



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, March 3, 2009,
6:30 p.m.

**** (Please note time change due to Executive Session) ****

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*

EXECUTIVE SESSION

Real Estate Negotiation Per Government Code Section 54956.8
Regarding the McClish Property

Personnel Matters as per Government Code Section 54957

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

CITY MANAGER REPORT

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 Tuesday, February 17, 2009 (pp 1-5)
- B. Adoption of Resolution 2009-07, Budget Adjustment in the Amount not to exceed \$25,000.00 for the purchase of an Office Trailer to be Located at the Corporation Yard for the new Public Works Operations Manager, a Used Forklift, and Installation of Key Lock System @ City Gas Pump (pp 6-8)
- C. Approval to purchase an Allen Bradley 100 HP Variable Frequency Drive (VFD) to be installed at Well 4, by ZSI, Inc. With the Cost of Materials and Labor not to Exceed \$15,903.23 (pp 9-13)
- D. Adopt Resolution 2009-08 Committing CDBG Program Income to the Almondwood Apartment Acquisition and Rehabilitation Program (pp 14-15)

PRESENTATIONS

Proclamation of the City Council of the City of Winters Declaring March 2009 "Women's History Month" for "Women Taking the Lead to Save Our Planet: Then and Now" (pp 16-17)

Southwest Water Company Presentation

Chickahominy Creek Conservation Area Project Informational Presentation

DISCUSSION ITEMS

1. Approve Consultant Services Agreement between the City of Winters and Callander Associates Landscape Architecture, Inc. for Design Services Associated with the Putah Creek Bridge North Bank Improvements, Project No. 09-01 (Federal Project No. HPLUL-5110(024) (pp 18-41)
2. Appeal by Nicholas and Catherine Jimenez of the Planning Commission's Decision on January 27, 2009, Approving the Site Plan/Design Review and Adopting the Initial Study/Mitigated Negative Declaration for the Orchard Village Project (pp 42-63)
3. Winters Historical Photo Collection Exhibit – Donation (pp 64-66)

COMMUNITY DEVELOPMENT AGENCY

1. Railroad Avenue Sidewalk Construction (pp 67-68)

INFORMATION ONLY

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the March 3, 2009, 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 February 26, 2009, and made available to the public during normal business hours.

Nancy Jensen, Admin Asst. to Nanci Mills, City Clerk
Nanci G. Mills, City Clerk

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

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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
Held on Tuesday, February 17, 2009

Mayor Michael Martin called the meeting to order at 7:30 p.m. Those present were Council Members Harold Anderson, Woody Fridae, Tom Stone and Mayor Michael Martin. Also present were City Manager John Donlevy, City Attorney John Wallace, Chief of Police Bruce Muramoto, Police Sergeant Sergio Gutierrez, Police Officers Jose Ramirez and Matthew Martin, Community Development Director Nelia Dyer, Public Works Operations Manager Eric Lucero, Environmental Services Manager Carol Scianna, Associate Elliot Landes, and City Clerk Nanci Mills. Absent was Council Member Cecilia Aguiar-Curry.

The Pledge of Allegiance was led by Police Officer Matthew Martin.

Approval of Agenda: City Manager Donlevy requested that Discussion Item #1, Winters Historical Photo Collection Exhibit, be tabled and CDA Item #1, Downtown Visitors Center, be moved to the March 3, 2009 City Council agenda. Council Member Stone made a motion to approve the agenda with the specified changes. Seconded by Council Member Anderson. Motion carried unanimously, with Council Member Aguiar-Curry absent.

COUNCIL/STAFF COMMENTS

Council Member Stone noted the AMGEN Tour event on Sunday, February 15th went well. Council Member Fridae also complimented the Police Department for coordinating with other law enforcement agencies during the AMGEN tour. He also requested, with permission of the Council, to adjourn tonight's meeting in memory of Winters resident Andres Bermudez. Mayor Martin recently attended a meeting of the Yolo Solano Air Quality Management District, who will once again be promoting a \$200 Electric Power Mower Rebate program. Details will be available at City Hall.

City Manager Donlevy thanked staff members Dan Maguire, Nanci Mills, Shelly Gunby, Carol Scianna and the entire public works crew for their assistance with the AMGEN tour. He also noted that several businesses within the City came together for the event.

PUBLIC COMMENTS

Rory Linton of Cody's Deli & Catering read a statement to Council, indicating they had received a Utility User's Tax (UUT) rebate of \$150 based on six months of UTT collected due to the new UUT law that went into effect 6/3/08, yet the Finance Department based their calculations on the entire year of maximum collections at \$300. He thought only six months @ \$150 should have been used in the calculation since the rebate was based on 6 months of their utilities. He requested the additional \$150 be rebated.

He asked if all of the utility companies had been notified of the new tax rate and if everyone was eligible for the rebate? Are businesses being discriminated against? He requested documentation. He also questioned why the UUT on their utility bill still reads 5% and not 4.75%, as the rate changed effective 6/3/08.

Theresa Linton of Cody's Deli & Catering indicated \$1,500-\$3,000 is a lot for them and asked if a tiered cap might be possible. Winters is a small community and she wants to stay positive and asked the Council to be fair to everyone.

The Council concurred to have this item brought back as a discussion item at a future City Council meeting.

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the City of Winters City Council Held on Tuesday, January 20, 2009
- B. Yolo County General Plan Comment Letter- County Rd 31, Sphere of Influence and Agricultural/Industrial Development
- C. Job Classification and Salary Schedule

City Manager Donlevy gave a brief overview. Council Member Fridae made a motion to approve the consent calendar. Seconded by Council Member Stone. Motion carried unanimously, with Council Member Aguiar-Curry absent.

PRESENTATIONS

Chief of Police Bruce Muramoto welcomed those present while City Clerk Nanci Mills performed the ceremony to swear-in Police Officer Matthew Martin, Badge #535.

DISCUSSION ITEMS

1. **Winters Historical Photo Collection Exhibit – Donation**

City Manager Donlevy requested that this item be tabled.

2. Water Conservation Program

City Manager Donlevy gave a brief overview and introduced Associate Elliot Landes, who reviewed the various methods to educate residents and encourage water conservation. The City Council concurred, authorizing staff to begin a city-wide water conservation program.

3. Introduction and Waive First Reading of the Proposed Ordinance 2009-02 – Adding Chapter 17.116 to Winters Municipal Code Pertaining to Sidewalk Cafes

Community Development Director Nellie Dyer introduced and requested to waive the first reading of Proposed Ordinance 2009-02. Council Member Anderson asked what the proposed annual sidewalk café permit fee would entail. Nellie discussed her research on fees and indicated the fee would be established by a future resolution. City Manager Donlevy stated this ordinance is not for generating revenue and will not be retroactive. Mayor Martin inquired about the movement and storage of outdoor furniture. John and Melanie Pickerel, proprietors of the Buckhorn and Putah Creek Café, indicated they have their outdoor furniture anchored in other locations ie: Sacramento, Sacramento, Napa and San Francisco, but not at the Walnut Creek location, but that all patio umbrellas are taken inside each night. Council Member Fridae said this should be an individual business decision.

Council Member Fridae made a motion to introduce and waive the first reading of Proposed Ordinance 2009-02, adding Chapter 17.116 to the Winters Municipal Code pertaining to sidewalk cafes and to schedule a public hearing and second reading of Ordinance 2009-02 with the proposed changes at the March 3, 2009 City Council meeting. Seconded by Council Member Stone. Motion carried by the following roll call vote:

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

4. Approve a revised Project Budget Sheet (PBS) for construction of West Main Water Well #7, authorize the City Manager to execute a \$79,995 contract with Luhdorff and Scalmanini for Completion of Design and Construction Assistance Services for bidding and construction of West Main Water Well #7, and authorize expenditures up to \$92,000

City Manager Donlevy gave a brief overview. If given authorization for expenditures up to \$92,000, CM Donlevy stated the Water Bonds would be paid first, followed by the reimbursement of Impact Fees, and then the reimbursement of Redevelopment Funds. He also indicated that if authorized, the construction of Well #7 will be going out to bid and will come back to Council for bid award.

Council Member Fridae made a motion to approve the revised PBS for construction of West Main Water Well #7, authorize the City Manager to execute a \$79,995 contract with Luhdorff and Scalmanini for Completion of Design and Construction Assistance Services for bidding and construction of West Main Water Well #7, and authorize expenditures up to \$92,000. Seconded by Council Member Stone. Motion carried unanimously, with Council Member Aguiar-Curry absent.

5. Update on Federal Stimulus Package for Transportation Projects and Request Approval to Fund and Construct Federal Stimulus Package Transportation Projects

City Manager Donlevy gave a brief overview, stating there were no issues in proceeding with the Railroad Avenue Pavement Rehabilitation Project, but indicated the Grant Avenue (SR128) Widening and Safety Improvements project would require additional review from Caltrans and SACOG.

Council Member Anderson made a motion to approve staff recommendation and receive status on Federal Stimulus Package funding, approve PBS for Railroad Avenue Rehabilitation Project and Grant Avenue (SR128) Widening and Safety Improvements Project, and authorize the City Manager to expend funds within the PBS approvals for executing consultant services agreements on behalf of the City as necessary, and to have the selected project "ready-to-go" within the "obligation" timeframe set by SACOG. The motion also specified Grant Avenue improvements was to occur first and Railroad Avenue improvements was to occur second. Seconded by Council Member Fridae. Motion carried unanimously, with Council Member Aguiar-Curry absent.

COMMUNITY DEVELOPMENT AGENCY

1. Downtown Visitors Center

This item has been moved to the March 3rd City Council/Community Development Agency agenda.

CITY MANAGER REPORT

INFORMATION ONLY

1. November 2008 Investment Report
2. November 2008 Treasurer Report

EXECUTIVE SESSION: None

ADJOURNMENT

Mayor Martin adjourned the meeting at 9:06 p.m. in memory of Winters resident Andres Bermudez.

Michael Martin, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: March 3, 2009
THROUGH: John W. Donlevy, Jr., City Manager *JD*
FROM: Carol Scianna, Environmental Services Manager *CS*
SUBJECT: Adoption of Resolution 2009-07, Budget Adjustments in the amount not to exceed \$25,000.00 for the purchase of an office trailer, purchase of used fork lift and installation of key lock system at the City gas pump.

RECOMMENDATION:

Adopt Resolution 2007-07 A Resolution of the City Council of the City of Winters Amending the City of Winters 2008-2009 Adopted Operating Budget and approving a budget adjustment in the amount not to exceed \$25,000.00 for the purchase of an office trailer to be located at the Corporation Yard to house the new Public Works Operations Manager estimated cost is \$15,000. Purchase of a used fork lift estimated cost is \$8500, we have \$5614 in current budget and will need an adjustment for \$2500. Installation of Keylock System on the gas pump at the corporation yard cost estimate is \$7000.00. There are funds available from the Capital Equipment Replacement Fund 427-57211-610 for the three items listed above.

BACKGROUND: The City recently hired a new Public Works Operations Manager to coordinate all field operations for the Public Works Departments, which includes crew supervision and management of all operations. In order to facilitate these goals it is vital that new manager be located at the corporation yard site. Currently there is not an adequate space for the manager to locate his office inside the existing facility, an office trailer located adjacent to the yard facility will provide such as site.

The current forklift at the corporation yard is unsafe to use as it has no breaks and is unreliable. When the need arises for a forklift staff has been relying on a neighboring business and borrows one of their forklift, which is not an acceptable solution. Many of the materials stored at the corporation yard are located on shelves that could be better accessed with a forklift. The purchase of a reliable forklift would enable staff to work safely and more efficiently.

Staff has been directed to improve the security system regarding access to the City's gas pump unit at the corporation yard. The installation of a Keylock system will further

ensure that only authorized City personnel would have access to City gasoline and would enable staff to track more efficiently how much gasoline is being pumped by each person that has a new key to the gas pump.

FISCAL IMPACT: The proposed budget amendments not to exceed \$25,000.00, from the Capital Equipment Replacement Fund.

**CITY OF WINTERS
RESOLUTION 2009-07**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WINTERS AMENDING THE CITY OF WINTERS 2008-2009
ADOPTED OPERATING BUDGET AND APPROVING
EXPENDITURES FOR THE
CAPITAL EQUIPMENT REPLACEMENT FUND
JUNE 30, 2009**

WHEREAS, On June 23, 2008, the City Council of the City of Winters adopted an operating budget for Fiscal Year 2008-2009; and

WHEREAS, the City finds it necessary to upgrade office space, make safety and security improvements of equipment at the Corporation Yard; and

WHEREAS, funding is available in the Capital Equipment Replacement Fund established to purchase such items; and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Winters that the adopted operating budget for fiscal year 2008-2009 be amended as follows:

Section 1: Increase 2008-2009 budgeted expenditures in the following fund and amounts:

Fund: 427-57211-610

Not to exceed: \$25,000.00

PASSED AND ADOPTED by the City Council, City of Winters, the 3rd day of March 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Michael Martin, MAYOR

ATTEST:

Nanci G. Mills, CITY CLERK



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members

DATE: March 3, 2009

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

FROM: Carol Scianna, Environmental Services Manager *CS*

SUBJECT: Approval to purchase an Allen Bradley 100 HP Variable Frequency Drive (VFD) to be installed at Well 4, by ZSI, Inc. the cost of materials and labor not to exceed \$15, 903.23.

RECOMMENDATION: Staff recommends approval to purchase an Allen Bradley 100 HP Variable Frequency Drive (VFD) to be installed at Well 4, by ZSI, Inc. the cost of materials and labor not to exceed \$15, 903.23. The install will include necessary updates SCADA drawings.

