



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, November 3, 2009

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*

7:00 p.m. – City Council
Executive Session
AGENDA

Pursuant to Government Code Section 54957
Public Safety Employee – CalPERS Disability Retirement

7:30 p.m. – Regular Meeting of the City Council
AGENDA

PLEASE NOTE – The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Mayor or Councilmembers. Public comments time may be limited and speakers will be asked to state their name.

Roll Call

Pledge of Allegiance

Approval of Agenda

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS

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

CONSENT CALENDAR

All matters listed under the consent calendar are considered routine and non-controversial, require no discussion and are expected to have unanimous Council support and may be enacted by the City Council in one motion in the form listed below. There will be no separate discussion of these items. However, before the City Council votes on the motion to adopt, members of the City Council, staff, or the public may request that specific items be removed from the Consent Calendar for separate discussion and action. Items(s) removed will be discussed later in the meeting as time permits.

- A. Minutes of the Regular Meeting of the Winters City Council Held on October 20, 2009 (pp 1-5)
- B. Project Completion and Acceptance: Hemenway-Rosa Area Paving, Project No. 015-09 (pp 6)
- C. Resolution 2009-53 Affirming the City of Winters Support and Partnership with the 2010 Census (pp 7-11)
- D. Resolution 2009-55, A Resolution of the City Council of the City of Winters Approving a Budget Adjustment of \$75,000 for Additional Staffing for The Water Fund (pp 12-14)
- E. Resolution 2009-56, Determining a Safety Employee to be Disabled (pp 15-17)

PRESENTATIONS

Presentation of Proclamations to Hispanic Advisory Committee
Festival de la Comunidad/Carnitas Cook-off Sponsors (pp 18-36)

DISCUSSION ITEMS

1. Public Hearing and Introduction of Ordinance 2009-13, an Ordinance of the City Council of the City of Winters, Adding Chapter 17.120, Vacant and Abandoned Property Registration, to the Winters Municipal Code to Require Owners and Other Persons Responsible for Vacant

- and Abandoned Property to Register with the City and to Maintain Such Property (pp 37-46)
2. Public Hearing and Introduction of Ordinance 2009-14, an Ordinance of the City Council of the City of Winters, Allowing Billing for Multiple Police Calls, Driving Under the Influence, and Emergencies (pp 47-53)
 3. Moratorium Ordinance 2009-15, an Ordinance of the City Council of the City of Winters, regarding Medical Marijuana Dispensaries (pp 54-59)
 4. Staff Presentation on the Winters Grant Avenue/State Route (SR) 128 Complete Streets Community Planning Process (Informational Item Only) (pp 60-61)
 5. Joint Public Hearing with Community Development Agency for Cottages at Carter Ranch Phase 2 Final Map, A Request for Infrastructure Funding, and Resolution 2009-54, a Resolution of the Winters Community Development Agency Regarding Rancho Arroyo Detention Basin Inlet Structure Improvement and Compliance with Health and Safety Code Section 3345 (pp 62-66)

COMMUNITY DEVELOPMENT AGENCY

1. Joint Public Hearing with City Council for Cottages at Carter Ranch Phase 2 Final Map, A Request for Infrastructure Funding, and Resolution 2009-54, a Resolution of the Winters Community Development Agency Regarding Rancho Arroyo Detention Basin Inlet Structure Improvement and Compliance with Health and Safety Code Section 3345 (**See Discussion Item #5 for Backup**)
2. 23 Main Street – Conceptual Art Park Plan (pp 67-68)

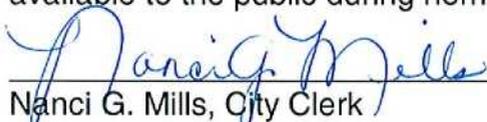
CITY MANAGER REPORT

INFORMATION ONLY

EXECUTIVE SESSION

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the November 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 October 29, 2009, and made available to the public during normal business hours.



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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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 Regular Meeting of the Winters City Council
Held on Tuesday, October 20, 2009

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

Present: Council Members Cecilia Aguiar-Curry, Harold Anderson, Woody Fridae, Tom Stone, and Mayor Michael Martin.
Absent: None
Staff: City Manager John Donlevy, City Attorney John Wallace, Director of Financial Management Shelly Gunby, Associate Elliot Landes, and City Clerk Nanci Mills.

Winters History Committee member Evelyn Rominger led the Pledge of Allegiance.

Approval of Agenda: Motion by Council Member Anderson and seconded by Council Member Stone to approve the agenda with no changes. Motion carried unanimously.

COUNCIL/STAFF COMMENTS: Council Member Aguiar-Curry recently attended a Yolo County Leadership Summit, which focused on youth and gang activity. Council Member Stone said the final Farmers Market of the year will be held in Rotary Park on Sunday, October 25, and will include a craft show. Mayor Martin spoke on behalf of area farmers, saying he would like to see some dry weather so crops can be harvested.

PUBLIC COMMENTS: Wade Cowan, 106 Third Street, said the decision to cut the building permit hours is a mistake and a bad idea.

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council held on October 6, 2009
- B. Jordan Infrastructure Agreement
- C. Project Completion and Acceptance - 2008-09 Prop 1B Seal Coats

D. City of Winters Letter of Support on Behalf of Steve Karr, Board of Director, Putah Creek Trout

City Manager Donlevy gave a brief overview. In regards to Item B, the Jordan Infrastructure Agreement, Council Member Aguiar-Curry said there was a conflict between the red-line corrections on Page 13 of the Public Infrastructure Agreement ("so as to not interfere with the development of the Property") and Page 20 of the Grant Deed ("so as not to interfere with farming operations.") City Attorney Wallace said he was trying to show both attorney's comments and corrections.

Council Member Aguiar-Curry also asked why the Grant Avenue/I-505 Property Ownership summary was included with the Jordan Infrastructure Agreement. City Manager Donlevy said it was included to show the ownership percentages of the property.

Regarding the Prop 1B Seal Coats, City Manager Donlevy said approximately 6 miles of surface, or 40% of the City streets were treated during this project.

City Manager Donlevy also recommended authorization of a letter of support for Putah Creek Trout, with the following exception: Once fish are planted in Putah Creek, the zero limit regulation be lifted.

Motion by Council Member Stone and seconded by Council Member Anderson to approve the Consent Calendar. Motion carried unanimously.

PRESENTATIONS: None

DISCUSSION ITEMS

- 1. Public Hearing and Second Reading by Title Only and Adoption of Ordinance 2009-12, An Ordinance of the City Council of the City of Winters, Repealing and Re-Adopting Chapter 13.04 of the Winters Municipal Code Pertaining to Water Service, and Amending Chapter 13.08 of the Winters Municipal Code Pertaining to Billing for Wastewater Services, and Resolution 2009-52, A Resolution of the City Council of the City of Winters, Setting Rates and Payment Options for the Installation of Water Meters for those Properties Currently not Metered**

Director of Financial Management Shelly Gunby gave a brief overview. Council Member Anderson asked about Section 13.04.130, Cross Connections, citing an example in the City of Galt, where neighbors of a Council Member attached a hose to his connection to care for a foreclosed property in the neighborhood. Once discovered, the Council Member was fined. In response, City Manager

Donlevy said Section 13.04.130 will be amended as follows: It shall be unlawful for any Consumer, *without written consent of the City*, to allow any person to attach a pipe or hose connection to the plumbing on his or her lot or parcel for the purpose of providing water to any other lot or parcel.

City Manager Donlevy said cross connections are required for health reasons, preventing vacuum action to distribute bacteria back into the system.

Mayor Martin opened the public hearing at 7:53 p.m. and closed the public hearing at 7:53 p.m. with no public comment.

Motion by Council Member Fridae and seconded by Council Member Aguiar-Curry to adopt, as amended, Ordinance 2009-12, repealing and re-adopting Chapter 13.04 of the Winters Municipal Code pertaining to water services and amending Chapter 13.08 of the Winters Municipal Code pertaining to billing for wastewater services; approve Resolution 2009-52, setting rates and payment options for the installation of water meters for those properties not currently metered; and authorize staff to move forward with the Water Meter Installation Plan in Exhibit A and authorize the City Manager to issue a purchase order for equipment as detailed in Exhibit B. Motion carried with the following roll call vote:

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

2. Winters History Project Update

Winters History Committee member JoAnn Larkey gave a verbal report to Council and presented the City with a framed photo taken in the Winters Opera House in 1893. She also reviewed the Release Form, the Donor/Receipt Form, and the Financial Report. Mayor Martin said he enjoyed viewing the photos at the Visitor Center, which gives a history of the community. He would like to see more people donate their pictures to the collection and moving the exhibit to different locations.

Council Member and Winters History Committee member Woody Fridae said copies are being made, which will enable them to add four more exhibits. He said it has been a privilege to work on the committee with JoAnn and Evelyn. They both possess limitless knowledge of the community and understand the archive process and the technicalities of obtaining permission to show the exhibits. A History Symposium was recently held at the Wolfskill UCD Horticultural Station, following by lunch at the Buckhorn and a symposium at the Palms. Approximately 75 people attended, with 6-7 of those being Wolfskill

descendants. This was another opportunity for people to return to Winters, and they suggested this event be held on an annual basis.

The committee is requesting Council to approve the following action items: approve the name change of what was originally called the Winters Historic Photo Fund or the "Winters: A Taste of History" project to The Winters History Project, and to approve the additional appointments of Jack Graf and Gloria Lopez to the Winters History committee.

Motion by Council Member Aguiar-Curry and seconded by Council Member Stone to approve the name change and approve the additional appointments to the committee. Motion carried unanimously.

3. Gateway Properties Process

City Manager Donlevy gave a brief overview of the planning process, which includes two key issues: roadway and entrance design, and public input on design, architecture and the planning process of the Grant Avenue corridor. City Attorney Wallace said there are no plans to extend the project to Yolo Housing. Council Member Fridae asked if the Grant Avenue Corridor would be based on the combination of several documents pertaining to this area, and whether there will be public input on both issues. City Manager Donlevy replied yes.

Council Member Aguiar-Curry voiced her concerns regarding the Gateway design, architecture and planning process. She said she wanted input on uses, as today's uses will be different than those from 16 years ago. This will be a difficult piece, which will require a public process. We may have to address uses vs. design. Council Member Stone said the process will not result in re-zoning. Council Member Aguiar-Curry agreed, saying she is anticipating use discussions. Council Member Stone said without rezoning, anyone can come forward.

Mayor Martin asked if the funds used for this project can be reimbursed by developers. City Manager Donlevy said there is no developer for this project. They can talk to individual property owners. There is really no money to do this, but the City will see what they can come up with. Council Member Anderson said there was money collected for the last General Plan study. If no money remains, we shouldn't do it. City Manager Donlevy said we are not looking to do a full blown Master Plan on this; it is a design guideline only.

Council Member Fridae said there are competing interests. Citizens are concerned about what will be going in. Will it have eye appeal? What will it look like? What type of signage will be used? We have the opportunity to work on the vision while moving ahead on key projects. It will be necessary to pull together to meet these competing interests.

Council Member Aguiar-Curry asked about private or group funding. City Manager Donlevy said Council Member Anderson's idea of reimbursement might be a better option. He also said this item will come back before Council, much more polished.

COMMUNITY DEVELOPMENT AGENCY

1.

CITY MANAGER REPORT: City Manager Donlevy recently attended the California Redevelopment Association Briefing, where the State budget is tracking at \$10 billion below the anticipated revenue, with \$5 billion in illegal, unconstitutional transfer of funds. In January, 2010, the State will announce a current deficit of \$15 billion. The State has shorted us by taking our Highway User Tax in the amount of \$138,000, and will likely steal next year's Highway User Tax funds as well. The California Redevelopment Association has filed a lawsuit in Sacramento against \$2.1 billion take of redevelopment funds.

