



Winters City Council Meeting  
City Council Chambers  
318 First Street  
Tuesday, March 16, 2010  
6:30 p.m.  
**AGENDA**

*Members of the City Council*

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

*John W. Donlevy, Jr., City Manager  
John Wallace, City Attorney  
Nanci Mills, City Clerk*

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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 Tuesday, March 2, 2010 (pp 1-8)
- B. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, March 8, 2010 (pp 9-11)
- C. Resolution 2010-13, A Resolution of the City Council of the City of Winters Authorizing Submittal of an Application for Funding and the Execution of a Grant Agreement and Any Amendments Thereto for a Cal Trans Community Based Transportation Planning (pp 12-15)
- D. Proclamation in Recognition of National Agriculture Week, March 14 – 20, 2010 (pp 16)
- E. Approve Extension of Service Agreement No. 011-09 with Wallace-Kuhl & Associates to continue Landfill Monitoring Services for 2010 in the amount not to Exceed \$7,000 (pp 17-20)

### PRESENTATIONS

Vallerye Anderson of Tuleyome Regarding the Proposed Berryessa Snow Mountain National Conservation Area

Officer of the Year Presentation to Sergeant Sergio Gutierrez

### DISCUSSION ITEMS

- 1. Public Hearing, Introduction and Waive of the First Reading of Ordinance 2010-03 amending Chapter 15.64 of the Winters Municipal Code regarding Flood Damage Protection (pp 21-28)
- 2. City Committees and Commissions (pp 29-32)
- 3. Health Eating Active Living (HEAL) Cities Campaign (pp 33-41)
- 4. Pool Committee Update (no backup)

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### COMMUNITY DEVELOPMENT AGENCY

- 1.

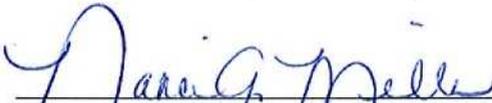
CITY MANAGER REPORT

INFORMATION ONLY

EXECUTIVE SESSION

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the March 16, 2010 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 March 11, 2010, 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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City Clerk's Office – City Hall – 318 First Street

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

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Wednesday at 10:00 a.m.

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1-81-1916

## Minutes of the Winters City Council Meeting Held on March 2, 2010

Mayor Michael Martin called the meeting to order at 6:30 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, City Clerk Nanci Mills, Housing Programs Manager Dan Maguire, Environmental Services Manager Carol Scianna, Associate Elliot Landes, Director of Financial Management Shelly Gunby, and Administrative Assistant Tracy Jensen.

Rory Linton led the Pledge of Allegiance.

**Approval of Agenda:** City Manager Donlevy said there were no changes to the agenda. Motion by Council Member Stone, seconded by Council Member Aguiar-Curry to approve the agenda with no changes. Motion carried unanimously.

**COUNCIL/STAFF COMMENTS:** Council Member Anderson said he attended a SACOG meeting on 2/18/10 in Sacramento, followed by a retreat for Board Members. There was an interesting speaker named Steve Levy from the Center of Continued Study of the California Economy, who provided statistics and said jobs would lead the housing recovery. He indicated the California economy will probably not do much for 10 years. Council Member Stone said the next Chamber mixer will be held on Monday, March 8 at Valley Floors new location on Main Street @ 5:30 p.m. Stop by and welcome Chamber of Commerce Interim Executive Director Chris Jones. Council Member Aguiar-Curry said the next League of California Cities meeting will be held in Winters on March 26. She wanted to acknowledge local wrestlers Cody Linton and Chris Calderon, who will be going to the State Wrestling Championships and thanked John Pickerel for his help. She also said we have been asked to write a letter to support the efforts to secure federal funding for the extension of the Tehama/Colusa canal, which currently ends in Dunnigan. Congratulations to Winters Healthcare for working with citizens and the Healthy Eating, Active Living program and asked that this item be brought back as an agenda item to the next City Council meeting. City Manager Donlevy confirmed this item would be included on the 3/16 agenda. She also asked everyone to submit their initiative paperwork, as copies need to be submitted to the League of California Cities. Mayor Martin said there will be a meeting on March 4 @ 6:00 p.m. between the Winters City Council,

the Winters School District and the Solano Community College President and staff to address the educational needs of the community.

### **PUBLIC COMMENTS:**

Dan Michel and Kevin Lewis, 6 & 7 Russell Street, asked about the status of their prior request regarding the enforcement of posted parking restrictions in the Russell Street residential area. City Manager Donlevy said he would contact Dan and Kevin to further discuss this issue.

John Hagelis, 1012 Hillview Lane, said there is a perceived division between the City government and community members. He wants the Community Center to not only remain open, but remain open for more hours. It is up to the City Council and Planning Commission to generate revenue. Distribute flyers through the schools. Look at the workshop model used by Cal Trans. Keep community resources open.

Joe Tramontana, 208 Main Street, asked City Manager Donlevy to join CCAPFC (Community Center and Pool Fund Committee). The non-profit group is not exclusive and anyone can join. He also said anyone can donate.

Rory Linton, 311 Peach Place & 314 Railroad Avenue and President of the Winters Wrestling Program, proposed the formation of the Winters Activities Commission. This commission would help to keep City sponsored recreational events and activities and could also create new activities for youth. The 5-7 member board would work with WJUSD and the City in the use, maintenance, repairing and cost of facilities. Through donations, volunteers, grants, and fundraising, this commission would be able to save the City Council and staff time and money. The creation of one large active community could in turn help reduce crime and promote large scale activities that will increase visitors to the downtown and increase tax dollars for the City.

### **CONSENT CALENDAR**

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, February 16, 2010
- B. Street Closure Request -- Amgen Tour of California Bike Race -- Monday, May 17, 2010
- C. Approve Scope of Work Proposed by Ponticello Enterprises to Finalize the Sewer System Management Plan (SSMP), Which is Due to the State by May 2, 2010. Proposed Budget for Work is \$8,858, Which Will be Done on a Time and Materials Basis
- D. Street Closure Request -- Buckhorn Monthly Car Show

City Manager Donlevy gave an overview. Council Member asked for two specific corrections in the minutes of the 2/16/10 City Council meeting. Motion by Council Member Fridae, seconded by Council Member Anderson to approve the Consent Calendar with said corrections. Motion carried unanimously.

**PRESENTATIONS:** None

**DISCUSSION ITEMS**

**1. Resolution 2010-12, A Resolution of the City Council of the City of Winters, in Support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010**

City Manager Donlevy gave an overview, which is outlined within the attached resolution. The League of California Cities is sponsoring this Act, which will be included on the November ballot. Staff is recommending adoption of this resolution in support of the Act. Council Member Aguiar-Curry said she is in full support of the League of California Cities and that 99% of California cities are passing similar resolutions.

Motion by Council Member Aguiar-Curry, second by Council Member Fridae, to approve Resolution 2010-12 in support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010. Motion carried with the following vote:

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

**2. Swim Program Fees and Charges**

City Manager Donlevy provided a pool fee calculator which reflected current and proposed revenues and costs of the various pool programs, which included pool parties, swim passes, swim lessons, Masters swim and Swim Team. City Clerk Mills also provided 2009 cost comparisons from Vacaville, West Sacramento, Woodland and Davis for recreation swim, adult lap swim, private parties and swim lessons. She also confirmed that swim lessons pay for themselves.

