Impact Fee	262,470	234,738
415	Fire Impact Fee	183,981	152,790
416	General Facilities Impact Fee	233,946	235,761
417	Water Impact Fee	553,226	557,519
418	Sewer Impact Fee	220,055	221,762
421	General Fund Capital	525,447	529,525
422	Landfill Capital	358,467	357,556
424	Parks and Recreation Capital	150,045	151,208
427	Capital Equipment Fund	462,286	418,008
429	Service Reserve	551,467	500,000
481	General Plan 1992 Study	(576,411)	(575,875)
482	Flood Control Study	1,233	1,243
492	RAJA Storm Drain	36,606	36,891
494	Capital Asset Recovery Fee	63,977	58,857
496	Storm Drain Non-Flood	223	224
501	General Debt Service	53,730	53,858
502	General LTD	2	2
611	Water O & M	398,486	455,575
612	Water Reserve	53,828	56,319
615	07 Water Bonds	(3,434,461)	(513,672)
616	Water Conservation	13,967	14,076
617	Water Meter	10,093	12,008
621	Sewer O & M	474,094	528,330
626	07 Sewer Bonds	(3,564,338)	(98,921)
651	Central Services	17,460	950
701	Redevelopment	2,885,929	2,129,375
702	2004 Bond Proceeds	1,630,059	1,545,768
703	2007 Bond Proceeds	9,157,398	9,228,153
711	RDA Low Income Housing	681,143	439,500
712	RDA 2004 LIH Bond Proceeds	1,354,133	1,363,129
713	2007 LIH Bond Proceeds	1,500,804	1,484,426
751	Redevelopment LTD	19,073	472,473
821	Winters Library	487,918	491,704
831	Swim Team	62,546	68,330
	Total Cash	<u>\$20,880,214.00</u>	<u>\$26,096,788.00</u>



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: December 16, 2008
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Shelly A. Gunby, Director of Financial Management
SUBJECT: Investment Report for October 2008

A handwritten signature in cursive script, appearing to read "Shelly", written in black ink.

RECOMMENDATION:

The City Council receive and file the City of Winters monthly investment report for October 2008.

BACKGROUND:

The City of Winters financial policy requires at minimum, quarterly investment earnings reports. The attached report shows the earnings October 2008 as well as the year to date investment earnings. The City of Winters is invested in Local Agency Investment Funds (LAIF), a savings account at our local First Northern Bank, a Guaranteed Investment Contract for 2004 Tax Allocation Bond Reserve, and receives interest payments on the various CDBG and EDBG funded loans made to residents and businesses within the City of Winters. The investment earnings for October reflect investment earnings from the CDBG and EDBG funded loans as well as the investment earnings from the LAIF.

FISCAL IMPACT:

None.