BACKGROUND: The VFD at Well 4 stopped working recently and a replacement is required. Staff has solicited quotes from three companies and the following quote from ZSI is the lowest quote. The recent installation of the City's SCADA system has been done by ZSI, Inc as well and having them do this VFD install will ensure that the new unit will be compatible with the SCADA system and all upgrades to as built will be made.

FISCAL IMPACT: The cost of the VFD and install is expected to be \$15,903.23 which will be funded by the water operations and maintenance fund.

Carol Scianna

From: Greg Steiger [gsteiger@zsi.com]
Sent: Friday, February 20, 2009 10:00 AM
To: Carol Scianna
Cc: 'Jim Fletter'
Subject: Well 4 VFD

Thank you for the opportunity to provide the City with a quote to replace Well 4's VFD:

(1) New Allen Bradley 100HP, 75kW, 142Amps (45degC), 480VAC, Pump Variable Frequency Drive with human interface module (HIM).

a. This includes modification of the corresponding SCADA drawings, as-built drawings, installation into existing control panel (mounting hardware and miscellaneous wire and connectors, testing, set-up, calibration, start-up, training, and more of the same professional service you've come to expect from ZSI.

b. \$15,930.23 (includes taxes and freight to W4).

c. Delivery to W4 estimated at 2 weeks upon receipt of your purchase order or notice to proceed.

Thank you!

Greg Steiger
ZSI, Inc.
707.996.5432, x15
707.996.5416, fax
707.292.5657, cell



3409 52ND AVENUE
 P.O. BOX 239012
 SACRAMENTO, CA 95823-9012
 (916) 395-8800 / 429-2817 (FAX)
 ahassan@tescocontrols.com

◆◆◆ Engineering • Manufacturing • Systems Design • Systems Integration • Service & Support ◆◆◆

DATE: 02/06/2009

TO: Bidding Contractors
 ATTN: Estimator

JOB NAME: Well #4 VFD Replacement – City of Winters
 TESCO QUOTE NO: 09B062Q01

Dear Sir,

Thank you for your interest in TESCO products.

We are pleased to quote the following "Scope-of-Work" pertaining to the above-mentioned project.

Item	Qty.	Description
1	1	Allen Bradley Variable Frequency Drive (VFD) 100HP w/ HIM Module
2	Lot	Misc. Wire & Connectors
3	Lot	TESCO Professional Services to include: <ul style="list-style-type: none"> • Engineer/ Designer <ul style="list-style-type: none"> ○ Updated Panel Elevation Drawings • Field Service Engineer <ul style="list-style-type: none"> ○ Install and Wire New VFD into Existing Panel ○ Startup, Calibration & Test of TESCO Supplied Equipment Submittals, Manuals, In-House Test and Guarantee

TOTAL FOR ITEMS #1 thru #3: \$ 16,900.00
ALL APPLICABLE TAXES INCLUDED
FREIGHT ALLOWED

TERMS:

- **SUBMITTAL:** Approximately 2-4 weeks after receipt of purchase order.
- **DELIVERY:** Approximately 4-6 weeks after receipt of approved submittals.
- **QUOTATION FIRM FOR 30 DAYS UNLESS OTHERWISE STATED.**
- Final retention to be paid 10 days after the project notice of completion.
- TESCO's price does include applicable sales taxes, use taxes and applicable fees.
- TESCO price is FOB factory, full freight allowed.
- TESCO warranties against defect in design workmanship and materials for a period of one year from date of installation, and does not exceed 18 months from the date of shipment from the factory.
- TESCO carries liability insurance, with full workman's compensation coverage.
- Terms: Net 30 days on approved credit accounts.
- Interest will be applied on all past due invoices.
- All merchandise sold is subject to lien laws.

Continued on Next Page

PROJECT BID CLARIFICATIONS:

- TESCO'S Price does not include:
 - Local control stations and/or field mounted disconnect.
- Except were noted, the following is not furnished by TESCO:
 - Instrumentation mounting brackets, stanchions, and sunshields.
 - Fiber optic patch panels, cable, splicing or terminations.
 - Instrumentation defined in other sections of the specifications
 - 3rd party independent testing, harmonic or electrical coordination studies.
 - Interconnection and loop diagrams.

If you have any questions, comments, or if we can be of further assistance, please contact us.

Sincerely,

AJ Hassan
Estimating / Sales Department

February 18, 2009



Carol Scianna
City of Winters
318 First Street
Winters, CA. 95694
p.530.795.4910 f. 530.795.4935

RE: **Replace Damaged VFD Drive with New Allen Bradley Drive**

WULFF ELECTRIC appreciates the opportunity to offer your company a proposal on the above reference project. We would give you a dependable system, that will save you money.

TOTAL BASE BID PRICE \$ 22,700.00

Demo old Drive Unit 75 HP

- Label and mark all control wires
- Disconnect all control wires
- Disconnect all feeder wires
- Disconnect all motor side power wires
- Remove drive

Install new Allen Bradley Drive 100 HP

- Prepare cabinet for new drive, drill mounting holes as needed
- Mount new drive in cabinet
- Install motor side wiring
- Install feeder side wiring
- Install control wires as needed
- Power unit, check rotation
- Program drive for 75 HP rating (overload and trip set for 75 HP tag)
- Test run unit, and put back into service.
- Provide manuals and wiring drawing

*AB-20BD156A3ANNAND0
AC DRIVE
480 VAC
3 phase 150 AMP
IP20 / TYPICAL
Allen Bradley F10V
700*

If you have any questions or require additional information please feel free to contact us.

Sincerely,
Wulff Electric

Roger Smith



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE : March 3, 2008
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Shelly Gunby, Director of Financial Management *Shelly Gunby*
SUBJECT: Adopt Resolution 2009-08 Committing CDBG Program Income to the Almondwood Apartment Acquisition and Rehabilitation Project

RECOMMENDATION:

Adopt Resolution 2009-08, Committing CDBG Program Income to the Almondwood Apartment Acquisition and Rehabilitation Project.

BACKGROUND:

The City of Winters has received funding in the past from the Community Development Block Grant (CDBG) Program. The City has used this funding to provide low income loans for First Time Homebuyers, to rehabilitate qualifying homes in need of repair, and to assist small businesses throughout the City. As these loans have been repaid, they go into Program Income Accounts to be re-loaned to provide assistance to additional homebuyers, homeowners, and small businesses. The City currently has \$383,823.82 in program in our bank accounts.

The Almondwood Apartment Acquisition and Rehabilitation Project would require a loan of approximately \$300,000. These funds would provide additional funding to be sure that the complex remains an income restricted complex and not a market rate complex. The commitment of these funds would prevent the City of Winters from receiving a "hold out" letter. A hold out letter is sent to an agency when they have excess program income on hand and prevents the agency from applying for grants until the program income is committed, or spent. Staff requested that the City Council include \$178,000 in funding in December 2007 when requesting a prioritization of funding for projects, and this was identified as a priority project, however the required amount has increased to \$300,000.

The City is currently applying for a grant for infrastructure in support of affordable housing and will be barred from applying for and receiving the grant if we cannot show that we have committed these funds to another project.

FISCAL IMPACT:

None at this time, however, the funds will be loaned to the project when needed.

**CITY OF WINTERS
RESOLUTION 2009-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WINTERS COMMITTING CDBG PROGRAM INCOME TO THE
ALMONDWOOD APARTMENT ACQUISITION AND
REHABILITATION PROJECT**

WHEREAS, the Almondwood Apartments provide affordable housing for residents of the City of Winters; and

WHEREAS, the Almondwood Apartments are for sale; and

WHEREAS, the City of Winters finds it important to retain the Almondwood Apartments as a source of affordable housing for the residents of the City of Winters; and

WHEREAS, the City of Winters has CDBG (Community Development Block Grant) Program Income available to provide the gap financing necessary to retain the Almondwood Apartments as affordable housing.

NOW, THEREFORE BE IT RESOLVED the City of Winters commits the following to the funds as loans for the acquisition and rehabilitation of the Almondwood Apartment Complex

CDBG First time Homebuyer Program Income	\$ 58,000
CDBG Small Business Program Income	\$143,000
CDBG Housing Rehabilitation Program Income	<u>\$ 99,000</u>
Total Program Income Committed	\$300,000

PASSED AND ADOPTED by the City Council, City of Winters, the 3rd day of March 2009.

AYES:

NOES:

ABSTAIN:

ABSENT:

Michael Martin, MAYOR

ATTEST:

Nanci G. Mills, CITY CLERK



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: March 3, 2009
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nanci G. Mills, Director of Administrative Services/City Clerk
SUBJECT: Women's History Month Proclamation

RECOMMENDATION:

Approve proclamation.

BACKGROUND:

Each year the City Council is asked to adopt the Women's History Month Proclamation.

Staff received a request to have this proclamation included on our March 3, 2009 agenda.

BJ Ford will be in the audience to receive the proclamation.

FISCAL IMPACT:

None.



**A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF WINTERS
DECLARING MARCH 2009 "WOMEN'S HISTORY MONTH" FOR
"WOMEN TAKING THE LEAD TO SAVE OUR PLANET: THEN AND NOW"**

WHEREAS, American women of every race, class, religious and ethnic background have made significant contributions to the growth and strength of this country; and

WHEREAS, American women have and will continue to play a critical role in the economic, cultural, and social fabric of our society by representing a considerable portion of both the paid and volunteer labor force inside and outside of the home; and

WHEREAS, historically, American women were the pioneers in establishing charitable, philanthropic and cultural institutions and served as early leaders in the forefront of every progressive social change movement; and

WHEREAS, women have changed America by not only securing voting rights for women, but in advocating for civil rights, women's health issues, legal rights of battered women, and environmental justice; and

WHEREAS, the impact of the pursuit for women's equality has had a profound and undeniable influence on all aspects of American life; and

WHEREAS, the theme for 2009 "Women Taking the Lead to Save our Planet: Then and Now," honors the spirit of possibility and hope set in motion by generations of women in their creation of communities and their encouragement of dreams; and

WHEREAS, the knowledge of women's history provides a more expansive vision of what a woman can do; and this perspective can encourage girls and women to think larger and bolder and can give boys and men a fuller understanding of the female experience; and

WHEREAS, "Women Taking the Lead to Save our Planet" will honor women who have taken the lead in the environmental or "green" movement, and have demonstrated leadership in protecting the environment on a local, state, national level, or international level. The 2009 honorees include women who are scientists, engineers, business leaders, writers, filmmakers, conservationists, teachers, community organizers, religious or workplace leaders and others whose lives show exceptional vision and leadership to save our planet.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Winters designates the month of March 2009 as Women's History Month and encourages its recognition with appropriate activities and educational opportunities which acknowledge "Women Taking the Lead to Save our Planet: Then and Now," and the pioneering and fearless ways that women have taken the lead to save the planet.

PASSED AND ADOPTED this 3rd day of March 2009:

Council Member Cecilia Aguiar-Curry

Council Member Harold Anderson

Council Member Woody Fridae

Council Member Tom Stone

Mayor Michael Martin

City Manager John W. Donlevy, Jr.

ATTEST: Nanci G. Mills, City Clerk



STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: March 3, 2009
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Nick Ponticello, City Engineer
SUBJECT: Approve Consultant Services Agreement between the City of Winters and Callander Associates Landscape Architecture, Inc. for design services associated with the Putah Creek Bridge North Bank Improvements, Project No. 09-01 (Federal Project No. HPLUL-5110(024)).

RECOMMENDATION: Staff recommends the City Council 1) approve the negotiated Consultant Services Agreement (CSA) with Callander Associates Landscape Architecture, Inc. for design services associated with the Putah Creek Bridge North Bank Improvements, Project No. 09-01 (Federal Project No. HPLUL-5110(024), and 2) authorize the City Manager to execute the CSA in the amount of Two-Hundred-Ninety-Eight-Thousand Three-Hundred Fifty-Five dollars and Seventy-Nine cents (\$298,355.79).

BACKGROUND: The Putah Creek Bridge (Bridge No. 23C-234) on the south end of Railroad Avenue was put on the State's list of bridges eligible for replacement or upgrade. The City of Winters and County of Solano entered into an Agreement specifying that Solano County will sponsor the HBP-funded bridge replacement through the MTC and manage the project through completion. In 2005, MGE Engineering out of Sacramento was selected to perform design services associated with the bridge replacement project. An alignment for the new bridge was approved in 2006, which is included in the Appendix. The environmental phase has been underway and is scheduled for completion in 2009 with design to follow. Construction of the new bridge should commence in 2011.

In 2006, the City received approval of SAFETEA-LU High Priority/Demonstration funds in the amount of \$2,000,000, which were sponsored through Congressman Thompson's office. The federal funds are identified to implement a project that is tied to the bridge replacement project and will compliment those improvements. The components of the project are proposed to address the following:

- Provide access for bicycles and pedestrians to new bridge, rehabilitated railroad trestle bridge, neighborhoods and commercial centers;
- Provide for elderberry mitigation should existing elderberry bushes be disturbed during new bridge construction;
- Provide maintenance access for possible elderberry mitigation should existing elderberry bushes be disturbed during new bridge construction.

In January, the City received authorization to proceed with the environmental and design tasks.

DISCUSSION: Due to lack of qualified in-house staff for this type of specialty design, it was deemed prudent to solicit qualifications form qualified consultants, to perform the desired

services.

