



Winters City Council Meeting  
City Council Chambers  
318 First Street  
Wednesday, March 31, 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 16, 2010 (pp 1-8)
- B. Accept Recommendation from Council Member Fridae to Appoint Mitch Korcyl to the Winters Putah Creek Committee to fill Vacancy (pp 9)

### PRESENTATIONS

### DISCUSSION ITEMS

1. Second Reading and Possible Adoption of Ordinance 2010-03 by the City Council of the City of Winters, Amending Chapter 15.64 of the Winters Municipal Code regarding Flood Damage Protection (pp 10-17)
2. Bobbie Greenwood Community Swim Center Fees and Programs (pp 18-20)

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### COMMUNITY DEVELOPMENT AGENCY

1. Public Hearing and Consideration of an Amended and Restated Owner Participation Agreement with Winters Pacific Associates **(This item is being continued)**
2. Public Hearing and Approval of Resolution 2010-16, a Resolution of the Community Development Agency of the City of Winters, to Consider Acquisition by the Community Development Agency of the Real Property Located at 314 Railroad Avenue, Winters (pp 21-32)
3. Public Hearing and Approval of Resolution 2010-17, a Resolution of the Community Development Agency of the City of Winters, to Consider Acquisition by the Community Development Agency of the Real Property Located at 318 Railroad Avenue, Winters (pp 33-44)

4. Update of Design Concepts and Bid Authorization for the Downtown Streetscape Improvements, Phase 2 (pp 45-50)
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## CITY MANAGER REPORT

## INFORMATION ONLY

## EXECUTIVE SESSION

## ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the April 6, 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 25, 2010, and made available to the public during normal business hours.

*Nanci G. Mills, Adm. Asst. for Nanci G. Mills*  
Nanci G. Mills, City Clerk

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Wednesday at 10:00 a.m.

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Minutes of the Winters City Council  
Held on Tuesday, March 16, 2010

Mayor Michael Martin called the meeting to order at 6:30 p.m.

Present: Council Members Cecilia Aguiar-Curry, Anderson, Fridae, Stone and Mayor Martin.  
Absent: None  
Staff: City Manager John Donlevy, City Attorney John Wallace, City Clerk Nanci Mills, Community Development Director Nellie Dyer, Chief of Police Bruce Muramoto, Environmental Services Manager Carol Scianna, Police Officers Jeremy Warren and Sergeant Sergio Gutierrez, and Administrative Assistant Tracy Jensen.

The Pledge of Allegiance was led by Carol Scianna.

Approval of Agenda: City Manager Donlevy requested that Discussion Item #4, Pool Committee Update, be continued. Motion by Council Member Fridae, second by Council Member Aguiar-Curry to approve the agenda with this change. Motion carried unanimously.

**COUNCIL/STAFF COMMENTS:** Council Member Aguiar-Curry said the next meeting of the League of California Cities Sacramento Valley Division will be held at the Buckhorn on March 26<sup>th</sup> and invited the Council, City Manager and City Clerk to attend. The Winters Chamber of Commerce will be having a Plein Air Festival from March 26<sup>th</sup> – April 24<sup>th</sup>. The next meeting of the Hispanic Advisory Committee will be held on March 22<sup>nd</sup>. She reminded everyone to take time to complete and return your census forms. Council Member Aguiar-Curry recently attended a Water Resources Agency meeting, who will be have an information night, date TBD. Discussion will include a water bond and the public is invited to attend.

Council Member Fridae said he was proud of City Manager Donlevy, who was a presenter at a recent California Redevelopment Agency meeting and spoke about the "little town with big ideas", outlining the City's numerous redevelopment projects.

Council Member Anderson said he attended the Winters Putah Creek Committee meeting last night at the Community Center.

## **PUBLIC COMMENTS**

Dan Mickel, 6 Russell Street, said he had spoken with City Manager Donlevy regarding the parking on Russell Street, but Mr. Mickel had not received any feedback. City Manager Donlevy explained his commitment to the issue and confirmed staff had gone out and looked at the situation and confirmed a larger sign prototype had been ordered to replace current signs. Russell Street residents wanted to paint the curbs, but could not as the City does not have a preferential parking ordinance in place. A neighborhood meeting regarding parking on Russell Street has been scheduled for Monday, March 22, at 6:00 p.m. Council Member Aguiar-Curry asked if businesses in the area would be notified, and City Manager Donlevy replied yes.

Helen McClosky, Rumsey resident, organic farmer and Tuleyome Board Member, spoke in favor of the proposed Berryessa Snow Mountain National Conservation Area (BSMNCA) and spoke of the economic benefits for Winters if given the designation of "gateway community." She also spoke highly of Winters, saying she and her husband enjoy the live entertainment and fine dining opportunities Winters has to offer.

## **CONSENT CALENDAR**

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, March 2, 2010
- B. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, March 8, 2010
- 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
- D. Proclamation in Recognition of National Agriculture Week, March 14 – 20, 2010
- 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

City Manager Donlevy gave an overview. Council Member Anderson requested that Consent Item C be moved to new Discussion Item #4. Motion by Council Member Fridae, second by Council Member Aguiar-Curry to approve Consent Items A, B, D, and E, and move Consent Item C to the Discussion calendar. Motion carried unanimously.

## **PRESENTATIONS**

Vallerye Anderson, Director of Campaigns and Outreach of Tuleyome, gave a presentation, which included the economic benefits report for the proposed Berryessa Snow Mountain National Conservation Area (BSMNCA). Council Member Fridae asked about the opportunity

to provide an information center in Winters, possibly in conjunction with the existing Visitors Center. Vallerye suggested a separate information center be created. Council Member Fridae also asked if there were any new developments regarding energy extraction projects. Vallerye replied no, any solar extraction would obliterate the soil amenities. Council Member Aguiar-Curry asked if the existing right-of-ways would be used. Vallerye replied that existing rights-of-way would be honored and there were no new plans to expand the infrastructure. Council Member Aguiar-Curry would like a guarantee from the Bureau of Reclamation a guaranteed seat at the table, which a MOU would define. As a gateway community, Winters would like a seat at the table during the process. Winters has been left out one too many times. Vallerye said the Board of Supervisors will choose members from local stakeholders groups, which is to include a Council member, where an MOU will be created with special provisions. Vallerye also confirmed an existing working relationship with the Audubon Society. Mayor Martin asked if access on the north side of the lake from Coal Canyon is in the plans. Vallerye confirmed plans to build a trail system around the entire lake.

Chief of Police Bruce Muramoto presented the 2009 Officer of the Year award to Sergeant Sergio Gutierrez for his outstanding performance. He praised Sergeant Gutierrez for his hard work and diligence in working with the FBI and the Yolo DA's office in the arrest, conviction and incarceration of a suspect in a local murder case.

## 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**

Community Development Director Nellie Dyer gave an overview and confirmed Ordinance 2010-03 has been FEMA-approved. Council Member Anderson asked if this ordinance is a radical departure from the previous ordinance adopted in 1994. Nellie replied the amendments being made are not only being done in Winters, but everywhere. Council Member Anderson asked if structures built prior to 1979 would be "out of luck" and Nellie confirmed this ordinance would apply to new buildings commencing on or after December 1, 1978. Mayor Martin asked about property located north of Town & Country Market being included in the floodplain, and Nellie specifically identified Carrion Court. Mayor Martin asked if flood insurance requirements have been mandated. City Attorney Wallace said the FEMA map shows which areas require coverage. If flood prevention improvements are made, the insurance may be waived.

Mayor Martin opened the public hearing at 7:52 p.m. and closed the public hearing at 7:52 p.m. Motion by Council Member Fridae, second by Council Member Aguiar-Curry, moving 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. Motion carried with the following vote:

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

**ABSENT:** None  
**ABSTAIN:** None

City Attorney Wallace confirmed Ordinance 2010-03 will be continued to the March 31, 2010 City Council meeting at 6:30 p.m. for the second reading and adoption.

## 2. City Committees and Commissions

City Manager Donlevy gave an overview. Council Member Fridae requested the Winters History Committee be added as #6 to the list as an advisory committee, reporting to the City Manager until the end of the fiscal year. City Manager Donlevy asked Council to review the two options contained in the staff report and to offer comments on the Winters Activities Commission. City Attorney Wallace said the problem with Ad Hoc/temporary committees and standing committees is that legal requirements may apply. He suggested operating committees for six months and decide what type of committee they should be. Council Member Anderson was concerned about standing committees attempting to divert the AB1234 and FPPC requirements. Committees are formed to get something done. Keep them for six months and take a look. City Manager Donlevy said no matter what type of committee is formed (Ad Hoc or standing), all committees report annually to the City Council.

Rory Linton, 311 Peach Place, spoke on behalf of the proposed Winters Activities Commission and said many committees/commissions lack a funding mechanism. They also lack the liability umbrella coverage afforded to groups like Little League, who fall under district or national coverage. He suggested the creation of small committees to be formed under the City "umbrella", avoiding the liability and non-profit issues. Council Member Aguiar-Curry asked if programs could be run under the City as non-profit. City Attorney Wallace replied staff would have to monitor financials, which can be burdensome on staff, create potential liability issues, and displeases the auditors. City Manager Donlevy said the City of Winters could potentially be the sponsoring agency, but the committee/commission would be run exclusively by volunteers. Rory referenced CARD, the Chico Area Recreation and Park District, where individuals "pay to play." Mayor Martin said staff time would be required to operate a similar program, which would be a burden on staff. City Manager Donlevy suggested Rory find out who would be interested in serving on the Winters Activities Commission and get the ball rolling. Council Member Anderson said he thought Youth Day operated under the Chamber of Commerce.