City Manager Donlevy inquired about the staffing of lifeguards and whether they might be utilized from the swim team or whether they will be City employees. Council Member Anderson said the City should allow for volunteer efforts, which could be monitored and adjusted as needed. City Clerk Mills said the lifeguards would have to be certified in CPR and First Aid, which is completed on an annual basis, and the City currently has approximately ten returning lifeguards.

Council Member Fridae suggested a campaign to encourage citizens to purchase swim passes. Flyers to the schools and lifeguard visits to the classrooms were suggested. Council Member Aguiar-Curry said if forced to swim out of town, locals will spend their money in other towns. Mayor Martin agreed, but said the daily recreation swim fee should be raised a little.

Director of Administrative Services Mills said there was no cashier at the swimming pool last year and that swim passes were purchased at City Hall. Due to the lack of a cashier at the pool, Council Member Curry said she received several complaints from people who were unable to swim during recreation swim because City Hall was closed. Director of Administrative Services Mills said one solution would be to utilize a cashier from the RISE program, whose wages would be paid through this program. Director of Administrative Services Mills suggested a discount to those who purchase their swim passes in advance. City Manager Donlevy said increased revenue is needed.

Debra DeAngelo, 220 White Oak Lane, said the numbers on the Pool Fee Calculator did not add up, nor does it reflect expenses and income. Why isn't the \$8,000 from the swim team included? Why aren't the chemical costs included? Debra suggested running concurrent policies, ie: lap swim during swim lessons, rope off a couple of lanes during recreation swim for lap swim, etc. Debra added it was a mistake to stop receiving payments at the gate and the recreation swim fee should be increased to \$3.00. If the City doesn't charge at the gate, revenues will go down. There is zero expense for the swim team and masters swim and the cost for these programs is through maintenance and use. In order to generate revenue, Debra suggested providing swim passes at the pool, include a concession stand, and offer residents the choice to round up the amount paid on their utility bill to be deposited into a specific account for pool donations.

Lisa Gaynes, 25928 Venada Drive, suggested selling swim passes at local businesses who are open during swim hours and post a list of those businesses at the pool.

David Kelley, 420 Russell and 20 E. Baker, said Masters swimmers are currently paying \$45 per month, but would be willing to pay more. When forced to swim elsewhere, gas and groceries are purchased elsewhere. Incorporate adult lap swim into Masters swim. Revenue-producing programs are needed. Work with the seniors and Winters Healthcare's healthy lifestyles program to encourage use of the pool. Council Member Fridae agreed a longer swim season would provide more revenue for the City. He also asked for a commitment from the City to work with a committee to find a solar heat solution.

Sally Brown, 24 E. Main Street, is a City-appointed member of the Pool Committee, who hasn't met in more than a year. There has been no opportunity to dialog with the City, which is disappointing. Due to the lack of an advocate, the lap swimmers are unorganized. For the opportunity to swim up to 9 hours per week, she would be willing to pay \$50 per month. She suggested approaching the Soroptimists regarding scholarships to sponsor children. She also suggested offering more swim hours throughout the day, offer swim passes at local businesses, and combine swim programs, ie: water aerobics (shallow end) and lap/Masters swim (deep end.)

Kate Laddish, 400 Morgan St. #6, is a lap swimmer and would like to echo the previous statements that have been made. Winters has a first-rate facility. Bringing in more revenue will make up for costly activities. If the usage can be synchronized, both revenue and usage will increase.

Jeff Tenpas, 24 E. Main Street, wants to make swimming available for all kids. He suggested setting a reasonable rate so all residents can afford to swim. He also suggested building \$30,000 into the budget for expenses, or use City reserves, if necessary.

Mayor Martin said he didn't want to limit the use of the pool and suggested going through the fees one at a time. Council Member Stone suggested a 2-person Council sub-committee to meet with the Pool Committee to discuss numerous variables, and inquired whether the pool committee was a standing committee. Council Member Anderson said the issues include scheduling and combining users, and a base fee structure. City Manager Donlevy said the High School swim team utilizes the pool during September and October and said the Masters may want to push into October. Council Member Aguiar-Curry said there appears to be a consensus to keep the pool open. She suggested the daily recreation swim fee should be increased to \$3 and that staff be hired to schedule and run the pool to avoid the drain on staff.

Council Member Fridae wanted to recognize Jeff Tenpas' comments and provide a safe swimming environment since the dam removal at Putah Creek. We need to maximize revenue by going out and selling passes. Do not shut down – maximize use. Advertise, market and promote the pool by going to the schools. He wanted to applaud the community for stepping forward to make it work. Council Member Anderson said the season swim passes can be promoted and sold from local businesses as well as the Chamber office/Visitor's Center. All options are available. He said there are ways to avoid a deficit and has a problem with eating into the reserves.

Council Members Anderson and Fridae agreed to volunteer as members of the pool sub-committee. City Manager Donlevy asked how long the pool should operate. Council Member Fridae said the pool committee will meet once (Tuesday, March 9 @ 6:30 p.m.) to discuss all pool issues and bring back to Council and staff an update at the March 16<sup>th</sup> City Council meeting. Debra DeAngelo suggested coming back with a budget to show expenses and income. Kate Laddish asked to see previous months heating costs. Mayor Martin thanked all residents for their input and for coming out to the meeting.

### **3. I505 and Route 128 Signage Program**

City Manager Donlevy gave an overview of the signage concept and Associate Elliot Landes asked Council for their input regarding text and design and described the scheme through the downtown. The signs should be affordable and readable while driving. City Manager Donlevy said meetings will be scheduled to receive signage input. Council Member Fridae liked the signs that drop people into the downtown area and thanked Elliot for a great job. Mayor Martin asked about Cal Trans restrictions for signs out on the freeway and agreed that Cal Trans needs to be more flexible with the freeway signage. Council Member Anderson said Cal Trans has set rules about freeway signage and it could be a long process. He also reminded Elliot that Highway 128/Grant Avenue is also a state highway. Elliot said he will work with Cal Trans to make sure they clear the City Sign program. Council Member Anderson asked about the budget for the signs and City Manager Donlevy said the signs will be purchased with redevelopment money. Council Member Stone said this money is also legally restrictive.

Council Member Aguiar-Curry said she was delighted with the two recent Cal Trans workshops held in Winters and Elliot confirmed the timing of this project is meant to dovetail into the Grant Avenue process.

Lynette McClure, 26002 Venado, asked if there was a sign ordinance currently in effect, which was confirmed. She would like to see the signs highlight the historical, agricultural or nature-related aspects of Winters.

Mayor Martin called for a 10-minute break at 8:55 p.m. and resumed the meeting at 9:08 p.m.