Nevada City has been named the host city, where the 2010 AMGEN Tour will begin. The complete route will be announced on October 22. The City of Winters was asked to be the 2010 host city, and while we thanked them, we couldn't afford it. One of the selected routes of the tour is scheduled from Davis to Santa Rosa on May 17th, which will bring them right through Winters.

Staff is still working at 311 First Street. The parking lot is being re-designed and we are backing off the entire site plan. The re-design will increase the number of parking spaces from 8 spaces to 24 spaces. The building will be removed at a later day, which will first go before the Planning Commission.

INFORMATION ONLY: None

EXECUTIVE SESSION: None

ADJOURNMENT:

Mayor Martin adjourned the meeting at 8:40 p.m.

Michael Martin, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: November 3, 2009
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Nick Ponticello, City Engineer
SUBJECT: Project Completion and Acceptance
Hemenway-Rosa Area Paving, Project No. 015-09

RECOMMENDATION: Staff recommends the City Council accept the Hemenway-Rosa Area Paving, Project No. 015-09 as complete and direct the City Clerk to file a Notice of Completion with the County Recorder's Office.

BACKGROUND: On July 7, 2009, the City Council approved the definition and execution of the Hemenway-Rosa Area Paving project as an expedited paving project to be performed in conjunction with the 2008/09 Prop 1B Seal Coat project. The Hemenway-Rosa Paving addressed the severe pavement problems on Hemenway Street, Rosa Avenue, Mermod Place and Lenis Street. The work was approved with a construction budget of \$200,000 and an overall budget of \$217,000.

Construction bids were opened on July 14, 2009 and the construction contract for Hemenway-Rosa Area Paving was awarded on July 15, 2009 to Vintage Paving Company, Inc. of Winters as the lowest responsible, responsive bidder with a bid of \$97,362.38. Since the winning bid was so much lower than the construction budget, the City Manager authorized the negotiation of more extensive work (reconstruction) at the intersection of Hemenway and Rosa to gain more pavement life with the investment. All of the project paving was performed in preparation for the cape seals which were subsequently placed on the new pavement under the 2008/09 Prop 1B Seal Coat Project.

The final total construction contract value was \$173,902.08. The total cost of executing the project with all engineering and management costs is just under \$200,000.

All work required under the construction contract is complete and ready for acceptance by the City.

FISCAL IMPACT: The project was funded from the city's Local Transportation Fund (LTF) from the Transportation Development Act (TDA) program funds.

No attachments



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: November 3, 2009
THROUGH: John W. Donlevy, Jr., City Manager *JW*
FROM: Dan Maguire, Housing Program Manager *DM*
SUBJECT: Adopt Resolution 2009-53 Affirming the City of Winters Support and Partnership with the 2010 Census

RECOMMENDATION:

Adopt Resolution 2009-53 Affirming the City of Winters Support and Partnership with the 2010 Census.

BACKGROUND:

The United States Census Bureau is required by the U.S. Constitution to conduct periodic counts of the population. Every year, the federal government can allocate more than \$400 billion to states and communities based, in part, on census data. Census data guides planning for new hospitals, roads, job training centers, schools and more. Census data are used to determine need for additional social services, block grant and other grant programs. Census data is used to assist in redistricting activity and as part of the state population counts, determines representation in the U.S. House of Representatives.

Undercount is a large problem. Based on the U.S. Census Bureau parameters, Yolo County is designated a "Hard to Count" area. It is estimated each person not counted costs local government \$1,100 in Federal funding annually.

The City intends to work with the local business community, community-based and faith-based organizations, educators, media and others to provide a consistent message to the community of the importance of a complete count.

FISCAL IMPACT:

None by this action.

ATTACHMENTS:

Elected Officials Fact Sheet
Resolution 2009-53

United States[®] Census 2010

The U.S. Census Bureau
is issuing a call to action for
every resident of our nation:
“**BE COUNTED IN 2010.**”

The Census: A Snapshot

- **What:** The census is a count of everyone residing in the United States.
- **Who:** All U.S. residents must be counted—people of all races and ethnic groups, both citizens and non-citizens.
- **When:** Census Day is April 1, 2010. Questionnaire responses should represent the household as it exists on this day. More detailed socioeconomic information will be collected annually from a small percentage of the population through the **American Community Survey**.
- **Why:** The U.S. Constitution requires a national census once every 10 years. The census will show state population counts and determine representation in the U.S. House of Representatives.
- **How:** Census questionnaires will be delivered or mailed to households via U.S. mail in March 2010; many households will receive a replacement questionnaire in early April. Census workers also will visit households that do not return questionnaires.

THE 2010 CENSUS IS IMPORTANT.

It determines the distribution of more than \$400 billion annually of government funding for critical community services. It generates thousands of jobs across the country. And it impacts your voice in Congress.

A Complete Count: The Importance of Census Data

- Every year, the federal government can allocate more than \$400 billion to states and communities based, in part, on census data.
- Census data guide planning for new hospitals, roads, job training centers, schools and more.
- Census data are used to determine the need for additional social services, block grants and other grant programs essential to many communities.
- Census data inform a diverse range of local initiatives, from justifying the need for an after-school program to designating urban revitalization areas.

2010 Census Questionnaire: Quick, Easy and Confidential

- With only 10 questions, the 2010 Census questionnaire is one of the shortest questionnaires in history and takes just 10 minutes to complete.
- By law, the Census Bureau cannot share an individual's census questionnaire responses with anyone, including other federal agencies and law enforcement entities.

YOU CAN MAKE A DIFFERENCE.

As an influential elected official, you can raise awareness of and encourage participation in this historic event. By doing so, you can help your constituents receive their fair share of federal funds, census jobs and congressional representation.



2010 CENSUS
IT'S IN OUR HANDS

Become a 2010 Census Partner

Your partnership sends a strong message to your community about the importance of the census and the benefits of being counted. By partnering with the Census Bureau, you can help:

- Spread the word about temporary census jobs in your community.
- Ensure accurate census data, which inform important funding decisions you make on behalf of your community.
- More accurately represent your constituents' interests.

Take Action for Your Community and Country

As a partner, you will play an important role in making the 2010 Census successful by encouraging people in your community to take part in the count. You can:

- Issue a proclamation or other public endorsement of the 2010 Census.
- Conduct "town hall" meetings or other events to encourage census participation.
- Help recruit census workers in your community.
- Provide space for Be Counted and Questionnaire Assistance Centers or for testing and training census employees.
- Create a Complete Count Committee (CCC) in your area and invite other influential community leaders and elected officials to join you in the effort to increase census participation.

2010 Census Timeline: Key Dates

Fall 2008	Recruitment begins for local census jobs for early census operations.
Spring 2009	Census employees go door-to-door to update address lists nationwide.
Fall 2009	Recruitment begins for census takers to support peak workload in 2010.
February - March 2010	Census questionnaires are mailed or delivered to households.
April 1, 2010	Census Day
May - July 2010	Census takers visit households that did not return a questionnaire by mail.
December 2010	By law, Census Bureau delivers population counts to the President for apportionment.
March 2011	By law, Census Bureau completes delivery of redistricting data to states.



**A COMPLETE AND ACCURATE COUNT
IS IN OUR HANDS.**

For more information about the 2010 Census, go to 2010census.gov.

2010 CENSUS
IT'S IN OUR HANDS

RESOLUTION 2009-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS AFFIRMING THE CITY OF WINTERS SUPPORT OF AND PARTNERSHIP WITH THE 2010 CENSUS

WHEREAS, THE U.S. Census Bureau is required by the U.S. Constitution to conduct a count of the population and provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy; and

WHEREAS, our organization is committed to ensuring every resident is counted; and

WHEREAS, more than \$400 billion per year in federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data, including health care, community development, housing, education, transportation, social services, employment and much more; and

WHEREAS, census data help determine how many seats each state will have in the U.S. House of Representatives and often is used for the redistricting of state legislatures, county and city councils and voting districts; and

WHEREAS, THE 2010 Census creates hundreds of thousands of jobs across the nation; and

WHEREAS, every Census Bureau worker takes a lifetime oath to protect confidentiality And the Census Bureau insures that the data identifying respondents or their household not to be released or shared for 72 years; and

WHEREAS, a united voice from business, government, community-based and faith-based organizations, educators, media and others will allow the 2010 Census message to reach a broader audience, providing trusted advocates who can spark positive conversations about the 2010 Census;

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

1. Supports the goals and ideals for the 2010 Census and will disseminate 2010 Census information to encourage participation.
2. Asks its affiliates and community partners to work together to achieve an accurate and complete count.
3. Encourages people in our community to participate in events and initiatives that will raise the overall awareness of the 2010 Census and increase participation among all populations.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

Michael Martin, MAYOR

ATTEST:

Nanci G. Mills, CITY CLERK



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: November 3, 2009
THROUGH: John W. Donlevy, Jr., City Manager *[Signature]*
FROM: Shelly A. Gunby, Director of Financial Management *[Signature]*
SUBJECT: Resolution 2009-55, A Resolution of the City Council of the City of Winters Approving a Budget Adjustment of \$75,000 for Additional Staffing for The Water Fund.

RECOMMENDATION:

City Council Adopt Resolution 2009-55, A Resolution of the City Council of the City of Winters Approving a Budget Adjustment of \$75,000 for Additional Staffing for the Water Fund, and authorize the City Manager to increase the number of positions authorized for the Water Fund by 1.5 FTE

BACKGROUND:

On October 6, 2009 the City Council approved changing the counter hours for the Community Development Department and the Building Official to accommodate the restructuring of the assignment of staff to other areas in an effort to reduce General Fund Expenditures. On October 20, 2009 the City Council approved the water meter installation plan as outlined by staff. Implementation of this plan will require staff be dedicated to the replacement and installation of the water meters, as well as requiring staff to be hands on in bench testing and repairing meters once they are installed.

As part of the reorganization approved on October 6, 2009, staff proposed that the Building Official be assigned half time to the water department to help with the implementation of the water meter project. Staff is proposing that we move forward with the reassignment half time of the Building Official to assist in the water meter project until such time as building activity increases to a level that supports the reassignment of the Building Official full time to the Community Development Department (and therefore all wages assigned to the general fund).

Staff additionally requests that we authorize the addition of one full time position to the water fund that will be the permanent position responsible for the water meter portion of the water fund. This person would be required to obtain certificates showing competency and knowledge of the water system, as well as being trained by the meter manufacturer to bench test, trouble shoot, repair, and replace water meters as required once the meters are in place. In addition to these duties, this person would be our customer contact regarding all things meters.

The two positions will be supervised by Eric Lucero, Operations Manager, assisted by Elliot Landes, Associate in the Water Fund.

FISCAL IMPACT:

The Water Fund is projected to have a surplus (revenues higher than expenditures) of \$285,094 per the budget approved in June 2009, of which these changes would use approximately \$75,000 leaving a budgeted surplus of \$210,094 for Fiscal Year 2009-2010

RESOLUTION 2009-55

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WINTERS AMENDING THE CITY OF WINTERS 2009-2010
ADOPTED OPERATING BUDGET**

WHEREAS, On June 26, 2009 the City Council of the City of Winters adopted operating budget for Fiscal Year 2009-2010; and

WHEREAS, the City of Winters finds it necessary to increase staffing in the Water Fund for the purpose of implementing a phased water meter installation program;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Winters that the adopted operating budget for fiscal year 2009-2010 be amended as follows:

Section 1: Increase budgeted expenditures in the following funds:
Fund 611 Salaries and Benefits \$75,000.00

PASSED AND ADOPTED by the City Council, City of Winters, this 3rd day of November 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 Councilmembers
DATE: October 6, 2009
THROUGH: John W. Donlevy, Jr., City Manager *JD*
FROM: Nanci G. Mills, Director of Administrative Services/City Clerk *Nanci*
SUBJECT: Disability Retirement Application of Terry VanHouten

RECOMMENDATION:

Adoption of Resolution 2009-56.