Staff issued a Request for Proposals in September 2008 and the City received eight responses. The qualifications were reviewed and scored against the following criteria: 1. Demonstrates a clear understanding of the requirements for the site and the work to be performed; 2. The overall quality of the technical proposal; 3. Relevant experience and technical competence of the consultant and the proposed sub-consultants, and the personnel assigned to this project; 4. Demonstrated understanding of federal-aid process for design and environmental services for similar type projects; and 5. Organizational structure for proposed design team, identifying roles and responsibilities for lead consultant and sub-consultant personnel.

Of the eight firms, four were shortlisted for a presentation/interview, which was held on November 17, 2008. The four firms were BKF, Cunningham Engineering, Rick Engineering, and Callander Associates. A panel consisting of John Donlevy, Nellie Dyer, Rich Marovich, and Leo Flores (Solano County) interviewed the four firms and selected Callander based on their team member's qualifications and their pertinent landscape and trail design services experience

Since Federal funds are being used, a pre-award audit of Callander's contract by the State was required. Staff notified the State in early January to perform the audit and the State recently advised staff that the audit requirement would be waived. Thus, the design contract is now ready for approval by Council and execution by the City Manager.

The consultant will coordinate the design with City staff, and Caltrans Local Assistance Engineers as needed. The consultant will provide the services in accordance with the attached Consultant Services Agreement. These services include preliminary and final design, environmental review and clearance, preparation of construction documents, as well as bidding and construction phase services.

The Project Schedule shows completion of construction documents in September 2009 with construction starting next fall.

ALTERNATIVES: None recommended by staff.

FISCAL IMPACT: The project, including Callander's \$298,355.79 design services contract, is funded by City (Park Impact) and Federal Funds (Safety-Lu).

Attachments: Callander Consultant Services Agreement

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



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

CONSULTANT SERVICES AGREEMENT
AGREEMENT No. 006-09

THIS AGREEMENT is made at Winters, California, as of March __, 2009, by and between the City of Winters ("the CITY") and Callander Associates Landscape Architecture, Inc. "(CONSULTANT)", who agree as follows:

- SERVICES.** Subject to the terms and conditions set forth in this Agreement, CONSULTANTS shall provide to the CITY the Services described in Exhibit "A", which is the CONSULTANT'S Scope of Services, dated February 12, 2009. Consultant shall provide said services at the time, place, and in the manner specified by the Agreement and Exhibit "A".
- PAYMENT.** The basis for payment under this Agreement shall be Lump Sum, in accordance with the Cost Proposal included in Exhibit "B", but in no event shall total compensation exceed Two-Hundred-Ninety-Eight-Thousand Three-Hundred Fifty-Five dollars and Seventy-Nine cents (\$298,355.79), without the CITY'S prior written approval. The above lump sum amount includes: salary, fringe benefits, overhead, profit, sub-consultant costs, and all other expenses incurred by the consultant. CITY shall pay CONSULTANT monthly based on the actual percentage (%) completed that month for each phase of work described in Exhibit "A".
- FACILITIES AND EQUIPMENT.** CONSULTANT shall, at its sole cost and expense, furnish all facilities and equipment which may be required for furnishing services pursuant to this Agreement.
- GENERAL PROVISIONS.** The general provisions set forth in Exhibit "C" are part of this Agreement. In the event of any inconsistency between said general provisions and any other terms or conditions of this Agreement, the other term or condition shall control only insofar as it is inconsistent with general Provisions.
- EXHIBITS.** All exhibits referred to therein are attached hereto and are by this reference incorporated herein.

EXECUTED as of day first above-stated.

CITY OF WINTERS
a municipal corporation

By: _____
John W. Donlevy, Jr., City Manager

CONSULTANT

By: _____
Benjamin W. Woodside, Principal

ATTEST:

By: _____
Nanci G. Mills, CITY CLERK



Callander Associates
Landscape Architecture, Inc.

Via Email Only

February 17, 2009
(530) 668-5883 ext. 205
Fax (530) 668-5893

Mr. Alan Mitchell, Assistant City Engineer
City of Winters
318 First Street
Winters, CA 95694

**RE: PUTAH CREEK BRIDGE REPLACEMENT - NORTH BANK
IMPROVEMENTS/"Exhibit A" scope of services**

Dear Alan:

In an effort to guide and control the schedule and scope of the Putah Creek North Bank Improvements and Bridge Project, Callander Associates has developed the following scope of services or work program. All items listed in the RFP's Scope of Services have been included and augmented. Items shown below in *boldface italics* represent the deliverables or work documents to be provided at that task. Minor modifications and refinements can be accommodated at the project start and adjusted periodically throughout the process as may be beneficial for the project.

1.0 PROJECT MANAGEMENT

1.01 Project Team Meetings: Conduct regular team meetings with the design team to discuss the progress of the project and quality control procedures. Prepare *agenda's* and written *meeting summaries*.

1.02 Coordination: Project manager to monitor the progress, challenges, and information needs of the project. Keep City's project manager informed regularly with monthly *project status reports*.

311 Seventh Avenue
San Mateo, CA 94401-1249
T 650.575.1313
F 650.544.5290
www.callanderassociates.com

11130 San Center Drive, Suite 101
Rancho Cordova, CA 95670-6187
T 916.651.1312
F 916.655.9135
www.callanderassociates.com

Landscape Architecture
Urban Design
Land Planning
Park and Recreation Planning
Environmental Planning

Peter Callander, ASLA, Principal
Mark Slichter, ASLA, Principal
Brian G. Fletcher, ASLA, Principal
Erik Smith, ASLA, Principal
Benjamin W. Woodside, ASLA, Principal

"Exhibit A"

Mr. Alan Mitchell

RE: PUTAH CREEK BRIDGE REPLACEMENT - NORTH BANK IMPROVEMENTS/"Exhibit A"
scope of services

February 17, 2009

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2.0 PRELIMINARY ENGINEERING

- 2.01 **Kick-off Meeting:** Conduct project kick-off meeting with Ponticello Enterprises and City staff. Prepare *agenda* and *written summary*.
- 2.02 **Schedule:** Prepare and maintain a detailed *project schedule* in MS Project format from preliminary design through completion.
- 2.03 **Existing Document Review:** Obtain and review available data and all prior relevant documentation pertinent to the project. Submit written *summary* of required documents.
- 2.04 **Topographical and Boundary Survey:** Coordinate with and provide services of Civil Engineer to prepare base map and boundary survey.
 - a. **Topographic Base Map:** Coordinate with Rich Marovich to obtain the photo imagery of the site. Information includes one-foot contour data for entire site. Civil Engineer to prepare *base map* using this information as well as other City information. Topographic survey to be limited to mapping trees and other objects not shown on the imagery.
 - b. **Boundary Determination:** Using existing information and field investigations prepare boundary determination and boundary survey.
- 2.05 **Field Investigation:** Using base sheets conduct detailed on-site field investigation to visually review and document existing site features. Prepare a *photo log* of existing site features.
- 2.06 **Horticultural Soils Analysis:** Obtain up to three horticultural soils samples to verify agricultural suitability of existing soils; submit *letter report*.
- 2.07 **Geotechnical Report:** Take borings within the project limits, to determine suitability of subgrade for drainage and structural suitability for foundations and pavements. Provide *summary report* detailing above including pavement section recommendations for trails and bridge foundation designs.

"Exhibit A"

Mr. Alan Mitchell

RE: PUTAH CREEK BRIDGE REPLACEMENT - NORTH BANK IMPROVEMENTS/"Exhibit A"
scope of services

February 17, 2009

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- 2.08 **Schematic Design:** Based on above and input from City prepare schematic design of the project. Illustrative package to include improvements reflecting the current City budget.
- a. Plan view
 - b. Sections (5 total)
 - c. Cost estimate
 - d. Image boards (existing site and idea images)
- 2.09 **Staff Meeting:** Review above with Ponticello Enterprises and City Staff.
- 2.10 **Committee Meeting:** Revise and render schematic design in color for presentation to committee. Attend one committee meeting.
- 2.11 **Staff Meeting:** Review results and decide on direction to proceed in one staff meeting.
- 2.12 **Final Pre-Design:** Based on comments received proceed to develop *Final Pre-Design*.
- 2.13 **Cost Estimate:** Prepare *cost estimate* based on market conditions and previous experience, and recommended improvements for potential cost reductions.
- 2.14 **Staff Meeting:** Meet with City staff to discuss and receive direction.
- 2.15 **Council Meeting:** Revise based on comments received and attend one council meeting.

3.0 ENVIRONMENTAL REVIEW AND CLEARANCE

- 3.01 Prepare a detailed *project description* for the environmental review process.
- 3.02 **Study, Reports and Permits:** Coordinate with Wallace Kuhl and Associates for the preparation of the necessary technical studies and mitigation plans for NEPA/CEQA environmental clearance. It is anticipated that this project will only require a Categorical Exception (CE). If an Environmental Assessment (EA) is

"Exhibit A"

Mr. Alan Mitchell

RE: PUTAH CREEK BRIDGE REPLACEMENT - NORTH BANK IMPROVEMENTS/"Exhibit A"
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required we have listed it as an optional service and it can be included at the time of our contract. The following is a brief outline:

- **Meetings**
 - Scoping, planning, review with Client, Caltrans and Prime
- **Reports and Permits**
 - Compile and submit Preliminary Environmental Study (PES) form
 - Natural Environmental Study Biological Assessment
 - NEPA Project Tracking Checklist
 - Floodplain/Wetlands Finding (for the CE/PE)
 - CE reports and documentation (CE discussion/CE Form completion/CE Checklist)
 - Air analysis exempt/Air Quality Conformity Analysis
 - QC Checklist w/Environmental Coordinator
 - Section 4(f) Evaluation or Programmatic Section 4(f) Evaluation may be required, but Not Section 4f
 - Complete USACE 404 permit (and any CDFG 1600 permitting)
 - Continue USACE/USFWS/CVRWQCB Consultation
 - Complete elderberry mapping, mitigation and monitoring plan
 - Caltrans Report Review I and Review II

3.03 **Optional Service: Environmental Assessment (EA):** Under the National Environmental Policy Act (NEPA) an EA or Categorical Exclusion (CE) may be required. We will prepare a CE as part of our basic services (see 3.02 above). If it is determined by Caltrans that the EA is required, we can prepare it as an additional service.

4.0 DESIGN

4.01 **Coordination:** Coordinate final design with the following:

- a. Putah Creek Bridge Replacement project design
- b. City staff
- c. Utility companies
- d. Subconsultants
- e. Pedestrian bridge manufacturer

"Exhibit A"

Mr. Alan Mitchell

RE: **PUTAH CREEK BRIDGE REPLACEMENT - NORTH BANK IMPROVEMENTS/"Exhibit A"**
scope of services

February 17, 2009

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4.02 50% Construction Documents: Proceed to develop *50% level construction documents* in conformance with the latest City of Winters Standard Specifications and Caltrans Standards and Details. Package to include:

- a. title sheet
- b. demolition plan
- c. grading and drainage plan and details
- d. site construction plan and enlargement areas
- e. irrigation plans and details
- f. planting plans and details
- g. construction details
- h. pedestrian bridge plans (prepared by Structural Engineer)
- i. electrical plans (prepared by Electrical Engineer)
- j. mitigation plans (prepared by Wallace-Kuhl)
- k. SWPPP (prepared by Wallace-Kuhl)
- l. specifications
- m. cost estimate

Plans to be prepared in "Caltrans" format including notice to contractors, instructions to bidders, proposal, agreements, special provisions, general provisions, and a list of applicable specific provisions and standards details.

Submit five (5) sets of the above to City for review.

4.03 Staff Meeting: Review comments in one staff meeting.

4.04 95% Construction Documents: Based on comments received, proceed to develop *95% level construction documents*. Submit five (5) sets for plan review and check.

4.05 Staff Meeting: Review comments in one staff meeting.

4.06 Final Plans: Based on comments received, proceed to develop final plans. Wet stamp plans and submit.

4.07 Site Certification: Complete the *PS&E Certification* in accordance with Caltrans local assistance manual.

"Exhibit A"

Mr. Alan Mitchell

RE: PUTAH CREEK BRIDGE REPLACEMENT - NORTH BANK IMPROVEMENTS/"Exhibit A"
scope of services

February 17, 2009

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5.0 BIDDING AND CONSTRUCTION

5.01 Bidding:

- a. Coordinate with City and provide consultation during the bidding process.
- b. Provide written answers to all questions during the bidding process.
- c. Prepare all necessary addenda. Provide printer ready addenda in hard format and appropriate electronic files for distribution.

5.02 Construction:

- a. Coordinate, schedule and attend Pre-construction meeting.
- b. Review and process submittals.
- c. Provide consulting during the construction phase of the project, including providing written responses to the City regarding Requests for Information from the Contractor and assist City staff in preparing Change Orders as required.
- d. Perform periodic construction visits (assume up to two per month) to observe and evaluate the ongoing construction and attend job meetings.
- e. Prepare a short report of field observations and distribute it to all pertinent team members.
- f. Assist City personnel in verifying contractor's monthly and final payment requests.
- g. Assist City construction personnel in preparing "Punch List".
- h. Participate in final inspection and make a recommendation to the City of project acceptance.

5.03 Post Construction:

- a. Prepare final Record Drawings based on as-builts from the Contractor. Provide a final mylar of Record set and a CD-Rom of final specifications in Microsoft Word format, and CD-Rom with final plans in .pdf format and AutoCAD format.

"Exhibit A"

Mr. Alan Mitchell

RE: **PUTAH CREEK BRIDGE REPLACEMENT - NORTH BANK IMPROVEMENTS/"Exhibit A"**
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6.0 ADDITIONAL SERVICES

6.01 All tasks not specifically noted above could be performed as additional services. These tasks would include, but not be limited to, additional submittals required by the City or any other agency's review, additional meetings, additional design studies, or other tasks not specifically noted in the foregoing. These services would be billed hourly or on a lump sum fee basis to be documented in a written amendment to the agreement. All requests for additional services shall be approved in writing by the City.