Council Member Fridae offered three scenarios: 1) City identifies activities and does them, although there is no money to do them this year; 2) Like Rory suggested, form a citizens committee, who would be allowed to use the City's tax ID# and non-profit status to raise & spend money. The problem could be that a long term committee requires Brown Act regulations, public noticing of meetings, staff member to take minutes, the filing of a Form 700, all of which remain a burden on the City; 3) the City internally helps raise money to do activities it originally planned to do. But when working with kids, under Megan's Law adults have to be fingerprinted and background checks must be completed, so we don't have the control of what's going on like we would an employee. It might be a better idea to promote the citizens

group that helps raise money, and have an advisory committee to the City Manager that would help organize and give direction to what activities we do. Rory said the committee currently raising money is focusing on one activity (pool) and does not encompass all activities. The focus should be to bring all the small separate groups together to work as one. Council Member Fridae suggested mounting a campaign to promote general activities for kids, which would be advised by the board of the Winters Activities Commission to the City Manager. Money coming into the City could then be coordinated through the Commission as an advisory to the City Manager. Rory suggested the committee have representation from the schools, the City, and the community, and for all representatives to communicate and come together. Council Member Aguiar-Curry said she would like to see more information regarding a program similar to Chico's CARD program. She said she was a little nervous about the Megan's Law liability, making it necessary to come through the City. Rory reiterated the need to pull people together to talk it out, devise objectives and come up with a mission. City Clerk Nanci Mills said the City of Woodland has a Woodland Recreation Foundation. Mayor Martin asked to receive information about the Woodland Recreation Foundation in the form of a future presentation to Council. Council Member Fridae suggested the possibility of an activities commission be explored and brought back to Council with ideas, and decide whether it will be a temporary or long-term committee, and whether it will be advisory to the City Manager. Council Member Anderson suggested people interested in the committee get together and frame their discussion as we don't want to re-invent the wheel.

Council Member Fridae gave an update regarding the Winters Historical Committee, which has received tax shelter status in order to raise money and the committee will continue to work in this mode. Outreach to families with historical documents continues as there are currently 60 framed photographs on exhibit throughout the City. The committee is looking for possible parent groups, which include Yolo County Historical Society or Winters Center for the Arts, but in the meantime would like to remain as is until the end of the fiscal year. The committee also looked into obtaining their own tax status, but due to the annual obligation, time & money, it would not be worth it.

Regarding the Winters Putah Creek Committee, the committee person assigned by Council Member Fridae has resigned and he asked for clarification. Is the committee required to advertise the opening? City Attorney Wallace said it is not required. Council Member Stone said they may advertise, but it is not required. Council Member Anderson requested that the WPCC remain as an advisory committee to the City Council.

The Hispanic Advisory Committee indicated their preference to change their committee to an advisory committee, where, through Dawn Van Dyke, will continue to report to the City Manager. Council Member Fridae asked for clarification regarding the CCAPFC's (Community Center and Pool Fund Committee) ability to raise money for the City. City Manager Donlevy said the committee is raising and receiving the funds and the City will direct the spending of the funds.

Motion by Council Member Fridae to disband the Parks and Community Services Commission and the Economic Development Committee; continue the Community Center and Pool Fund Committee (CCAPFC) as a temporary Ad Hoc committee for the current pool group, advisory

to the City Manager; Winters Putah Creek Committee (WPCC), who will remain as a standing committee, advisory to the City Council; Hispanic Advisory Committee (HAC), who will remain as an advisory committee to the City Manager; and the Winters Historic Committee, advisory to the City Council until the end of the fiscal year. Second by Council Member Anderson, who added the committees are working and are successful and questioned whether we should be skirting laws we should be following. Mayor Martin said he wants citizens to volunteer and doesn't want to make it hard on them. Council Member Fridae suggested trying it this way and review again next year and see if any changes are needed at that time. Motion carried unanimously. Environmental Services Manager Carol Scianna asked for clarification of the process of re-appointing a committee member to the WPCC. As per City Attorney Wallace, as a standing committee, the City Council must approve the re-appointment. City Manager Donlevy said Council would come back and accept the resignation of Dave Springer and appoint a new committee member at the next meeting.

### **3. Health Eating Active Living (HEAL) Cities Campaign**

City Manager John Donlevy gave an overview, stating the City of Winters currently meets or exceeds many of the principle areas of the HEALS resolution. Council Member Fridae asked what it would take for area restaurants to provide nutritional values. Council Member Aguiar-Curry said calculating this information for every meal would be difficult for small businesses to provide this information.

Shaunie Briggs, 820 Railroad Avenue, said nutritional value labels can be confusing. The processed food in fast food does not address nutritional values. She would like Winters to have restaurants serve whole, natural foods in their natural form. Limiting fast food supports the HEAL Cities Campaign and she would like to see the City of Winters set the pace. City Manager Donlevy said the City of Winters is the leader by exceeding standards in many ways. He supports the resolution and will bring it back before Council, listing the specific things that support the four major criteria and make it Winters-specific.

Ana Kormos, Winters Community Garden, thanked the City and Council for bringing this item back. It is very general, but for a good reason. HEAL is more of a culture or concept to adopt and signing on to HEAL embraces that culture. Regarding fast food, the healthy choice is not always the easiest choice. She asked if the City was limiting further development of fast food, which seems contradictory to this resolution. City Manager Donlevy said there is approximately 14 acres of fast food/drive through land available. Council Member Aguiar-Curry asked if Ana could clarify "formula foods" in response to a letter received from Marcia Gibbs. Ana said some packaging and formulated food products are just two of the criteria and offered to send to Council members a detailed explanation of "formula foods." Council Member Anderson said the City of Arcata defines formula foods in an ordinance.

Council Member Fridae congratulated the City Manager for preparing and taking an active role in the HEAL resolution, which should be adopted as per the outline. A limit should be placed on fast food establishments and asked to consider a percentage or appropriate amount for a city the size of Winters. The obesity rate has gotten worse, but the City can't legislate healthy

eating habits, but to lead by example by making good choices convenient. Council Member Anderson said they could strive for it, but not dictate it. Council Member Fridae asked this item to come back with a reasonable number or percentage of possible fast food establishments. Mayor Martin asked how the numbers might change based on future population and said the public needs to be educated.

Shaunie Briggs said organic choices and the accessibility of sustainably-grown food need to be increased. City Manager Donlevy said he will speak with legal about the ability of the City to regulate establishments and will bring back an updated HEAL resolution. Council Member Anderson said existing establishments are classified a certain way. We can't tell them to leave and we want the ability to add others. In the conditional use permit process, favor could be given to restaurants with a diversified menu rather than a conventional menu. The City of Arcata's ordinance allows 9 formula food establishments for a population of 17,000. Council Member Fridae said the choice is available to us and we have one chance to do it right.

***Pool Committee Update – this item has been continued.***

**4. 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 (Moved From Consent Item C)**

City Manager Donlevy gave an overview. Mayor Martin asked how much the grant was. City Manager Donlevy said he did not know, but can wait until he is contacted for the project. Council Member Anderson asked for specifics. Council Member Aguiar-Curry said this would give us a leg up for the chance to submit grant applications. She suggested keeping the resolution on file until we're ready to submit for specific transportation projects. She confirmed that a grant application can't be submitted for or a grant accepted without Council approval. City Manager used the Grant Avenue Planning Process as an example, saying this was a transportation planning grant to implement concepts. Council Member Stone said the prep work would be prudent. City Manager Donlevy asked Council to approve resolution to keep on file in the event the City is interested in applying for community-based grants.

Motion by Council Member Fridae, second by Council member Aguiar-Curry, to approve Resolution 2010-13, authorizing submittal of an application for funding and the execution of a grant agreement and any amendments thereto for Cal Trans Community Based Transportation Planning. Motion carried unanimously.

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**COMMUNITY DEVELOPMENT AGENCY**

1.

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**CITY MANAGER REPORT:** City Manager Donlevy asked Council to wait on the HEAL resolution for a couple of meetings. The next meeting will be held on March 31<sup>st</sup> at 6:30 p.m. Council Member Aguir-Curry asked that the WPCC resignation and appointment be added to the next agenda.

**INFORMATION ONLY:** None

**EXECUTIVE SESSION:** None

**ADJOURNMENT**

Mayor Martin adjourned the meeting at 10:06 p.m.

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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 31, 2010  
THROUGH: John W. Donlevy, Jr., City Manager *JWD*  
FROM: Carol Scianna, Environmental Services Manager *CS*  
SUBJECT: Accept Recommendation from Council Member Fridae to Appoint Mitch Korcyl to the Winters Putah Creek Committee to Fill Vacancy

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**RECOMMENDATION:** Accept Recommendation from Council Member Fridae to Appoint Mitch Korcyl to the Winters Putah Creek Committee (WPCC) to fill vacancy.

**BACKGROUND:** WPCC member David Springer recently resigned his position on the committee. David has been a valuable member of the WPCC. The City and committee members appreciate all of his efforts while he has been on the WPCC. Council member Fridae has recommended Mitch Korcyl has the replacement to David's position on the WPCC. Mitch has been involved with the Nature Park activities for many years and will also be a valuable asset to the WPCC.

**FISCAL IMPACT:** None



CITY COUNCIL  
STAFF REPORT

TO: Honorable Mayor and Council Members  
DATE: March 31, 2010  
THROUGH: John W. Donlevy, Jr., City Manager *JWD*  
FROM: Nelia C. Dyer, Community Development Director *NCD*  
SUBJECT: Second Reading and Possible Adoption of Ordinance 2010-03 by the City Council of the City of Winters, 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. Waive second reading, read by title only, and adopt 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.*

The proposed Ordinance was introduced to the City Council on March 16, 2010. A public hearing was also held. The City Council waived the first reading, read by title only, and introduced the proposed Ordinance.