City of Winters
Investment Earnings
As of October 31, 2008

Fund	Description	October Earnings	Year to Date Earnings
101	GENERAL FUND	\$ 11,513	\$ 11,513
208	FIRST TIME HOMEBUYER	565	565
212	FLOOD ASSESSMENT DISTRICT	26	26
223	PERS TRUST FUND	448	448
231	STATE COPS 1913	115	115
243	COPS MORE GRANT	11	11
251	TRAFFIC SAFTEY	1,168	1,168
252	ASSET FORFEITURE	90	90
254	VEHICLE THEFT DETERRENT	202	202
291	BEVERAGE RECYCLE GRANT	104	104
294	TRANSPORTATION/BUS	3,013	3,013
299	AFTER SHCOOL PROGRAM	1,171	1,171
311	STBG-700	18	83
313	STBG 96-1043	69	286
321	EDBG 99-688	748	3,040
351	RLF HOUSING REHAB	398	398
352	RLF AFFORDABLE HOUSING	679	679
355	RLF SMALL BUSINESS	1,522	1,522
356	RLF HOME PROGRAM	506	506
411	STREET IMPACT FEE	7,089	7,089
412	STORM IMPACT FEE	1,001	1,001
413	PARKS & REC IMPACT FEE	5,087	5,087
414	POLICE IMPACT FEE	1,634	1,634
415	FIRE IMPACT FEE	1,061	1,061
416	GENERAL FACILITY IMPACT FEE	1,646	1,646
417	WATER IMPACT FEE	3,891	3,891
418	SEWER IMPACT FEE	1,548	1,548
421	GENERAL FUND CAPITAL	3,696	3,696
422	LANDFILL CAPITAL	2,493	2,493
424	PARKS & REC CAPITAL	1,055	1,055
427	EQUIPMENT REPLACEMENT FUND	2,918	2,918
429	SERVICE RESERVE	3,490	3,490
482	FLOOD CONTROL STUDY	9	9
492	RAJA STORM DRAIN	257	257
494	CARF	411	411
496	STROM DRAIN NON-FLOOD	2	2
501	GENERAL DEBT SERVICE	376	376
611	WATER O & M	2,094	2,094
612	WATER RESERVE	385	385
616	WATER CONSERVATION	98	98
621	SEWER O & M	2,813	2,813
701	REDEVELOPMENT	14,831	14,831
702	RDA PROJECT AREA	12,876	12,876
703	2007 BOND PROJECT FUND	64,564	64,564
711	REDEVELOPMENT LIH	3,067	3,067
712	RDA LIH PROJECT AREA	8,948	8,948
713	2007 LIH BOND PROJECT	10,510	10,510
751	REDEVELOPMENT LTD		11,444
821	WINTERS LIBRARY	3,432	3,432
831	SWIM TEAM	477	477
	Total Invetment Earnings	<u>\$184,125</u>	<u>\$ 198,143</u>



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: December 16, 2008
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Shelly A. Gunby, Director of Financial Management
SUBJECT: Treasurer Report for October 2008

A handwritten signature in cursive script, appearing to read "Shelly", written in black ink.

RECOMMENDATION:

The City Council receives and file the City of Winters Treasurer's Report October 2008

BACKGROUND:

The City of Winters financial policy requires monthly reports regarding receipts, disbursements and fund balances be submitted to the City Council for review, the reports for the month of October 2008 are before you.

General Fund:

General Fund revenues are 14% of budgeted. The following items affect how the cash flows into the general fund.

- The first installment of Property tax will be received in January 2009..
- The first installment of Property tax in lieu of sales tax will be received in January 2009.
- The first installment of Property tax in lieu of VLF will be received in January 2009.
- Sales and Use Taxes are remitted to the City two (2) months after they are received by the State Board of Equalization.
- Municipal Services Tax collections are 33% of budgeted.
- Building permit fees collected are 15% of budgeted.

General Fund Expenditures are 28% of the budgeted expenditures.

Other Funds:

Fund 211 City Wide Assessment District: Expenditures are 30% of budgeted and the first installment of the City Wide Assessment fee will be received from the county in January 2009.

Fund 221 Gas Tax: Expenditures are 33% of budgeted.

Fund 231 State COPS: Expenditures are 30% of budgeted.

Funds 701 Redevelopment Non-Housing Tax Increment and 711 Redevelopment Housing Tax Increment: The first installment on property taxes will be received in January 2009. Expenditures are 18% of budget for the Community Development

Agency Increment fund . The Low income housing expenditures are 53% of budgeted.

Fund 611 Water Fund: Revenues are 33% of budget, and Expenditures are 30% of budgeted, this is due to the implementation of capital projects for the water system.

Fund 621 Sewer The Sewer O & M fund expenditures are 28% of budgeted while revenues are 34% of budgeted. .

FISCAL IMPACT:

None

City of Winters
Summary of Revenues
July 1, 2008 through October 31, 2008

Percent of Year Completed 33%

Fund	Description	Budget FY 08-09	October Actual	Year to Date Actual YTD	Difference	% of Budget Received
101	General Fund	\$ 3,296,100	\$161,981	\$ 474,928	\$ 2,821,172	14%
106	Monitoring Fee	3,023	565	565	2,458	19%
201	Fire Prevention Grant		15	15	(15)	
211	City Wide Assessment	272,906			272,906	
212	Flood Assessment District	137	26	26	111	19%
221	Gas Tax	130,509	9,609	30,153	100,356	23%
223	PERS Trust Fund	1,936	448	448	1,488	23%
231	State COPS AB1913	107,384	115	115	107,269	
243	'96 COPS MORE Grant		11	11	(11)	
251	Traffic Safety	11,678	1,798	2,153	9,525	18%
252	Asset Forfeiture	750	90	90	660	12%
254	Vehicle Theft Deterrent	900	202	202	698	22%
261	Traffic Congestion Relief	3,317	17,222	17,222	(13,905)	519%
291	Beverage Recycling	5,502	104	104	5,398	2%
294	Transportation	336,547	(1,038)	3,013	333,534	1%
298	Workforce Grant	425,000			425,000	
311	STBG 700 Housing	5,765	660	2,488	3,277	43%
313	STBG 96-1043 Housing & Public W	7,645	727	2,908	4,737	38%
321	EDBG 99-688 Buckhorn	16,168	1,450	5,801	10,367	36%
351	RLF Housing Rehab	6,393	662	1,684	4,709	26%
352	RLF Affordable Housing	8,980	1,075	2,608	6,372	29%
355	RLF Small Business	22,546	3,699	9,504	13,042	42%
356	RLF HOME Program		506	506	(506)	
411	Street Impact Fee	1,160,355	7,089	7,089	1,153,266	1%
412	Storm Drain Impact Fee	9,444	1,001	1,001	8,443	11%
413	Parks & Recreation Impact Fee	288,667	5,087	5,087	283,580	2%
414	Public Safety Impact Fee	345,991	1,634	1,634	344,357	
415	Fire Impact Fee	230,748	1,061	1,061	229,687	
416	General Facilities Impact Fee	323,426	1,646	1,646	321,780	1%
417	Water Impact Fee	657,622	3,891	3,891	653,731	1%
418	Sewer Impact Fee	536,254	1,548	1,548	534,706	
421	General Fund Capital	20,633	3,696	3,696	16,937	18%
422	Landfill Capital	14,155	2,493	2,493	11,662	18%
424	Parks & Recreation Capital	1,485	1,055	1,055	430	71%
427	Capital Equipment	17,856	9,046	9,046	8,810	51%
429	Service Reserve Fund	26,814	3,490	3,490	23,324	13%
481	General Plan 1992	134,883		536	134,347	
482	Flood Control Study	46	9	9	37	20%
492	RAJA Storm Drain	1,374	257	257	1,117	19%
494	CARF	2,679	1,216	3,551	(872)	133%
495	Monitoring Fee	134,883	(536)		134,883	
496	Storm Drain Non-Flood	8	2	2	6	25%
501	General Debt Service	2,745	376	376	2,369	14%
611	Water O & M	932,712	77,208	304,223	628,489	33%
612	Water Reserve	2,000	2,496	3,542	(1,542)	177%
616	Water Conservation		98	98	(98)	
617	Water Meter Fund		1,654	3,509	(3,509)	
621	Sewer O & M	1,018,331	87,774	344,194	674,137	34%
651	Centrak Service Overhead		4,585	4,585	(4,585)	
701	Community Redevelopment	1,729,956	14,831	14,831	1,715,125	1%
702	RDA Project Area Fund	25,000	12,876	12,876	12,124	52%
703	2007 Bond Project Fund	350,000	79,561	79,561	270,439	23%
711	Community Redevelopment LIH	435,938	3,067	3,067	432,871	1%
712	RDA Housing Project Area	80,221	8,948	8,948	71,273	11%
713	2007 LIH Bond Project Fund		10,510	10,510	(10,510)	
751	Community Redevelopment LTD	280		11,444	(11,164)	999%
821	Winters Library	18,357	3,432	3,432	14,925	19%
831	Swim Team	65,710	1,080	53,990	11,720	82%
	Total Revenues	\$13,231,759	\$552,108	\$ 1,460,822	\$ 11,770,937	11%