**4. Introduction and First Reading of Ordinance 2010-02, An Ordinance of the City of Winters Increasing the Utility User's Tax Subject to Voter Approval**

City Manager Donlevy asked Council to review the wording and correct if necessary, and introduce Ordinance 2010-02 by title only. Council Member Aguiar-Curry said the public hearing notice specified 3/8/10 @ 6:30 p.m. City Attorney Wallace said a corrected notice was published in the Winters Express and Davis Enterprise correcting the public hearing to 3/8/10 @ 7:00 a.m. He added this would be a general tax increase and requires majority approval. Council Member Fridae said it is important that the citizens understand the tax. For many there is a lack of clear understanding of how the City budget works. The citizens of Winters will be given the opportunity to step up and pay their share and programs and services will not continue to be cut. Town hall meetings, public service announcements and City Manager Donlevy's weekly column in the Express is helpful. We need to go to the community organizations, volunteer groups, schools, and sports groups and explain the tax. We also need to get the police and fire departments on board. If this tax measure doesn't pass, the cuts we make now will look like small potatoes. The Council must work together and provide brave leadership. People need to get behind us and help us out. Mayor Martin said this will give the opportunity for the community to speak as to what level of service they desire. Council Member Fridae said contracting with Yolo County for police services is drastic, but is possible. Council Member Anderson concurred; if tax passes, which is doubling the tax from last year, it will not change anything other than to expand the police and fire department staff.

Motion by Council Member Stone, second by Council Member Fridae to introduce Ordinance 2010-02 by title only and to continue item to the public hearing to be held on March 8, 2010 at 7:00 a.m. in Council Chambers for the second reading and adoption. Motion carried 4-1 with the following roll call vote:

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

**5. Resolution 2010-11, A Resolution of the City Council of the City of Winters, Calling an Election to Ask the Voters of the City of Winters to Approve a**

**General Utility User's Tax Increase; and Further Submitting an Advisory Measure to the Voters Regarding the Use of Such Proposed Tax Revenues; and Requesting that the Board of Supervisors of the County of Yolo Consolidate the Election with the Statewide General Election to be Held on Tuesday, June 8, 2010, and Directing the County Elections Department to Conduct the Election on Behalf of the City**

City Manager Donlevy gave an overview and said if the Winters Vital City Services measure does not pass, the Advisory measure has no weight. Council Member Aguiar-Curry asked if passage was necessary to have 9-1-1 police/fire response. City Attorney Wallace replied no. Debra DeAngelo asked Council to confirm if the proposed 9.5% increase would cover police and fire only or will it cover other things as well. Council Member Fridae confirmed the proposed increase of 4.5% would total 9.5%, not a 9/5% increase. Council Member Stone confirmed that the funds received will go into the General Fund as non-specific.

Corinne Martinez, 15 Baker Street, asked what the rationale was for the advisory vote and said it was contrived. She said Council Member Anderson said he supported police and fire and there won't be anything left. What percentage to cover the deficit? Council Member Anderson said that depends on the advisory vote. If the first part passes, 99.9% will go to expanding police and fire. Council Member Stone confirmed the advisory vote is to prioritize police and fire. City Manager Donlevy said having one policeman on duty is not sufficient.

City Attorney Wallace said there is a structural deficit of \$400,000 and yes, this would match the deficit. Council Member Fridae said a youth officer and detective skills should be a priority to the police and fire departments. Council Member Anderson said if this had been approached as a specific tax for police and fire requiring 2/3 vote, it would be the end of the discussion. But it is not being approached this way. Debra De Angelo said the City is asking for taxes to balance a tax deficit or this plus the police and fire staffing. City Attorney Wallace replied this will match the structural yearly deficit and the City has drafted it this way to keep what the City already has. Mayor Martin said the funds are not enough for police and fire, which are currently understaffed, let alone enough to balance the budget. Council Member Fridae said he understands the numbers and concerns as he can't predict how things will fall out in a few years. He does not understand the distrust. The needs of the City are based on circumstances beyond our control.

Motion by Council Member Fridae and second by Council Member Stone to approve the wording of Resolution 2010-11, and to continue this item to the public hearing to be held on March 8, 2010 at 7:00 a.m. in Council Chambers. Motion carried with the following vote:

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

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**COMMUNITY DEVELOPMENT AGENCY**

1.

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**CITY MANAGER REPORT:** None

**INFORMATION ONLY:** None

**EXECUTIVE SESSION**

**Section 54956.8 of the Government Code - Real Estate Negotiation of the  
Community Development Agency Regarding Property at 314 and 318  
Railroad Avenue, Winters**

Direction was give to staff to pursue the purchase of said property. This item will return as a Community Development Agency item at the March 16, 2010 City Council meeting. Executive session was adjourned at 10:30 p.m.

**ADJOURNMENT**

Mayor Martin adjourned the general meeting into Executive Session at 9:50 p.m.

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Michael Martin, MAYOR

**ATTEST:**

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Nanci G. Mills, City Clerk



Minutes of the Winters City Council Meeting  
Held on March 8, 2010

Mayor Michael Martin called the meeting to order at 7:00 a.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, and City Clerk Nanci Mills

Pledge of Allegiance

Approval of Agenda: City Manager Donlevy said there were no changes to the agenda. Motion by Council Member Stone, seconded by Council Member Aguiar-Curry to approve the agenda with no changes. Motion carried unanimously.

**COUNCIL/STAFF COMMENTS:** Council Member Aguiar-Curry said there was a Yolo County Excellence Awards program tonight.

Council Member Stone indicated that there was also a Chamber Mixer at Valley Floors this evening.

**PUBLIC COMMENTS:**

None

**CONSENT CALENDAR**

None

**DISCUSSION ITEMS**

1. Public Hearing and Adoption of Ordinance 2010-02, An Ordinance of the City of Winters Increasing the Utility User's Tax Subject to Voter Approval

Mayor Martin opened the public hearing at 7:07 a.m. Mayor Martin closed the public hearing at 7:07 a.m.

Motion by Council Member Stone, second by Council Member Anderson, to adopt Ordinance 2010-02, An Ordinance of the City of Winters Increasing the Utility User's Tax Subject to Voter Approval. Motion carried with the following vote:

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

2. Resolution 2010-11, A Resolution of the City Council of the City of Winters, Calling an Election to Ask the Voters of the City of Winters to Approve a General Utility User's Tax Increase; and Further Submitting an Advisory Measure to the Voters Regarding the Use of Such Proposed Tax Revenues; and Requesting that the Board of Supervisors of the County of Yolo Consolidate the Election with the Statewide General Election to be Held on Tuesday, June 8, 2010, and Directing the County Elections Department to Conduct the Election on Behalf of the City

Motion by Council Member Stone, second by Council Member Fridae to adopt Resolution 2010-11, A Resolution of the City Council of the City of Winters, Calling an Election to Ask the Voters of the City of Winters to Approve a General Utility User's Tax Increase; and Further Submitting an Advisory Measure to the Voters Regarding the Use of Such Proposed Tax Revenues; and Requesting that the Board of Supervisors of the County of Yolo Consolidate the Election with the Statewide General Election to be Held on Tuesday, June 8, 2010, and Directing the County Elections Department to Conduct the Election on Behalf of the City. Motion carried with the following vote:

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

**CITY MANAGER REPORT:**

None

**INFORMATION ONLY:**

None

**EXECUTIVE SESSION:**

None

**ADJOURNMENT**

Mayor Martin adjourned the meeting at 7:21 a.m.

\_\_\_\_\_  
Michael Martin, MAYOR

**ATTEST:**

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Nanci G. Mills, City Clerk



CITY COUNCIL  
STAFF REPORT

TO: Honorable Mayor and Council members

DATE: March 16, 2010

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

FROM: Dawn Van Dyke, Management Analyst 

SUBJECT: Resolution 2010-13 A Resolution of the City Council of the City of Winters  
Authorizing Submittal of an Application for Funding and the Execution of A  
Grant Agreement and Any Amendments Thereto For A Community Based  
Transportation Planning Grant.