**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. At the March 16, 2010 City Council meeting, the City Council scheduled the second reading of the Ordinances for the City Council meeting on March 31, 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 SECOND READING, READ BY TITLE ONLY, AND ADOPT 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 31st day of March, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

ATTEST:

\_\_\_\_\_  
Nanci G. Mills, CITY CLERK



**TO:** Honorable Mayor and Council Members  
**DATE:** March 31, 2010  
**THROUGH:** John W. Donlevy, Jr., City Manager, *John*  
**FROM:** Nanci G. Mills, Director of Administrative Services/Recreation *Nanci*  
**SUBJECT:** Pool Fees and Programs

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**RECOMMENDATION:**

That the City Council approve use fees and programs for FY 2010-2011 as recommended by the pool committee in Exhibit A.

**BACKGROUND:**

February 16, 2010 the City Council authorized keeping the swimming pool open, conforming to the school schedule and to remain revenue neutral.

March 2, 2010 Council Member Anderson and Fridae agreed to volunteer as members of a pool committee. The pool committee was to meet and discuss all pool issues and bring back to Council an update.

On March 9<sup>th</sup> and March 22<sup>nd</sup> the pool committee met in an effort to maximize the use and revenue potential of the Bobbie Greenwood Community Swim Center. This helps to defray the cost of operating programs while minimizing the cost to the City.

**FISCAL IMPACT:**

Total Operating Cost	\$ 74,000
Net Operating Cost (Deficit)	\$ (38,100)
Carry Cost (Baseline)	\$ 42,000
Net Operating Vs. Carry	\$ (3,900)

EXHIBIT A

The pool committee's recommendation:

- Cashier on Site/Increase fees as set forth in table below
- Marketing Pool and Programs
- Summer Season – Possible Extension of Season May-October
- Fundraising Events

Program	Old Fee	Proposed New Fee
<b>Summer Rec. Swim</b>		
Daily Pass	\$1	\$3
Individual Season Pass	\$35	\$60
Each Additional Person	\$10	\$10
Family of Four	\$65	Discontinued
<b>Adult Lap Swim</b>		
Monthly Pass	\$30	\$50
Five-Visit Punch Card	\$15	Discontinued
Daily Pass	(New)	\$5
<b>Private Pool Parties</b>		
Two hours, 25 people, Includes two lifeguards	\$160	\$225
<b>Lessons</b>		
Group (10 lessons)	\$45	\$65
Private (10 lessons)	\$75	\$100
<b>Swim Team</b>	\$8,000	\$8,000
<b>Masters</b>	\$0	\$20

Notes:	Number	Cur Charge	Proposed	Projection		
Pool Parties	6	160.00	225.00	1,350.00	(summer season)	
Swim Passes	50	50.00	60.00	3,000.00	(summer season)	
Lap Swim	120		50.00	6,000.00	May-October 20 per month	
Daily	1,340		3.00	4,020.00	(summer season)	
Lessons	162	45.00	65.00	10,530.00	(summer season)	
Masters	25	-	20.00	3,000.00	(May-October) 25 per month	
Swim Team			8,000.00	8,000.00	Rec Swim Cost	Daily
			Revenue	35,900.00	(3,900.00)	(58.21)
				74,000.00		
				(38,100.00)		
				42,000.00		
				<u>-</u>	<u>3,900.00</u>	



CITY COUNCIL/COMMUNITY DEVELOPMENT AGENCY  
STAFF REPORT

**TO:** Winters City Council/Winters Community Redevelopment Agency  
**DATE:** March 25, 2010  
**THROUGH:** John W. Donlevy, Jr., Executive Officer. *[Signature]*  
**FROM:** John C. Wallace, Agency Counsel  
**SUBJECT:** Property Acquisition – 314 Railroad Avenue, Winters

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**RECOMMENDATION:** Approval of Property Acquisition – 314 Railroad Avenue, Winters, by taking the following actions:

1. Conduct the public hearing.
2. A City Council motion authorizing the payment of funds from tax increment (Redevelopment Funds)
3. Adoption of Resolution 2010- 16 by the Winters Community Development Agency
4. Execution by the Chairman and Secretary of the CDA of the Certificate of Acceptance.

**BACKGROUND:**

The Winters Community Redevelopment Agency has previously authorized its Executive Director, John W. Donlevy, Jr., to negotiate with the owners of 314 Railroad Avenue, Winters (Cody's Restaurant) for its acquisition by the Agency. The property is owned by CODY'S BUILDING PARTNERS, A GENERAL PARTNERSHIP (Rory Eugene Linton, Theresa E. Linton, William E. Cody). A price of \$350,000 has been successfully negotiated. The purchase includes a 30 month lease-back to Rory Eugene Linton and Theresa E. Linton, at \$375.00 per month. The Agency, by negotiating, saved costs associated with relocation, with legal fees and, more importantly, will have property which can be combined with the Fire Station property. That property is being acquired by the Agency or the City of Winters as part of the consolidation and construction of the new Public Safety Facility. The acquisition of a larger development parcel, together with additional street access on Railroad and Abbey streets, makes the parcel more valuable to the Agency than to the general public. City staff recommends approval. There are, in the above recitals, sufficient legal bases to justify the higher purchase price. Please review the attached notice and Summary Report carefully, for questions at the March 31st meeting.

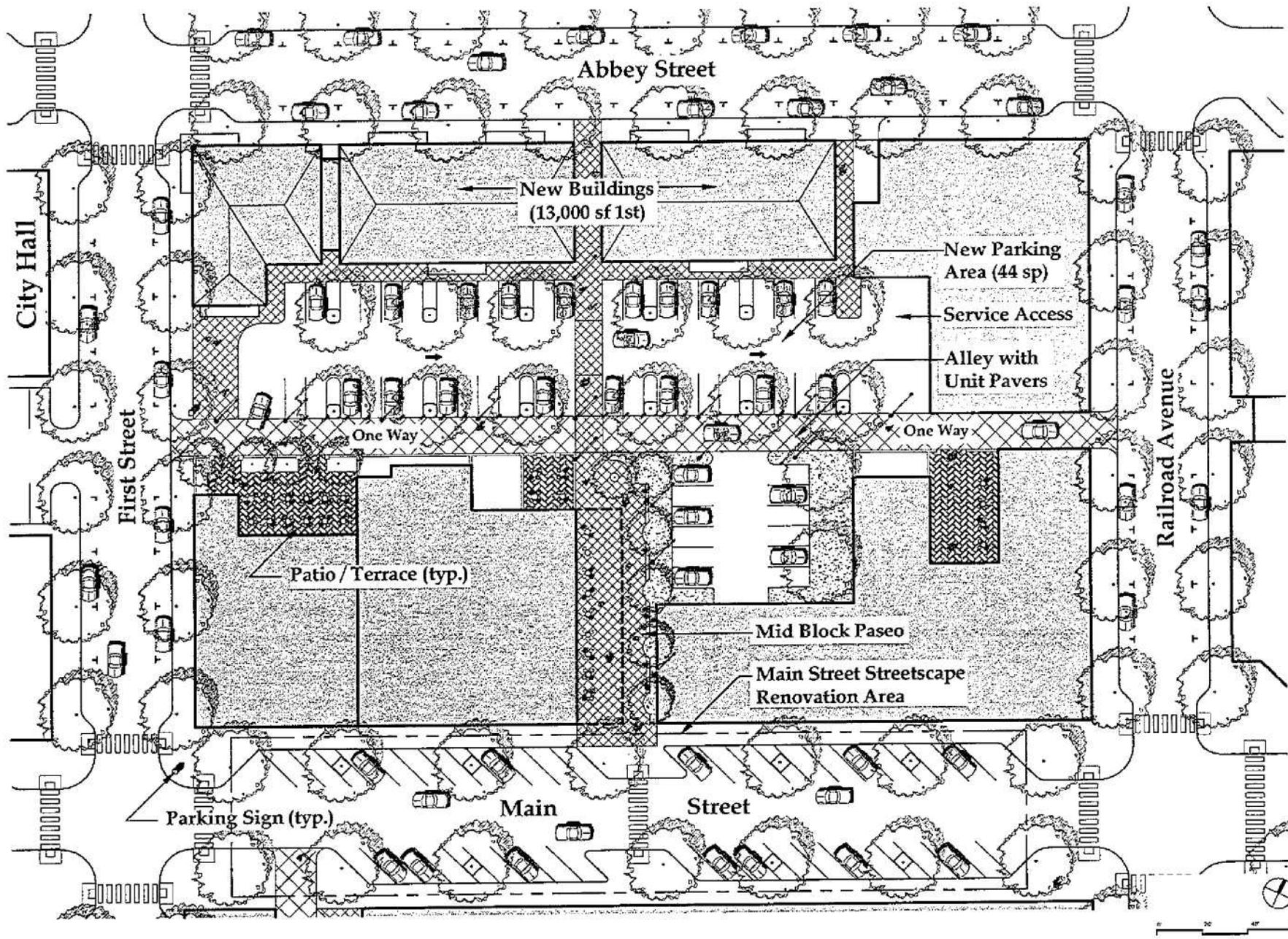
**DISCUSSION:**

The acquisition of this parcel is seen as a key strategic purchase in pursuit of the development and advancement of the Downtown Master Plan. This, along with other properties will be

consolidated to provide for either a downtown hotel/retail/conference facility or a mixed use project. Either of these projects could be marquee additions to the economic revitalization of Winters.

The site design for the Downtown Master Plan for this area is attached.