7.0 REIMBURSABLE EXPENSES

7.01 In addition to the compensation, we would bill for all printing and reproduction, delivery, horticultural soils samples, the communication and insurance surcharge, and other reimbursable expenses as noted in the attached Standard Schedule of Compensation. Please see "Exhibit B" – Cost Proposal.

"Exhibit B" – Cost Proposal

Putah Creek North Bank Improvements and Bridge

Callander Associates Landscape Architecture, Inc.

2/17/09

"Lump Sum" Fee

Compensation and reimbursable expenses to provide the services outlined in the Draft Scope of Services.

1.0	Project Management:	
	1. Callander Associates.....	\$6,511.12
	Total Estimated Compensation for Task 1.0 (lump sum).....	\$6,511.12
2.0	Preliminary Engineering:	
	1. Callander Associates.....	\$22,595.66
	2. Psomas (survey and base map).....	\$41,500.00
	3. Wallace-Kuhl (geotechnical).....	\$10,000.00
	4. Biggs Cardoso (structural for bridge).....	\$7,000.00
	Total Estimated Compensation for Task 2.0 (lump sum)	\$81,095.66
3.0	Environmental Review and Clearance:	
	1. Callander Associates.....	\$2,454.32
	2. Wallace-Kuhl (environmental services).....	\$59,717.00
	Total Estimated Compensation for Task 3.0 (lump sum)	\$62,171.32
4.0	Design:	
	1. Callander Associates.....	\$41,968.15
	2. Biggs Cardoso (structural for bridge).....	\$34,088.00
	3. Zeiger Engineers (electrical engineering)	\$5,040.00
	4. Wallace-Kuhl (SWPPP)	\$7,500.00
	Total Estimated Compensation for Task 4.0 (lump sum)	\$88,596.15
5.0	Bidding and Construction:	
	1. Callander Associates.....	\$29,643.54
	2. Biggs Cardoso (shop drawing review).....	\$14,000.00
	3. Zeiger Engineers.....	\$1,000.00
	4. Wallace-Kuhl (compaction testing)	\$2,000.00
	Total Estimated Compensation for Task 5.0 (lump sum)	\$46,643.54
6.0	Reimbursable Expenses (lump sum).....	\$13,338.00
	Total Estimated Compensation for Tasks 1.0 thru 6.0.....	\$298,355.79

(1) Fees quoted are based on an estimated total budget for a trail and bridge project of \$2,000,000 which includes all "hard" and "soft" costs. In the event that the City elects to increase construction funding, the compensation for the design phase (construction documents) will be adjusted appropriately as a change order.

(2) No extra work will be completed or compensated for unless authorized by the City in writing.

Attachments: Callander Associates, Standard Schedule of Compensation 2009 RC
Biggs Cardoso, Charge Rate Schedule 2008-2009
Psomas, Hourly Rates Fee Schedule 2009
Wallace-Kuhl, Schedule of Fees
Zeiger Engineers, Billing Rate Schedule 2008



Callander Associates
Landscape Architecture, Inc.

Standard Schedule of Compensation 2009 RC (Rancho Cordova)

General

The following list of fees and reimbursable expense items shall be used in providing service in the agreement. These amounts shall be adjusted in January, upon issuance of an updated Standard Schedule of Compensation:

Hourly Rates

Senior Principal	\$201/hour	Construction Manager	\$120/hour
Principal	\$147/hour	Assistant 1	\$108/hour
Associate 1	\$142/hour	Assistant 2	\$100/hour
Associate 2	\$130/hour	Assistant 3	\$91/hour
Associate 3	\$117/hour	Assistant 4	\$85/hour
Project Manager 1	\$130/hour	Assistant 5	\$73/hour
Project Manager 2	\$117/hour	Assistant 6	\$68/hour
Project Manager 3	\$113/hour	Word Processor	\$85/hour
Project Manager 4	\$108/hour	Accounting	\$100/hour
Project Manager 5	\$100/hour		

Reimbursable Expenses

All costs for photography, printing and plotting, special delivery, insurance certificate charges, charges for waivers of subrogation, local business licenses, sales taxes, assessments, fees, mileage, all CADD and visual simulation ancillary costs, such as data transfers, tapes and outside services, and all other costs directly related to the project will be billed as a reimbursable expense at our cost plus a fifteen percent (15%) administration charge. The cost of professional liability insurance and all costs associated with cell phones, electronic mail, faxes, long distance phone charges and related telecommunications shall be charged as a combined surcharge of 2.5% on the total fees.

Payments

Payments are due within ten days after monthly billing with amounts more than thirty days past due subject to a 1.5% per month interest charge. Retainer amounts, if indicated, are due upon signing the agreement and shall be applied to the final invoice for the project.

FeeSchedule2009RC(letterhead).doc
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Landscape Architecture, Inc.

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Landscape Architecture
Urban Design
Land Planning
Park and Recreation Planning
Environmental Planning

Peter Callander, ASLA Principal
Mark Slichter, ASLA, Principal
Brian G. Fletcher, ASLA, Principal
Erik Smith, ASLA, Principal
Benjamin W. Woodside, ASLA, Principal



CHARGE RATE SCHEDULE

Principal	\$190 to 250.00/hr.
Associate	170.00
Construction Manager	170.00
Engineering Manager	144.00
Senior Structural Representative	144.00
Project Administrator	118.00
Senior Engineer	128.00
Structural Representative	118.00
Project Engineer	108.00
Staff Engineer	98.00
Assistant Engineer	92.00
Junior Engineer	87.00
Senior Computer Drafter	102.00
Computer Drafter	87.00
Junior Computer Drafter	77.00
Secretarial Services	72.00
Subconsultants	Cost Plus 10%
Expenses	Cost Plus 15%
In-House CADD Plots	
Prints	\$0.30/ sq. ft.
Plots	\$1.50/ sq. ft.
Mylar Plots	\$3.00/ sq. ft.

Charge Rates Applicable October 1, 2008 Thru September 30, 2009

Effective through May 1, 2009

**Engineering Services
Roseville/Sacramento**

Hourly Rates

Office Services

\$ 60 - \$ 80	- Administrative and Project Assistants
\$ 85 - \$120	- Drafters, Engineering Technician
\$110 - \$130	- Associate Engineer/Surveyor/Planner
\$115 - \$145	- Project Engineer/Surveyor
\$135 - \$190	- Project Management
\$160 - \$210	- Project Director

Field Services

\$ 80 - \$105	- Inspectors
\$ 90 - \$130	- Resident Engineer/Construction Manager
\$215 - \$230	- Two-Person Survey Party
\$325 - \$345	- Three-Person Survey Party

Hourly rates for field survey parties include normal usage of electronic distance measuring equipment and survey vehicle expenses.

GPS survey equipment usage is calculated at \$150 per receiver.

Per Diem is calculated at current State Department of Transportation rates (or other appropriate Agency rate).

Reimbursables

Mileage at \$.585 per mile (or current IRS allowable rate) and parking expenses incurred by office employees are charged at cost. Prints, plots, messenger service, subsistence, air travel, and other direct expenses will be charged at cost plus ten percent. The services of outside consultants will be charged at cost plus fifteen percent.

The above schedule is for straight time. Overtime will be charged at 135 percent of the standard hourly rates. Sundays and holidays will be charged at 170 percent of the standard hourly rates.

1075 Creekside Ridge Drive
Suite 200
Roseville, CA 95678-3504

Tel 916.788.8122
Fax 916.788.0600
www.psomas.com

SCHEDULE OF FEES AP

FIELD EXPLORATION

AUGUST 2006

Test borings with undisturbed sampling, test probings or other exploration using drill rig or backhoe and operators	Cost + 20%
Geophysical Exploration:	Price Quote
Crew	\$ 345.00/day
Equipment	\$ 245.00/half day
Slope Inclinometer	\$ 315.00/half day \$ 630.00/day
Field Soil Resistivity Tests:	Price Quote
Crew	\$ 345.00/day
Equipment	\$ 245.00/half day
OVA Analyzer	\$ 245.00/day \$ 140.00/half day
Tools and equipment expended on job	Cost + 20%
Rental Equipment and labor, Outside Services	Cost + 20%
Wallace-Kuhl & Associates Drill Rig (includes rig & crew)	\$ 240.00/hour
Vehicle Charge	\$ 0.65/mile



SCHEDULE OF FEES *BP*

GEOTECHNICAL LABORATORY TESTING

AUGUST 2006

Atterberg Limits (LL/PI)	ASTM D4318	\$ 142.00 each
California Bearing Ratio	ASTM D1883	\$ 840.00 each
CDF/Soil Cement compression test	ASTM D4832 CT 373	\$ 50.00 each
Compaction Characteristics: Laboratory moisture/density relationship	ASTM D698 Methods A	\$ 190.00 each
	Methods B, C & D	\$ 200.00 each
	ASTM D1557 Method A	\$ 230.00 each
	Method B, C & D	\$ 240.00 each
	CT 216	\$ 240.00 each
Consolidation Test (with rate data)	ASTM D2435	\$ 515.00 each
Direct Shear Test	ASTM D3080 Undisturbed/unconsolidated	\$ 100.00 each
	Undisturbed/saturated and consolidated	\$ 140.00 each
	Remolded and consolidated (one only)	\$ 155.00 each
	Remolded and consolidated (set of three)	\$ 405.00 each
	CT 229	\$ 155.00 each
Durability (coarse or fine) (sample preparation extra)		
Expansion Index	UBC 18-2	\$ 170.00 each
Grain Size Analysis	Dry Sieve (Coarse)	ASTM C136 \$ 100.00 each
	Wet Sieve (Coarse or Fine)	CT 202 \$ 100.00 each
	Passing No. 200 soils	ASTM D1140 \$ 90.00 each
	Hydrometer	ASTM D422 \$ 155.00 each
Moisture Content	ASTM D2216, D4643	\$ 25.00 each



SCHEDULE OF FEES B/P
 GEOTECHNICAL LABORATORY TESTING
 AUGUST, 2006

Permeability, falling or constant head	ASTM D2434, D5084	\$ 400.00 each
Resistance "R" Value	CT 301, ASTM D2844	
Untreated Samples		\$ 235.00 each
Laboratory-Mixed Cement or Lime Stabilized		\$ 290.00 each
Lime-Treated Unconfined Compression	CT 373	\$ 655.00 each
Determination of Free Lime	CT 414	\$ 145.00 each
Sand Equivalent (average of 3)	CT 217	\$ 125.00 each
Specific Gravity of Soils	ASTM C127, C128, D854	\$ 120.00 each
Triaxial Shear Test (3 points, quick)	ASTM D2850	
Undisturbed samples		\$ 295.00 each
Remolded samples		\$ 370.00 each
Unconfined Compression Test, including Moisture Content and Unit Weight	ASTM D2166	\$ 100.00 each
Unit Weight/Moisture Content (Sample Tubes)	ASTM D2937, D4643	\$ 32.00 each

PAGE 2 of 2



SCHEDULE OF FEES CP

GEOTECHNICAL AND TESTING SERVICES AUGUST 2006

Administrative Assistant	\$ 60.00/hr.
Soil Tester	\$ 90.00/hr.
Draftsperson/GIS Technician	\$ 80.00/hr.
GIS Analyst	\$ 95.00/hr.
Project Manager	\$ 110.00/hr.
Staff Engineer or Geologist	\$ 110.00/hr.
Senior Staff Engineer or Geologist	\$ 115.00/hr.
Project Engineer or Geologist	\$ 125.00/hr.
Senior Project Engineer or Geologist	\$ 135.00/hr.
Senior Engineer or Geologist	\$ 145.00/hr.
Principal Engineer or Geologist	\$ 175.00/hr.
Litigation	
Data Review	per above rates
Consultation	\$ 200.00/hr.
Depositions/Expert Witness Testimony	\$ 290.00/hr.
Vehicle Charge	\$ 0.65/mi.
Subsistence	\$ 55.00/day
Lodging	Cost
Premium charges	
Overtime (Saturdays and over 8 hours in one day)	add \$ 38.00/hr.
Sunday and Holidays	add \$ 47.00/hr.
Equipment rental, freight, special materials	Cost + 20%
Outside services	Cost + 20%

NOTES:

- 1) A two hour minimum charge will apply to field technician services with the following exceptions:
 - a) Single trip pickup and delivery services, where a one hour minimum will apply.
 - b) Saturday, Sunday and holidays, where a four hour minimum charge will apply.
- 2) A \$20.00 per hour shift differential surcharge will be added to the hourly rate of personnel involved in scheduled testing work between the hours of 6 P.M. and 5 A.M., as well as a four hour minimum.





ZEIGER ENGINEERS, INC.

478 3RD STREET, OAKLAND, CALIFORNIA 94607

TEL: (510) 452-9391

FAX: (510) 452-0661

www.zeigerengineers.com

BILLING RATE SCHEDULE

Applicable for the Periods of

January 1, 2008 through December 31, 2008

Principals	\$190.00
Senior Engineers	\$150.00
Engineers	\$128.00
Jr. Engineers	\$102.00
CAD Operator	\$94.00
Jr. CAD Operators	\$60.00
Expert Witness	\$315.00

EXHIBIT "C"

GENERAL PROVISIONS

(1) INDEPENDENT CONTRACTOR. At all times during the term of this Agreement, CONSULTANT shall be an independent contractor and shall not be an employee of CITY. CITY shall have the right to control CONSULTANT only insofar as the results of CONSULTANT'S services rendered pursuant to this Agreement; however, CITY shall not have the right to control the means by which CONSULTANT accomplishes services rendered pursuant to this Agreement.