For medical reasons that will be discussed in closed session, staff recommends the City Council determine Sergeant Terry VanHouten to be medically disabled from the duties of his position and inform the California Public Employees' Retirement System (PERS) of that determination for its use in determining Mr. VanHouten's disability retirement application.

BACKGROUND:

The Public Employees Retirement Law (PERL) authorizes City employees to apply to PERS for a disability retirement if they are disabled from performing the essential duties of their position with the City. When PERS receives such an application from a public safety employee (i.e., police and fire employees), it is required to forward the application to the City Council with a request that the Council determine whether or not the employee is, in fact, disabled. That determination is then forwarded to PERS which then grants or denies the application. If the City finds an employee not to be disabled, the employee is entitled to a full evidentiary hearing on that determination by an Administrative Law Judge. The evidence on which the Council's decision must be based is medical information submitted by the applicant and other information in his or her personnel file. Due to employee's privacy rights in that information, it cannot be publicly disclosed and, instead, the evidence is shared with the Council in closed session.

Staff will present that information in closed session on November 3rd and explain the

basis of its recommendation that the Council adopt the attached resolution finding Sergeant Terry VanHouten to be disabled.

FISCAL IMPACT:

If the City Council determines Sergeant Terry VanHouten to be disabled, PERS will grant his disability pension. The City will ultimately cover the actuarial cost of those retirement benefits via contributions to PERS. The precise amount of additional contributions required to do so will turn on the returns PERS receives on the funds it is investing on the City's behalf (i.e., previous City contributions to PERS) and the City's experience with the retirements, both regular and disability, or other City employees. The City's current contributions do include a portion for the actuarial costs of disability retirements based on the actuarial history of the pool of employers in which PERS includes the City for ratings purposes.

RESOLUTION NO. 2009-56

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
DETERMINING A SAFETY EMPLOYEE TO BE DISABLED**

WHEREAS, Pursuant to Government Code Section 21154, the California Public Employees' Retirement System (PERS) has asked this Council to determine whether Sergeant Terry VanHouten is incapacitated to perform duties within the meaning of the Public Employee Retirement Law.

WHEREAS, Having reviewed in closed session the medical information and other information regarding the application included in the personnel records of the City, the City Council hereby finds and determines pursuant to Government Code Section 21157 that Terry VanHouten, a local safety employee, is incapacitated to perform duties as a Sergeant in the Winters Police Department and is disabled for the purposes of disability retirement pursuant to the Public Employee Retirement Law.

PASSED AND ADOPTED by the City Council, City of Winters, the 3rd day of November, 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 Councilmembers

DATE: Nov. 3, 2009

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

FROM: Hispanic Advisory Committee

SUBJECT: PROCLAMATIONS DECLARING SPONSORS OF 2009 FESTIVAL DE LA
COMUNIDAD/COMMUNITY FESTIVAL AND CARNITAS COOK-OFF

RECOMMENDATION: Present Proclamations declaring sponsors of the 2009 Festival de la Comunidad/Community Festival and Carnitas Cook-off.

BACKGROUND: Several businesses, organizations and community members made donations as sponsors of the 2009 Festival de la Comunidad/Community Festival and Carnitas Cook-off, which was held on Sunday, Sept. 27, 2009. The Winters Hispanic Advisory Committee wishes to present Proclamations to thank them for their support.

FISCAL IMPACT: Cash and in-kind donations to the event totaled \$4,400.



**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF WINTERS HONORING
MICHAEL BARBOUR & VALERIE WHITWORTH AS EVENT SPONSORS FOR
THE FESTIVAL DE LA COMUNIDAD/COMMUNITY FESTIVAL
SPONSORED BY THE WINTERS HISPANIC ADVISORY COMMITTEE**

WHEREAS, The City of Winters Hispanic Advisory Committee sponsored the third annual Festival de la Comunidad/Community Festival featuring the second annual carnitas cook-off as an element of outreach, involvement and unity between the Anglo and Latino communities in Winters; and

WHEREAS, Michael Barbour & Valerie Whitworth made a significant contribution towards the festival; and

WHEREAS, the Festival de la Comunidad/Community Festival focused on the very successful carnitas cook-off, as well as family and child-centered booths, music and local food, and was very successful and well-attended by both Anglo and Latino community members and contributed to a feeling of community spirit and unity; and

WHEREAS, without the support of contributors such as Michael Barbour & Valerie Whitworth, the Festival de la Comunidad/Community Festival would not have taken place;

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Winters that Michael Barbour & Valerie Whitworth greatly contributed to the success of the Festival de la Comunidad/Community Festival, and that they should be thanked for their support of the Winters community.

PASSED AND ADOPTED, this 3rd day of November, 2009.

Mayor Michael Martin

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Woody Fridae

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF WINTERS HONORING
JANLEE WONG & MARIKO YAMADA AS EVENT SPONSORS FOR
THE FESTIVAL DE LA COMUNIDAD/COMMUNITY FESTIVAL
SPONSORED BY THE WINTERS HISPANIC ADVISORY COMMITTEE**

WHEREAS, The City of Winters Hispanic Advisory Committee sponsored the third annual Festival de la Comunidad/Community Festival featuring the second annual carnitas cook-off as an element of outreach, involvement and unity between the Anglo and Latino communities in Winters; and

WHEREAS, Janlee Wong & Mariko Yamada made a significant contribution towards the festival; and

WHEREAS, the Festival de la Comunidad/Community Festival focused on the very successful carnitas cook-off, as well as family and child-centered booths, music and local food, and was very successful and well-attended by both Anglo and Latino community members and contributed to a feeling of community spirit and unity; and

WHEREAS, without the support of contributors such as Janlee Wong & Mariko Yamada, the Festival de la Comunidad/Community Festival would not have taken place;

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Winters that Janlee Wong & Mariko Yamada greatly contributed to the success of the Festival de la Comunidad/Community Festival, and that they should be thanked for their support of the Winters community.

PASSED AND ADOPTED, this 3rd day of November, 2009.

Mayor Michael Martin

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Woody Fridae

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF WINTERS HONORING
HOWARD & GERMAINE HUPE AS EVENT SPONSORS FOR
THE FESTIVAL DE LA COMUNIDAD/COMMUNITY FESTIVAL
SPONSORED BY THE WINTERS HISPANIC ADVISORY COMMITTEE**

WHEREAS, The City of Winters Hispanic Advisory Committee sponsored the third annual Festival de la Comunidad/Community Festival featuring the second annual carnitas cook-off as an element of outreach, involvement and unity between the Anglo and Latino communities in Winters; and

WHEREAS, Howard & Germaine Hupe made a significant contribution towards the festival; and

WHEREAS, the Festival de la Comunidad/Community Festival focused on the very successful carnitas cook-off, as well as family and child-centered booths, music and local food, and was very successful and well-attended by both Anglo and Latino community members and contributed to a feeling of community spirit and unity; and

WHEREAS, without the support of contributors such as Howard & Germaine Hupe, the Festival de la Comunidad/Community Festival would not have taken place;

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Winters that Howard & Germaine Hupe greatly contributed to the success of the Festival de la Comunidad/Community Festival, and that they should be thanked for their support of the Winters community.

PASSED AND ADOPTED, this 3rd day of November, 2009.

Mayor Michael Martin

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Woody Fridae

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF WINTERS HONORING
ST. ANTHONY PARISH AS AN EVENT SPONSOR FOR
THE FESTIVAL DE LA COMUNIDAD/COMMUNITY FESTIVAL
SPONSORED BY THE WINTERS HISPANIC ADVISORY COMMITTEE**

WHEREAS, The City of Winters Hispanic Advisory Committee sponsored the third annual Festival de la Comunidad/Community Festival featuring the second annual carnitas cook-off as an element of outreach, involvement and unity between the Anglo and Latino communities in Winters; and

WHEREAS, St. Anthony Parish made a significant contribution towards the festival; and

WHEREAS, the Festival de la Comunidad/Community Festival focused on the very successful carnitas cook-off, as well as family and child-centered booths, music and local food, and was very successful and well-attended by both Anglo and Latino community members and contributed to a feeling of community spirit and unity; and

WHEREAS, without the support of contributors such as St. Anthony Parish, the Festival de la Comunidad/Community Festival would not have taken place;

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Winters that St. Anthony Parish greatly contributed to the success of the Festival de la Comunidad/Community Festival, and that the Parish should be thanked for its support of the Winters community.

PASSED AND ADOPTED, this 3rd day of November, 2009.

Mayor Michael Martin

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Woody Fridae

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF WINTERS HONORING
CACHE CREEK CASINO & RESORT AS AN EVENT SPONSOR FOR
THE FESTIVAL DE LA COMUNIDAD/COMMUNITY FESTIVAL
SPONSORED BY THE WINTERS HISPANIC ADVISORY COMMITTEE**

WHEREAS, The City of Winters Hispanic Advisory Committee sponsored the third annual Festival de la Comunidad/Community Festival featuring the second annual carnitas cook-off as an element of outreach, involvement and unity between the Anglo and Latino communities in Winters; and

WHEREAS, Cache Creek Casino & Resort made a significant contribution towards the festival; and

WHEREAS, the Festival de la Comunidad/Community Festival focused on the very successful carnitas cook-off, as well as family and child-centered booths, music and local food, and was very successful and well-attended by both Anglo and Latino community members and contributed to a feeling of community spirit and unity; and

WHEREAS, without the support of contributors such as Cache Creek Casino & Resort, the Festival de la Comunidad/Community Festival would not have taken place;

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Winters that Cache Creek Casino & Resort greatly contributed to the success of the Festival de la Comunidad/Community Festival, and that they should be thanked for their support of the Winters community.

PASSED AND ADOPTED, this 3rd day of November, 2009.

Mayor Michael Martin

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Woody Fridae

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF WINTERS HONORING
LESTER FARMS/STAN LESTER
AS A CARNITAS COOK-OFF SPONSOR AT
THE FESTIVAL DE LA COMUNIDAD/COMMUNITY FESTIVAL
SPONSORED BY THE WINTERS HISPANIC ADVISORY COMMITTEE**

WHEREAS, The City of Winters Hispanic Advisory Committee sponsored the third annual Festival de la Comunidad/Community Festival featuring the second annual carnitas cook-off as an element of outreach, involvement and unity between the Anglo and Latino communities in Winters; and

WHEREAS, Lester Farms/Stan Lester made a significant contribution towards the carnitas cook-off; and

WHEREAS, the Festival de la Comunidad/Community Festival focused on the very successful carnitas cook-off, as well as family and child-centered booths, music and local food, and was very successful and well-attended by both Anglo and Latino community members and contributed to a feeling of community spirit and unity; and

WHEREAS, without the support of contributors such as Lester Farms/Stan Lester the carnitas cook-off at the Festival de la Comunidad/Community Festival would not have taken place;

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Winters that Lester Farms/Stan Lester greatly contributed to the success of the Festival de la Comunidad/Community Festival, and that he should be thanked for his support of the Winters community.

PASSED AND ADOPTED, this 3rd day of November, 2009.

Mayor Michael Martin

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Woody Fridae

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF WINTERS HONORING
JOHN & KARLA KNABKE
AS A CARNITAS COOK-OFF SPONSOR AT
THE FESTIVAL DE LA COMUNIDAD/COMMUNITY FESTIVAL
SPONSORED BY THE WINTERS HISPANIC ADVISORY COMMITTEE**

WHEREAS, The City of Winters Hispanic Advisory Committee sponsored the third annual Festival de la Comunidad/Community Festival featuring the second annual carnitas cook-off as an element of outreach, involvement and unity between the Anglo and Latino communities in Winters; and

WHEREAS, John & Karla Knabke made a significant contribution towards the carnitas cook-off; and

WHEREAS, the Festival de la Comunidad/Community Festival focused on the very successful carnitas cook-off, as well as family and child-centered booths, music and local food, and was very successful and well-attended by both Anglo and Latino community members and contributed to a feeling of community spirit and unity; and

WHEREAS, without the support of contributors such as John & Karla Knabke the carnitas cook-off at the Festival de la Comunidad/Community Festival would not have taken place;

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Winters that John & Karla Knabke greatly contributed to the success of the Festival de la Comunidad/Community Festival, and that they should be thanked for their support of the Winters community.