**FISCAL IMPACT:** Approximately \$350,000, in Redevelopment Funds, together with staff costs and escrow fees.



**Core Block A**

RESOLUTION NO. 2010-16

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WINTERS, CALIFORNIA, AUTHORIZING THE EXPENDITURE OF TAX INCREMENT FUNDS FOR THE ACQUISITION OF REAL PROPERTY AND ADOPTING FINDINGS REQUIRED BY HEALTH AND SAFETY CODE SECTIONS 33445 AND 33679**

**WHEREAS**, the City Council of the City of Winters, California (the "City Council") previously approved and adopted the Redevelopment Plan (the "**Redevelopment Plan**") for the Winters Redevelopment Project (the "**Project Area**"); and

**WHEREAS**, the Community Development Agency of the City of Winters (the "**Agency**") is responsible for carrying out redevelopment within the Project Area in the City of Winters in accordance with the Redevelopment Plan and the California Community Redevelopment Law (Health and Safety Code Sections 33000 *et seq.*) (the "**CRL**"), including the acquisition of real property to promote economic development, consistent with the Redevelopment Plan; and

**WHEREAS**, to promote the redevelopment of the Project Area and to provide improved economic growth, the Agency, the Agency proposes to acquire real property to promote economic growth in the Project Area; and

**WHEREAS**, the Agency has considered a Purchase Agreement (the "**Agreement**") with the owner of property at 314 Railroad Avenue, Winters, California, **CODY'S BUILDING PARTNERS, A GENERAL PARTNERSHIP** (Seller), that provides for the acquisition of Yolo County APN 003-204-006, within the project area, for the promotion and funding of commercial economic development, more particularly described in the staff report accompanying this Resolution (the "**Project**"); and

**WHEREAS**, Section 33445 of the CRL provides that a Community Development Agency may, with the consent of the legislative body, pay all or a portion of the cost of the acquisition of real property within or without the project area if it determines all of the following:

- a. The acquisition of real property is of benefit to the project area or the immediate neighborhood in which the project is located; and
- b. That no other reasonable means of promoting economic development are available to the community; and
- c. That the payment of funds for the cost of the real property will assist in the elimination of one or more blighting conditions inside the project area; and
- d. The project is consistent with the Five Year Implementation Plan adopted by the Agency pursuant to Section 33490; and

**WHEREAS**, a Summary Report (the "**Report**"), has been prepared pursuant to Health and Safety Code Section 33679, and is on file with the Agency Secretary; and

**WHEREAS**, notice of a public hearing and the availability of the Report was published in the Winters Express, a newspaper of general circulation in the City of Winters, as required by Health and Safety Code Section 33679; and

**WHEREAS**, as more fully described in the Report, the expenditure of tax increment funds for the Project will benefit the Project Area by enabling the Agency to provide for commercial economic development earlier; and

**WHEREAS**, as more fully described in the Report, the expenditure of tax increment funds for the Project furthers the goals and objectives of the Redevelopment Plan; and

**WHEREAS**, as more fully described in the Report, the Agency has found and determined that it has no other reasonable means of financing the portion of the Project proposed to be funded by the Agency.

**NOW THEREFORE, BE IT HEREBY RESOLVED** by the Community Development Agency of the City of Winters as follows:

Section 1: The Agency hereby finds based upon the evidence set forth in the Summary Report and the staff report accompanying this Resolution, that (i) the expenditure of tax increment funds to undertake the Project will be of benefit to the Project Area, (ii) no other

reasonable means of financing the Project is reasonably available, (iii) completion of the Project will assist in the elimination of blighting conditions in the Project Area; and (iv) completion of the Project is consistent with the Implementation Plan for the Project Area.

Section 2: Conditioned upon the consent of the City Council for the Agency's expenditure of tax increment funds, the Agency Board hereby authorizes the expenditure of up to Three Hundred and Fifty Thousand Dollars (\$350,000) in tax increment funds for the Project, all in accordance with the Agreement. The Agency Secretary shall certify the passage and adoption of this resolution and enter it into the book of original resolutions, and The Agency is hereby authorized to complete the sale. The Chief Executive Officer of the Community Development Agency of the City of Winters, John W. Donlevy, Jr., is authorized to execute any and all documents necessary to complete this acquisition. The Vice Chairman and Secretary are authorized to execute the Certificate of Acceptance.

**PASSED AND ADOPTED** by the Community Development Agency of the City of Winters, this 31st day of March, 2010, by the following vote, to wit:

AYES: Board members:

NOES: Board members:

ABSTAIN: Board members:

ABSENT: Board members:

\_\_\_\_\_  
**MICHAEL MARTIN, VICE CHAIRMAN**  
Community Development Agency

ATTEST:

\_\_\_\_\_  
**NANCI G. MILLS, SECRETARY**  
Community Development Agency

**WINTERS COMMUNITY DEVELOPMENT AGENCY  
Certificate of Acceptance**

THIS IS TO CERTIFY that the interest in real property conveyed by the deed or grant dated \_\_\_\_\_ from the CODY'S BUILDING PARTNERS, A GENERAL PARTNERSHIP, to Winters Community Development Agency, a governmental agency, is hereby accepted by the undersigned officers on behalf of the Winters Community Development Agency pursuant to authority conferred by resolution of the Winters Community Development Agency adopted on March 31, 2010, and the grantee consents to recordation thereof by its duly authorized officers.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Michael Martin, Vice Chair  
Winters Community Development Agency

Attest:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Nanci G. Mills, Clerk  
Winters Community Development Agency

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Winters Community Development Agency and the Winters City Council, 318 First Street (Council Chambers), Winters, California, on March 31, 2010, at 6:30 p.m. Purpose of the public hearing is to consider acquisition of the real property located at 314 Railroad Avenue, Winters, California.

The Summary Report of the acquisition, pursuant to California Redevelopment law Section 33433, is as follows:

### **SUMMARY REPORT FOR PROPOSED PURCHASE OF REAL PROPERTY Premises: 314 Railroad Avenue, Winters, California**

This summary report has been prepared pursuant to Section 33433 of the California Community Redevelopment Law (CCRL, being Section 33000 *et seq.* of the Health and Safety Code).

The City of Winters Community Development Agency ("Agency") has set on or after 6:30 p.m. on Wednesday, March 31, 2010, in the Council Chambers in the City Hall of the City of Winters, 318 First Street, Winters, California, as the time, date and place for a public hearing to hear testimony with reference to a proposed purchase of real property ("Purchase") between the Agency (as Buyer) and CODY'S BUILDING PARTNERS, A GENERAL PARTNERSHIP ("Seller"). The real property is specifically described as THE EAST 6 FEET OF THE NORTH 60 FEET OF LOT 28 AND ALL OF LOTS 31 AND 32, BLOCK 10, TOWN (NOW CITY) OF WINTERS, SHOWN ON THE MAP THEREOF, FILED MAY 22, 1875 IN BOOK OF DEEDS, PAGE 154, YOLO COUNTY RECORDS, EXCEPTING THEREFROM THE NORTHERLY 24 FEET OF LOT 32 AND THE EASTERLY 3 FEET OF THE NORTHERLY 24 FEET OF LOT 28, BLOCK 10, WINTERS, AS SHOWN ON THE MAP FILED MAY 22, 1875 IN BOOK S OF DEEDS, PAGE 154, AS DESCRIBED IN DEED RECORDED MAY 7, 1951 IN BOOK 343 OF OFFICIAL RECORDS, AT PAGE 407, YOLO COUNTY RECORDS, Yolo County Assessor's Parcel Number 003-204-006. At the close of said public hearing, the Agency may take action to approve, disapprove, or approve a modified version of the Purchase.

#### **I. COPY OF THE PROPOSED PURCHASE AGREEMENT**

Copies of the proposed Purchase Agreement are on file with the Winters City Clerk, 318 First Street (City Hall), Winters, California and are incorporated herein by reference.

#### **II. COST OF THE AGREEMENT TO AGENCY**

##### **1. PURCHASE PRICE**

The Premises consist of a metal building and fenced storage area. The Agency will incur the following costs under the Purchase Agreement:

- a. Purchase Price of \$350,000.00.
- b. Escrow Fees: The agreement provides for the Agency to contribute up to \$10,000 in escrow fees for title and escrow costs.
- c. Condition.: The Property is to be purchased in its current condition, subject only to the Agency's approval as to title.
- d. Administrative Costs: The Agency has incurred administrative costs associated with the Purchase, including staff time and legal costs for the negotiation and preparation of the Agreement and other related documents. The Agency will incur ongoing and administrative and staff costs related to the Agency's finalizing the purchase.

### **III. ESTIMATED VALUE OF INTEREST TO BE PURCHASED, DETERMINED AT THE HIGHEST AND BEST USES PERMITTED UNDER THE DEVELOPMENT PLAN**

Agency staff used a formal appraisal on the property provided by Seller, which was used for the purchase price of \$350,000. The appraisal did not consider the Agency's planned future acquisition of the adjacent Fire District property, which increases the value to the Agency of this real property. The appraisal did not consider the impact on the City of Winters Downtown Master Plan of the loss of this property. The usual costs of relocation are not present, which would normally exceed the price negotiated. Agency staff, therefore, considers this acquisition to be appropriate at the price negotiated, and not excessive.

### **IV. COVENANTS AND COSTS REQUIRED BY THE AGREEMENT;**

The Agreement calls for the lease-back of the property to Rory Eugene Linton and Theresa E. Linton, for 30 months at a rent of \$375.00 per month. There are no costs of relocation.