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**RECOMMENDATION:** That the City Council Approve Resolution 2010-13 A Resolution of the City Council of the City of Winters Authorizing Submittal of an Application for Funding and the Execution of A Grant Agreement and Any Amendments Thereto For A Caltrans Community Based Transportation Planning Grant.

**BACKGROUND:** The City is currently in the early stages of planning for development and transportation improvements on the east side of Winters along the Grant Avenue corridor. A variety of planning processes will help implement development and/or transportation projects in the corridor. Caltrans Community Based Transportation Planning (CBTP) grants are one resource for funding these processes. Projects that may be funded through the CBTP program include, but are not limited to, the following:

- Blueprint Planning follow-up or refinement
- Long-term Sustainable Community/Economic Development Growth studies or plans
- Safe, Innovative and complete pedestrian/bicycle/transit linkage studies or plans
- Infill studies or plans
- Mixed Land-use Development studies or plans
- Form-based or Smart Code development
- Complete Streets studies or plans

Staff will work with the planning department and the City Manager to determine what would be

the most competitive project proposal.

The grant application is due April 1, 2010. A resolution from the City Council is required in order to submit the application.

**FISCAL IMPACT:** A 10 percent local match is required; however, should the grant awarded, this offsets 90 percent of costs that would otherwise have to be funded locally.

**RESOLUTION NO. 2010-13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS  
AUTHORIZING SUBMITTAL OF AN APPLICATION FOR FUNDING AND THE  
EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO  
FOR A CALTRANS COMMUNITY BASED TRANSPORTATION PLANNING  
GRANT.**

WHEREAS, the City of Winters wishes to utilize all resources to ensure sound planning, and;

WHEREAS, the California Department of Transportation offers funding for community-based transportation planning, which is an essential element in the planning process, and;

WHEREAS, funds will be used to prepare planning documents related to areas inside the General Plan area, and;

WHEREAS, this grant program provides a unique opportunity for the City of Winters to fund important planning activities.

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

The City Council of the City of Winters authorizes the submittal of an application for Caltrans Community Based Transportation Planning grant funds, and;

The City Manager or his/her designee is hereby authorized and directed to act on the City's or County's behalf in all matters pertaining to this application, and;

If the application is approved, the City Manager or his/her designee is authorized to enter into and sign the grant agreement and any subsequent amendments with the California Department of Transportation for the purposes of this grant.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Winters held on Tuesday, March 16, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Michael Martin  
Mayor, Winters City Council

STATE OF CALIFORNIA  
City of Winters

I, Nanci G. Mills, City Clerk of the City of Winters, State of California, hereby certify the above and foregoing to be a full, true and correct copy of a resolution adopted by said City Council on this 16th day of March, 2010.

Nanci G. Mills, City Clerk of the City of Winters, State  
of California

By:

\_\_\_\_\_  
Nanci G. Mills, City Clerk



**A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF WINTERS  
RECOGNIZING "NATIONAL AGRICULTURE WEEK"**

**WHEREAS**, agriculture is the Nation's most basic industry and it's associated production, processing and marketing segments together provide more jobs than any other industry; and

**WHEREAS**, it is also very important to the local economy with Yolo County generating \$505,588,750 agricultural sales in 2008; and

**WHEREAS**, American agriculture deserves special recognition for its incredible achievements in feeding, clothing, and sheltering our country; and

**WHEREAS**, maintaining a healthy agriculture industry necessitates that all American consumers understand agriculture's effect on their lives and well-being; and

**WHEREAS**, Spring is an ideal time to recognize the contributions of the agriculture industry of the world.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WINTERS**, do hereby proclaim March 14<sup>th</sup> – March 20<sup>th</sup>, 2010, as "National Agriculture Week" in the City of Winters in recognition of the importance of agriculture in our community.

**PASSED AND ADOPTED** this 16<sup>th</sup> day of March, 2010, by the following roll call vote:

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

\_\_\_\_\_  
Councilmember Cecilia Aguiar-Curry

\_\_\_\_\_  
Councilmember Harold Anderson

\_\_\_\_\_  
Councilmember Woody Fridae

\_\_\_\_\_  
Councilmember Tom Stone

\_\_\_\_\_  
Mayor Michael Martin

\_\_\_\_\_  
City Manager John W. Donlevy, Jr.

\_\_\_\_\_  
**ATTEST: City Clerk Nanci G. Mills**



CITY COUNCIL  
STAFF REPORT

TO: Honorable Mayor and Councilmembers  
DATE: March 16, 2010  
THROUGH: John W. Donlevy, Jr., City Manager  
FROM: Carol Scianna, Environmental Services Manager ↵  
SUBJECT: Approve Extension of Service Agreement No. 011-09 with Wallace-Kuhl & Associates to continue Landfill Monitoring Services for 2010 in the amount not to Exceed \$7000.

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**RECOMMENDATION:** Approve Extension of Service Agreement No. 011-09 with Wallace-Kuhl & Associates (WKA) to continue Landfill Monitoring Services for 2010 in the amount not to Exceed \$7000.

**BACKGROUND:** The City currently has a service agreement with Wallace-Kuhl & Associates to perform the required semi-annual groundwater monitoring at the former Winters Landfill. Last year they were able to gain the approval by the Central Valley Regional Water Quality Board (CVRWQCB) to implement a new less labor intensive method for gathering samples, using a HydraSleeve sampler, saving the city several thousands of dollars annually. Staff recommends the extension of the contract with WKA for 2010. Services will be provided on a time and expense reimbursement basis. Sampling and subsequent reports will be done by June and December 2010.

Ongoing monitoring of the ground water is required by the RWQCB. It is not unusual for the RWQCB to require groundwater monitoring for closed landfills and other sites indefinitely.

**FISCAL IMPACT:** The monitoring fees are estimated at \$7,000.00 annually and will be funded through the Landfill Fund 422-54419-650

March 8, 2010

Ms. Carol Scianna  
City of Winters Department of Public Works  
318 First Street  
Winters, CA 95694-1923

*Proposal for Semi-Annual and Annual Groundwater Monitoring*

**FORMER LANDFILL**

County Road 33 and County Road 88  
Winters, California  
WKA Proposal No. 3PR10009

Dear Ms. Scianna:

Wallace-Kuhl & Associates, Inc. (WKA) is pleased to provide the City of Winters an estimated budget for semi-annual and annual groundwater sampling of three shallow groundwater monitoring wells that are in the vicinity of the former landfill referenced above. WKA performed these services in 2009 (WKA No. 8482.01). The purpose of this proposal is to establish a scope, fee and agreement for required work in the 2010 calendar year.

**Scope of Services**

WKA suggests a scope of services that is comprised of the activities that are listed below:

- Collection and laboratory analyses of groundwater samples according to the CVRWQCB's semi-annual schedule for groundwater monitoring.
- Collection and laboratory analyses of groundwater samples according to the CVRWQCBs annual schedule for groundwater monitoring.
- Preparation of a semi-annual groundwater monitoring report.
- Preparation of an annual groundwater monitoring report.