PASSED AND ADOPTED, this 3rd day of November, 2009.

Mayor Michael Martin

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Woody Fridae

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF WINTERS HONORING
CECILIA AGUIAR CURRY
AS A CARNITAS COOK-OFF SPONSOR AT
THE FESTIVAL DE LA COMUNIDAD/COMMUNITY FESTIVAL
SPONSORED BY THE WINTERS HISPANIC ADVISORY COMMITTEE**

WHEREAS, The City of Winters Hispanic Advisory Committee sponsored the third annual Festival de la Comunidad/Community Festival featuring the second annual carnitas cook-off as an element of outreach, involvement and unity between the Anglo and Latino communities in Winters; and

WHEREAS, Cecilia Aguiar Curry made a significant contribution towards the carnitas cook-off; and

WHEREAS, the Festival de la Comunidad/Community Festival focused on the very successful carnitas cook-off, as well as family and child-centered booths, music and local food, and was very successful and well-attended by both Anglo and Latino community members and contributed to a feeling of community spirit and unity; and

WHEREAS, without the support of contributors such as Cecilia Aguiar Curry the carnitas cook-off at the Festival de la Comunidad/Community Festival would not have taken place;

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Winters that Cecilia Aguiar Curry greatly contributed to the success of the Festival de la Comunidad/Community Festival, and that she should be thanked for her support of the Winters community.

PASSED AND ADOPTED, this 3rd day of November, 2009.

Mayor Michael Martin

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Woody Fridae

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF WINTERS HONORING
E.J. DE LA ROSA & CO., INC.
AS A CARNITAS COOK-OFF SPONSOR AT
THE FESTIVAL DE LA COMUNIDAD/COMMUNITY FESTIVAL
SPONSORED BY THE WINTERS HISPANIC ADVISORY COMMITTEE**

WHEREAS, The City of Winters Hispanic Advisory Committee sponsored the third annual Festival de la Comunidad/Community Festival featuring the second annual carnitas cook-off as an element of outreach, involvement and unity between the Anglo and Latino communities in Winters; and

WHEREAS, E.J. De La Rosa & Co., Inc. made a significant contribution towards the carnitas cook-off; and

WHEREAS, the Festival de la Comunidad/Community Festival focused on the very successful carnitas cook-off, as well as family and child-centered booths, music and local food, and was very successful and well-attended by both Anglo and Latino community members and contributed to a feeling of community spirit and unity; and

WHEREAS, without the support of contributors such as E.J. De La Rosa & Co., Inc. the carnitas cook-off at the Festival de la Comunidad/Community Festival would not have taken place;

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Winters that E.J. De La Rosa & Co., Inc. greatly contributed to the success of the Festival de la Comunidad/Community Festival, and that they should be thanked for their support of the Winters community.

PASSED AND ADOPTED, this 3rd day of November, 2009.

Mayor Michael Martin

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Woody Fridae

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF WINTERS HONORING
FIRST NORTHERN BANK
AS A CARNITAS COOK-OFF SPONSOR AT
THE FESTIVAL DE LA COMUNIDAD/COMMUNITY FESTIVAL
SPONSORED BY THE WINTERS HISPANIC ADVISORY COMMITTEE**

WHEREAS, The City of Winters Hispanic Advisory Committee sponsored the third annual Festival de la Comunidad/Community Festival featuring the second annual carnitas cook-off as an element of outreach, involvement and unity between the Anglo and Latino communities in Winters; and

WHEREAS, First Northern Bank made a significant contribution towards the carnitas cook-off; and

WHEREAS, the Festival de la Comunidad/Community Festival focused on the very successful carnitas cook-off, as well as family and child-centered booths, music and local food, and was very successful and well-attended by both Anglo and Latino community members and contributed to a feeling of community spirit and unity; and

WHEREAS, without the support of contributors such as First Northern Bank the carnitas cook-off at the Festival de la Comunidad/Community Festival would not have taken place;

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Winters that First Northern Bank greatly contributed to the success of the Festival de la Comunidad/Community Festival, and that they should be thanked for their support of the Winters community.

PASSED AND ADOPTED, this 3rd day of November, 2009.

Mayor Michael Martin

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Woody Fridae

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF WINTERS HONORING
BUTTON & TURKOVICH
AS A CARNITAS COOK-OFF SPONSOR AT
THE FESTIVAL DE LA COMUNIDAD/COMMUNITY FESTIVAL
SPONSORED BY THE WINTERS HISPANIC ADVISORY COMMITTEE**

WHEREAS, The City of Winters Hispanic Advisory Committee sponsored the third annual Festival de la Comunidad/Community Festival featuring the second annual carnitas cook-off as an element of outreach, involvement and unity between the Anglo and Latino communities in Winters; and

WHEREAS, Button & Turkovich made a significant contribution towards the carnitas cook-off; and

WHEREAS, the Festival de la Comunidad/Community Festival focused on the very successful carnitas cook-off, as well as family and child-centered booths, music and local food, and was very successful and well-attended by both Anglo and Latino community members and contributed to a feeling of community spirit and unity; and

WHEREAS, without the support of contributors such as Button & Turkovich the carnitas cook-off at the Festival de la Comunidad/Community Festival would not have taken place;

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Winters that Button & Turkovich greatly contributed to the success of the Festival de la Comunidad/Community Festival, and that they should be thanked for their support of the Winters community.

PASSED AND ADOPTED, this 3rd day of November, 2009.

Mayor Michael Martin

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Woody Fridae

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF WINTERS HONORING
MARIANI FOUNDATION
AS A CARNITAS COOK-OFF SPONSOR AT
THE FESTIVAL DE LA COMUNIDAD/COMMUNITY FESTIVAL
SPONSORED BY THE WINTERS HISPANIC ADVISORY COMMITTEE**

WHEREAS, The City of Winters Hispanic Advisory Committee sponsored the third annual Festival de la Comunidad/Community Festival featuring the second annual carnitas cook-off as an element of outreach, involvement and unity between the Anglo and Latino communities in Winters; and

WHEREAS, Mariani Foundation made a significant contribution towards the carnitas cook-off; and

WHEREAS, the Festival de la Comunidad/Community Festival focused on the very successful carnitas cook-off, as well as family and child-centered booths, music and local food, and was very successful and well-attended by both Anglo and Latino community members and contributed to a feeling of community spirit and unity; and

WHEREAS, without the support of contributors such as Mariani Foundation the carnitas cook-off at the Festival de la Comunidad/Community Festival would not have taken place;

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Winters that Mariani Foundation greatly contributed to the success of the Festival de la Comunidad/Community Festival, and that the Foundation should be thanked for its support of the Winters community.

PASSED AND ADOPTED, this 3rd day of November, 2009.

Mayor Michael Martin

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Woody Fridae

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF WINTERS HONORING
YOLO FEDERAL CREDIT UNION
AS A CARNITAS COOK-OFF SPONSOR AT
THE FESTIVAL DE LA COMUNIDAD/COMMUNITY FESTIVAL
SPONSORED BY THE WINTERS HISPANIC ADVISORY COMMITTEE**

WHEREAS, The City of Winters Hispanic Advisory Committee sponsored the third annual Festival de la Comunidad/Community Festival featuring the second annual carnitas cook-off as an element of outreach, involvement and unity between the Anglo and Latino communities in Winters; and

WHEREAS, Yolo Federal Credit Union made a significant contribution towards the carnitas cook-off; and

WHEREAS, the Festival de la Comunidad/Community Festival focused on the very successful carnitas cook-off, as well as family and child-centered booths, music and local food, and was very successful and well-attended by both Anglo and Latino community members and contributed to a feeling of community spirit and unity; and

WHEREAS, without the support of contributors such as Yolo Federal Credit Union the carnitas cook-off at the Festival de la Comunidad/Community Festival would not have taken place;

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Winters that Yolo Federal Credit Union greatly contributed to the success of the Festival de la Comunidad/Community Festival, and that it should be thanked for its support of the Winters community.

PASSED AND ADOPTED, this 3rd day of November, 2009.

Mayor Michael Martin

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Woody Fridae

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF WINTERS HONORING
ROTARY CLUB OF WINTERS
AS A CARNITAS COOK-OFF SPONSOR AT
THE FESTIVAL DE LA COMUNIDAD/COMMUNITY FESTIVAL
SPONSORED BY THE WINTERS HISPANIC ADVISORY COMMITTEE**

WHEREAS, The City of Winters Hispanic Advisory Committee sponsored the third annual Festival de la Comunidad/Community Festival featuring the second annual carnitas cook-off as an element of outreach, involvement and unity between the Anglo and Latino communities in Winters; and

WHEREAS, Rotary Club of Winters made a significant contribution towards the carnitas cook-off; and

WHEREAS, the Festival de la Comunidad/Community Festival focused on the very successful carnitas cook-off, as well as family and child-centered booths, music and local food, and was very successful and well-attended by both Anglo and Latino community members and contributed to a feeling of community spirit and unity; and

WHEREAS, without the support of contributors such as Rotary Club of Winters the carnitas cook-off at the Festival de la Comunidad/Community Festival would not have taken place;

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Winters that Rotary Club of Winters greatly contributed to the success of the Festival de la Comunidad/Community Festival, and that it should be thanked for its support of the Winters community.

PASSED AND ADOPTED, this 3rd day of November, 2009.

Mayor Michael Martin

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Woody Fridae

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF WINTERS HONORING
MARTINEZ ORCHARDS
AS A CARNITAS COOK-OFF SPONSOR AT
THE FESTIVAL DE LA COMUNIDAD/COMMUNITY FESTIVAL
SPONSORED BY THE WINTERS HISPANIC ADVISORY COMMITTEE**

WHEREAS, The City of Winters Hispanic Advisory Committee sponsored the third annual Festival de la Comunidad/Community Festival featuring the second annual carnitas cook-off as an element of outreach, involvement and unity between the Anglo and Latino communities in Winters; and

WHEREAS, Martinez Orchards made a significant contribution towards the carnitas cook-off; and

WHEREAS, the Festival de la Comunidad/Community Festival focused on the very successful carnitas cook-off, as well as family and child-centered booths, music and local food, and was very successful and well-attended by both Anglo and Latino community members and contributed to a feeling of community spirit and unity; and

WHEREAS, without the support of contributors such as Martinez Orchards the carnitas cook-off at the Festival de la Comunidad/Community Festival would not have taken place;

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Winters that Martinez Orchards greatly contributed to the success of the Festival de la Comunidad/Community Festival, and that they should be thanked for their support of the Winters community.

PASSED AND ADOPTED, this 3rd day of November, 2009.

Mayor Michael Martin

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Woody Fridae

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF WINTERS HONORING
WINTERS CHAMBER OF COMMERCE
AS A CARNITAS COOK-OFF SPONSOR AT
THE FESTIVAL DE LA COMUNIDAD/COMMUNITY FESTIVAL
SPONSORED BY THE WINTERS HISPANIC ADVISORY COMMITTEE**

WHEREAS, The City of Winters Hispanic Advisory Committee sponsored the third annual Festival de la Comunidad/Community Festival featuring the second annual carnitas cook-off as an element of outreach, involvement and unity between the Anglo and Latino communities in Winters; and

WHEREAS, Winters Chamber of Commerce made a significant contribution towards the carnitas cook-off; and

WHEREAS, the Festival de la Comunidad/Community Festival focused on the very successful carnitas cook-off, as well as family and child-centered booths, music and local food, and was very successful and well-attended by both Anglo and Latino community members and contributed to a feeling of community spirit and unity; and

WHEREAS, without the support of contributors such as Winters Chamber of Commerce the carnitas cook-off at the Festival de la Comunidad/Community Festival would not have taken place;

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Winters that Winters Chamber of Commerce greatly contributed to the success of the Festival de la Comunidad/Community Festival, and that the Chamber should be thanked for its support of the Winters community.