### **V. REASONS FOR THE DIFFERENCE BETWEEN THE TOTAL PURCHASE PRICE AND THE FAIR MARKET VALUE OF THE REAL PROPERTY APPRAISAL**

The Agency has determined that the overall consideration to be paid by The Seller is a fair price for the property in light of the above, and the following benefits to the Redevelopment Project area and the City of Winters:

- (a) furthers the Agency's goals to develop the downtown area as a stable, diversified and strong economic base for the Project Area and the community;
- (b) helps to alleviate and prevent the spread of blight and deterioration through redevelopment and development;
- (c) enhances the physical environment of the Project Area and emphasize its favorable environmental characteristics;
- (d) provides an opportunity for the revitalization, expansion and development of the commercial/retail uses within the Project Area;
- (e) provides for the renovation of a currently vacant retail space located in a prime area of the community;
- (f) provides for the relocation and expansion of existing customer service businesses within the Project Area to a larger location on a prime area of the community;
- (g) enhances the viability of the downtown area, and ensures retention and expansion of a viable retail/consumer service operation within the Project Area to serve the community and the greater region;
- (h) helps the Agency accomplish these goals with minimum displacement of any property owner, resident, or business person who may wish to remain within the Project Area and still be able to expand.

The difference between the fair market value of the interest being purchased and the total consideration to be paid by the Agency is justified given these benefits that will inure to the Project Area and the City of Winters.

**VI. EXPLANATION OF WHY THE PURCHASE OF THE PREMISES WILL ASSIST IN THE ELIMINATION OF BLIGHT**

Downtown Winters is a unique location, providing a small-town environment near employment centers and urbanized areas, and offering potential opportunities for attracting smaller-scale retail/commercial users. The historic buildings along Main Street, predominately between Railroad Avenue and First Street, house many destination or specialty retail businesses, including local crafts people, artists, vendors of local agricultural products, and the Palms Playhouse. Most of the downtown retail is owned by local small-business owners and caters to tourists, many of whom recreate in the immediate area, are arts enthusiasts, or

come into the City for dinner at one of the local restaurants. See the Market Analysis, on file with the Winters City Clerk. The Premises consists of a currently occupied retail space located within a building in the historic area.

At the time the Development Plan was adopted, the Agency's Report to the City Council provided evidence and the City Council found and determined that the Project Area, of which the Premises is a part, was a blighted area, the redevelopment of which was necessary to effectuate the public purposes of CCRL. Some of the blighting conditions remain and continue to act as a detriment to development in the Project Area, including obsolete, aged, deteriorated, vacant, and under-utilized buildings. The goals and objectives of the Agency under the Development Plan include, among others, to provide a stable, diversified and stronger economic base for the Project Area and the Community; and to maximize opportunities for the revitalization, expansion and development of commercial uses within the Project Area. To achieve these goals and objectives, the Development Plan provides that the Agency will implement projects and activities, including, among others, economic development, project area planning, and property disposition and development.

The completion of the Purchase will, together with the acquisition of the fire district property adjacent, provide commercial space to draw additional businesses and customers to the downtown area, providing for expansion of other retail and commercial uses in the community, and thereby allowing the Agency to initiate other redevelopment activities.

## **VII. CONSISTENCY OF THE PURCHASE WITH THE IMPLEMENTATION PLAN**

The PURCHASE will help implement and is consistent with the following goals found in Section II.B.1 of the Implementation Plan: i) alleviate and prevent the spread of blight and deterioration through redevelopment, rehabilitation and development (Coupling the property with a larger parcel) will help prevent the spread of blight and help reverse the deterioration of downtown Winters); ii) attract additional retail and industrial development to serve the Winters community and the greater region and iii) provide the necessary assistance to retain local employment opportunities, primarily through the renovation of vacant or underutilized land. The Project is a "redevelopment activity" as described in Section II.B.3 of the Implementation Plan which is quoted, in part, below:

Economic Development: Design and implement activities and programs to strengthen existing industrial and commercial enterprises and retailers, and attract new businesses, which will provide quality jobs (see above; the Purchase will result in the retention and possible expansion of an existing retail business, which will act as a catalyst to attract additional customers and retail businesses to the area).

Project Area Planning: Implement planning projects that guide land use, transportation, public facilities and recreation development. Maintain the City's balance between commercial, residential, and industrial developments with thoughtful planning (the Purchase will assist in the renovation and occupancy of undeveloped commercial space within the community's historic downtown area).

Property Disposition and Development: Improve and arrange for development of property by private sector developers that will promote and support the City's redevelopment efforts.

The Project is consistent with and implements many of the redevelopment activities identified in the Implementation Plan.

The Project is both an "Economic Development" and a "Property Acquisition/Disposition and Cleanup" Program as identified in Table II-4 in the Implementation Plan and is therefore consistent with said Implementation Plan.

All citizens are invited to attend the hearing or, in lieu of attendance, may present written input to the Winters City Clerk, 318 First Street, Winters, California by 5 p.m. on March 31, 2010.

Dated: March 24, 2010

John C. Wallace, Counsel,  
Winters Community Development Agency



CITY COUNCIL/COMMUNITY DEVELOPMENT AGENCY  
STAFF REPORT

**TO:** Winters City Council/Winters Community Redevelopment Agency  
**DATE:** March 25, 2010  
**THROUGH:** John W. Donlevy, Jr., Executive Officer   
**FROM:** John C. Wallace, Agency Counsel  
**SUBJECT:** Property Acquisition – 318 Railroad Avenue, Winters

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**RECOMMENDATION:** Approval of Property Acquisition – 318 Railroad Avenue, Winters, by taking the following actions:

1. Conduct the public hearing.
2. A City Council motion authorizing the payment of funds from tax increment (Redevelopment Funds)
3. Adoption of Resolution 2010- **17** by the Winters Community Development Agency
4. Execution by the Chairman and Secretary of the CDA of the Certificate of Acceptance.

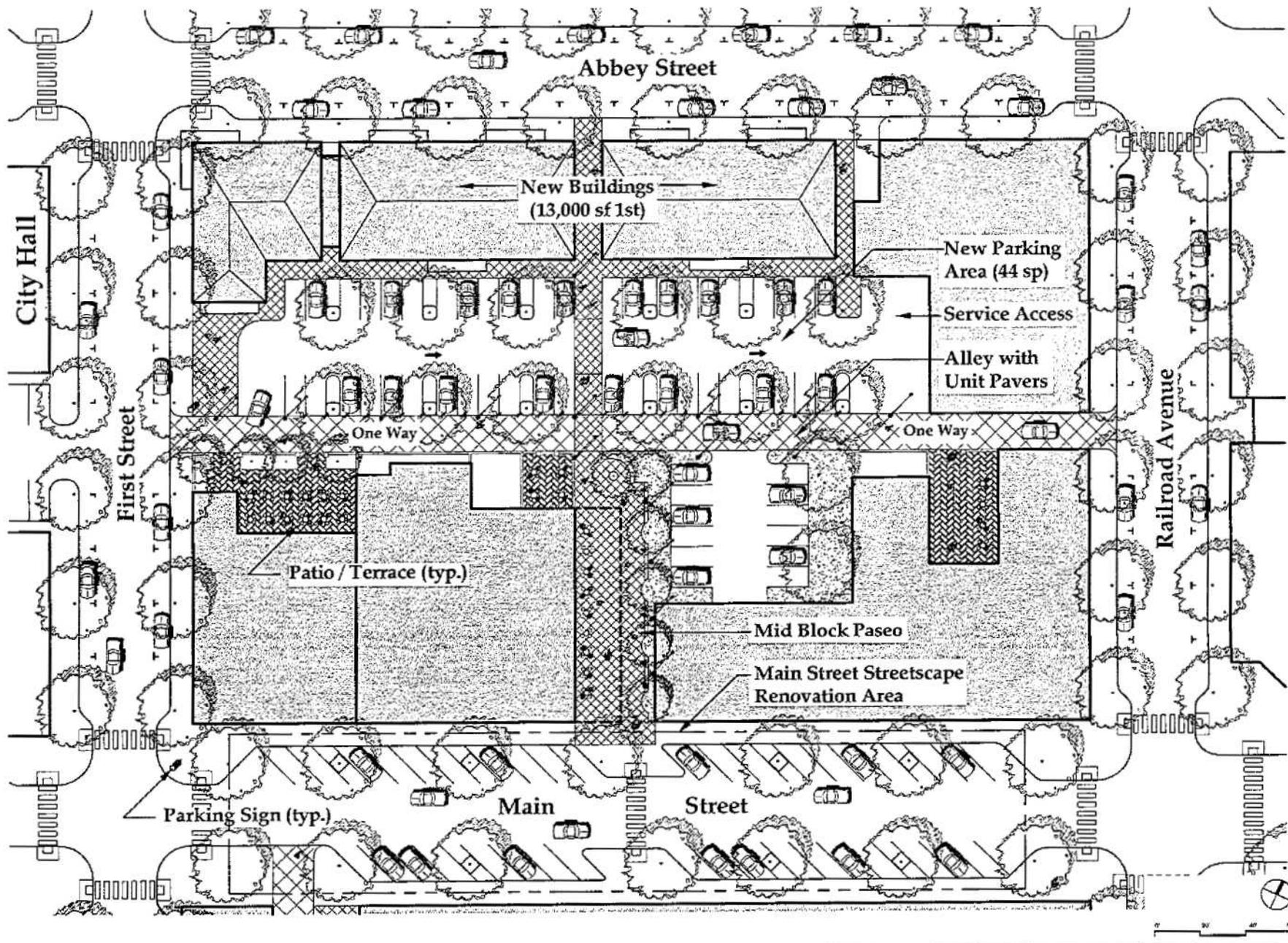
**BACKGROUND:** The Winters Community Redevelopment Agency has previously authorized its Executive Director, John W. Donlevy, Jr., to negotiate with the owners of 318 Railroad Avenue, Winters (JJ's) for its acquisition by the Agency. The property is owned by the WILLIAM E. CODY AND MAURA C. CODY REVOCABLE TRUST. A price of \$290,000 has been successfully negotiated. The Agency, by negotiating, saved costs associated with relocation, with legal fees and, more importantly, will have property which can be combined with the Fire Station property. That property is being acquired by the Agency or the City of Winters as part of the consolidation and construction of the new Public Safety Facility. The acquisition of a larger development parcel, together with additional street access on Railroad and Abbey streets, makes the parcel more valuable to the Agency than to the general public. City staff recommends approval. There are, in the above recitals, sufficient legal bases to justify the higher purchase price. Please review the attached notice and Summary Report carefully, for questions at the March 31st meeting.