**Schedule**

WKA will collect groundwater samples from the three monitoring wells (MW01, MW-2, and MW-4) during June and December 2010. WKA will provide draft reports for the City's

consideration at least two weeks prior to the deadline for submitting the reports to the CVRWQCB. WKA will submit the Semi-Annual monitoring report to the CVRWQCB by June 15, 2010. WKA will submit the Annual monitoring report to the CVRWQCB by January 15, 2011.

### Compensation

WKA requests its compensation be on a time and expense reimbursement basis according to the attached Schedule of Fees. WKA estimates the budget for this project at \$7,000, which is summarized in the following table.

#### Estimated Budget Summary

Activity	Budget
Perform 2010 Semi-Annual Monitoring Event	\$3,000
Perform 2010 Annual Monitoring Event	\$4,000
<b>Total Estimated Budget</b>	<b>\$7,000</b>

### Closing

If this proposal is acceptable, please issue a City of Winters Consultant Services Agreement referencing this letter.

WKA appreciates receiving this opportunity to assist the City of Winters in monitoring conditions at the former landfill. WKA looks forward to providing the City with environmental, geotechnical, and materials testing services for its future projects.

Please call either me if you have any questions regarding this proposal.

Wallace-Kuhl & Associates, Inc.

  
Mark Nichols, P.G., P.E.  
Senior Geologist

Attachment – Fee Schedule



## SCHEDULE OF FEES

### GEOLOGIC AND ENVIRONMENTAL SERVICES PERSONNEL NOVEMBER 2008

#### PROFESSIONAL SERVICES

Administrative Assistant.....	\$65.00 per hour
Draftsperson/GIS Technician.....	\$85.00 per hour
GIS Analyst.....	\$95.00 per hour
Senior Environmental Technician.....	\$90.00 per hour
Staff Environmental Scientist.....	\$115.00 per hour
Senior Environmental Scientist.....	\$130.00 per hour
Staff Geologist/Engineer.....	\$115.00 per hour
Senior Staff Geologist/Engineer.....	\$120.00 per hour
Project Geologist/Engineer.....	\$130.00 per hour
Senior Project Geologist/Engineer/Scientist.....	\$145.00 per hour
Senior Geologist/Engineer.....	\$155.00 per hour
Principal Geologist/Engineer.....	\$185.00 per hour

#### PREMIUM CHARGES

Overtime, add.....	\$30.00 per hour
Sunday and Holidays, add.....	\$40.00 per hour

#### LITIGATION

Data Review/Consultation.....	\$225.00 per hour
Depositions/Expert Witness Testimony.....	\$320.00 per hour

#### EXPENSES

Vehicle Charges.....	\$0.75 per mile
<i>(Subject to periodic adjustment due to fuel cost)</i>	
Subsistence.....	\$55.00 per day
Lodging.....	Cost
Services by Associate Firms and other outside services.....	Cost +20%
Equipment rental, freight, special materials.....	Cost +20%
Reliance Letter.....	\$150.00 each
Extra Report Copies	
Black and white versions.....	\$21.00 each
Color photography versions.....	\$32.00 each





CITY COUNCIL  
STAFF REPORT

TO: Honorable Mayor and Councilmembers  
DATE: March 16, 2010  
THROUGH: John W. Donlevy, Jr., City Manager  
FROM: Nelia C. Dyer, Community Development Director *ND*  
SUBJECT: Public Hearing and Consideration by the Winters City Council of the City of Winters for Adoption of Ordinance 2010-03, Amending Chapter 15.64 (Flood Damage Prevention) of the Winters Municipal Code

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

1. Receive Staff Report
2. Conduct Public Hearing; and
3. Waive first reading, read by title only, and introduce Ordinance 2010-03 amending Chapter 15.64 of the Winters Municipal Code regarding Flood Damage Prevention

BACKGROUND:

On March 1, 1994, the City Council adopted Ordinance 94-04, which included floodplain management regulations. Specifically, the purpose of the ordinance was to promote the public health, safety, and general welfare, and to minimize public and private losses to flood conditions in specific areas of the City.

On September 28, 2009, City staff met with a representative from the Federal Emergency Management Agency (FEMA) for a "Community Assistance Visit." The purpose of the meeting was to provide City staff with the most current information on the National Flood Insurance Program (NFIP), give staff an opportunity to discuss concerns regarding floodplain management, and assess the City's enforcement of the local floodplain management ordinance that was adopted to meet the requirements of the NFIP. In FEMA's evaluation of the Winters' floodplain management program, FEMA has determined that the City's ordinance must be amended to reflect changes to the NFIP and to clarify some of the requirements. Ordinance language amendments include the following:

1. Section 15.64.050 (Definitions)

- a. Amend definition for "Existing manufactured home park or subdivision" to read as follows:

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community. December 1, 1978.

- b. Amend definition for "New manufactured home park or subdivision" to read as follows:

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community. December 1, 1978.

- c. Amend definition for "New construction" to read as follows:

"New construction", for floodplain management purposes, means structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by this community December 1, 1978, and includes any subsequent improvements to such structures.

2. Section 15.64.130 Designation of the floodplain administrator  
Amend to read as follows:

The ~~director of public works~~ *Community Development Director* is appointed as the floodplain administrator, to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions.

3. Section 15.64.140 (C) Notification of Other Agencies  
Amend to read as follows:

- C. Notification of Other Agencies. ~~In alteration or relocation of a watercourse:~~
  1. ~~Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;~~ *Alteration or relocation of a watercourse:*
    - a. *Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;*
    - b. *Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and*
    - c. *Assure that the flood carrying capacity within the altered or relocated*

*portion of the watercourse is maintained.*

2. ~~Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency, and Base Flood Elevation changes due to physical alterations:~~

- a. *Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).*

- b. *All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.*

*Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.*

3. ~~Assure that the flood carrying capacity within the altered or relocated portion of the watercourse is maintained.~~ *Changes in corporate boundaries:*

*Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.*

4. Section 15.64.140 (D) Documentation of Floodplain Development

Amend to read as follows:

6. *Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.*

5. Section 15.64.160 (C)(1)(c) In all other Zones, elevated a minimum of one foot above the base flood elevation.

Amend to read as follows:

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, ~~or~~ and verified by a city building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

#### **PROJECT NOTIFICATION:**

Public notice advertising for the public hearing on this project was prepared by the Community

Development Director in accordance with notification procedures set forth in the City of Winters Municipal Code and State Planning Law. A legal notice was published in the Winters Express on Thursday, March 4, 2010. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since Thursday, March 11, 2010.

**ENVIRONMENTAL DETERMINATION:**

Pursuant to Section 15061 (b) (3) of the State CEQA Guidelines, a project is exempt from the California Environmental Quality Act when it can be seen with certainty that there is not possibility that the proposed project may have significant effect on the environment. This project entails the amendment of a chapter to the Winters Municipal Code (WMC) regarding Flood Damage Prevention, and therefore, constitutes administrative changes to the WMC. As such, they will have no adverse effect on the environment; consequently, the project is not subject to environmental review under CEQA pursuant to Section 15061 (b) (3).