City of Winters
General Fund Revenues
July 1, 2008 through October 31, 2008

Account	Description	Budget FY 08-09	Percent of Year Completed		33%
			October Actual	Year to Date Actual	% of Budget Received
101-41101	Property Tax	\$ 795,519			
101-41102	Property Tax in Lieu of Sales Tax	92,250			
101-41103	Property Tax in Lieu of VLF	536,945			
101-41401	Sales & Use Tax	276,750	21,600	59,740	22%
101-41402	Prop 172	25,000			0%
101-41403	Franchise Fee	213,738	42,585	42,585	20%
101-41404	Property Transfer Tax	11,000			0%
101-41405	Utility Tax	378,000	38,122	110,885	29%
101-41406	Municipal Services Tax	284,760	23,750	94,990	33%
101-41408	TOT Tax	3,200	1,369	1,369	43%
101-46101	Building Permit Surcharge		(26)		
101-41407	Business Licenses	26,285	610	3,750	14%
101-46102	Building Permits	127,646	6,533	19,344	15%
101-46103	Encroachment Permit	1,000		500	50%
101-46104	Other Licenses & Permits	59,356	1,105	7,338	12%
101-41507	Motor Vehicle in Lieu	51,000	573	8,855	17%
101-41509	Homeowners Property Tax Relief	17,511			0%
101-48106	Post Reimbursement	5,500	954	954	17%
101-41511	Off-Highway Motor Vehicle				
101-42102	Copy Fees	150		12	8%
101-42103	Plan Check Fees	52,881	169	2,377	4%
101-42104	Planning Application Fees	2,040	6,296	8,296	407%
101-42105	Sales of Maps and Publications	150			0%
101-42107	Project Monitoring Fees		757	1,874	
101-42108	Police Reports	818	48	110	13%
101-42109	Fingerprint Fees	2,862	350	1,089	38%
101-42111	Towing/DUI Reimbursement	2,000	161	661	33%
101-42112	Ticket Sign Off Fees	250	20	110	44%
101-42201	Recreation Fees	9,000		2,065	23%
101-42203	Youth Drama Revenues	4,000			0%
101-42205	Basketball Revenues	4,700			0%
101-42211	Pool Ticket Sales	2,000			0%
101-42213	Pool Proceeds			504	
101-42215	Swim Passes	4,000	720	5,725	143%
101-42216	Swim Lessons	600		850	142%
101-42218	Swim Team Reimbursement	20,000			0%
101-42219	Life Guard Classes	900			0%
101-42301	Park Rental	850	45	260	31%
101-42302	Library Hall Rental	800	223	491	61%
101-42303	Community Center Rental	24,000	1,310	6,620	28%
101-42304	Community Center Insurance Collected	2,500			0%
101-44101	Rents/Leases Revenues	40,888	3,106	12,392	30%
101-43110	Fines-No Building Permits	750	495	990	132%
101-44102	Interest Earnings	98,131	11,513	11,513	12%
101-46106	Reinspect Fee			158	
101-49101	Contributions			2,164	
101-49102	Reimbursements/Refunds		(740)	772	
101-49104	Miscellaneous Revenues	20,000	173	9,034	45%
101-49106	Cash Over/Short			366	
101-49108	Commissions on Coke Machine	100			0%
101-49901	PEERS Asset Transfer	66,456			0%
101-49111	Fireworks Contributions	3,000			0%
101-49999	Interfund Operating Transfer	26,814		55,747	208%
	Total General Fund Revenues	\$3,296,100	\$161,821	\$ 474,490	14%