**DISCUSSION:**

The acquisition of this parcel is seen as a key strategic purchase in pursuit of the development and advancement of the Downtown Master Plan. This, along with other properties will be consolidated to provide for either a downtown hotel/retail/conference facility or a mixed use project. Either of these projects could be marquee additions to the economic revitalization of Winters.

The site design for the Downtown Master Plan for this area is attached.

**FISCAL IMPACT:** Approximately \$290,000, in Redevelopment Funds, together with staff costs and escrow fees.



Core Block A

RESOLUTION NO. 2010- 17

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WINTERS, CALIFORNIA, AUTHORIZING THE EXPENDITURE OF TAX INCREMENT FUNDS FOR THE ACQUISITION OF REAL PROPERTY AND ADOPTING FINDINGS REQUIRED BY HEALTH AND SAFETY CODE SECTIONS 33445 AND 33679**

**WHEREAS**, the City Council of the City of Winters, California (the "City Council") previously approved and adopted the Redevelopment Plan (the "**Redevelopment Plan**") for the Winters Redevelopment Project (the "**Project Area**"); and

**WHEREAS**, the Community Development Agency of the City of Winters (the "**Agency**") is responsible for carrying out redevelopment within the Project Area in the City of Winters in accordance with the Redevelopment Plan and the California Community Redevelopment Law (Health and Safety Code Sections 33000 *et seq.*) (the "**CRL**"), including the acquisition of real property to promote economic development, consistent with the Redevelopment Plan; and

**WHEREAS**, to promote the redevelopment of the Project Area and to provide improved economic growth, the Agency, the Agency proposes to acquire real property to promote economic growth in the Project Area; and

**WHEREAS**, the Agency has considered a Purchase Agreement (the "**Agreement**") with the owner of property at 318 Railroad Avenue, Winters, California, WILLIAM E. CODY and MAURA C. CODY, Trustees of the William E. Cody and Maura C. Cody Revocable Family Trust (Seller), that provides for the acquisition of Yolo County APN 003-204-005, within the project area, for the promotion and funding of commercial economic development, more particularly described in the staff report accompanying this Resolution (the "**Project**"); and

**WHEREAS**, Section 33445 of the CRL provides that a Community Development Agency may, with the consent of the legislative body, pay all or a portion of the cost of the acquisition of real property within or without the project area if it determines all of the following:

- a. The acquisition of real property is of benefit to the project area or the immediate neighborhood in which the project is located; and
- b. That no other reasonable means of promoting economic development are available to the community; and
- c. That the payment of funds for the cost of the real property will assist in the elimination of one or more blighting conditions inside the project area; and
- d. The project is consistent with the Five Year Implementation Plan adopted by the Agency pursuant to Section 33490; and

**WHEREAS**, a Summary Report (the "**Report**"), has been prepared pursuant to Health and Safety Code Section 33679, and is on file with the Agency Secretary; and

**WHEREAS**, notice of a public hearing and the availability of the Report was published in the Winters Express, a newspaper of general circulation in the City of Winters, as required by Health and Safety Code Section 33679; and

**WHEREAS**, as more fully described in the Report, the expenditure of tax increment funds for the Project will benefit the Project Area by enabling the Agency to provide for commercial economic development earlier; and

**WHEREAS**, as more fully described in the Report, the expenditure of tax increment funds for the Project furthers the goals and objectives of the Redevelopment Plan; and

**WHEREAS**, as more fully described in the Report, the Agency has found and determined that it has no other reasonable means of financing the portion of the Project proposed to be funded by the Agency.

**NOW THEREFORE, BE IT HEREBY RESOLVED** by the Community Development Agency of the City of Winters as follows:

Section 1: The Agency hereby finds based upon the evidence set forth in the Summary Report and the staff report accompanying this Resolution, that (i) the expenditure of tax increment funds to undertake the Project will be of benefit to the Project Area, (ii) no other

reasonable means of financing the Project is reasonably available, (iii) completion of the Project will assist in the elimination of blighting conditions in the Project Area; and (iv) completion of the Project is consistent with the Implementation Plan for the Project Area.

Section 2: Conditioned upon the consent of the City Council for the Agency's expenditure of tax increment funds, the Agency Board hereby authorizes the expenditure of up to Two Hundred and Ninety Thousand Dollars (\$290,000) in tax increment funds for the Project, all in accordance with the Agreement. The Agency Secretary shall certify the passage and adoption of this resolution and enter it into the book of original resolutions, and The Agency is hereby authorized to complete the sale. The Chief Executive Officer of the Community Development Agency of the City of Winters, John W. Donlevy, Jr., is authorized to execute any and all documents necessary to complete this acquisition. The Chairman and Secretary are authorized to execute the Certificate of Acceptance.

**PASSED AND ADOPTED** by the Community Development Agency of the City of Winters, this 31st day of March, 2010, by the following vote, to wit:

AYES: Board members:

NOES: Board members:

ABSTAIN: Board members:

ABSENT: Board members:

\_\_\_\_\_  
**MICHAEL MARTIN, VICE CHAIRMAN**  
Community Development Agency

ATTEST:

\_\_\_\_\_  
**NANCI G. MILLS, SECRETARY**  
Community Development Agency

**WINTERS COMMUNITY DEVELOPMENT AGENCY  
Certificate of Acceptance**

THIS IS TO CERTIFY that the interest in real property conveyed by the deed or grant dated \_\_\_\_\_ from the WILLIAM C. CODY and MAURA C. CODY REVOCABLE FAMILY TRUST to Winters Community Development Agency, a governmental agency, is hereby accepted by the undersigned officers on behalf of the Winters Community Development Agency pursuant to authority conferred by resolution of the Winters Community Development Agency adopted on March 31, 2010, and the grantee consents to recordation thereof by its duly authorized officers.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Michael Martin, Vice Chair  
Winters Community Development Agency

Attest:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Nanci G. Mills, Clerk  
Winters Community Development Agency

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Winters Community Development Agency and the Winters City Council, 318 First Street (Council Chambers), Winters, California, on March 31, 2010, at 6:30 p.m. Purpose of the public hearing is to consider acquisition of the real property located at 318 Railroad Avenue, Winters, California.

The Summary Report of the acquisition, pursuant to California Redevelopment law Section 33433, is as follows:

### **SUMMARY REPORT FOR PROPOSED PURCHASE OF REAL PROPERTY Premises: 318 Railroad Avenue, Winters, California**

This summary report has been prepared pursuant to Section 33433 of the California Community Redevelopment Law (CCRL, being Section 33000 *et seq.* of the Health and Safety Code).

The City of Winters Community Development Agency ("Agency") has set on or after 6:30 p.m. on Wednesday, March 31, 2010, in the Council Chambers in the City Hall of the City of Winters, 318 First Street, Winters, California, as the time, date and place for a public hearing to hear testimony with reference to a proposed purchase of real property ("Purchase") between the Agency (as Buyer) and WILLIAM E. CODY and MAURA C. CODY, Trustees of the William E. Cody and Maura C. Cody Revocable Trust ("Seller"). The real property is specifically described as THE NORTHERLY 24 FEET OF LOT 32 AND THE EASTERLY 3 FEET OF THE NORTHERLY 24 FEET OF LOT 28, BLOCK 10, WINTERS, AS SHOWN ON THE MAP FILED FOR RECORD ON MAY 22, 1875, IN BOOK S OF DEEDS PAGE 154, YOLO COUNTY RECORDS, Yolo County Assessor's Parcel Number 003-204-005. At the close of said public hearing, the Agency may take action to approve, disapprove, or approve a modified version of the Purchase.

#### **I. COPY OF THE PROPOSED PURCHASE AGREEMENT**

Copies of the proposed Purchase Agreement are on file with the Winters City Clerk, 318 First Street (City Hall), Winters, California and are incorporated herein by reference.

#### **II. COST OF THE AGREEMENT TO AGENCY**

##### **1. PURCHASE PRICE**

The Premises consist of a metal building and fenced storage area. The Agency will incur the following costs under the Purchase Agreement:

- a. Purchase Price of \$290,000.00.

- b. Escrow Fees: The agreement provides for the Agency to contribute up to \$10,000 in escrow fees for title and escrow costs.
- c. Condition.: The Property is to be purchased in its current condition, subject only to the Agency's approval as to title.
- d. Administrative Costs: The Agency has incurred administrative costs associated with the Purchase, including staff time and legal costs for the negotiation and preparation of the Agreement and other related documents. The Agency will incur ongoing and administrative and staff costs related to the Agency's finalizing the purchase.

**III. ESTIMATED VALUE OF INTEREST TO BE PURCHASED, DETERMINED AT THE HIGHEST AND BEST USES PERMITTED UNDER THE DEVELOPMENT PLAN**

Agency staff used a formal appraisal on the property provided by Seller, which was used for the purchase price of \$290,000. The appraisal did not consider the Agency's planned future acquisition of the adjacent Fire District property, which increases the value to the Agency of this real property. The appraisal did not consider the impact on the City of Winters Downtown Master Plan of the loss of this property. The usual costs of relocation are not present, which would normally exceed the price negotiated. Agency staff, therefore, considers this acquisition to be appropriate at the price negotiated, and not excessive.