**RECOMMENDATION:**

Staff recommends that the City Council approve the proposed Ordinance by making the affirmative motions as follows:

**I MOVE THAT THE WINTERS CITY COUNCIL WAIVE THE FIRST READING, READ BY TITLE ONLY, AND INTRODUCE ORDINANCE 2010-03, AMENDING CHAPTER 15.64 OF THE WINTERS MUNICIPAL CODE PERTAINING TO FLOOD DAMAGE PREVENTION.**

**ATTACHMENTS:**

Ordinance 2010-03: An Ordinance of the City Council of the City of Winters Amending Chapter 15.64 of the Winters Municipal Code Regarding Flood Damage Prevention

**ORDINANCE No. 2010-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS  
AMENDING CHAPTER 15.64 OF THE WINTERS MUNICIPAL CODE  
REGARDING FLOOD DAMAGE PREVENTION**

WHEREAS, the 1968 National Flood Insurance Act was passed by Congress creating the National Flood Insurance Program, which was designed to reduce future flood losses through local floodplain management and to provide protection for property owners against potential losses through flood insurance;

WHEREAS, as part of the agreement for making flood insurance available in the community, the National Flood Insurance Flood Program requires that the City adopt a floodplain management ordinance containing certain minimum requirements intended to reduce future flood losses;

WHEREAS, the City Council adopted Ordinance 94-04, which is consistent with the Federal Floodplain Management Regulations as defined in Title 44, Code of Federal Regulations, Section 60.3 and the standards of the State Model Floodplain Ordinance based on the Statutory Authorization, Findings of Fact and Purpose and Methods;

WHEREAS, in September of 2009, a representative from the Federal Emergency Management Agency met with City staff to assess the city's enforcement of the local floodplain management ordinance and requested that the City's ordinance be amended to reflect recent changes to the National Flood Insurance Program;

WHEREAS, the ordinance was revised by City staff and is hereby submitted to Council for adoption as the City's Floodplain Management Ordinance;

WHEREAS, the amendments to the ordinance are exempt from the California Environmental Quality Act pursuant to Section 15061 (b) (3);

WHEREAS, the City Council of the City of Winters conducted a duly noticed public hearing on March 16, 2010, at City Hall, 318 1<sup>st</sup> Street, Winters, CA 95694. Notice of the time, place, and purpose of the aforementioned meeting was duly noticed in accordance with Government Code 65090.

**THE CITY COUNCIL OF THE CITY OF WINTERS, CALIFORNIA, DOES  
HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.            AMENDMENT.**

A. Chapter 15.64, Section 15.64.050 (Definitions) is amended to read as follows:

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the

installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the ~~effective date of the floodplain management regulations adopted by a community.~~ *December 1, 1978.*

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the ~~effective date of the floodplain management regulations adopted by a community.~~ *December 1, 1978.*

"New construction", for floodplain management purposes, means structures for which the start of construction commenced on or after the ~~effective date of floodplain management regulations adopted by this community~~ *December 1, 1978*, and includes any subsequent improvements to such structures.

B. Chapter 15.64, Section 15.64.130 is amended to read as follows:

~~The director of public works~~ *Community Development Director* is appointed as the floodplain administrator, to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions.

C. Chapter 15.64, Section 15.64.140 (C) is amended to read as follows:

C. Notification of Other Agencies. ~~In alteration or relocation of a watercourse:~~

1. ~~Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;~~ *Alteration or relocation of a watercourse:*
  - a. *Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;*
  - b. *Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and*
  - c. *Assure that the flood carrying capacity within the altered or relocated portion of the watercourse is maintained.*
2. ~~Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and Base Flood Elevation changes due to physical alterations:~~

- a. *Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).*
- b. *All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.*

*Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.*

3. ~~Assure that the flood-carrying capacity within the altered or relocated portion of the watercourse is maintained. Changes in corporate boundaries:~~

*Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.*

D. Chapter 15.64, Section 15.64.140 (D) is amended to read as follows:

6. *Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.*

E. Chapter 15.64, Section 15.64.160 (C)(1)(c) is amended to read as follows:

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, ~~or~~ *and* verified by a city building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

SECTION 2.            EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption it shall be posted in two (2) public places within the City of Winters and the ordinance, or a summary of the ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Winters prior to the effective date.

INTRODUCED on the 16<sup>th</sup> day March, 2010.

PASSED AND ADOPTED as an ordinance of the City of Winters at a regular meeting of said Council on the \_\_\_\_ day of April, 2010, 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: March 16, 2010  
FROM: John W. Donlevy, Jr., City Manager   
SUBJECT: City Committees and Commissions

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**RECOMMENDATION:**

That the City Council provide direction on the establishment and coordination of City Committees.

**BACKGROUND:**

The City has established a number of key Committees covering a multitude of topics. At the March 2, 2010 City Council Meeting, the Council expressed an interest in pursuing enhanced community engagement in a variety of issues, including re-establishing committees.

The City has operated the following committees in the past:

1. Parks and Community Services Commission
2. Economic Development Committee
3. Pool Development Committee
4. Winters Putah Creek Committee
5. Hispanic Advisory Committee

At the March 2 City Council Meeting, a proposal was made from the public that the Winters Activities Commission be established to facilitate local sports and activities.

In the case of committees 1-3, these have not met for a number of years. The pool committee was formed to assist in developing the programming for the new pool, the economic committee stopped with the departure of the Redevelopment Director and the Parks and Community Services

Commission has sat dormant since the passing of Gloria Marion.

The Winters Putah Creek Committee has been an excellent committee and active for the past two years. Their most notable achievements have included the revision of the Putah Creek Master Plan, the vegetation management plan and the upcoming North Bank Trail Project.

The Hispanic Advisory Committee has been active for three (3) years and has produced a number of key projects including town hall meetings, the Festival de la Comunidad and outreach on key community issues.

#### DISCUSSION:

With the many changes in the Brown Act and the requirements of AB1234 regarding ethics training and public disclosure, the status of the various City committees and commission has become a hot topic. The City Attorney has suggested the dissolution of the committees as "advisory to the City Council" and making them "advisory to the City Manager" to remedy some of the requirements and burdens posed by AB1234 and FPPC reporting.

Staff is requesting direction as to how the City Council would like to proceed with the disposition of these committees. Options include:

1. Keep the committees as Advisory to the City Council as they have been appointed. In some cases, Staff would request assistance from the City Council as liaisons to coordinate the activities of the committees, including agendas, minutes and reporting.
2. Make the committees Advisory to the City Manager with annual reporting. The structure of the committees would change to provide for quarterly meetings and annual reporting.

Staff is requesting direction on how you wish to proceed regarding the committees. Option 1 keeps the status quo but asks for Council assistance in the staffing. Option 2 will keep the committees in place, but change their nature as more advisory and their meetings to a more quarterly basis.

The request for staff assistance is based primarily on time requirements. At this time, most assistance is falling on the City Manager and Director of Administrative Services and time is becoming an issue. The combination of City Council, Planning Commission, community meetings/functions is becoming burdensome.

#### FISCAL IMPACT:

To be determined.

To Mayor Martin and the Winters City Council

I am proposing to form the Winters Activities Commission. In the time of loss revenue the City could use some help in keeping City sponsored events, example Summer Fun in the Park, Adult Softball, City Youth Basketball, Recreational Swimming ..... This Commission can create new activities like, Youth Golfing, After School Basketball, Flag Football, Chess Club, Seniors Take a Kid Fishing ..... The board will be able to work with WJUSD and the City of Winters in the use, maintenance, repairing and cost of facilities. This will be achieved through donation, volunteers, grants and fundraising. This group would be able to save the City Council and Staff time and money. We will be able to get all the organization to work together in creating one large active community and be able to offer something for everyone. This in turn could help reduce crime in our community. We can promote large scale activities that will help bring more people to our businesses. This would increase tax dollars for the City. Please consider the people of this community and move to create this commission.