City of Winters
 Summary of Expenditures
 July 1, 2008 through October 31, 2008

% of Year Completed 33%

Fund	Fund Description	Budget FY 08-09	October Actual	Year to Date Actual	Budget Remaining	% of Budget Spent
101	General Fund Expenditures by Department					
110	City Council	\$ 3,652	\$ 33	\$ 81	\$ 3,571	2%
120	City Clerk	14,867	594	6,910	7,957	46%
130	City Treasurer	343	29	117	226	34%
160	City Manager	35,441	2,598	11,230	24,211	32%
170	Administrative Services	175,169	12,366	48,921	126,248	28%
180	Finance	2,830	209	868	1,962	31%
210	Police Department	1,802,900	151,431	518,157	1,284,743	29%
310	Fire Department	409,872	1,430	1,870	408,002	
410	Community Development	376,989	46,245	158,846	218,143	42%
420	Building Inspections	100,646	7,691	31,090	69,556	31%
610	Public Works-Administration	307,478	15,968	89,420	218,058	29%
710	Recreation	128,407	8,006	55,462	72,945	43%
720	Community Center	85,618	7,781	28,663	56,955	33%
730	Swimming Pool	77,533	7,834	35,093	42,440	45%
	Total General Fund Expenditure	\$ 3,521,745	\$262,215	\$ 986,728	\$ 2,535,017	28%
211	City Wide Assessment	272,883	27,047	82,371	190,512	30%
221	Gas Tax Fund	97,846	7,119	32,213	65,633	33%
223	PERS Trust Fund	66,456			66,456	
231	State COPS 1913	222,864	14,763	66,401	156,463	30%
261	Traffic Congestion Relief	18,500	85,071	85,071	-66,571	60%
264	Safe Routes to School	110,015	81,966	183,472	-73,457	67%
291	Beverage Recycling Grant	5,000	200	200	4,800	4%
294	Transportation	158,444	-46,439	3,501	154,943	2%
299	After School Program	367,278	27,881	63,460	303,818	17%
311	STBG 700 Housing Rehab	5,766	660	2,488	3,278	43%
313	STBG 96-1043 Housing & Public W	7,645	727	2,908	4,737	38%
321	EDBG 99-688 Buckhorn	16,168	1,450	5,801	10,367	36%
411	Street Impact Fee	68,675			68,675	
412	Storm Drain Impact Fee	50,000			50,000	
414	Public Safety Impact Fee	303,446	12,408	31,810	271,636	10%
415	Fire Impact Fee	223,292	12,408	31,811	191,481	14%
416	General Facility Impact Fee	322,677			322,677	
417	Water Impact Fee	750,000			750,000	
418	Sewer Impact Fee	10,000			10,000	
422	Landfill Capital	66,300			66,300	
424	Parks & Recreation Capital	400,000			400,000	
427	Equipment Replacement Fund	31,600		29,558	2,042	94%
429	Service Reserve	26,814		55,747	-28,933	8%
494	CARF			7,938	-7,938	
495	Monitoring Fee	134,807		536	134,271	
611	Water O & M	741,774	71,377	222,659	519,115	30%
615	07 Water Bonds	1,716,690	65,338	72,603	1,644,087	4%
621	Sewer O & M	933,722	77,704	259,456	674,266	28%
626	2007 Sewer Bond		2,817	9,752	-9,752	
651	Central Service Overhead		9,586	6,098	-6,098	
701	Community Redevelopment	4,425,864	49,308	785,273	3,640,591	18%
702	RDA Project Area Fund H	1,797,955	80,592	144,622	1,653,333	8%
703	2007 Bond Project Fund	8,152,000			8,152,000	
711	Community Redevelopment LIH	523,109	21,191	277,531	245,578	53%
712	LIH Bond Proceeds	1,340,270			1,340,270	
713	2007 LIH Bond Project Fund	1,446,935		26	1,446,909	
831	Swim Team	72,777	851	47,778	24,999	66%
	Total Expenditures	\$28,409,317	\$866,240	\$3,497,812	\$24,911,505	12%