**IV. COVENANTS AND COSTS REQUIRED BY THE AGREEMENT;**

The Agreement calls for the property to be purchased subject to an existing lease on the premises (JJ's). The lease calls for payments of \$1,900 per month, raising to \$2,000 on May 1, 2010, and \$2100 on May 1, 2012. The lease ends on April 30, 2013. There are no costs of relocation.

**V. REASONS FOR THE DIFFERENCE BETWEEN THE TOTAL PURCHASE PRICE AND THE FAIR MARKET VALUE OF THE REAL PROPERTY APPRAISAL**

The Agency has determined that the overall consideration to be paid by The Seller is a fair price for the property in light of the above, and the following benefits to the Redevelopment Project area and the City of Winters:

- (a) furthers the Agency's goals to develop the downtown area as a stable, diversified and strong economic base for the Project Area and the community;

- (b) helps to alleviate and prevent the spread of blight and deterioration through redevelopment and development;
- (c) enhances the physical environment of the Project Area and emphasize its favorable environmental characteristics;
- (d) provides an opportunity for the revitalization, expansion and development of the commercial/retail uses within the Project Area;
- (e) provides for the renovation of a currently vacant retail space located in a prime area of the community;
- (f) provides for the relocation and expansion of existing customer service businesses within the Project Area to a larger location on a prime area of the community;
- (g) enhances the viability of the downtown area, and ensures retention and expansion of a viable retail/consumer service operation within the Project Area to serve the community and the greater region;
- (h) helps the Agency accomplish these goals with minimum displacement of any property owner, resident, or business person who may wish to remain within the Project Area and still be able to expand.

The difference between the fair market value of the interest being purchased and the total consideration to be paid by the Agency is justified given these benefits that will inure to the Project Area and the City of Winters.

**VI. EXPLANATION OF WHY THE PURCHASE OF THE PREMISES WILL ASSIST IN THE ELIMINATION OF BLIGHT**

Downtown Winters is a unique location, providing a small-town environment near employment centers and urbanized areas, and offering potential opportunities for attracting smaller-scale retail/commercial users. The historic buildings along Main Street, predominately between Railroad Avenue and First Street, house many destination or specialty retail businesses, including local crafts people, artists, vendors of local agricultural products, and the Palms Playhouse. Most of the downtown retail is owned by local small-business owners and caters to tourists, many of whom recreate in the immediate area, are arts enthusiasts, or come into the City for dinner at one of the local restaurants. See the Market Analysis, on file with the Winters City Clerk. The Premises consists of currently occupied retail space located within a building in the historic area.

At the time the Development Plan was adopted, the Agency's Report to the City Council provided evidence and the City Council found and determined that the Project Area, of which the Premises is a part, was a blighted area, the redevelopment of which was necessary to effectuate the public purposes of CCRL. Some of the blighting conditions remain and continue to act as a detriment to development in the Project Area, including obsolete, aged, deteriorated, vacant, and under-utilized buildings. The goals and objectives of the Agency under the Development Plan include, among others, to provide a stable, diversified and stronger economic base for the Project Area and the Community; and to maximize opportunities for the revitalization, expansion and development of commercial uses within the Project Area. To achieve these goals and objectives, the Development Plan provides that the Agency will implement projects and activities, including, among others, economic development, project area planning, and property disposition and development.

The completion of the Purchase will, together with the acquisition of the fire district property adjacent, provide larger commercial space to draw additional businesses and customers to the downtown area, providing for expansion of other retail and commercial uses in the community, and thereby allowing the Agency to initiate other redevelopment activities.

## **VII. CONSISTENCY OF THE PURCHASE WITH THE IMPLEMENTATION PLAN**

The PURCHASE will help implement and is consistent with the following goals found in Section II.B.1 of the Implementation Plan: i) alleviate and prevent the spread of blight and deterioration through redevelopment, rehabilitation and development (Coupling the property with a larger parcel) will help prevent the spread of blight and help reverse the deterioration of downtown Winters); ii) attract additional retail and industrial development to serve the Winters community and the greater region and iii) provide the necessary assistance to retain local employment opportunities, primarily through the renovation of vacant or underutilized land. The Project is a "redevelopment activity" as described in Section II.B.3 of the Implementation Plan which is quoted, in part, below:

Economic Development: Design and implement activities and programs to strengthen existing industrial and commercial enterprises and retailers, and attract new businesses, which will provide quality jobs (see above; the Purchase will result in the retention and possible expansion of an existing retail business, which will act as a catalyst to attract additional customers and retail businesses to the area).

Project Area Planning: Implement planning projects that guide land use, transportation, public facilities and recreation development. Maintain the City's balance between commercial, residential, and industrial

developments with thoughtful planning (the Purchase will assist in the renovation and occupancy of undeveloped commercial space within the community's historic downtown area).

Property Disposition and Development: Improve and arrange for development of property by private sector developers that will promote and support the City's redevelopment efforts.

The Project is consistent with and implements many of the redevelopment activities identified in the Implementation Plan.

The Project is both an "Economic Development" and a "Property Acquisition/Disposition and Cleanup" Program as identified in Table II-4 in the Implementation Plan and is therefore consistent with said Implementation Plan.

All citizens are invited to attend the hearing or, in lieu of attendance, may present written input to the Winters City Clerk, 318 First Street, Winters, California by 5 p.m. on March 31, 2010.

Dated: March 24, 2010

John C. Wallace, Counsel,  
Winters Community Development Agency



**COMMUNITY DEVELOPMENT AGENCY  
STAFF REPORT  
March 31, 2010**

**TO:** City of Winters Community Development Agency

**THROUGH:** John W. Donlevy, Jr., City Manager/Executive Director. *JD*

**BY:** Asa Utterback, Project Manager, Ponticello Enterprises

**SUBJECT:** **Update of Design Concepts and Bid Authorization  
for the Downtown Streetscape Improvements, Phase 2**

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**RECOMMENDATION:** Staff recommends that the Community Development Agency Board of Directors: 1) Hear the informational presentation of the updated design concept for the Downtown Streetscape Improvements, Phase II Project No. 06-07, and 2) authorize staff to advertise the project to solicit construction bids.

**BACKGROUND:** While the basic scope of work included in the project has not changed, some significant aesthetic elements have been incorporated since the last time the plans were made available to the public for review. The overall budget has not changed either, though some minor shifting of sub-item allocations in the budget has been done. A copy of the revised PBS has been attached for informational purposes to show the resulting values of the sub-item budgets.

The specific scope of improvements in the Phase II project includes creation of bulb-outs and decorative crosswalks for all four corners/sides of First and Main Streets and at mid-block on Main Street between First Street and Railroad. The project will also include improvements at the mid-block alley and existing tree wells on the west side of Railroad Avenue between Main and Abbey Streets. The bulb-outs will be of a similar layout and design as the Phase I improvements at the corner of Abbey Street and Railroad Avenue, including furnishings, surface treatments, lighting upgrades, and landscaping.

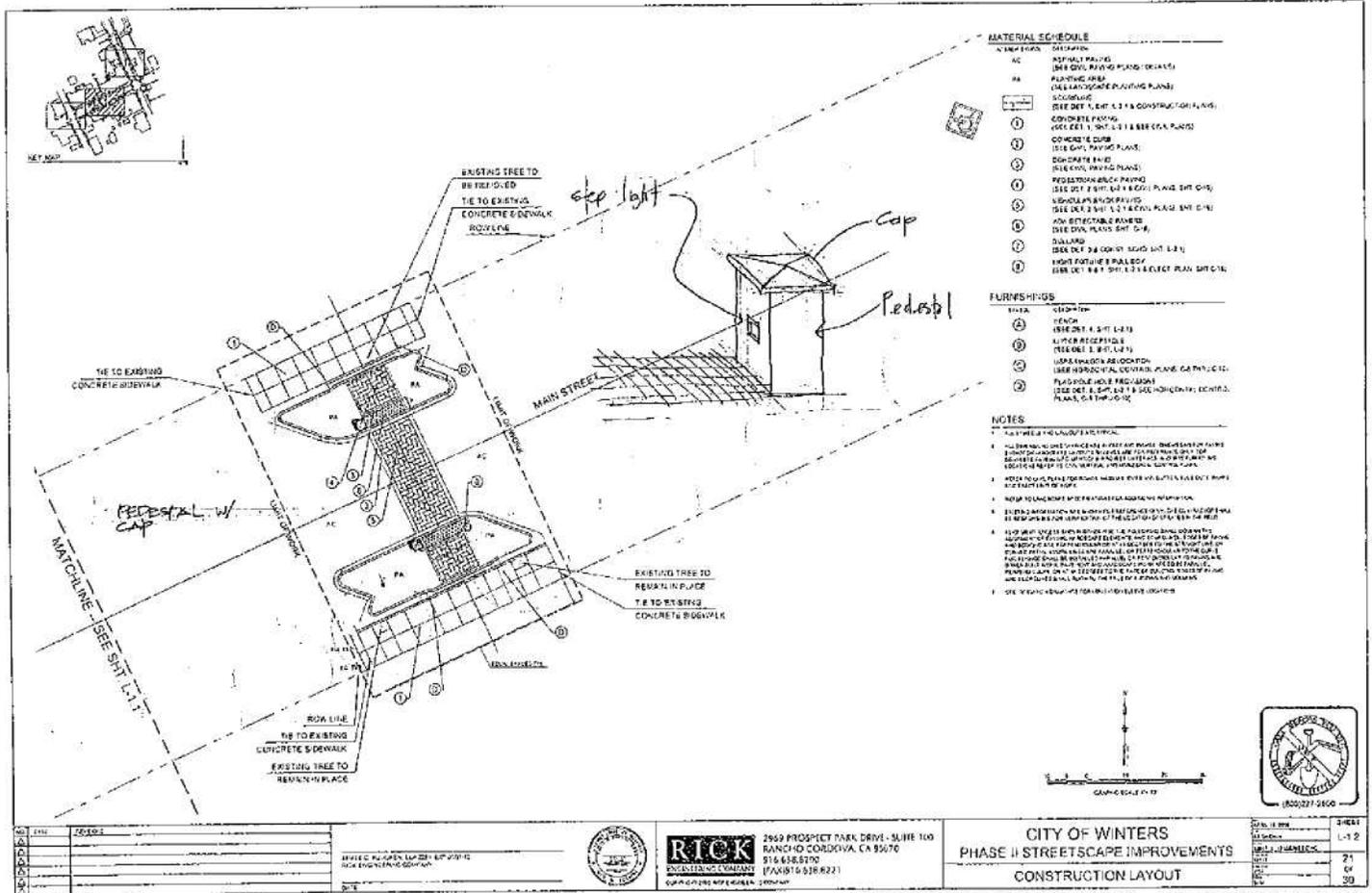
The project has experienced an extended delay due to added environmental study requirements for the National Environmental Policy Act (NEPA) clearance. With the NEPA documents essentially approved, the funding allocation is being completed, the design is being finalized and the project will be ready to go to bid by mid-May.