PASSED AND ADOPTED, this 3rd day of November, 2009.

Mayor Michael Martin

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Woody Fridae

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF WINTERS HONORING
EL PUEBLO MEAT MARKET & DELI
AS A CARNITAS COOK-OFF SPONSOR AT
THE FESTIVAL DE LA COMUNIDAD/COMMUNITY FESTIVAL
SPONSORED BY THE WINTERS HISPANIC ADVISORY COMMITTEE**

WHEREAS, The City of Winters Hispanic Advisory Committee sponsored the third annual Festival de la Comunidad/Community Festival featuring the second annual carnitas cook-off as an element of outreach, involvement and unity between the Anglo and Latino communities in Winters; and

WHEREAS, El Pueblo Meat Market & Deli made a significant contribution towards the carnitas cook-off; and

WHEREAS, the Festival de la Comunidad/Community Festival focused on the very successful carnitas cook-off, as well as family and child-centered booths, music and local food, and was very successful and well-attended by both Anglo and Latino community members and contributed to a feeling of community spirit and unity; and

WHEREAS, without the support of contributors such as El Pueblo Meat Market & Deli the carnitas cook-off at the Festival de la Comunidad/Community Festival would not have taken place;

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Winters that El Pueblo Meat Market & Deli greatly contributed to the success of the Festival de la Comunidad/Community Festival, and that they should be thanked for their support of the Winters community.

PASSED AND ADOPTED, this 3rd day of November, 2009.

Mayor Michael Martin

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Woody Fridae

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF WINTERS HONORING
CHUY'S TAQUERIA
AS AN EVENT SPONSOR FOR
THE FESTIVAL DE LA COMUNIDAD/COMMUNITY FESTIVAL
SPONSORED BY THE WINTERS HISPANIC ADVISORY COMMITTEE**

WHEREAS, The City of Winters Hispanic Advisory Committee sponsored the third annual Festival de la Comunidad/Community Festival featuring the second annual carnitas cook-off as an element of outreach, involvement and unity between the Anglo and Latino communities in Winters; and

WHEREAS, Chuy's Taqueria made a significant contribution towards the festival; and

WHEREAS, the Festival de la Comunidad/Community Festival focused on the very successful carnitas cook-off, as well as family and child-centered booths, music and local food, and was very successful and well-attended by both Anglo and Latino community members and contributed to a feeling of community spirit and unity; and

WHEREAS, without the support of contributors such as Chuy's Taqueria, the Festival de la Comunidad/Community Festival would not have taken place;

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Winters that Chuy's Taqueria greatly contributed to the success of the Festival de la Comunidad/Community Festival, and that they should be thanked for their support of the Winters community.

PASSED AND ADOPTED, this 3rd day of November, 2009.

Mayor Michael Martin

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Woody Fridae

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: November 3, 2009
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: John C. Wallace, City Attorney
SUBJECT: Public Hearing and Introduce by Title Only, Ordinance No. 2009-13, an Ordinance of the City Council of the City of Winters, Adding Chapter 17.120, Vacant and Abandoned Property Registration, to the Winters Municipal Code to Require Owners and Other Persons Responsible for Vacant and Abandoned Property to Register with the City and to Maintain Such Property

RECOMMENDATION: Conduct the Public Hearing, Introduce Ordinance No. 2009-13, by title only.

BACKGROUND: This ordinance will establish a registration procedure for homes abandoned or made vacant by eviction or foreclosure. Past experience shows that such homes are subject to vandalism, theft, damage, deterioration and fraud. The registration required in the ordinance, and maintenance, will aid the city in requiring the owner or responsible persons to maintain the property and stop neighborhood blight and City expense in monitoring and stopping such blight. The ordinance, if adopted, shall take place 30 days after adoption.

FISCAL IMPACT: Cost of publication, staff time. This will be offset by registration fees.

ORDINANCE NO. 2009-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS, ADDING CHAPTER 17.120, VACANT AND ABANDONED PROPERTY REGISTRATION, TO THE WINTERS MUNICIPAL CODE TO REQUIRE OWNERS AND OTHER PERSONS RESPONSIBLE FOR VACANT AND ABANDONED PROPERTY TO REGISTER WITH THE CITY AND TO MAINTAIN SUCH PROPERTY

WHEREAS, vacant buildings are a major cause and source of blight in both residential and non-residential neighborhoods, especially when they are not maintained or secured; and

WHEREAS, vacant buildings attract vagrants, gang members and other criminals and are prime locations to conduct illegal criminal activities; and

WHEREAS, vacant buildings are vulnerable to misuse by transients and others using the property without authorization; and

WHEREAS, vacant buildings that are not maintained or secured pose serious threats to the public's health and safety and therefore are declared to be public nuisances; and

WHEREAS, it is the responsibility of owners and also of all other persons holding equitable title or any other interest in property to prevent such property from becoming a burden to the neighborhood and community and a threat to the public health, safety and welfare.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Winters hereby does find, determine and declare based on evidence presented the following:

Section 1. The above recitals are all true and correct.

Section 2. Chapter 17.120 (Vacant and Abandoned Property Registration), of Title 17 (Zoning), of the Winters Municipal Code is hereby added to state the following:

"CHAPTER 17.120 VACANT AND ABANDONED PROPERTY REGISTRATION

- 17.120.010 Purpose; scope.**
- 17.120.020 Definitions.**
- 17.120.030 Registration.**
- 17.120.040 Inspection and registration of previously abandoned properties.**
- 17.120.050 Maintenance requirements.**
- 17.120.060 Security requirements.**
- 17.120.070 Additional authority.**
- 17.120.080 Enforcement.**
- 17.120.090 Violation; penalty.**

17.120.010 Purpose; scope.

It is the purpose and intent of the Winters City Council, through the adoption of this chapter, to establish an abandoned or vacant property registration program as a mechanism to protect neighborhoods and commercial areas from becoming blighted through the lack of adequate maintenance and security of abandoned and vacated properties.

17.120.020 Definitions.

For the purposes of this chapter, certain words and phrases used in this chapter are defined as follows:

"Abandoned" means a property that is vacant and is: 1) under a current notice of default; 2) under a current notice of trustee's sale; 3) pending a tax assessor's lien sale; 4) any property that has been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure; and 5) any property transferred under a deed in lieu of foreclosure/sale.

"Accessible property" means a property that is accessible through a compromised/breached window, gate, fence, wall, etc.

"Accessible structure" means a structure/building that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

"Beneficiary" means a lender or holder of a note secured by a deed of trust.

"Beneficiary/Trustee" means both the beneficiary and the Trustee. When any act is required of the beneficiary/trustee by this Chapter, both are responsible for performing such act and may be charged with a violation of this Code for failure to act. However, it is sufficient if it is accomplished by either one. If information is required to be provided, then both must provide such information.

"Deed of trust" means an instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan and often used in California instead of a mortgage. This definition applies to any and all subsequent deeds of trust, i.e., second trust deed, third trust deed, etc.

"Deed in lieu of foreclosure/sale" means a recorded document that transfers ownership of a property from the trustor to the holder of a deed of trust upon consent of the beneficiary of the deed of trust.

"Distressed" means a property that is under a current notice of default and/or notice of trustee's sale and/or pending tax assessor's lien sale or has been foreclosed upon by the trustee or has been conveyed to the beneficiary/trustee via a deed in lieu of foreclosure/sale.

"Evidence of vacancy" means any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant and not occupied by authorized persons. Such conditions include, but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices and/or disconnected utilities, accumulation of trash, junk and/or debris, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with residential habitation, and statements by neighbors, passersby, delivery agents, or government employees that the property is vacant.

"Local" means within 1 road/driving mile distant of the subject property.

"Notice of default" means a recorded notice that a default has occurred under a deed of trust and that the beneficiary intends to proceed with a trustee's sale.

"Out of area" means in excess of 2 road/driving miles distance of the subject property.

"Owner of record" means the person having title to the property at any given point in time the record is provided by the Yolo County Recorder's Office.

"Property" means any unimproved or improved real property, or portion thereof, situated in the City and includes the buildings or structures located on the property regardless of condition.

"Responsible person" means any person, partnership, association, corporation, or fiduciary having legal or equitable title to or any interest in any real property and includes trustees and beneficiaries of a deed of trust on the property and any other lien holder on the property.

"Securing" means such measures as may be directed by the Director of Community Development, or his or her designee, that assist in rendering the property inaccessible to unauthorized persons, including but not limited to the repairing of fences and walls, chaining or padlocking of gates, the repair or boarding of door, window and/or other openings. Boarding shall be completed to a minimum of the current HUD securing standards at the time the boarding is completed or required.

"Trustee" means the person, firm or corporation holding a deed of trust on a property.

"Trustor" means a borrower under a deed of trust, who deeds property to a trustee as security for the payment of a debt.

"Vacant" means a building/structure that is not occupied by authorized persons.

17.120. 030. Registration.

Any beneficiary/trustee, who holds a deed of trust on a property located within the City of Winters shall perform an inspection of the property that is the security for the deed of trust upon default by the trustor prior to recording a notice of default with the Yolo County Recorder's Office. If the property is found to be vacant or shows evidence of vacancy, it is, by this chapter, deemed abandoned and the beneficiary/trustee shall, within 10 days of the inspection, register the property with the Community Development Director, or his or her designee, on forms provided by the City.

(A) If the property is occupied but remains in default it shall be inspected by the beneficiary/trustee, or an agent/designee of the beneficiary/trustee, monthly until (1) the trustor or another party remedies the default; or (2) the foreclosure is completed and ownership is transferred to a new owner who is not the former beneficiary or trustee; or (3) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the beneficiary/trustee shall, within 10 days of that inspection, register the property with the Community Development Director, or his or her designee, on forms provided by the City.

(B) The beneficiary/trustee shall also register any property which becomes vacant after a foreclosure sale where the title was transferred to the beneficiary of a deed of trust involved in the foreclosure and any property which becomes vacant after being transferred under a deed in lieu of foreclosure/sale.

(C) Such registration shall contain the following information for both the beneficiary and the trustee: name (corporation or individual); the street/office address (not a P.O. box) and, if different, the mailing address; a direct contact name and phone number for the person handling the deed of trust and/or foreclosure; and, in the case of a corporation or out-of-area beneficiary or trustee, the local property manager responsible for the security and maintenance of the property.

(D) The annual registration fee in an amount established by City Council resolution, shall accompany the registration form. The fee and registration shall be valid for the calendar year, or remaining portion of the calendar year, in which the registration was initially required. Subsequent registrations and fees are due January 1st of each year and must be received no later than January 31st of the year due.

(E) Persons required to register a property pursuant to this chapter shall keep such property registered and all required information updated and shall comply with all of the security and maintenance requirements of this chapter for the entire time said property remains vacant. When such property becomes occupied or title is transferred, the beneficiary/trustee or prior responsible person shall notify the Community Development Director, or his or her designee, in writing.

(F) Any person, firm or corporation required to register a property pursuant to this chapter must report any change of information contained in the registration within 10 days of the change.

17.120.040 Inspection and Registration of Previously Abandoned Properties.

Any beneficiary/trustee, who holds a deed of trust on a property located within the City of Winters, which property is, on the effective date of this chapter: A) under a current notice of default; B) under a current notice of trustee's sale; C) pending a tax assessor's lien sale; D) that has been subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure; or E) which was transferred under a deed in lieu of foreclosure/sale, shall, on or before December 1, 2008, perform an inspection of the property that is the security for the deed of trust. If the property is found to be vacant or shows evidence of vacancy, it is, by this chapter, deemed abandoned and the beneficiary/trustee shall, within 10 days of the inspection, register the property with the Community Development Director, or his or her designee, on forms provided by the City.