Rory Linton  
Winters Wrestling President

## Winters Activities Commission

5 - 7 Member Board should include representation from Non Profit Youth Sports Groups, Youth Pastor, Senior Activities, Adult Activities and Winters Joint Unified School District.

Goal - to help existing and future activities for kids and adults in the community of Winters.

Create an inventory of facilities that are being used and possible future facilities.

Work with non profit organization, WJUSD and City of Winters on use, cost and maintenance of facilities.

Help in creating new activities for youth, adults and seniors.

Apply for grants to help existing organizations and future organizations.

Help in creating activity based events that will bring tourism to the community



CITY COUNCIL  
STAFF REPORT

TO: Honorable Mayor and Councilmembers  
DATE: March 16, 2010  
FROM: John W. Donlevy, Jr., City Manager *JWD*  
SUBJECT: Health Eating Active Living (HEAL) Cities Campaign

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**RECOMMENDATION:**

That the City Council receive a report and provide direction regarding the HEAL Campaign.

**BACKGROUND:**

In November, 2009, the City Council received a report from the Healthy Eating Active Living Cities Campaign. In the presentation, the City was urged to consider adopting a resolution in support of the HEAL Campaign and consider implementation of many of the concepts.

Staff was directed to bring the resolution back to the City Council for consideration.

**DISCUSSION:**

The HEAL Resolution focuses on four key areas including the Built Environment, Employee Wellness, Healthy Food Access and Implementation. The following is an overview of how the City of Winters is not only complying with many of these principles, but actually exceeding the desired goals.

**Built Environment:**

The main emphasis of this section involves the idea that planners, engineers, park and recreation and redevelopment personnel work to establish an overall environment which encourages healthy activity. Some of the key areas of emphasis are connectivity, bike/pedestrian facilities, business recruitment, access to healthy eating and limits fast food outlets near schools

and neighborhoods. The City has done much to accomplish things in this area.

1. **Connectivity:** In consideration of the last four (4) subdivisions, connectivity was a main theme. All main streets and arterials included either Class I or II bike facilities, 20' streets and roundabouts, rear loaded garages to promote pedestrian friendly sidewalks, central neighborhood parks connected to a community sports park and a safe routes to school concept which connects the neighborhoods and schools. The City has an aggressive bike lane system on main arterials and streets.
2. **Bike/Pedestrian Facilities:** The City of Winters has an approved Bikeway System Master Plan and both bike and pedestrian facilities are main focuses of the Putah Creek Master Plan and the Downtown Master Plan. In 2006, the City completed the rehabilitation of the Robert Chapman Trestle Bridge as a bike/Pedestrian Facility and the City will construct the North Bank Trail Project along Putah Creek which will add almost 1 mile of new trail and connect neighborhoods with the Downtown.
3. **Business Recruitment:** The Community Development Agency has is currently working with developers interested in citing food related businesses, including commercial kitchens and local agriculture products.
4. **Healthy Eating:** The City of Winters, in conjunction with the Winters Healthcare Foundation have initiated the Winters Farmers Market and the City has donated land for use as a Community Garden which will open in March, 2010.
5. **Planning:** The City of Winters is one of the first communities in the Sacramento Region to initiate a form based code which embraces the "smart growth" principles of compact mixed use development. In 2010, the City was awarded the SACOG Blueprint Excellence Award for our efforts in implementing the principles of the award winning SACOG Blueprint. The plan revised zoning standards and uses within the Downtown Core to increase pedestrian activities and access to restaurants, stores and recreational opportunities along Putah Creek.
6. **General Plan:** City policies focus on health and wellness. In total, more than 300 acres of the City have been set aside for open space and park use. Both land use and environmental elements dictate concepts such as connectivity, pedestrian orientation, bikes and overall liveability.
7. **Fast Food:** The City currently has no drive thru establishments and only three chain eateries including Round Table Pizza, Subway Sandwich and Pizza Factory.

The ability of fast food establishments to locate in Winters is generally limited. The recently adopted Form Based Code which covers most of the Downtown Commercial District prohibits drive thru establishments. Along the Grant Ave Commercial Corridor, the C-2 zoning allows food establishments, but requires a conditional use permit. The zoning which permits fast food is the Highway Commercial (C-H) along 505 and the total acreage for this use is approximately 14 acres.

The HEAL resolution encourages limiting the proximity of fast food to schools. Under the current zoning, the closest fast food establishment at the highway would be approximately 6,250 feet (1.2

miles) from Winters High School and the closest subdivision is 2,600 feet (.5 mile).

### Employee Wellness:

The City of Winters emphasizes personal and professional development in all aspects of employment to keep a health and productive workforce. From a health standpoint, the City has initiated the following:

1. Employee Assistance Program: The City was one of the first agencies in Yolo County to establish and employee assistance program to focus on the total well being of our employees. Topics including stress reduction, financial planning, fitness, mental health and family are all covered. The service also includes a referral service to assist employees in a confidential and private manner in dealing with personal issues.
2. Employee Physicals and Wellness: Each employee is encouraged to regularly meet with their physician for routing examinations. All employees are given a day off to get an annual physical examination with the City covering any co-payments or charges related to the exam.
3. Fitness: The City has a weekly Yoga class which is open to all personnel. Regular walking sessions occur amongst the Staff. Annually, we hold a "Biggest Loser" contest to encourage weight loss.

All employees are required to use the stairway to access upstairs offices and accommodation is provided for any employees in need of issues dealing with family health issues.

### Healthy Food Access:

In 2009 and 2010, the City initiated a partnership with the Winters Healthcare Foundation to encourage better eating and access to food. In 2008, the City participated in a grant which funds outreach to the local Hispanic community which helps fund the Winters Farmers Market. The program also includes the establishment of a Community Garden which will begin in Spring, 2010.

The one aspect of the HEAL resolution which is not actively pursued in Winters is working with local restaurants to label their menus or change the ingredients which are used to prepare the food. The City's limited personnel and lack of nutritional expertise, along with the small size of many of the restaurants limits the capabilities to institute such a program.

### Implementation:

The City of Winters has worked to be progressive in the area of health and wellness. Key priorities of the City's General Plan and community pride has always focused on families and the outdoors. As a culture, Winters is very outdoor oriented from the farming and agricultural industries which

abound to the sports activities for youth and adults.

It is the view of Staff, that Winters is significantly further along than many agencies which have already adopted the HEAL resolution.

As the City struggles with budget issues, the City Council eliminated recreational programs and is struggling with funding for such amenities as the community swimming pool and community center. It is the view of Staff that these programs be initiated before advancing other initiatives. The community value is seen as much higher versus other elements of the HEAL program.

To implement or study additional elements of the HEAL program will require additional studies, personnel and possibly assistance to local restaurants to comply. In many cases, the City will need to perform tasks most suited to consumer protection groups, health departments and other non-municipal functions.

Staff recommends that the City work with HEAL to provide information as they make it available to local businesses, but not become active in non-municipal activities to advance some of the HEAL concepts (calculating fat content or policing food ingredients).