(2) LICENSES; PERMITS; ETC. CONSULTANT represents and warrants to CITY that CONSULTANT has all licenses, permits, qualifications, and approvals of whatsoever nature which are legally required for CONSULTANT to practice CONSULTANT'S profession. CONSULTANT represents and warrants to CITY that CONSULTANT shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement, any licenses, permits, and approvals which are legally required for CONSULTANT to practice his profession.

(3) PERFORMANCE PERIOD This contract shall go into effect on March 9, 2009, contingent upon approval by the CITY, and the CONSULTANT shall commence work after notification to proceed by the CITY'S Project Manager. The contract shall end on (DATE), in accordance with the Project Schedule dated February 12, 2009, unless extended by contract amendment.

The CONSULTANT is advised that any recommendation for contract award is not binding on the CITY until the contract is fully executed and approved by the CITY.

(4) INSURANCE.

WORKER'S COMPENSATION. During the term of this Agreement, CONSULTANT shall fully comply with the terms of the law of California concerning worker's compensation. Said compliance shall include, but not be limited to, maintaining in full force and effect one or more policies of insurance insuring against any liability CONSULTANT may have for worker's compensation.

GENERAL LIABILITY AND AUTOMOBILE INSURANCE. CONSULTANT shall obtain at its sole cost and keep in full force and effect during the term of this agreement broad form property damage, personal injury, automobile, employer, and comprehensive form liability insurance in the amount of \$2,000,000 per occurrence; provided (1) that the CITY, its officers, agents, employees and volunteers shall be named as additional insured under the policy; and (2) that the policy shall stipulate that this insurance will operate as primary insurance; and that (3) no other insurance effected by the CITY or other names insured will be called upon to cover a loss covered there under; and (4) insurance shall be provided by an, at least, A-7 rated company.

PROFESSIONAL LIABILITY INSURANCE. During the term of this Agreement, CONSULTANT shall maintain an Errors and Omissions Insurance policy in the amount of not less than \$1,000,000.

CERTIFICATES OF INSURANCE. CONSULTANT shall file with CITY CLERK upon the execution of this agreement, certificates of insurance which shall provide that no cancellation, major change in coverage, expiration, or non-renewal will be made during the term of this agreement, without thirty (30) days written notice to the CITY prior to the effective date of such cancellation, or change in coverage.

CONSULTANT shall file with the CITY CLERK concurrent with the execution of this Agreement, the City's standard endorsement form (attached hereto) providing for each of the above requirements.

(5) CONSULTANT NOT AGENT. Except as CITY may specify in writing, CONSULTANT shall have no authority, express or implied, to act on behalf of CITY in any capacity whatsoever as an agent. CONSULTANT shall have no authority, express or implied, pursuant to this Agreement, to bind CITY to any obligation whatsoever.

(6) ASSIGNMENT PROHIBITED. No party to this Agreement may assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of any right or obligation pursuant to this Agreement shall be void and of no effect.

(7) PERSONNEL. CONSULTANT shall assign only competent personnel to perform services pursuant to this Agreement. In the event that CITY, at its sole discretion, at anytime during the term of this Agreement, desires the removal of any person or persons assigned by CONSULTANT to perform services pursuant to this Agreement, CONSULTANT shall remove any such person immediately upon receiving notice from CITY of the desire of CITY for the removal of such person or persons.

(8) STANDARD OF PERFORMANCE. CONSULTANT shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which CONSULTANT is engaged in the geographical area in which CONSULTANT practices his profession. CITY pursuant to this Agreement shall be prepared in a substantial, first-class, and workmanlike manner, and conform to the standards of quality normally observed by a person practicing in CONSULTANT'S profession. CITY shall be the sole judge as to whether the product of the CONSULTANT is satisfactory.

(9) CANCELLATION OF AGREEMENT. This Agreement may be canceled at any time by CITY for its convenience upon written notification to CONSULTANT. CONSULTANT shall be entitled to receive full payment for all services performed and all costs incurred to the date of receipt of written notice to cease work on the project. CONSULTANT shall be entitled to no further compensation for work performed after the date of receipt of written notice to cease work. All completed and uncompleted products up to the date of receipt of written notice to cease work shall become the property of the CITY.

(10) PRODUCTS OF CONSULTING. All products of the CONSULTANT resulting from this Agreement shall be the property of the CITY.

(11) INDEMNIFY AND HOLD HARMLESS. CONSULTANT shall indemnify, hold harmless the CITY, its officers, agents and employees from all claims, suits, or actions of every name, kind and description, brought forth on account of injuries to or death of any person or damage to property to the extent arising from or connected with the willful misconduct, negligent acts, errors or omissions, ultra-hazardous activities, activities giving rise to strict liability, or defects in design by the CONSULTANT or any person directly or indirectly employed by or acting as agent for CONSULTANT in the performance of this Agreement, including the concurrent or successive passive negligence of the City, its officers, agents or employees.

It is understood that the duty of CONSULTANT to indemnify and hold harmless includes the duty to defend as set forth in Section 2778 of the California Civil Code.

Acceptance of insurance certificates and endorsements required under this Agreement does not relieve CONSULTANT from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply whether or not such insurance policies shall have been

determined to be applicable to any of such damages or claims for damages.

(12) PROHIBITED INTERESTS. No employee of the CITY shall have any direct financial interest in this agreement. This agreement shall be voidable at the option of the CITY if this provision is violated.

(13) LOCAL EMPLOYMENT POLICY. The City of Winters desires wherever possible, to hire qualified local residents to work on city projects. Local resident is defined as a person who resides in Yolo County.

The City encourages an active affirmative action program on the part of its contractors, consultants, and developers.

When local projects require, subcontractors, contractors, consultants, and developers will solicit proposals from qualified local firms where possible.

As a way of responding to the provisions of the Davis-Bacon Act and this program, contractor, consultants, and developers will be asked to provide no more frequently than monthly, a report which lists the employee's residence, and ethnic origin.

(14) CONSULTANT NOT PUBLIC OFFICIAL. CONSULTANT is not a "public official" for purposes of Government Code §87200 et seq. CONSULTANT conducts research and arrives at conclusions with respect to his or her rendition of information, advice, recommendation or counsel independent of the control and direction of the CITY or any CITY official, other than normal contract monitoring. In addition, CONSULTANT possesses no authority with respect to any CITY decision beyond the rendition of information, advice, recommendation or counsel.

(15) COVENANT AGAINST CONTINGENT FEES. CONSULTANT warrants that he/she has not employed or retained any company or person, other than a bona fide employee working for the CONSULTANT; to solicit or secure this agreement; and that he/she has not paid or agreed to pay any company or person other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award, or formation of this agreement. For breach or violation of this warrant, the CITY shall have the right to annul this agreement without liability, or at its discretion; to deduct from the agreement price or consideration, or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

(16) RETENTION OF RECORDS/AUDIT For the purpose of determining compliance with Public Contract Code 10115, et seq. and Title 21, California Code of Regulations, Chapter 21, Section 2500 et seq., when applicable and other matters connected with the performance of the contract pursuant to Government Code 8546.7; the CONSULTANT, subcontractors, and the CITY shall maintain all books, documents, papers, accounting records, and other evidence pertaining to the performance of the contract, including but not limited to, the costs of administering the contract. All parties shall make such materials available at their respective offices at all reasonable times during the contract period and for three years from the date of final payment under the contract. The state, the State Auditor, CITY, FHWA, or any duly authorized representative of the federal government shall have access to any books, records, and documents of the CONSULTANT that are pertinent to the contract for audit, examinations, excerpts, and transactions, and copies thereof shall be furnished if requested.

(17) COST PRINCIPLES The CONSULTANT agrees that the Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31.000 et seq., shall be used to determine the allowability of cost individual items.

The CONSULTANT also agrees to comply with federal procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

Any costs for which payment has been made to CONSULTANT that are determined by subsequent audit to be unallowable under 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31.000 et seq., are subject to repayment by CONSULTANT to the CITY

(18) AUDIT REVIEW PROCEDURES Any dispute concerning a question of fact arising under an interim or post audit of this contract that is not disposed of by agreement, shall be reviewed by the CITY'S CHIEF FINANCIAL OFFICER.

Not later than 30 days after issuance of the final audit report, the CONSULTANT may request a review by the CITY'S CHIEF FINANCIAL OFFICER of unresolved audit issues. The request for review will be submitted in writing.

Neither the pendency of a dispute nor its consideration by the CITY will excuse the CONSULTANT from full and timely performance, in accordance with the terms of this contract.

(19) SUBCONTRACTING The CONSULTANT shall perform the work contemplated with resources available within its own organization; and no portion of the work pertinent to this contract shall be subcontracted without written authorization by the CITY'S Project Manager, except that, which is expressly identified in the approved Cost Proposal.

Any subcontract in excess of \$25,000 entered into as a result of this contract, shall contain all the provisions stipulated in this contract to be applicable to subcontractors.

Any substitution of sub-contractors must be approved in writing by the CITY'S Project Manager.

(20) EQUIPMENT PURCHASE Prior authorization in writing, by the CITY'S Project Manager shall be required before the CONSULTANT enters into any unbudgeted contract exceeding \$5,000 for CONSULTANT services. The CONSULTANT shall provide an evaluation of the necessity or desirability of incurring such costs.

(21) CONFIDENTIALITY OF DATA All financial, statistical, personal, technical, or other data and information relative to the CITY'S operations, which are designated confidential by the CITY and made available to the CONSULTANT in order to carry out this contract, shall be protected by the CONSULTANT from unauthorized use and disclosure.

Permission to disclose information on one occasion, or public hearing held by the CITY relating to the contract, shall not authorize the CONSULTANT to further disclose such information, or disseminate the same on any other occasion.

The CONSULTANT shall not comment publicly to the press or any other media regarding the contract or the CITY'S actions on the same, except to the CITY'S staff, CONSULTANT'S own personnel involved in the performance of this contract, at public hearings or in response to questions from a Legislative committee.

The CONSULTANT shall not issue any news release or public relations item of any nature, whatsoever, regarding work performed or to be performed under this contract without prior review of the contents thereof by the CITY, and receipt of the CITY'S written permission.

Any subcontract entered into as a result of this contract shall contain all of the provisions of this Article.

All information related to the construction estimate is confidential, and shall not be disclosed by the CONSULTANT to any entity other than the CITY.

END



CITY COUNCIL STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: March 3, 2009
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Nelia Dyer, Community Development Director
SUBJECT: **Appeal by Nicholas and Catherine Jimenez of the Planning Commission's Decision on January 27, 2009 Approving the Site Plan/Design Review and Adopting the Initial Study/Mitigated Negative Declaration for the Orchard Village Project**

RECOMMENDATION: Staff recommends that the City Council take the following actions: 1) Receive the staff report and conduct the Public Hearing; and 2) Deny the Appeal and uphold the Planning Commission's Decision on January 27, 2009 to approve the Site Plan/Design Review and adopt the Initial Study/Mitigated Negative Declaration for the Orchard Village Project

SUMMARY OF PROJECT: The project is a proposed development of 74 multi-family units in a total of 11 2-story buildings and a one-story community center on approximately 5 acres. The proposed project also includes landscaping, walkways, swimming pool and hot tub, playground area, trellised picnic area, and parking. On the remaining 5 acres, a total of 1.6 acres will be developed as active parkland while the remaining land will not be developed due to the seasonal wetland(s) on the property. The project site totals 10.6 acres.

The project site is located in the north-central portion of town, along the east side of Railroad Avenue, between Carrion Circle and Martinez Way. The property extends from Railroad Avenue east to Walnut Street. The project site is comprised of APNs 003-360-05 (10.000 acres) and -18 (0.6) acres).

BACKGROUND: The application for this project was received and filed on June 11, 2008. Two neighborhood workshops held by the applicant and a project website was established in June 2008. A conceptual Design Review and CEQA scoping session were conducted at the Planning Commission meeting on June 24, 2008. The planning application was found to be complete on July 11, 2008. On July 30, 2008, City staff determined that a Mitigated Negative Declaration would be an appropriate environmental document for the project. The Mitigated Negative Declaration was released on December

18, 2008 for a 30-day comment period that ended on January 16, 2009. No comments were received from any Responsible Agencies. Four comment letters and comments from concerned citizen at the building counter on January 16, 2009 were received.

The proposed project was presented to the Planning Commission on January 27, 2009. The only entitlement required for the project was Site Plan/Design Review for the design of the residential buildings, roadway dedications for Railroad Avenue and Dutton street, common area (including landscaping, parking, internal roads, community center, pool, playground and bike path), and the active park (including the detention pond). The proposed project also required the adoption of the Mitigated Negative Declaration and the Mitigation Monitoring Program. The Planning Commission approved the Site Plan/Design Review of the project and adopted the Mitigated Negative Declaration and Mitigation Monitoring Program (5-1-1). Draft minutes from the January 27, 2009 Planning Commission Meeting are attached (See Attachment A).