City of Winters
Fund Balances Report
Fund Balance as Of October 31, 2008

Fund	Description	Audited		Current Year Expenditures	Transfers In/(Out)	Ending Fund Balance	Change From 6/30/2008
		Fund Balance 6/30/2008	Current Year Revenues				
101	General Fund	2,458,976	419,181	989,527	55,747	1,944,377	(514,599)
201	Fire Prevention Grant	2,097	15	-	-	2,112	15
208	First Time Homebuyer	80,984	565	-	-	81,549	565
211	City Wide Assessment	70,253	-	82,371	-	(12,118)	(82,371)
212	Flood Assessment District	3,671	26	-	-	3,697	26
221	Gas Tax	21,477	30,153	32,213	-	19,417	(2,060)
223	PERS Trust Fund	64,141	448	-	-	64,589	448
231	State COPS 1913	62,114	115	66,401	-	(4,172)	(66,286)
243	'96 COPS MORE Grant	1,639	11	-	-	1,650	11
251	Traffic Safety	167,065	2,153	-	-	169,218	2,153
252	Asset Forfeiture	12,901	90	-	-	12,991	90
254	Vehicle Theft Deterrent	28,927	202	-	-	29,129	202
261	Traffic Congestion Relief	88,854	17,222	85,071	-	21,005	(67,849)
264	Safe Routes to School	(53,994)	-	183,472	-	(237,466)	(183,472)
274	Park Grant	146	-	-	-	146	-
291	Beverage Recycling Grant	14,996	104	200	-	14,900	(96)
294	Transportation	388,696	3,013	3,501	-	388,208	(488)
298	Workforce Grant	(16,804)	-	-	-	(16,804)	-
299	After School Program	169,890	39,944	63,460	-	146,374	(23,516)
311	STBG 700 Housing	-	2,488	-	(2,488)	-	-
313	STBG-96-1043 Housing and P	(29,070)	2,908	-	(2,908)	(29,070)	-
321	EDBG 99-688 Buckhorn	-	5,801	-	(5,801)	-	-
351	RLF Housing Rehabilitation	67,634	398	-	1,286	69,318	1,684
352	RLF Affordable Housing	113,195	679	-	1,929	115,803	2,608
355	RLF Small Business	212,274	1,522	-	7,982	221,778	9,504
356	RLF HOME Program	72,510	506	-	-	73,016	506
411	Street Impact Fee	1,110,686	7,089	-	-	1,117,775	7,089
412	Storm Drain Impact Fee	173,378	1,001	-	-	174,379	1,001
413	Parks & Recreation Impact	728,878	5,087	-	-	733,965	5,087
414	Public Safety Impact Fee	245,832	1,634	31,810	-	215,656	(30,176)
415	Fire Impact Fee	166,733	1,061	31,811	-	135,983	(30,750)
416	General Facilities Impact	235,761	1,646	-	-	237,407	1,646
417	Water Impact Fee	557,519	3,891	-	-	561,410	3,891
418	Sewer Impact Fee	(194,795)	1,548	-	-	(193,247)	1,548
421	General Fund Capital	529,525	3,696	-	-	533,221	3,696
422	Landfill Capital	357,556	2,493	-	-	360,049	2,493
424	Parks and Recreation Capit	151,208	1,055	-	-	152,263	1,055
427	Equipment Replacement Fund	447,566	9,046	29,558	-	427,054	(20,512)
429	Service Reserve Fund	555,747	3,490	-	(55,747)	503,490	(52,257)
481	General Plan 1992	(576,411)	-	-	536	(575,875)	536
482	Flood Control Study	(123,757)	9	-	-	(123,748)	9
492	RAJA Storm Drain	27,302	257	-	-	27,559	257
494	CARF	64,460	3,551	7,938	-	60,073	(4,387)
495	Monitoring Fee	-	-	-	(536)	(536)	(536)
496	Storm Drain Non-Flood	224	2	-	-	226	2
501	General Debt Service	53,860	376	-	-	54,236	376
611	Water O & M	665,276	304,223	222,659	-	746,840	81,564
612	Water Reserve	56,160	3,542	-	-	59,702	3,542
615	2007 Water Bonds	(200,355)	-	72,603	2,940,339	2,667,381	2,867,736
616	Water Conservation	14,076	98	-	-	14,174	98
617	Water Meter Fund	6,913	3,509	-	-	10,422	3,509
619	Debt Service Water	121,016	-	-	(2,940,339)	(2,819,323)	(2,940,339)
621	Sewer O & M	2,445,554	344,194	259,456	-	2,530,292	84,738
626	2007 Sewer Bonds	(40,511)	-	9,752	3,472,351	3,422,088	3,462,599
629	Debt Service Sewer	143,186	-	-	(3,472,351)	(3,329,165)	(3,472,351)
651	Central Service Overhead	1,513	4,585	6,098	-	-	(1,513)
701	Community Redevelopment	2,883,090	14,831	785,273	-	2,112,648	(770,442)
702	RDA Project Area	1,589,207	12,876	144,622	-	1,457,461	(131,746)
703	2007 Bond Project Fund	9,228,153	79,561	-	-	9,307,714	79,561
711	Community Redevelopment LI	675,569	3,067	277,531	-	401,105	(274,464)
712	RDA Housing Project Area	1,363,129	8,948	-	-	1,372,077	8,948
713	2007 LIH Bond Projects	1,504,148	10,510	26	-	1,514,632	10,484
751	Community Redevelopment LT	1,025,974	11,444	-	-	1,037,418	11,444
821	Winters Library	491,704	3,432	-	-	495,136	3,432
831	Winters Library	62,226	53,990	47,778	-	68,438	6,212
911	General Fixed Assets	4,543,056	-	-	-	4,543,056	-
	Total Fund Balance	\$35,092,928	\$ 1,433,286	\$-	\$ 3,433,131	\$ 33,093,083	\$ (1,999,845)