17.120.050 Maintenance Requirements.

Responsible persons, including beneficiaries/trustees shall maintain properties subject to inspection and/or registration pursuant to this chapter as required by this chapter and any other applicable provisions of federal, state or local law, and shall keep such properties free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including but not limited to furniture, clothing, large and small appliances, or printed material and shall take any other action necessary to prevent giving the appearance that the property is abandoned including, but not limited to, the following:

A) The property shall be kept free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.

B) Visible front and side yards shall be landscaped and maintained in accordance with city requirements and neighborhood standards.

C) Permitted landscaping includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation.

D) Permitted landscaping does not include weeds, gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, indoor-outdoor carpet or any similar material.

E) Required maintenance includes, but is not limited to, regular watering, irrigation, cutting, pruning and mowing of required landscape and removal of all trimmings.

F) Pools and spas shall be kept in working order so the water remains clear and free of pollutants and debris or drained and kept dry. In either case

properties with pools and/or spas must comply with the minimum security fencing requirements of the State of California.

17.120.060 Security Requirements.

Responsible persons including beneficiaries/trustees shall secure properties subject to inspection and/or registration pursuant to this chapter in a manner to prevent access by unauthorized persons including, but not limited to, the following; the closure and locking of windows, doors (walk-through, sliding and garage), gates and any other opening of such size that may allow a child to access the interior of the property and or structure(s). In the case of broken windows, securing means the re-glazing or boarding of the window. Responsible Persons shall do the following:

(A) If the responsible person is a corporation and/or out-of-area beneficiary/trustee or owner, a local property manager shall be hired to perform weekly inspections to verify that the requirements of this chapter and any other applicable laws are being met.

(B) The property shall be posted with a sign no less than 18 inches by 24 inches and shall be of a font that is legible from a distance of 45 feet and shall state "THIS PROPERTY MANAGED BY" followed by a name, and "TO REPORT PROBLEMS OR CONCERNS CALL" followed by a 24-hour contact phone number. The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so it is visible from the street or, if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to vandals. Exterior posting must be constructed of and printed with weather resistant materials.

(C) The responsible person or local property manager shall inspect the property on a weekly basis to determine if the property is in compliance with the requirements of this chapter.

17.120.070 Additional Authority.

In addition to the enforcement remedies established in the Winters Municipal Code, the Community Housing Director, or his or her designee, shall have the authority to require the responsible person for any property affected by this section to implement additional maintenance and/or security measures including, but not limited to, securing any and all door, window or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard,

disconnecting utilities and removing the meter boxes, or other measures as may be reasonably required to arrest the decline of the property and prevent unauthorized entry.

17.120.080 Enforcement.

Violations of this chapter may be enforced in any combination as allowed in chapters 17.40 and 1.16 of this code, together with the specific authority to levy administrative fines pursuant to California Civil Code Section 2929.3.

17.120.090 Violation; Penalty.

A violation of this chapter shall be treated as a strict liability offense regardless of intent. Any person, firm and/or corporation that violates any portion of this section shall be subject to prosecution and/or administrative enforcement as provided in Section 17.120.080 and subject to the penalties set forth therein. It shall constitute a new and separate offense for each and every day during any portion of which a violation of, or failure to comply with, any provision or requirement of this chapter is committed, continued, or permitted by any person, and such person shall be punished accordingly."

Section 3. California Environmental Quality Act. In approving this ordinance, the City Council finds that this action is statutorily exempt under the California Environmental Quality Act (California Public Resources Code Section 21000, et seq.) ("CEQA") as to the setting and structuring of administrative fees pursuant to CEQA Guidelines Section 15273 and is categorically exempt pursuant to CEQA guidelines Section 15321 in that the provisions of this ordinance are intended to better enforce existing building, zoning, housing and other municipal code standards in the City of Winters.

Section 4. Inconsistent Provisions. Any provision of the Winters Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

Section 5. Severability. If any provision, section, paragraph, sentence or word of this ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this ordinance, and their application to other persons or

circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.
Section 6. Effective Date. The Mayor shall sign and the City Clerk attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This ordinance shall become effective 30 days from its adoption.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Michael Martin, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: November 3, 2009
THROUGH: John W. Donlevy, Jr., City Manager *[Signature]*
FROM: John C. Wallace, City Attorney
SUBJECT: Public Hearing and Introduce, By Title Only, Ordinance No. 2009-14, an Ordinance of the City Council of the City of Winters, Adding Chapter 9.20 to the Winters Municipal Code, Reimbursement for Police Service Response to Emergency Incidents Involving Alcohol, Multiple Responses to Loud or Large Parties

RECOMMENDATION: Conduct the Public Hearing, Introduce Ordinance No. 2009-14, by title only.

BACKGROUND: This ordinance will establish a reimbursement right for police service response to incidents involving drivers under the influence (provided for by Government Code Section 53156). The ordinance will establish a reimbursement right for multiple police service response to the same address for loud or large parties. Both occurrences involve the drain on police services that are necessary elsewhere. The ordinance, if adopted, shall take place 30 days after adoption.

FISCAL IMPACT: Cost of publication, staff time. This will be offset by billings for police response currently not being made.

ORDINANCE NO. 2009-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS, ADDING CHAPTER 9.20 TO THE WINTERS MUNICIPAL CODE, REIMBURSEMENT FOR POLICE SERVICE - RESPONSE TO EMERGENCY INCIDENTS INVOLVING ALCOHOL, MULTIPLE RESPONSES TO LOUD OR LARGE PARTIES

WHEREAS, California Government Code Section provides for the recovery of police service response to negligent operation by a person of a motor vehicle, boat, vessel, or civil aircraft, while under the influence of any alcoholic beverage or drug, or combination thereof, causing any incident requiring an appropriate emergency response; and

WHEREAS, loud or large parties on private property can constitute a threat to the peace, health, safety, or general welfare of the public. Police officers have been required to make many return calls to loud or large parties in order to disperse uncooperative or unruly participants in order to restore the public peace and safety. Such return calls drain the manpower and resources of the police department, and can leave other areas of the City without minimal levels of police protection so as to create a significant hazard to the safety of citizens and police officers; and

WHEREAS, the City Council of the City of Winters finds it unfair and inequitable to force other taxpayers to pay for these services; and

WHEREAS, the City Council of the City of Winters intends by this ordinance to maintain full levels of police response services in Winters, to protect fully the peace, health, safety, or general welfare of the public;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WINTERS DOES ORDAIN AS FOLLOWS:

Section 1. **The above recitals are all true and correct.**

Section 2: **Chapter 9.20 is hereby added to the Winters Municipal Code to read as follows:**

Chapter 9.20

REIMBURSEMENT FOR POLICE SERVICE

Sections:

9.20.010 Findings.

9.20.020 Purpose.

9.20.030 Definitions.

9.20.040 Police response to loud or large parties.

9.20.050 Police emergency response to incidents involving alcohol or drugs (Government Code Sections 53150-53159)

9.20.060 Billing.

9.20.070 Debt of City.

9.20.080 Appeal.

Section 9.20.010 Findings.

(1) The City Council finds and determines that loud or large parties on private property can constitute a threat to the peace, health, safety, or general welfare of the public. Police officers have been required to make many return calls to loud or large parties in order to disperse uncooperative or unruly participants in order to restore the public peace and safety. Such return calls drain the manpower and resources of the police department, and can leave other areas of the City without minimal levels of police protection so as to create a significant hazard to the safety of citizens and police officers.

(2) The City Council finds and determines that California Government Code Section provides for the recovery of police service response to negligent operation by a person of a motor vehicle, boat, vessel, or civil aircraft, while under the influence of any alcoholic beverage or drug, or combination thereof, causing any incident requiring an appropriate emergency response.

(3) The City Council finds and determines that to fully provide police services in Winters, reimbursement as provided by Government Code Sections 53150 through 53159 is warranted and is to be collected by the City of Winters as provided herein.

Section 9.20.020 Purpose.

The purpose of this chapter is to allow the City to obtain reimbursement for expenses related to second and additional responses to loud or large parties which have been determined to be a threat to the public peace, health, safety

or general welfare, and to obtain reimbursement for all conduct specified in Government Code Sections 53150 through 53159. In addition, City shall have the right to obtain reimbursement for any other similar conduct or where recovery is allowed by state or federal law.

Section 9.07.030 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings given herein:

“Emergency Response” shall mean an appropriate response of police, rescue personnel or others to an emergency incident. The use or non-use of sirens or emergency flashers shall not affect the City’s right to recovery and reimbursement.

"Large party" or "loud party" means a gathering or assembly of persons on a premises within the City of Winters at the invitation, request, or consent of the person in charge or control of the premises.

"Police service fee for a large party or loud party" means all costs of personnel and equipment for the amount of time actually spent in responding to or in remaining at a loud or large party at a rate established by resolution of the City Council.

“Police expense of an emergency response” means all costs of personnel and equipment for the amount of time actually spent in responding to or in remaining at a location for which a reimbursement right is allowed under Government Code Sections 53150 through 53159.

"Responsible party" means, in the case of large parties or loud parties, that person or persons in charge of the premises or location, or the person or persons responsible for the event or incident, and shall include any of the following:

1. The person or persons who own the property where the loud or large party takes place.
2. The person or persons in charge of the premises where the loud or large party takes place.
3. The person or persons authorizing the use of the premises for the loud or large party.
4. The person or persons who organized the large party.

If any of those persons are minors, the parent or guardians of such minor(s) shall be the responsible party.

“Responsible Party” means the persons liable for reimbursement costs as specified in California Government Code Sections 53150 through 53159.

"Subsequent police response" means any police response to the location of a loud or large party made within fifteen days after a police

officer has given a written warning to the responsible party notifying said person that a police services fee will be imposed for a subsequent response to abate the nuisance.

Section 9.07.040 Police response to loud or large parties.

A. If a loud or large party occurs or is held and the police officer initially investigating the matter determines that the same is a threat to the public peace, health, safety or general welfare or constitutes a nuisance, said officer shall, in addition to any other duty or responsibility imposed by law, give a written warning (disturbance violation notice) to the responsible party that if a further response is necessary because of the continuation of any objectionable activity that the responsible party will be held liable to the City for the amount of the police service fee.

B. A police service fee shall be imposed if a subsequent police response to the loud or large party is necessary to control or abate the nuisance or to protect the public peace, health, safety or general welfare.

C. The provisions of this chapter are in addition to the authority of the police to regulate loud or large parties and shall supplement, and not supplant, the exercise of any other available law including, but not limited to, arrest or citation pursuant to the California Penal Code or other law or ordinance.

9.20.050 Police emergency response to incidents involving alcohol or drugs (Government Code Sections 53150-53159)

A. The City shall be entitled to reimbursement for all police responses to emergency incidents specified under California Government Code Sections 53150 through 53159.

B. No conviction of a criminal offense shall be required or affect the right of the City to reimbursement.

9.20.060 Billing

The Chief of Police or the designee of the Chief of Police shall notify the Finance Department in writing of the name and address of the person responsible for the party, the date and time of the incident, of the services performed and the police services required, and such other information as may be necessary. The Finance Department shall thereafter cause appropriate billing of the police service fee to be made to the responsible party.

Section 9.07.060 Debt of City.

The amount of any police service fee charged pursuant to this chapter shall be deemed a civil debt owing to the City by the responsible party.

Section 9.07.070 Appeal.