**FISCAL IMPACT:** No change has been made to the overall project budget.

**ATTACHMENTS:**

- Revised Project Budget Sheet
- Concept plans for each of the aesthetic improvements(3 pages)





NO.	DATE	DESCRIPTION
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4		
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6		

BRUCE H. HARRIS, LICENSED PROFESSIONAL ENGINEER  
 1000 14TH STREET, SUITE 100  
 WINTERS, CALIFORNIA 95793  
 (916) 838-8222



2969 PROSPECT PARK DRIVE - SUITE 100  
 RANCHO CORDOVA, CA 95070  
 916 838 8270  
 (916) 838 8222

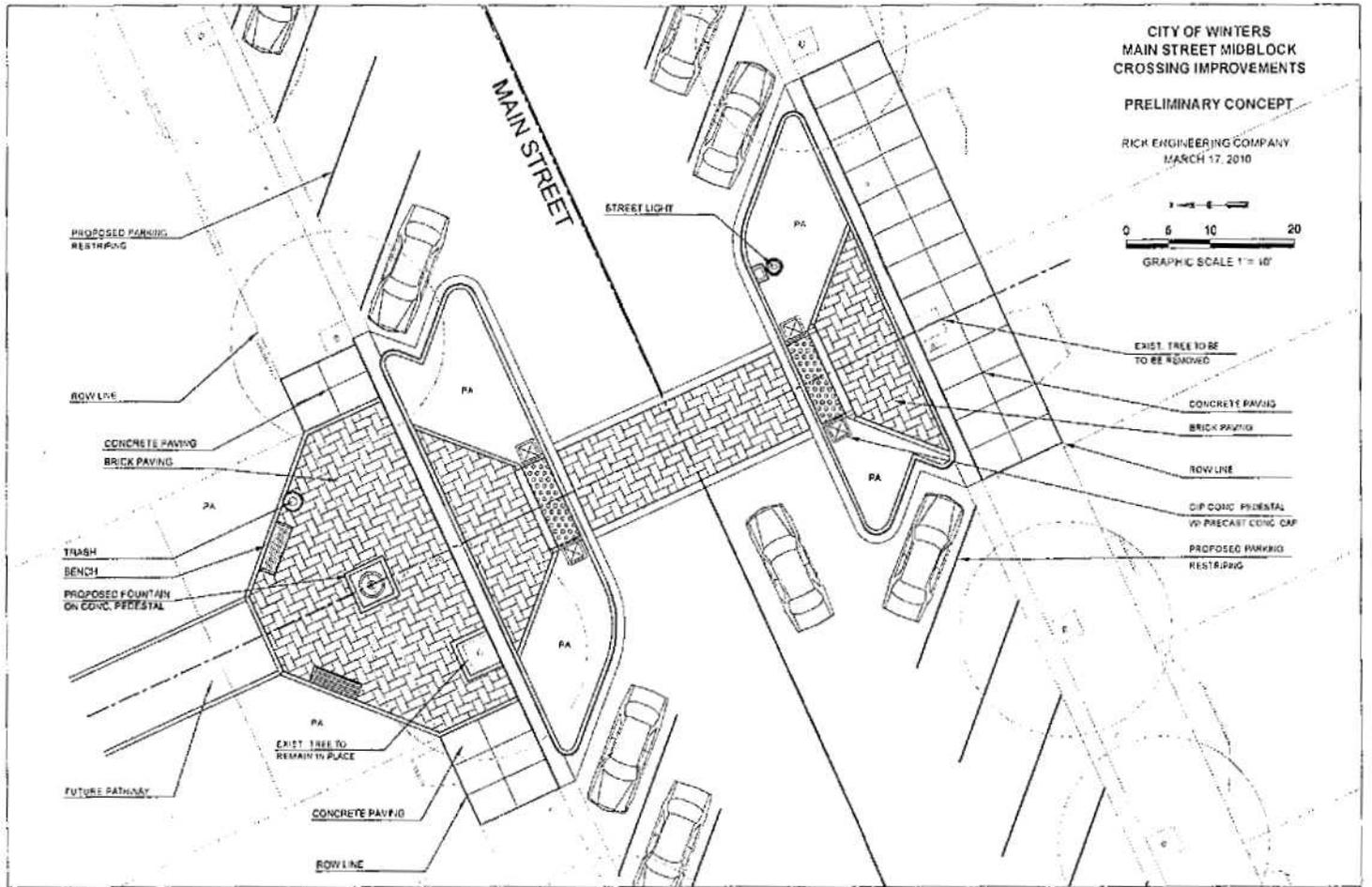
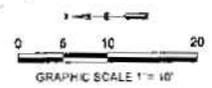
**CITY OF WINTERS**  
**PHASE II STREETScape IMPROVEMENTS**  
**CONSTRUCTION LAYOUT**

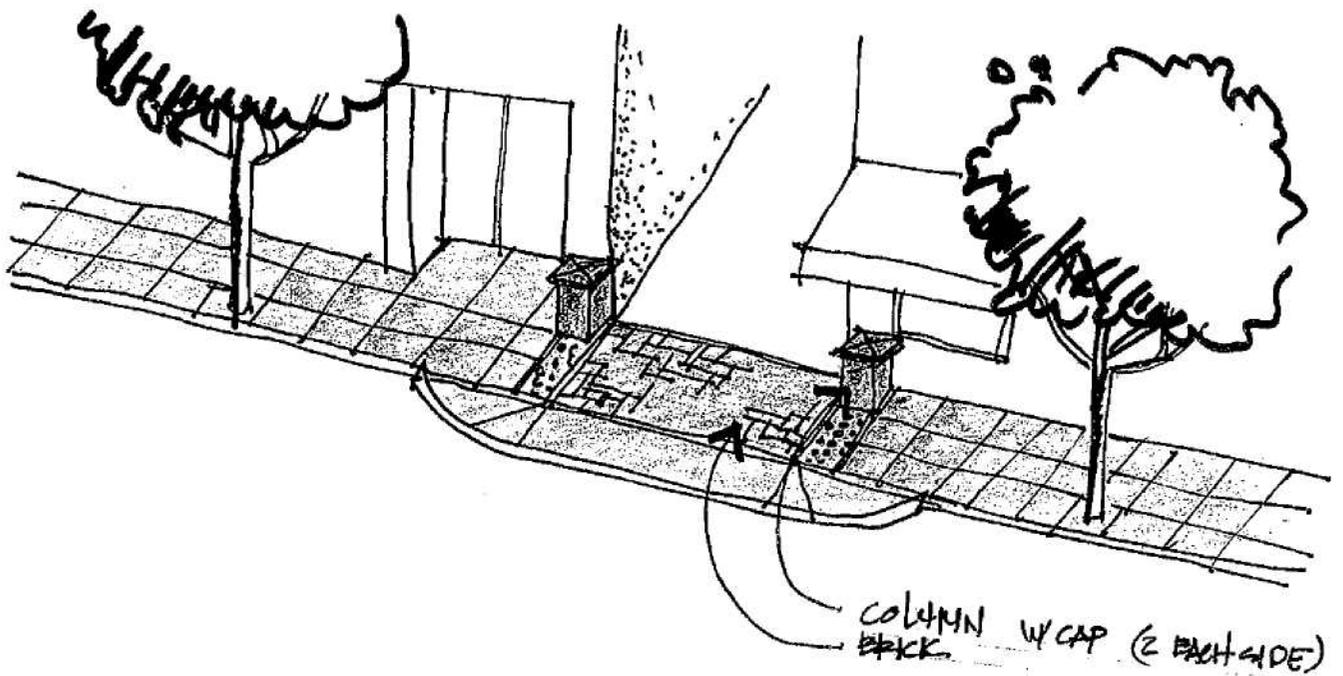
NO.	DATE	DESCRIPTION
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90% CONSTRUCTION DOCUMENTS -- NOT FOR CONSTRUCTION

CITY OF WINTERS  
 MAIN STREET MIDBLOCK  
 CROSSING IMPROVEMENTS  
 PRELIMINARY CONCEPT

RIK ENGINEERING COMPANY  
 MARCH 17, 2010





COLUMN W/ CAP (2 EACH SIDE)  
~~BACK~~

ALLEY COLUMNS #1  
(MATCH SEAT WALL TEXTURE)