#### **FISCAL IMPACT:**

Staff estimates that initiation of a new program for food and nutrition will require .5 personnel and require a budget between \$20,000-\$30,000 to fund studies, legal consultation, memberships and business assistance.



## HEALTHY EATING ACTIVE LIVING CITY RESOLUTION

### PURPOSE AND INTRODUCTION

Cities and their residents face increased health care costs and diminished quality of life due to the epidemic of obesity and overweight. City leaders across California are addressing the crisis by implementing land use and employee policies which encourage physical activity and nutritious eating.

League of California Cities led the way with a resolution in 2004 which encouraged cities to embrace policies that promote healthier lifestyles and communities. Two years later, the League adopted a resolution to work together with the Institute for Local Government, and the Cities Counties and Schools Partnership to develop a clearinghouse of information that cities can use to promote wellness policies and healthier cities. In response to this League resolution, the League, the CCS Partnership, and the California Center for Public Health Advocacy have launched the "Healthy Eating Active Living Cities Campaign".

### **INSTRUCTIONS**

The following draft resolution is written to provide a menu of potential HEAL Cities Campaign policies. Cities are encouraged to modify the resolution based on local conditions and to the policy actions suitable for their city at this time.

All California cities which adopt policies encouraging physical activity and good nutrition are eligible to be a Healthy Eating Active Living City and upon review and approval, become eligible for public relations and marketing resources including use of the HEAL Cities logo.

Please contact the campaign and share your adopted resolution and supporting policies.

[www.healcitiescampaign.org](http://www.healcitiescampaign.org)

**RESOLUTION NO. \_\_\_ SETTING FORTH [MUNICIPALITY]'S  
COMMITMENT TO OBESITY PREVENTION**

**PREAMBLE/WHEREAS CLAUSES**

*A draft resolution based on this model should include a preamble that contains "findings" of fact that support the need for the city to pass the resolution. The preamble contains information supporting the need for the resolution – in this case documenting the need for obesity prevention strategies. Some possible findings are listed as "Whereas" clauses below. Cities may have others.*

WHEREAS, in 2004, the League of California Cities adopted an Annual Conference resolution to encourage cities to embrace policies that facilitate activities to promote healthier lifestyles and communities, including healthy diet and nutrition and adoption of city design and planning principles that enable citizens of all ages and abilities to undertake exercise; and

WHEREAS, the League of California Cities has a strategic goal to promote and develop safe and healthy cities; and

WHEREAS, more than half of California's adults are overweight or obese and therefore at risk for many chronic conditions including diabetes, heart disease, cancer, arthritis, stroke, and, hypertension; and

WHEREAS, one in four youth between the ages of 9 and 16 in California is overweight. <Enter local data available at <http://www.publichealthadvocacy.org/growingepidemic.html>>

WHEREAS, more children are being diagnosed with diseases linked to overweight and obesity previously seen only in adults, such as Type 2 diabetes and heart disease; and

WHEREAS, the current generation of children are expected to have shorter lives than their parents due to the consequences of obesity; and

WHEREAS, obesity takes a tremendous toll on the health, productivity of all Californians;

WHEREAS, the annual cost to California—in medical bills, workers compensation and lost productivity— for overweight, obesity, and physical inactivity exceeds \$41 billion;

WHEREAS, California Senate Bill 375 and Assembly Bill 32 call on cities to adopt plans to reduce greenhouse emissions which include reducing vehicular miles traveled; and

WHEREAS, local land use policy governs development of the built environment in which individuals make personal nutrition and physical activity choices; and

WHEREAS, by supporting the health of residents and the local workforce would decrease chronic disease and health care costs and increase productivity; and

WHEREAS, <add pertinent local conditions>;

**NOW, THEREFORE, LET IT BE RESOLVED** that the City Council hereby recognized that obesity is a serious public health threat to the health and wellbeing of adults, children and families in [name of city]. While individual lifestyle changes are necessary, individual effort alone is insufficient to combat obesity's rising tide. Significant societal and environmental changes are needed to support individual efforts to make healthier choices. To that end, [name of city] adopts this Healthy Eating Active Living resolution:

#### **I. Built Environment**

BE IT FURTHER RESOLVED that [name of city] planners, engineers, park and recreation department, community economic and redevelopment personnel responsible for the design and construction of parks, neighborhoods, streets, and business areas, should make every effort to:

- Prioritize capital improvements projects to increase the opportunities for physical activity in existing areas;
  - Plan and construct a built environment that encourages walking, biking and other forms of physical activity;
  - Address walking and biking connectivity between residential neighborhoods and schools, parks, recreational resources, and retail;
  - Facilitate the siting of new grocery stores, community gardens and farmers markets in underserved communities to increase access to healthy food, including fresh fruits and vegetables;
  - Expand community access to indoor and outdoor public facilities through joint use agreements with schools and/or other partners
  - Map existing fast food outlets and draft an ordinance which will place limits on fast food around schools and in neighborhoods with over-concentrations of unhealthy food outlets;
  - Revise comprehensive plans and zoning ordinances to increase opportunities for physical activity and access to health foods wherever and whenever possible, including compact, mixed-use and transit-oriented development;
  - Build incentives for development project proposals to demonstrate favorable impact on
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resident and employee physical activity and access to healthy foods;

- Examine racial, ethnic, and socio-economic disparities in access to healthy foods and physical activity facilities or resources and adopt strategies to remedy these inequities.

## **II. Employee Wellness**

BE IT FUTHER RESOLVED that in order to promote wellness within [name of city], and to set an example for other businesses, [ name of city] pledges to adopt and implement an employee wellness program. Within [insert timeframe] of adoption of the resolution, [name of city] Human Resources will draft an employee wellness policy that will:

- Offer employee health incentives for healthy eating and physical activity<sup>1</sup> ;
- Establish physical activity breaks for meetings over one hour in length;
- Accommodate breastfeeding employees upon their return to work;
- Encourage walking meetings and use of stairways.

BE IT FUTHER RESOLVED to set nutrition standards for vending machines located in city owned or leased locations<sup>2</sup>;

BE IT FUTHER RESOLVED to set nutrition standards for food offered at city events, city sponsored meetings, served at city facilities and city concessions, and city programs.

## **III. Healthy Food Access**

BE IT FUTHER RESOLVED that [name of city] encourages restaurants doing business in [name of city] to:

- Disclose the calorie amount and grams of fat for each menu item listed on a menu or menu board in a clear and conspicuous manner.
- Remove foods containing artificial trans fat from their menu offering.

BE IT FURTHER RESOLVED that [name of city] encourages food retailers doing business in [name of city] to prominently feature healthy check-out lanes free of high density foods;

BE IT FURTHER RESOLVED that restaurants and food retailers that promote healthy food choice in the above manners be recognized by the city and will be entitled to display a [name of city] Healthy Eating Active Living logo.

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<sup>1</sup> May include incentive such as fresh fruit in break rooms, gym discounts, fifteen minutes paid exercise time per day, etc.

<sup>2</sup> Various standards available from HEAL Cities Campaign

#### **IV. Implementation**

BE IT FURTHER RESOLVED that the head of each affected agency or department should report back to the City Council annually regarding steps taken to implement the Resolution, additional steps planned, and any desired actions that would need to be taken by the city council.

*Note: cities are encouraged to tailor this clause to delegate specific implementation tasks and deadlines as appropriate.*