A. Any person receiving a bill for police services provided pursuant to this chapter, may, within fifteen days after said bill was sent, file a written request appealing the police services fee imposed with the City Manager. The City Manager or the appointed designee of the City Manager shall set the matter for a hearing, which hearing shall be within thirty days after receipt of the notice of appeal or such longer period as may be agreed to by the appellant. The City Manager or the designee of the City Manager shall render a written decision on the appeal within ten days following the close of the hearing. The decision of the City Manager or the designee of the City Manager shall be final.

B. After a request for appeal is filed, the City shall withhold collection of the bill until conclusion of the appeal.

C. If, after a hearing, the appeal is denied in part or in full, all amounts due to the City shall be paid within thirty days.

Section 3: California Environmental Quality Act. In approving this ordinance, the City Council finds that this action is statutorily exempt under the California Environmental Quality Act (California Public Resources Code Section 21000, et seq.) ("CEQA") as to the setting and structuring of administrative fees pursuant to CEQA Guidelines Section 15273.

Section 4. Inconsistent Provisions. Any provision of the Winters Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

Section 5. Severability. If any provision, section, paragraph, sentence or word of this ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, the remaining provisions, sections, paragraphs, sentences or words of this ordinance, and their application to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

Section 6. Effective Date. The Mayor shall sign and the City Clerk attest to

the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This ordinance shall become effective 30 days from its adoption.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Michael Martin, Mayor

Attest:

Nanci G. Mills, City Clerk



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: November 3, 2009
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: John C. Wallace, City Attorney
SUBJECT: Moratorium Ordinance 2009-15 - Medical Marijuana Dispensaries

RECOMMENDATION: Adoption

BACKGROUND: Currently possession, use, cultivation, and sale of marijuana are generally criminal offenses. Previous legislation has reduced possession of minimal amounts to a fine of \$100 or less. In 1996 California voters approved Proposition 215, the “Compassionate Uses Act of 1996” (the “CUA”) to enable persons in need of medical marijuana for medicinal purposes to obtain and use it under limited, specified circumstances. In 2003 the California legislature enacted the Medical Marijuana Program (the “MMP”), legislation intended to clarify the scope of the CUA. Like all initiatives, correcting legislation was needed. The MMP went into effect January 1, 2004 (Health and Safety Code Sections 11362.5 et seq.). This legislation allowed cities to adopt and enforce rules and regulations under the MMP and CUA (Health and Safety Code Section 11362.83). The City of Winters until this point has not had the need to address the issue of Medical Marijuana Dispensaries. Recently the city of Corning reportedly had a medical marijuana dispensary open, without the benefit of proper zoning and siting. With staff at a steadily decreasing level, the City needs as much zoning regulation as possible to allow proper monitoring of such a business. While historically there has been conflict between federal and state law on the issue of possession and cultivation of marijuana for medical purposes, that conflict may soon be resolved. Recently two California cities had litigation over the right of cities to enact zoning regulations prior to issuing use permits for these types of businesses. In both cases, the right of cities to put zoning regulations in place prior to granting business licenses or use permits has been confirmed by the California courts of appeal. This urgency interim ordinance will give the City the time to plan for dispensaries. The urgency interim

ordinance can be adopted in one reading, without public notice. Approval will provide for a 45 day period of review by the Planning Commission. That time limit, in Government Code Section 65858, is not expected to suffice. An extension of the ordinance will be placed back on the City Council agenda within the 45 days for adoption, after public notice. Such an extension will extend the time allowed for planning for up to 10 months and 15 days. That should be sufficient time to coordinate planning with the police department, school districts, and the community. When a medical marijuana patient or not, there if no smoking of marijuana allowed within 1000 feet of a school, recreation center, or youth center. This ordinance refers the issue to the Planning Commission to review the issue and advise the City Council. Because the time to review zoning is before an operation takes place, approval is recommended.

FISCAL IMPACT: Staff time, publication costs, total unknown.

CITY OF WINTERS ORDINANCE NO. 2009-15

AN INTERIM URGENCY ORDINANCE OF THE CITY OF WINTERS
ESTABLISHING A MORATORIUM ON THE ESTABLISHMENT AND
OPERATION OF MEDICAL MARIJUANA DISPENSARIES PURSUANT TO
GOVERNMENT CODE SECTION 65858

WHEREAS, the voters of the State of California approved Proposition 215, entitled the Compassionate Use Act of 1996 ("the Act"), the intent of which was to enable persons in need of medical marijuana for medicinal purposes to obtain and use it under limited, specified circumstances; and

WHEREAS, on January 1, 2004, S8 420 went into effect and was enacted to clarify the scope of the Act, and to allow cities and counties to adopt and enforce rules and regulations consistent with S8 420 and the Act; and

WHEREAS, the Winters Municipal Code, including specifically Title 17, Zoning, does not address or regulate the existence or location of medical marijuana dispensaries; and

WHEREAS, the Winters Municipal Code, specifically Title 17, Section 17.04.090 (F) provides that where uncertainty exists regarding the interpretation of a provision of these zoning regulations or their application to specific sites, the community development director shall determine the intent of the provision, or may defer such action to the planning commission; and

WHEREAS, the Winters Community Development Director has deferred such action to the planning commission; and

WHEREAS, California Health and Safety Code Section 11362.79 prohibits the smoking of marijuana within 1000 feet of a school site; and

WHEREAS, California cities that have permitted the establishment of medical marijuana dispensaries have witnessed an increase in crime, such as burglaries, robberies, and sales of illegal drugs in the areas immediately surrounding such dispensaries; and

WHEREAS, there is legal uncertainty between federal laws and California laws regarding medical marijuana dispensaries. Several cities and counties have recently filed lawsuits relating to the validity of the Act in light of a recent Supreme Court decision, *Gonzales v. Raich*, (2005) 125 S. Ct. 2195 (holding that the federal Controlled Substances Act validly prohibits local cultivation and use of marijuana under all circumstances); and

WHEREAS, the City Council recognizes that medical marijuana dispensaries

raise complex issues of law and public policy, and that the regulation of such dispensaries requires careful consideration and thorough study.

THE CITY COUNCIL OF THE CITY OF WINTERS DOES ORDAIN AS FOLLOWS:

SECTION 1. The purpose of this interim urgency ordinance is to establish a forty-five-day moratorium on the approval or issuance of any use permit, variance, building permit, business license, or other applicable entitlement for the establishment or operation of a medical marijuana dispensary in the City for the immediate preservation of the public health, safety, and welfare.

SECTION 2. For purposes of this ordinance, the terms defined below shall have the following meanings:

A. "Medical marijuana dispensary" shall mean any facility or location where a primary caregiver intends to or does make available, sell, transmit, give, or otherwise provide medical marijuana to two or more of the following: a qualified patient, a person with an identification card, or a primary caregiver.

B. "Primary caregiver," "qualified patient", and "identification card" shall have the meanings set forth in Health and Safety Code Section 11362.7.

SECTION 3. The City Council hereby enacts this interim urgency ordinance by not less than a four-fifths vote, and in light of the findings set forth in Section 4, under the authority granted to it by Article XI, Section 7 of the California Constitution and Section 65858(a) of the California Government Code, which allows the City to adopt an interim urgency ordinance, in order to protect the public safety, health, and welfare, prohibiting any uses that may be in conflict with a zoning proposal that the City Council, Planning Commission, or the Planning Division is considering or studying or intends to study within a reasonable time.

SECTION 4. The City Council hereby finds and determines as follows:

1. California cities that have permitted the establishment of medical marijuana dispensaries have found that such dispensaries resulted in negative and harmful secondary effects, such as an increase in crime, including robberies, burglaries, and sales of illegal drugs in the areas immediately surrounding medical marijuana dispensaries.

2. Numerous cities in the State of California have adopted ordinances prohibiting or heavily regulating such dispensaries. As a significant number of cities, including cities in Southern California, have prohibited or heavily regulated medical marijuana dispensaries, there is a substantially increased likelihood that such establishments will seek to locate in the City of Winters.

3. The Winters Municipal Code and Title 17, Zoning, do not address or regulate in any manner the existence or location of medical marijuana dispensaries.

4. Recently, a dispensary has opened in a nearby small City. As a result, there is a substantial likelihood that one or more medical marijuana dispensaries will seek to locate in the City of Winters if action is not taken.

5. The United States Supreme Court addressed marijuana use in California in *United States v. Oakland Cannabis Buyers' Cooperative*, (2001) 532 U.S. 483. The Supreme Court held that the federal Controlled Substances Act continues to prohibit marijuana use, distribution, and possession, and that no medical necessity exception exists to these prohibitions. Further, the Supreme Court recently held in *Gonzales v. Raich* (2005) 125 S. Ct. 2195, that the federal Controlled Substances Act prohibits local cultivation and use of marijuana under all circumstances. Therefore, it appears there is currently a conflict between federal laws and California laws regarding the legality of medical marijuana dispensaries.

6. To address the apparent conflict in laws, as well as the community and statewide concerns regarding the establishment of medical marijuana dispensaries, it is necessary for the City of Winters to study the potential impacts such facilities may have on the public health, safety, and welfare.

7. Based on the foregoing, the City Council finds that issuing permits, business licenses, or other applicable entitlements providing for the establishment and/or operation of medical marijuana dispensaries, prior to the completion of the City of Winters' study of the potential impact of such facilities, poses a current and immediate threat to the public health, safety, and welfare, and that therefore a temporary moratorium on the issuance of such permits, licenses, and entitlements is necessary.

SECTION 5. The City Council hereby directs the Planning Division to consider and study possible means of regulating or prohibiting medical marijuana dispensaries, including zoning-based regulations and other regulations.

SECTION 6. The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 7. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other

provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 8. This ordinance shall become effective immediately upon adoption if adopted by at least a four-fifths vote of the City Council and shall be in effect for forty-five days from the date of adoption unless extended by the City Council as provided for in Government Code Section 65858.

SECTION 9. The Mayor shall sign this ordinance and the city clerk shall attest and certify to the passage and adoption of it, and within fifteen (15) days, publish in the Winters Express, a weekly newspaper of general circulation, printed, published, and circulated in the City of Winters.

PASSED, APPROVED, AND ADOPTED this 3rd day of November, 2009

STATE OF CALIFORNIA)
COUNTY OF YOLO)ss.
CITY OF WINTERS)

I, Nanci Mills, City Clerk of the City of Winters, County of Yolo, State of California, hereby certify that the foregoing Urgency Ordinance No. 2009-15 was introduced, passed and adopted by said city council, signed by the mayor, and attested by the city clerk of said city, all at a regular meeting of said council held on the 3rd day of November, 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: November 3, 2009
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nelia C. Dyer, Community Development Director 
SUBJECT: Staff Presentation on the Winters Grant Avenue/State Route (SR) 128 Complete Streets Community Planning Process (Informational Item Only)

RECOMMENDATION: This is an item to inform the City Council on the future community planning process for identification of preferred conceptual pedestrian, bike, and roadway improvements for Grant Avenue/SR 128 from Railroad Avenue across I-505 interchange to El Rio Villa Housing Complex in Yolo County. No action is needed from the Council.

BACKGROUND: Consultant services from Moore Iacofano Goltzman, Inc. (MIG) will be used to outreach to the Winters community and other stakeholders to identify the preferred conceptual pedestrian, bike, and roadway improvements for Grant Avenue/SR 128 from Railroad Avenue across the I-505 interchange to El Rio Villa Housing Complex in Yolo County.

Grant Avenue/State Route 128 acts as a “main street” for the community with local businesses, on-street parking, and slower speeds. The Circulation Element of the City of Winters General Plan (completed in 1992) recommends that Grant Avenue be widened to four lanes from Railroad Avenue to the northbound I-505 off-ramp with signals installed at several intersections. In May 2006, alternatives were studied and identified to provide for either four lanes with signals or two lanes with a combination of roundabouts and signals in the Grant Avenue Access Study. The purpose of that Study was to evaluate the feasibility of different access options on Grant Avenue between Railroad Avenue and East Main Street and to explore options to reduce lanes where possible through the combination of traffic signals and roundabouts.