On February 4, 2009, Nicholas and Catherine Jimenez filed an appeal of the Planning Commission's decision to approve the Site Plan/Design Review and adopt the Mitigated Negative Declaration and the Mitigation Monitoring Program. The appeal is based on the following:

- 1) Appellants contend they did not receive notice of the change of zoning in 1992;
- 2) Appellants object to the project because it is solely low-income housing;
- 3) Appellants object to the decision, because, they allege, the Planning Commission did not resolve the following issues:
 - a) Water meter units for each household
 - b) Share the cost for the bike pathway
 - c) The impact on the roads off of Grant Avenue, Walnut, Dutton and East Streets;
 - d) Children crossing the street on Railroad Avenue;
 - e) Impact on Agriculture – the applicants have greenhouses on their property adjacent to the project;
 - f) The continuation of Dutton Street, including the sufficiency of police presence in the area;
- 4) The City has not re-evaluated the General Plan in this area.

DISCUSSION: Each of the reasons brought forth by Nicholas and Catherine Jimenez for the appeal of the project are addressed as follows:

- 1) ***Appellants contend they did not receive notice of the change of zoning in 1992;***

This issue is not relevant to action that took place at the January 27, 2009 Planning Commission meeting. The only entitlement required for the project was Site Plan/Design Review for the design of the residential buildings, roadway dedications for Railroad Avenue and Dutton street, common area (including landscaping, parking, internal roads, community center, pool, playground and bike path), and the active park (including the detention pond). The proposed project also required the adoption of the Mitigated Negative Declaration and the Mitigation Monitoring Program.

2) Appellants object to the project because it is solely low-income housing;

Implementation Program II.A of the Housing Element and Winters Municipal Code Section 17.60.030(a) require that at least 15 percent of all new housing units in the City must be affordable to persons of very low, low, or moderate income households. In addition, Winters Municipal Code Section 17.60.030(a) specifically provides that each new housing project in the City must meet the 15 percent affordable housing requirement in order to be approved.

The Orchard Village project satisfies the 15 percent affordability requirement in that 100 percent of the new housing units will be affordable to persons of very low, low, or moderate income. In particular, the project will create a total of 74 new affordable housing units. Of the 74 units, 26 of the units will be designated for persons of very low incomes and 47 of the units will be for persons of low incomes. The remaining unit is for the on-site manager.

According to California Government Code Section 65589.5, a local agency shall not disapprove a housing development project for very low, low or moderate income households or condition approval, including through the use of design review standards, in a manner that renders a project infeasible for development for the use of very low, low or moderate income households unless it makes written findings as to one of the following:

- a. The jurisdiction has adopted a housing element, and the development project is not needed for the jurisdiction to meet its share of the regional housing need for very low, low, or moderate income housing.
- b. The development project as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.
- c. The denial of the project or imposition of conditions as they required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low or moderate income households.
- d. The development project is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.
- e. The development project is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete.

The City of Winters has yet to update the housing element for the current planning

period of January 1, 2006 to July 30, 2013, and the development of the project is needed to meet the City's share of the regional housing need for very low and low income households. The project's Mitigated Negative Declaration does not identify a specific, adverse impact upon the public health or safety resulting from the project. There are neither state nor federal laws that would require the Planning Commission to deny the project. The land is not zoned for agriculture or resource preservation, and the project is consistent with both the jurisdiction's zoning and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete. Therefore, according to State Law, the Planning Commission had no grounds to disapprove the project.

- 3) ***Appellants object to the decision, because, they allege, the Planning Commission did not resolve the following issues:***
- a) ***Water meter units for each household***
 - b) ***Share the cost for the bike pathway***
 - c) ***The impact on the roads off Grant Avenue, Walnut, Dutton and East Streets;***
 - d) ***Children crossing the street on Railroad Avenue;***
 - e) ***Impact on Agriculture – the appellants have greenhouses on their property adjacent to the project;***
 - f) ***The continuation of Dutton Street, including the sufficiency of police presence in the area;***

Each of these issues is addressed as follows:

- a) There was discussion regarding Recommended Condition of Approval #8 about the installation of water meters for each unit. Commissioners concurred to change #8 to read: *"Pursuant to General Plan Policy IV.B.14, the applicant shall install one meter for the development. The applicant shall install a mechanism to meter the water usage of each unit to the satisfaction of City Staff"*. Therefore, the issue was resolved by the applicant and the Planning Commission.
- b) The Commissioners and the applicant concurred to note in the minutes regarding Recommended Condition of Approval #58 about the construction of the interim pedestrian pathway that the applicant and the City would work together to try to address a reimbursement agreement between this applicant and the Anderson Place applicant. Therefore, the Planning Commission and the applicant resolved this issue.
- c) The Traffic Impact Study prepared for the American Communities Townhome project (dated May 2006) was updated by Fehr & Peers for the subject project in December 2008. According to the update, the service level analysis revealed that all study intersections would operate at service level C or better. Even with the added 10 PM peak hour trips generated by the proposed project, the project would not result in a significant traffic impact on all study intersections.

The project includes Condition of Approval #57, which states the following:

The primary access to the project site is proposed via a driveway on

Railroad Avenue. A second driveway access shall be constructed on Dutton Street. The secondary access shall be utilized for an emergency access only until planned improvements to the Dutton/Walnut/Grant intersection have been completed.

- d) This issue is addressed through Condition of Approval #59, which states the following:

The applicant shall provide pedestrian crossing improvements from the bikeway/ped path at the south end of project across Railroad to Carrion Circle as required by the City Engineer approval.

- e) Staff visited the project site to observe the location of the greenhouses on the appellants' property. The greenhouses do not appear to be in operation. The appellants' property is zoned High Density Residential (R-4); therefore, the current use of the property is legal non-conforming. According to Winters Municipal Code Section 17.104.010 (Non-conforming uses), a use shall be deemed to have ceased when it has been discontinued, either temporarily or permanently, whether with the intent to abandon the use or not. Staff has not confirmed with the property owner whether or not the greenhouses are in operation.

Regardless, there is a total of approximately 25 feet in between the appellant's greenhouses and future Building E, which will be two stories in height (27 feet). The High Density Residential (R-4) zone allows a maximum structure height of 45 feet and a 10-foot setback on a two story side. The site plan for the project depicts a 10-foot setback and, based on staff's calculations conducted in ArcView (GIS), the greenhouses are approximately 15 feet from the property line. Overall, the project is consistent with the lot development standards of the R-4 zone. Moreover, with the distance between the future project and the greenhouses, the project should not impact the use of the greenhouses, if they are in operation.

- f) Dutton Street will be constructed from the south property boundary to the north property boundary to meet Secondary Collector Standards with a 66-foot right-of-way, which is consistent with the Winters General Plan Circulation Element (1992). The Circulation Element shows a future extension of Dutton Street from the south property boundary to County Road 33.

4) *The City has not re-evaluated its General Plan in this area.*

This issue is not relevant to action that took place at the January 27, 2009 Planning Commission meeting.

APPEAL NOTIFICATION: Public notice advertising for the public hearing on this appeal was prepared by the Community Development Department's Administrative Assistant in accordance with notification procedures set forth in the City of Winters' Municipal Code, Section 2.44.030. A legal notice was published in the Winters Express on Thursday, February 19, 2009.

RECOMMENDATION: Staff recommends denial of the appeal by making a motion as follows:

I MOVE THAT THE WINTERS CITY COUNCIL DENY APPEAL AND UPHOLD THE PLANNING COMMISSION'S DECISION ON JANUARY 27, 2009 TO APPROVE THE SITE PLAN/DESIGN REVIEW AND ADOPT THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION OF THE ORCHARD VILLAGE PROJECT

ALTERNATIVES: There are two alternatives for the City Council to consider:

- 1) Uphold the appellant's appeal and overturn the Planning Commission's approval of the Site Plan/Design Review and adoption of the Initial Study/Mitigated Negative Declaration of the Orchard Village Project. There are three possible options under this alternative:
 - a. Send the project back to the Planning Commission for further consideration of items specified by the City Council;
 - b. Approve the project with modified conditions;
 - c. Grant the appeal and deny the project with findings required under Government Code 65589.5. Under this option, the City Council should take tentative action and continue the matter for final action so that staff can prepare written findings.

- 2) Continue this item to another date for further consideration. This option is not recommended unless the Council requests specific information that cannot be obtained during this hearing.

ATTACHMENTS:

- A. Application for Appeal
- B. Minutes from the January 27, 2009 Planning Commission Meeting
- C. Public Hearing Notice

Date: Feb 4 2009

Name of Appellant: Nicolas i Catherine Jimenez

Mailing Address: PO Box 724

Winters, Ca. 95694

Phone Number: (530) 795-2498

Property Location: 1029 Railroad Ave plus petition from adjoint property owners

Present Zoning: R-4

Requested Action: Appeal The Deelopment " Orchard Village" low low income households

Date of Action: Feb. 4, 2009

Type of Appeal (Check One):

Appeal of Planning Commission Action

Staff/Administration Interpretation

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

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

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

Catherine Jimenez
Property Owner/Official Representative
Along w/ Adjoint property owner petition for Appeal

THIS SECTION FOR CITY USE ONLY:

Date Received (Stamp):

CITY OF WINTERS-PAID

DATE 2/4/09

AMOUNT \$250

REC. BY h

CASH/CHECK # 11952

Date scheduled to be heard by City Council: _____

Date City Council heard: _____

Appeal Approved

Appeal Denied

Received By _____

 Other _____
 Swimming Pool _____
 Recreation _____
 Community Center _____
 Finance _____
 RECEIVED FROM _____
 Date _____

CITY OF WINTERS

No 20888

NC FOLIAGE & LANDSCAPING
NICOLAS JIMENEZ
CATHERINE JIMENEZ

11952

P.O. BOX 724 530-795-2498
 WINTERS, CA 95694

DATE Feb. 4 2009 90-515/1211
 02019747

PAY TO THE ORDER OF

The City of Winters

\$ 250⁰⁰

two-hundred fifty no/

DOLLARS



FIRST NORTHERN BANK
 48 Main Street • Winters, CA 95694
 (530) 795-4501
 www.thatgraybank.com

FOR

Catherine Jimenez

⑈011952⑈ ⑆22105156⑆02019747⑈

Nicolas Jimenez
Catherine Jimenez
1029 Railroad Ave.
Winters, Ca. 95694
795 - 2498

February 3, 2009

To: City Council Members:

Michael Martin
Woody Fridae
Harold Anderson
Cecilia Aguiar - Curry
Tom Stone

Subject: Opposing the development for the Orchard Village

Note: Due to the very limited time of only 10 days that we have to respond to the City Councils for opposing this project, I know that we could have obtain more signature's for this petition. The enclose petition have been sign by adjacent neighbors.

January 30, 2009

Dear City Council Members,

The City's Planning Members adopted the plan for the Orchard Village for very low low income households' apartments. We are objecting to the proposal.

Enclosed are two copies; one is from the City Planning Commission and the other is our objection for the project. Given that we had only 30 days to respond, during that time was the Christmas & New Year Holiday's. For the Developer it may have been the perfect time, but defiantly not the right time for the citizens who will live adjacent to the project.

I have a difficult time, while public speaking – due to the very concern on this particular development I had to try to voice my opinion to the Planning Commission meeting January 27, 2009. This did not go well with me. Regardless;

#1) Back in 1992, when the zone had changed to R-4 high density, we honestly had never received any notification, knowledge or documentations that our property had changed zones.

#2) The layout in the design for the apartments is very attractive, however, because of its title and will draw for very low low income households'. Why cannot the apartments be for all "walks of Life" per say. In the future, than is it possible to build just regular apartments next to the low low one? Are will that particular area just draw low low income households'? Should we not mix it now, and not have the concerns that may or may not happen in the future?

#3) The Planning Commission Boards did not resolve a few items for the design development:

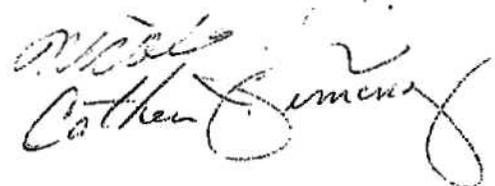
- 1). Water meter units for each household'
- 2). Share the cost for the bike pathway
- 3). It will impact even more the roads off of Grant Ave., Walnut, Dutton and East Street.
- 4). Children crossing the Street on Railroad Ave.
- 5). Impact agriculture – our greenhouses and our land, which has very rich healthy soil. We have been a greenhouse grower for some time and all the procedure to grow and maintain our plants; will it impact the people in the apartments?
- 6). to continue Dutton Street and finish it with an end zone. Will our police patrol the area late into the night. Thus, will we have enough police officers for this area along with the rest of the City and the New Developments that had already assigned to build?

#4). The City was re-evaluating each zone section of Winters to update the General Plan – thus in each section asking the citizens of Winters to input their voice. WE are STILL waiting for our area.

We appreciate the long thoughtfulness and taking the time, which the City Councils and the Planning Board Members have put into our Future for the City of Winters. To obtain revenue through the developers – it has never been and issue to speed up the process. Therefore, we believe that you should take this project the same consideration on you have had with all others. We ask if you will turn this around and resolve all above before making your decision.