City of Winters
Cash and LAIF Balances
As of October 31, 2008

Fund	Description	Balance	Balance
		6/30/2008	10/31/2008
101	General Fund	\$ 2,645,810	\$ 2,085,219
201	Fire Prevention Grant	2,097	2,112
208	First Time Homebuyer	80,360	81,549
211	City Wide Assessment	57,095	(24,337)
212	Flood Assessment District	3,643	3,697
221	Gas Tax	(22,702)	19,417
223	PERS Trust Fund	62,415	64,588
231	State COPS' 1913	61,679	(4,172)
243	COPS MORE Grant	1,626	1,650
251	Traffic Saftay	171,395	169,217
252	Asset Forfeiture	12,805	12,991
254	Vehicle Theft Deterrent	28,704	29,129
261	Traffic Congestion Relief	88,169	21,004
264	Safe Route to School Grant	(51,223)	(237,466)
274	Park Grant	146	146
291	Beverage Recycling Fund	15,631	14,900
294	Transportation(Including Bus S	417,339	388,208
298	Workforce Grant	(16,804)	(16,804)
299	After School Program	186,789	134,634
351	RLF Housing Rehab	55,566	57,675
352	RLF First Time Homebuyer	95,095	98,376
355	RLF Small Business	210,691	221,779
356	RLF-HOME Program	71,952	73,016
411	Street Impact Fee	1,007,515	1,022,775
412	Storm Impact Fee	142,274	144,378
413	Parks and Recreation Impact Fe	723,265	733,965
414	Police Impact Fee	262,470	217,079
415	Fire Impact Fee	183,981	134,559
416	General Facilities Impact Fee	233,946	237,407
417	Water Impact Fee	553,226	561,411
418	Sewer Impact Fee	220,055	223,310
421	General Fund Capital	525,447	533,221
422	Landfill Capital	358,467	360,049
424	Parks and Recreation Capital	150,045	152,263
427	Capital Equipment Fund	462,286	427,053
429	Service Reserve	551,467	503,490
481	General Plan 1992 Study	(576,411)	(575,875)
482	Flood Control Study	1,233	1,252
492	RAJA Storm Drain	36,606	37,148
494	Captial Asset Recovery Fee	63,977	60,073
495	Monitoring Fee		(536)
496	Storm Drain Non-Flood	223	226
501	General Debt Service	53,730	54,234
502	General LTD	2	2
611	Water O & M	398,486	462,031
612	Water Reserve	53,828	57,577
615	07 Water Bonds	(3,434,461)	(65,338)
616	Water Conservation	13,967	14,174
617	Water Meter	10,093	13,662
621	Sewer O & M	474,094	542,381
626	07 Sewer Bonds	(3,564,338)	(3,696)
651	Central Services	17,460	
701	Redevelopment	2,885,929	2,090,596
702	2004 Bond Proceeds	1,630,059	1,478,052
703	2007 Bond Proceeds	9,157,398	9,307,714
711	RDA Low Income Housing	681,143	416,504
712	RDA 2004 LIH Bond Proceeds	1,354,133	1,372,077
713	2007 LIH Bond Proceeds	1,500,804	1,492,896
751	Redevelopment LTD	19,073	472,473
821	Winters Library	487,918	495,136
831	Swim Team	62,546	68,438
	Total Cash	\$ 20,880,214	\$ 26,238,689