The two alternatives identified as the best options in the Grant Avenue Access Study are the basis for MIG's work. A Walkable Communities study, *Plan to Improve Transportation Connections and Safety in Winters* (February 2007) will also be reviewed as background material in preparation for

this process.

Upon staff's request, the project scope has been amended to include the consideration of bike and pedestrian improvements across I-505 to El Rio Villa. Staff recognizes that access to jobs, schools, shops, and social service centers is challenging for the residents of El Rio Villa given the barrier that I-505 presents and the lack of safe sidewalks, bike lanes, and regular transit service along SR 128. One of Caltrans' directives is *Complete Streets*, which ensures that Caltrans routinely plans, programs, designs, constructs, operates and maintains the entire right-of-way to enable safe access for all users - drivers, transit users, pedestrians, and bicyclists, as well as for older people, children, and people with disabilities. Staff has determined that providing adequate pedestrian and bicycle connectivity from the housing complex to Winters will satisfy this directive.

The overall goal is to conduct a community planning process that effectively captures community input and results in a shared understanding and Council approval on what improvements should move forward on SR 128/Grant Avenue. This consensus would generate a written document that the City of Winters can use as a basis for future project phase prioritization and possible funding from state and regional agencies (i.e. SACOG and Caltrans) for design and construction. In addition, the agreed upon concepts will be captured and included as an addendum to the Caltrans Transportation Corridor Concept Report for SR 128.

FISCAL IMPACT: There will be no fiscal impact to the City. This is a process will be funded entirely by Caltrans.



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: November 3, 2009
THROUGH: John W. Donlevy, Jr., City Manager *[Signature]*
FROM: Nicholas J. Ponticello, City Engineer
Shelly Gunby, Director of Financial Management *[Signature]*
SUBJECT: The Cottages at Carter Ranch Ph-2 Final Map, Request for Infrastructure Funding

RECOMMENDATION:

That the City Council authorize expenditures in the amount of \$90,000 for the construction of the new storm drainage inlet structure for the Rancho Arroyo Detention Basin.

That the Winters Community Development Agency adopt Resolution 2009-54, Resolution 2009-54, a Resolution of the Winters Community Development Agency Regarding Rancho Arroyo Detention Basin Inlet Structure Improvement and Compliance with Health and Safety Code Section 3345.

BACKGROUND:

In 2003, City of Winters approved the Cottages at Carter Ranch Final Subdivision Map that subdivided a 3.3-acre parcel north of the Rancho Arroyo Detention Basin into 31 parcels, with one of those parcels designated as a remainder area that could subsequently be subdivided through a follow-on Tentative Map. A thirty (30) unit detached affordable housing development was constructed to satisfy the affordable housing requirement for the Carter Ranch Tentative Map, which was approved for 140 market rate units.

A subsequent Cottages at Carter Ranch Phase 2 Tentative Subdivision Map to subdivide the remainder area parcel into 6 parcels was submitted by Sacramento Pacific Development and approved in November 2004.

The developer, Sacramento Pacific Development, has submitted a Final Map for the purposes of subdividing and constructing 6 affordable housing units as identified on the approved Cottages at

Carter Ranch Phase 2 Tentative Map.

In order to construct the remaining 6 unit affordable housing project, the units are identified to be constructed on the location where the existing storm drainage inlet structure enters into the Rancho Arroyo Detention Basin.

As part of the storm drainage improvements needed to develop the remaining properties, such as, Winters Highlands, Callahan Estates, Ogando-Hudson Estates, and the Cottages at Carter Ranch, within the Rancho Arroyo Drainage District, the Rancho Arroyo Detention Basin requires upsizing. Through developer funding, the City prepared and completed design plans for the “Rancho Arroyo Detention Basin Pump Station Project”, which included a storm water pumping station and a new inlet structure to the detention basin to accommodate the new developments that were approved within the Rancho Arroyo Drainage District. The developers funded the design.

The “Rancho Arroyo Detention Basin Pump Station Project” is scheduled to be constructed concurrent with construction of the Winters Highlands, Callahan Estates, or Ogando- Hudson developments.

In order to allow for the six (6) unit affordable Sacramento Pacific Development to move forward and develop in advance of construction of the “Rancho Arroyo Detention Basin Pump Station Project”, as a minimum, the existing Rancho Arroyo Detention Basin inlet structure would need to be relocated as identified in the “Rancho Arroyo Detention Basin Pump Station Project”.

Due to the down turn in the economy and residential housing market, the future approved residential developments within the Rancho Arroyo Drainage District have been postponed and there is no definitive start dates in the near future. This has created an infrastructure and economic problem that Sacrament Pacific Development needs to address in order to move forward with constructing their six (6) unit affordable housing development. Sacramento Pacific Development has requested that the City assist in funding the Rancho Arroyo Detention Basin Inlet Structure Improvements in advance of constructing the full “Rancho Arroyo Detention Basin Pump Station Project”. The estimated cost for construction of the inlet structure improvements is \$90,000.

If approved the funds would be obligated at the time of approval of the Final Map and Subdivision Improvement Agreement for the development.

The City would be reimbursed for the cost of the Rancho Arroyo Detention Basin Inlet Structure Improvements by future developments when those developments move forward to construct their approved development projects.

Before the Community Development Agency may expend money for public improvements, it must make the following findings with factual support:

1. The public improvements are of benefit to the project area or the immediate neighborhood of the project area.
2. No other reasonable means of financing such public improvements are available to the community

3. The agency's contribution to the cost of the public improvement or facility will assist in elimination of one or more blighting conditions in the project area.

The findings are met as below:

1. The relocation of the Rancho Arroyo Detention Basin inlet structure will benefit the project area due to the fact that it will allow the construction of 6 affordable housing units to be built without waiting for other developers to build the entire Rancho Arroyo Basin Pump Station Project.
2. There are no reasonable means available to the community, including the City of Winters and Sacramento Pacific Development to fund the relocation of the Rancho Arroyo Basin inlet structure. The City has no funding available for the detention facility pump station except those provided by developers that will benefit from the project. In the current economic environment, there is no development occurring that would benefit from the project other than the developers of the 6 unit affordable housing project.
3. The development of 6 units of affordable housing will eliminate blight by developing an unused area parcel and providing additional affordable housing.
4. The Agency's implementation plan expressly provides for the construction of Carter Ranch Phase 2, 6 single family residential units.

FISCAL IMPACT:

\$37,000 available from the Rancho Arroyo Deposit Account

\$52,500 loan from the Redevelopment Agency Tax Increment to be repaid by future Developments in the Rancho Arroyo Detention Basin.

RESOLUTION 2009-54

A RESOLUTION OF THE WINTERS COMMUNITY DEVELOPMENT AGENCY REGARDING THE RANCHO ARROYO DETENTION BASIN INLET STRUCTURE IMPROVEMENTS AND COMPLIANCE WITH HEALTH AND SAFETY CODE SECTION 33445.

WHEREAS, the Winters Community Development Agency is a redevelopment agency (a public body, corporate and politic) duly created, established and authorized to transact business and exercise its powers, all under and pursuant to the Community Redevelopment Law (Part 1 of Division 24 (commencing with Section 33000) of the Health and Safety Code of the State of California); and

WHEREAS, A Redevelopment Plan for a redevelopment project know and designated as the “City of Winters Community Redevelopment Plan” has been adopted and approved by Ordinance 92-08 of the City of Winters on July 20, 1992 and all requirements of laws for and precedent to the adoption and approval of said Redevelopment Plan have been duly complied with ; and

WHEREAS, to assist in implementing the Redevelopment Plan, the Agency by resolution, adopted on September 2, 2008, a five-year implementation plan (the Implementation Plan) pursuant to Section 33490 of the Redevelopment Law; and

WHEREAS, in furtherance of the Redevelopment Plan and the Implementation Plan, the Agency desires to provide financial assistance to relocate the Rancho Arroyo Detention Inlet Structure; and

WHEREAS, this financial assistance will be reimbursed from future developers benefitting from the relocation of the Rancho Arroyo Detention Inlet Structure; and

WHEREAS, the following additional materials (supporting documents) have been presented to and considered by the Winters Community Development Agency Board in support of the findings and approvals set for the in the resolution: The staff report of November 3, 2009 accompanying this Resolution.. The supporting documents are hereby incorporated by reference in this Resolution and, together with the above recitals form the evidentiary basis and establish the analytical route for reaching the ultimate findings and conclusions contained in this Resolution

NOW, THEREFORE BE IT RESOLVED by Board of Directors of the Winters Community Development Agency that the above Recitals are true and correct and have served, together with the Supporting Documents, as the basis for the findings and approvals set forth below.

BE IT FURTHER RESOLVED that based on the information and analysis contained in the Recitals and the Supporting Documents, and in accordance with Section 33445 of the Redevelopment Law, the Board of Directors of the Winters Community Development Agency hereby finds that: (1) the relocation of the Rancho Arroyo Detention Basin Inlet is of benefit to the project area (as identified in the supporting documents); (2) There is no other reasonable means of financing the relocation of the Rancho Arroyo Detention Basin inlet structure; and (3) the advancement of funds for the relocation of the Rancho Arroyo Detention Basin inlet structure will assist in the elimination of one or more blighting conditions inside the project area and is consistent with the Agency's Implementation Plan.

BE IT FURTHER RESOLVED that the Agency hereby approves the funding of the Rancho Arroyo Detention Basin Inlet Structure Relocation. The foregoing approval and authorization is conditioned on the making by the Agency of the finding required under Section 33445 (2)(2) of the Redevelopment Law as interpreted by the court case of Dave Meaney v. Sacramento Housing and Redevelopment Agency (13 Cal.App 4th 566, 1993) that there is no other reasonable means of financing the Rancho Arroyo Detention Basin Inlet Structure Relocation.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Winters Community Development Agency at a regular meeting, this 3rd day of November 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Woody Fridae, Chairman of the Winters
Community Development Agency

ATTEST:

Nanci G. Mills, Secretary for the
Winters Community Development
Agency



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Chairman and Members of the Board
DATE: November 3, 2009
FROM: John W. Donlevy, Jr., Executive Director *JWD*
SUBJECT: 23 Main Street- Art Park Conceptual Planning

RECOMMENDATION:

That the Agency Board authorize the following:

1. Community outreach and input into the conceptual design of an Art Park to be located at 23 Main Street.
2. Preliminary improvements to the location to include irrigation, drainage improvements and fencing.
3. Development of a preliminary plan for review by the Winters Planning Commission and the Community Development Agency.

BACKGROUND:

In 2006, the Winters Community Development Agency purchased 23 Main Street in order to establish a public access from the existing alley (Newt's Expressway) and the Downtown core on Main Street. As part of the purchase, the Agency committed to consider the development of a Center for the Arts and the consideration of interim improvements, to include an expanded "mini-park" which would include art elements.

DISCUSSION:

With the advent of the Downtown Phase II Improvements, there will be the construction of pedestrian improvements and amenities (fountain) to be located directly in front of 23 Main Street. There is now an opportunity for the Agency to proceed with some interim improvements on the 23 Main St. property to expand the uses in the area, including the display of public art.

There have been a number of inquires and interested parties in the development of a location for public art in the downtown. People have expressed interest in many mediums including murals, sculpture and ceramics. Staff is recommending that we now engage these individuals to begin the development of a plan. This will include some public meetings and an on-site workshop.

Staff is also recommending that the park may become an excellent demonstration garden for native and draught tolerant plants and landscaping devices. The Water Division would have an opportunity to advertise and educate the public on optimal watering techniques.

In the interim, Staff has begun the clean-up of the site, including the installation of a walking path, removal of gravel and the extension of irrigation lines and drainage improvements.

FISCAL IMPACT:

Staff will return with a budget toward the implementation of the public recommendations.