Sincerely

Nicolas Jimenez
Catherine Jimenez



Opposing the development of very low low income apartments "Orchard Village"

	<u>name</u>	<u>address</u>	<u>Phone</u>
1.	Lorenzo Rodriguez	1 Betty Ct.	530-795-076
2.	Sergio Jimenez	Rail Road Ave	530-979 280
3.	Liberda Vela	96 NIEMANN ST	530-795-4496
4.	Manuel Vela	96 NIEMANN ST	530-795-4496
5.	NAME Garcia	104 NIEMANN ST	-5709
6.	Josephine Winder	100 NIEMANN ST	795-1105
7.	Kent	102 Niemann St.	795-0816
8.	Pete Albery	105 Niemann St.	795-4787
9.	Anthony	112 Niemann St	795-1843
10.	Ismael Hernandez	202 Martinez wy.	530-505-5001
11.	Steve SHAFER	113 MARTINEZ wy.	795-0559
12.	Quinn Peckard	112 Martinez Wy	795-0727
13.	Yvonne Ortiz	111 Martinez wy.	795-2805
14.	Art Menden	109 Martinez wy	795-4798
15.	Bobbie Kuse	104 Martinez Wy	795-3432
16.	Raul	103 Martinez way	795-5261
17.	T. Navarone	1100 MALAGA	795-2541
18.	Cristina Berni	1101 Malaga Ln	795-2665
19.		1101 Malaga Ln	795-2665
20.	Arath Rodarte	1105 MALAGA	795 1526
21.	Raymond T Smith	97 Martinez way	795-3757
22.	Toret McChynolds	97 Martinez Way	795-2000
23.	Shannon Bryan	822 RAILROAD AVE	795-5505
24.	Mauffel A. Bryan	822 RAILROAD AVE	795-5505
25.	John	4 Betty court	795-2945
26.	Shanna Martinez	6 Betty Court	795-1920
27.	DAN K. DELOREFFICE	9 Betty Ct.	795-3427



NOTICE OF INTENT AND NOTICE OF PUBLIC HEARING

TO: Interested Parties
FROM: Winters Community Development Department
DATE: December 18, 2008

SUBJECT: **NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION AND NOTICE OF PUBLIC HEARING TO TAKE ACTION ON THE ORCHARD VILLAGE PROJECT (APNs 003-360-05 and 003-360-18)**

Applicant: Central Valley Coalition for Affordable Housing

Description of the Project: The project proposes to include the following improvements on 10.6 acres:

- 74 multi-family units
- Roadway dedications for Railroad Avenue and Dutton Street
- Common area including landscaping, internal roads, club house, pool, playground, and bike path
- Park, detention pond, and open space

Project Location: The project site is located in the north-central portion of town, along the east side of Railroad Avenue, between Carrion Circle and Martinez Way. The property extends from Railroad Avenue east to Walnut Street. The project site totals 10.6 acres comprised of APNs 003-360-05 and 003-360-18

Environmental Determination: Mitigated Negative Declaration

Comments on the Mitigated Negative Declaration: The City requests your written comments on the Mitigated Negative Declaration during a **30-day review period** which begins **Thursday, December 18, 2008** and ends **Friday, January 16, 2009**. All comments must be received no later than 4:00 p.m., January 16, 2009. Postmarks are not accepted. Comments should be directed to **Nelia Dyer**, Community Development Director, Community Development Department, 318 First Street, Winters, CA 95694.

Public Hearing: A public hearing will be held to consider adoption of the Mitigated Negative Declaration and action on the project on **Tuesday, January 27, 2009 before the Planning Commission**. This meeting will start at 7:30 p.m. at the City Council Chambers located on the first floor of City Hall at 318 First Street, Winters, California.

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

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

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

Availability of Documents: The Mitigated Negative Declaration, supporting documentation, and project file are available for public review at the Community Development Department, Winters City Hall, 318 First Street, Winters, CA 95694. Copies of the Negative Declaration and the Initial Study will be available on the City's website (www.cityofwinters.org) under the Community Development Department tab (Reports & Publications option). Copies of the Staff Report will be available on the City's website at http://cityofwinters.org/administrative/admin_boards.htm

For more information regarding this project, please contact Nelia Dyer, Community Development Director, at (530) 795-4910 ext. 114.

City of Winters
Community Development Dept
318 First Street
Winters, CA 95694

SACRAMENTO CA 957

18 DEC 2008 7:10 P.M.

COMMUNITY DEVELOPMENT DEPARTMENT

003 360 16 1
Nicholas & Catherine Jimenez
PO Box 724
Winters, CA 95694

Nicolas Jimenez
Catherine Jimenez
1029 Railroad Ave. / 003-360-151 and 003-360-161
Winters, Ca. 95694

January 15, 2009

To the City of Winters Community Department,

We oppose the development of having low income apartments or housing right next door to us.

We have live on our property for about 25 years, twenty-five years. We purchased the property 22 years ago, twenty-two years ago.

During that time we had no notification, no knowledge, and no documentation that the City had changed our zones.

About a year and half ago a Developer requested to build town houses on that same adjacent property. Due to the density, that was O.K. with us, but the City rejected it???

We work intensively & constantly, seven days a week for our home – our lives. We care and have very great concern – who will be our neighbor...

If low income apartments are build adjacent to our property. Our property will have lesser value and people will be constantly moving in and then out, etc. etc. etc.

- Do not we already have five new low income apartments already build and or in the process of being build.

- Did not the City plan to have at least 10% or 15% of low income housing mix with new Development.

We ask if you would take into consideration and fairness to listen to what we have said. If you were to put yourself into our shoes – would you like living next door to low income apartments...? Your property – your home that you have live and build for over 25 twenty-five years.

The City needs to grow and at the same time attract more family's to live in our community. If we want to increase business for the City, than we will need higher income housing. I do not think, that low income housing will help pay for the new construction that the City just did downtown. What ever the price bracket will be to that particular development – will be the future for the City of Winters. Please do not take me wrong, but all these years I keep hearing low income homes, what about medium or higher income homes, is there something wrong with that?

We are in favor for the style of the homes that are being built behind us at Carrion Court.

Sincerely Nicolas & Catherine Jimenez



Nicolas Jimenez



Catherine Jimenez

Enclose are a few signature's that agrees with us: Which is, opposing the development of having low income apartments or housing right next door to us.

Due to the very limit

time, during the holidays,
I only got a chance to obtain
a couple of signatures. (both names)

<u>name</u>	<u>address</u>	<u>Phone</u>
Lorenzo	Rodriguez Court, 1 Betty Ct.	530-785-076
Sergio Jimenez	Rail Road Ave	530-979 290

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON
TUESDAY, JANURARY 27, 2009**

Chairman Vallecillo called the meeting to order at 7:30 p.m.

PRESENT: Cowan, Guelden, Martinez, Neu, Tramontana, and Chairman Vallecillo

ABSENT: DeVries

STAFF: Community Development Director Nellie Dyer, City Attorney John Wallace, Housing Manager Dan Maguire, City Engineer Nick Ponticello, Administrative Assistant Jenna Michaelis.

Commissioner Guelden led the Pledge of Allegiance.

COMMUNICATIONS:

Staff Reports: Community Development Director Dyer noted the Current Projects List & the Tentative Meeting Schedule, adding that Items A & B on the agenda for this evening have been continued to the next regular meeting.

Commission Reports: None

CONSENT ITEM

Approve minutes of the December 23rd, 2008 regular meeting of the Planning Commission.

Motion by Commissioner Cowan, Second by Commissioner Tramontana to approve the minutes for the December 23rd, 2008 meeting of the Planning Commission. Motion carried with the following roll call vote:

AYES: Cowan, Guelden, Martinez, Neu, Tramontana, and Chairman Vallecillo

NOES: None

ABSTAIN: None

ABSENT: DeVries

DISCUSSION ITEM

A. Public Hearing to Consider Proposed Negative Declaration and Ordinance 2009-01 Adopting the Form Based Code for Downtown Winters.

This item was continued due to the project consultant being ill. The item will be heard at the next regular meeting of the Planning Commission. Commissioners concurred.

B. Public Hearing to Take Action on a Design Review application (2008-15-CUP) for the Construction of a Fueling Canopy at 115 Grant Avenue

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON
TUESDAY, JANUARY 27, 2009**

This item was continued due to new information from the applicant too late to be reviewed prior to tonight's meeting. This item will be heard at the next regular meeting of the Planning Commission. Commissioners concurred.

- C. Public Hearing to Adopt the Proposed Mitigated Negative Declaration and Take Action on a Design Review application (2008-05-SP/DR) for the Orchard Village Project.

Community Development Director Dyer gave an overview of the staff report and presented a Powerpoint.

Commissioner Tramontana asked staff if the project incorporated solar components. Community Development Director Dyer indicated that the applicant would address his question. Shellan Miller of Pacific West Communities, the applicant, stated that the community spaces would be fitted with solar arrays to power only the community spaces. The residential buildings would not be fitted or powered with solar.

Commissioner Neu asked staff about a bike path he saw in one version of the project but disappeared as it has progressed. Community Development Director Dyer responded that the bike path described in Recommended Condition of Approval #61 was removed because it was not covered in the Mitigated Negative Declaration prepared for the project.

Commissioner Martinez asked staff about an item on page 9 of the staff report regarding a fiscal analysis not being done for the project. Community Development Director Dyer responded that a fiscal analysis wasn't necessary because the General Plan has provided for this use. She added that the project would bring in needed impact fees of approximately \$1.5 million and the applicant will pay \$700,000 for the City's needed water well. Staff felt it was not necessary because of those items.

Commissioner Vallecillo asked if the project had been a market-rate product would a fiscal analysis been done. Community Development Director Dyer responded that if no rezone or General Plan Amendment would have needed to be done, then that may trigger that kind of analysis.

Commissioner Martinez asked staff about the City's current density of affordable housing. Housing Manager Maguire responded that there is currently only one opening at the Winters II project due to an eviction, and that there is a waiting list for that property. Commissioner Martinez asked about the ratio of affordable housing to market rate housing in Winters. Community Development Director Dyer responded that Housing Manager Maguire provided her with numbers of affordable and market-rate multifamily housing in Winters, and after a rough calculation, there are 220 multi-family affordable units and 100 market rate multifamily units. Community Development Director Dyer added that the General Plan calls on the

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON
TUESDAY, JANUARY 27, 2009**

City to maintain an overall mix of 75 percent single family and 25 percent multi-family in its housing stock. Without this project, the City has 82.8 percent single family and 17.2 percent multi-family. With this project, the City would have 78.5 percent single family units and 21.5 percent multi-family units.

Community Development Director reminded the Commissioners that they were making a decision on the Design Review of the project and the Mitigated Negative Declaration.

Community Development Director Dyer asked the commissioners if they had any comments or questions about the materials for the project. Shellan Miller presented the materials board and explained the use of vinyl products for the exterior of the buildings. Commissioner Vallecillo asked about the durability of the vinyl products. Caleb Roope of Pacific West Communities explained the durability of the product and the reason for this selection being the durability and maintenance costs.

Commissioner Vallecillo asked if this project was presented to the Affordable Housing Steering Committee. Maguire stated that it was.

Commissioner Neu asked about the color of the roofing materials, stating that the materials looked very dark. He also asked about energy savings using a lighter colored roofing material. Shellan Miller stated that this product was selected for the aesthetics.

Commissioner Cowan stated that he has a very hard time buying into exterior vinyl products. He does not like the look of the product; it can be spotted from far away. Commissioner Vallecillo echoed Commissioner Cowan's comments and stated that vinyl products are one of the least "green" products on the market. Commissioner Cowan added that fiber cement products are in the same price range and are a much "greener" product. Commissioner Vallecillo stated that they could get the same R value from a fiber cement product.

With no other questions from the Commission at that time, Vallecillo opened the Public Hearing at 8:15PM.

Chuck Carrion of 126 Carrion Court, voiced concerns over traffic on Dutton Street, the two access points into the project, and that the detention pond proposed is too close to the Carrion Court properties.

Allison Portello of 105 Almond Drive, voiced concerns over possible parking problems on Dutton Street and would like it if the street was not extended. Ms. Portello also asked what plans were in place for dealing with traffic on Grant Avenue. Commissioner Vallecillo stated that he would let other citizens speak and then City Engineer Nick Ponticello would come up to address traffic and roadway issues.

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON
TUESDAY, JANUARY 27, 2009**

Catherine Jiménez of 1029 Railroad Avenue, voiced concerns over the proximity of affordable "low income" housing to her property – that it would decrease the value of her property, also adding that she was not notified during the General Plan proceedings in the early 1990s that the adjacent property was re-zoned. Jimenez asked if that parcel is required to have "low-income" housing on it, or can another developer come in with regular market rate housing. Commissioner Vallecillo responded that the City is charged with promoting affordable housing. He added that citizens utilizing affordable housing are our friends and neighbors, and there is a high demand for this type of housing in Winters.

Hearing no other comments, Commissioner Vallecillo closed the Public Hearing at 8:35PM.

City Engineer Ponticello outlined the proposed plans for widening Grant Avenue and other traffic improvements in the area of Grant & Dutton/Walnut. Commissioner Tramontana asked about the possibility of lowering the speed limit along that section of Grant. City Engineer Ponticello responded that since it is a state highway, there are difficulties in changing the speed limit and that data for this section of road does not support that as an option at this time.

Hearing comments from the audience, Commissioner Vallecillo re-opened the Public Hearing at 8:55PM.

Chuck Carrion of 126 Carrion Court, asked why both entrances of the project can't come out on Railroad Avenue. City Engineer Ponticello responded that street specifications call for staggering driveways/entrances and this was the selected configuration.

Hearing no other comments, Commissioner Vallecillo closed the Public Hearing at 9:00PM.

Applicant Caleb Roope brought forward an idea for bollards on Dutton Street effectively closing off the street north of the Dutton Street access to the project to automobile traffic. City Engineer Ponticello responded that although it is a nice thought, the street needs to be open for park access, public safety patrols and emergency services.

Community Development Director Dyer went over the list of changes to conditions of approval. Discussion continued regarding the changed items. Caleb Roope requested a change to Recommended Condition of Approval #52 regarding the apartment for the on-site manager. Commissioners concurred to change #52 to read *"The project shall create a total of 73 new affordable housing units. Of the 73 units, 26 of the units will be designated for persons of very low incomes and 47 of the units will be for persons of low income. One unit shall be a non-income restricted and non-rent restricted unit for the, on-site manager"*.

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON
TUESDAY, JANUARY 27, 2009**

Commissioner Vallecillo asked staff to change the wording of Recommended Condition of Approval #58 regarding the pedestrian path on the east side of Railroad Avenue. Commissioners concurred to modify #58 to read: *"The Applicant shall construct interim pedestrian and bicycle improvements on the east side of Railroad Avenue from the project site to Grant Avenue (SR 128) consisting of an off-street Class 1 pedestrian/bicycle asphalt concrete (AC) path within the existing City right-of-way. The path will be 8 feet wide to the extent that the right-of-way and existing trees permit"*.

There was discussion regarding Recommended Condition of Approval #8 about the installation of water meters for each unit. Commissioners concurred to change #8 to read: *"Pursuant to General Plan Policy IV.B.14, the applicant shall install one meter for the development. The applicant shall install a mechanism to meter the water usage of each unit to the satisfaction of City Staff"*.

The Commissioners and the applicant concurred to note in the minutes regarding Recommended Condition of Approval #58 about the construction of the interim pedestrian pathway that the applicant and the City would work together to try to address a reimbursement agreement between this applicant and the Anderson Place applicant.

There was discussion regarding Recommended Condition of Approval #47 about the exterior colors and materials of the buildings. Commissioners concurred to change #47 to read: *"Exterior colors of the buildings shall be consistent with the color board presented to the Planning Commission on January 27, 2009. The building materials shall consist of fiber cement materials to the satisfaction of City staff"*.

Commissioner Martinez stated that she is not in support of the project and asked staff why on the Mitigated Negative Declaration it states that the site is located next to mixed-use developments on all sides. Community Development Director Dyer responded that adjacent to the site are uses of all kinds such as the Briggs commercial building and the storage facility to the south. Commissioner Martinez asked specifically about the site having not been used as an agricultural use, and asked for how many years does it need to be unused in order not to be of significance and for the definition of "close proximity" to farmland. Community Development Director Dyer responded that the site has not been cultivated or irrigated for many years. In addition, it has been designated as high density residential and parkland since the adoption of the General Plan in 1992, and it is presently surrounded by urban development. Community Development Director stated that she did not have a definition of "close proximity" to farmland.

Motion by Commissioner Neu, Second by Cowan to recommend Adoption of the Proposed Mitigated Negative Declaration and Take Action on a Design Review application (2008-05-SP/DR) for the Orchard Village Project. Motion carried with the following roll call vote:

**MINUTES OF THE WINTERS PLANNING COMMISSION MEETING HELD ON
TUESDAY, JANUARY 27, 2009**

AYES: Cowan, Guelden, Neu, Tramontana, and Chairman Vallecillo
NOES: Martinez
ABSTAIN: None
ABSENT: DeVries

COMMISSION/STAFF COMMENTS:
None

The meeting was adjourned at 10:16 p.m.

ATTEST:

Jenna Michaelis, CDD Admin

Albert Vallecillo, Chairman

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA
COUNTY OF YOLO

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of THE WINTERS EXPRESS, a newspaper of general circulation, printed and published in the City of Winters, County of Yolo, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Yolo, State of California, under the date of December 24, 1951, Case Number 12461; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit: February 19, 2009. I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Winters, California, this 19th day of February, 2009.



Signature

Winters, California. Written comments may be submitted at the hearing or by prior submission to the Winters City Clerk, and oral comments may be made at the hearing.

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

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

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

For more information regarding this project, please contact Nellie Dyer at (530) 795-4910 ext. 114.

At the time and place noted above, all persons interested in the above matters may appear and be heard.

DATED: February 16, 2009.

CITY OF WINTERS CITY CLERK
Secretary

Published February 19 2009

Proof of Publication

Notice of Public Hearing

Notice of Public Hearing

NOTICE OF PUBLIC HEARING OF THE WINTERS CITY COUNCIL ON THE APPEAL OF THE PLANNING COMMISSION DECISION ON JANUARY 27, 2009 APPROVING THE ORCHARD VILLAGE PROJECT

NOTICE IS HEREBY GIVEN that the Winters City Council will hold a public hearing on Tuesday, March 3, at 7:30 p.m. in the Council Chambers of City Hall, 318 First Street, Winters, California. The purpose of the Public Hearing is to consider an appeal of a Planning Commission decision on January 27, 2009 approving the ORCHARD VILLAGE PROJECT.

The project site is located in the north-central portion of Winters, along the east side of Railroad Avenue, between Carbon Circle and Martinez Way. The property extends from Railroad Avenue east to Walnut Street. The project site totals 10.6 acres, identified as Yolo County Assessor's Parcel Numbers 003-380-05 and 003-380-18.

The Orchard Village Project is a proposed subdivision of 10.6 acres to create 74 Multi-Family Housing Units. The Project was approved on January 27, 2009 by the Winters Planning Commission.

Nicholas and Catherine Jimenez have filed an appeal of the Planning Commission decision with the City Council. The appeal is based on the following:

- 1) Appellants contend they did not receive notice of the change of zoning in 1992;
- 2) Appellants object to the project because it is solely low-income housing;
- 3) Appellants object to the decision, because, they allege, the Planning Commission did not resolve the following issues:
 - a) Water meter units for each household
 - b) Share the cost for the bike pathway
 - c) The impact on the roads off Grant Avenue, Walnut, Dutton and East streets;
 - d) Children crossing the Street on Railroad Avenue;
 - e) Impact on Agriculture - The appellants have greenhouses on their property adjacent to the project.
- 4) The City has not re-evaluated its General Plan in this area.

All interested citizens are invited to attend. Records of the Orchard Village Project, and the Planning Commission Decision, are on file with the Com-



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE : March 3, 2009
FROM: John W. Donlevy, Jr., City Manager 
SUBJECT: Winters Historical Photo Collection Exhibit - Donation

RECOMMENDATION:

That the City Council:

1. Receive a presentation; and
2. Accept a donation and ownership of a historical photo collection for an administered mobile exhibit to be established by the City; and
3. Establish an ad-hoc committee called the Winters History Committee to administer the collection and exhibit, and
4. Appoint Joann Larkey and Evelyn Rominger as community representatives to the Committee; and
5. Appoint Councilmember Woody Fridae as a liaison to the Committee.

BACKGROUND:

At the January 13 Special Meeting of the City Council, Winters Historian JoAnn Larkey made a presentation offering a historical photo collection as a donation to the City. In her discussion, she suggested that the City Council approve the establishment of a committee to administer the exhibit.

DISCUSSION:

The proposed Committee will be providing an Introduction and power point presentation of selected historic images to be included in recommended donation. The initial exhibit is tentatively scheduled for a major showing at the Winters Center for the Arts from July 1 to August 31, 2009.

First, it is the intention of the Winters History Committee, which has been organizing this privately funded exhibit, to donate ownership, as a mobile exhibit, of the resulting digitally scanned and framed images to the citizens of Winters, through the auspices of the City of Winters. Conceptually, the exhibit will be moved throughout the community to broaden exposure of the local history.

The management of the donated exhibit will be done through the appointment of the 3-member Winters History Committee, which currently consists of Woody Fridae, Joann Larkey and Evelyne Rominger. A larger, rotating membership representing various entities within the community may be desirable in the future. The Winters History Committee would be charged with the control, storage and management of the collection. This committee would also use the adopted Goals & Mission statement to determine the "highest and best use" of individual images for future display at multiple venues within the city.

Winters: A Taste of History

Heritage of Northern California Horticulture

Goals & Mission

The WINTERS photo exhibit's primary goals and mission are to provide historical context and a profound Sense of Place for all residents and visitors through celebration of the horticultural legacy of WINTERS California that began in 1842.

Benefits of the exhibit include the interactive and progressive collaboration of residents, merchants, businesses and civic organizations, along with several exhibit venues - adding to the marketing and promotion of historic downtown WINTERS as a creative Historic Destination that incorporates art, theater, music and culinary venues. Determining a permanent exhibit location is the longer term mission for this collaborative exhibit process.

Overview

- Provide historic context for WINTERS through Sense of Place
- Exhibit WINTERS photo selection from archival photo collection with Joann L. Larkey's publication, summary text and historic artifacts
- Solicit as exhibit curator Joann L. Larkey, author of- *WINTERS: A Heritage of Horticulture - A Harmony of Purpose*, published in 1991 by Yolo County Historical Society
- Feature WINTERS' contribution to Northern CA horticulture
- Develop interactive process with the city's residents, merchants, businesses, civic and cultural organizations with several exhibit venues
- Enhance core "kernel" exhibit with additional historic perspectives, artifacts and contributions as exhibit moves to various locations

- Create events to compliment photo history exhibit
- Host events such as historic Enactments, Music and Art activities
- Celebrate ethnically diverse contributions to the horticultural and business development of the area
- Encourage marketing and promotion of downtown WINTERS as a creative Historic Destination
- Collaborate with local Main St. WINTERS venues for a progressive tour to three or more linked locations
- Determine permanent venue through collaborative exhibit process

Special forms being drafted by the Committee will provide a tracking system for each framed image, extra frames or artifact in the collection and will address such issues as permission releases, liability and replacement, if required.

It is also requested by the Winters History Committee that the City of Winters create a special accounting system for the Winters: A Taste of History Fund, with tax-deductible status so that the city can receive donations to the fund and pay for expenses that will be incurred for the printing, matting, framing and hanging of the collection.

The above agreements should remain in effect until such time as the Winters History Committee determines that the exhibit collection should be placed under control of a local museum.

Staff Recommendation:

Staff is recommending that the City accept the exhibit collection and authorize the establishment of the ad-hoc "Winters History Committee" to administer the collection. The committee would be advisory to the City Council and the liaison will report back to the Council on the activities.

Additionally, the City will assist in the receipt and accounting of funds donated toward the exhibit.

FISCAL IMPACT:

Staff time and accounting for donations made toward the exhibit.



**COMMUNITY DEVELOPMENT AGENCY
STAFF MEMO**

TO: Chairman and Members of the Board
DATE: March 3, 2009
FROM: John W. Donlevy, Jr., Executive Director 
SUBJECT: Railroad Avenue Sidewalk Construction

RECOMMENDATION:

That the Agency Board approve the Railroad Avenue Library Sidewalk Project Budget Sheet and authorize a funding of \$98,000 reallocation from the Winters Library Project.

BACKGROUND:

There is currently no sidewalk on Railroad Avenue between Anderson Ave and the new Winters Community Library which is under construction. This creates both accessibility and pedestrian safety issues.

DISCUSSION:

Staff is proposing the development of a monolithic sidewalk to be constructed on the west side of Railroad Avenue between Anderson Avenue and the Library/Winters High School property. The project will include some sidewalk and curb/gutter modifications to allow pedestrian and wheelchair access to the site.

The project will not include under grounding of the phone or cable utilities along this stretch. The objective of the project is pedestrian safety and will not complete the ultimate improvements to Railroad Avenue. Future construction on Railroad may require removal of some of these improvements, however, this may not occur for many years.

The Library Project was bid and came in almost \$800,000 under the construction estimate. Staff is recommending (and has discussed with the County and District) of reallocating \$100,000 of our commitment to this sidewalk project.

FISCAL IMPACT:

\$98,000

ATTACHMENTS:

Railroad Avenue Library Sidewalk Project Budget Sheet

DRAFT

City of Winters

**Railroad Avenue Library Sidewalk
Project Budget Sheet**

CIP#: 09-04

MPFP#(s):

Last Updated: February 2009

Original Approval:

Project Owner: Public Works

Project Manager: Asa Utterback

Project Resource: Consultant

Description:

This project is a coordinated frontage improvement to go with the City Library being constructed on the Railroad Avenue side of the Winters JUSD property at the Winters High School. The sidewalk improvements will complete the ADA compliant pathway along the west side of Railroad Avenue between Anderson Avenue and Grant Avenue (SR128) by installing a sidewalk behind the existing curb line where possible and making minor, non-uniform curb alignment shifts where existing utility poles would otherwise restrict the clear passageway to less than ADA minimum widths. The sidewalk width and alignment will not be constructed to the current City standards for this type of roadway and developed adjacent property uses. The City considers it necessary to create at least a minimum ADA compliant pathway for proper public access to the new library, but due to budget constraints the City only has the ability to satisfy the minimum need.

Authority:

General authority to improve and maintain the existing city street infra-structure as needed to properly serve the public. This project will enhance the community amenities and funding is being provided from Redevelopment Agency funds.

Budget:						
Item	%	Amount	Item	%	Amount	
Project Management/ Construction Management		\$ 6,000	Investigations		\$ -	
Testing and Inspection		\$ 3,000	Land		\$ -	
Consultant Design/PS&E		\$ 7,000	Construction		\$ 82,000	
RW Consultant		\$ -	Other			
CEQA		\$ -	Project Total:		\$ 98,000	

Financing Schedule:							
	Project Start:	2009	Project Completion:	2009			
Phases:							
Fund Code:	? RDA ?						
Name:	? ?	Blank	Blank	Blank	Blank	Blank	FY Totals
Prior FY:							\$ -
FY 08/09:	\$ 98,000						\$ 98,000
FY 09/10:							\$ -
Fund Totals:	\$ 98,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 98,000

Recommended for Submittal

Recommended for Approval (Dept. Head)

Finance Department Approval

City Manager Approval

Asa Utterback, Project Manager	(date)
Nicholas J Ponticello, City Engineer	(date)
Shelly Gunby, Director of Finance	(date)
John Donlevy, City Manager	(date)