



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, July 6, 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*

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

Roll Call

Pledge of Allegiance

Approval of Agenda

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS

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

CONSENT CALENDAR

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

- A. Minutes of the Regular Meeting of the City Council of the City of Winters Held on Tuesday, June 15, 2010 (pp 1-10)
- B. Minutes of the Special Meeting of the City Council of the City of Winters Held on Monday, June 21, 2010 (pp 11-12)
- C. Letter of Support for Yolo County's Application for Federal TIGER II (Transportation Investment Generating Economic Recovery) Rural Set-aside Funds for County Road 31 Improvement Project (pp 13-14)
- D. Update on the Winters Farmers Market (pp 15)

PRESENTATIONS

Administration of Oath to be Given by Congressman Mike Thompson for New Council Members, and Offices of City Treasurer and City Clerk

Designation of Mayor and Mayor Pro Tempore (Ordinance 2004-04, relating to Selection of the Mayor and Mayor Pro Tempore, is included as information only) (pp 16-17)

DISCUSSION ITEMS

- 1. Fiscal Year 2010-11 Budget- Measure W Allocations (pp 18-20)
- 2. Update on Putah Creek Bridge Replacement, Project No. 01-05 (pp 21-22)
- 3. Economic Development Program- Jobs and Business Development (pp 23-39)
- 4. Winters Theater Company – Community Center Contribution (pp 40-46)
- 5. Authorize City Manager to Execute Contract with David Nelson Consulting to Provide Economic Development Consulting Services for the State Community Development Block Grant (“CDBG”) Program (pp 47-57)
- 6. Solano County Water Agency Contract Amendment (pp 58-66)

7. Designation of a Voting Delegate and Alternates for the League of California Cities Annual Conference (pp 67-69)
8. Liaison Appointments (pp 70-72)

COMMUNITY DEVELOPMENT AGENCY

- 1.
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CITY MANAGER REPORT

INFORMATION ONLY

EXECUTIVE SESSION

City Manager Performance Evaluation Pursuant to Government
Code Section 54957

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the July 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 July 1, 2010, and made available to the public during normal business hours.



Tracy Jensen, Admin. Asst. for 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.

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



Minutes of the Winters City Council Meeting
Held on Tuesday, June 15, 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, Director of Financial Management Shelly Gunby, Community Development Director Nellie Dyer, Environmental Services Manager Carol Scianna, Grant Writer Dawn Van Dyke, Associate Elliot Landes, and Administrative Assistant Tracy Jensen.

Colwyn Martin, Brandon Freed, and Chris Kays, members of Winters Boy Scout Troop 600, led the Pledge of Allegiance.

Approval of Agenda: City Manager Donlevy requested Discussion Item #9 be moved to Consent Item F; Discussion Item #8 moved to Discussion Item #1; hold concurrent public hearings for Discussion Items #2 & #3 and CDA Items #1 & #2; and keep CDA convened for CDA Item #3 with Discussion Item #7. Motion by Council Member Stone, second by Council Member Fridae to approve the agenda with said changes. Motion carried unanimously.

COUNCIL/STAFF COMMENTS: Council Member Anderson said the Rotary Club is sponsoring a Canned Food Drive until July 1. Collection barrels can be found at City Hall, Pacific Ace Hardware, Eagle Drug, Berryessa Veterinary, and First Northern Bank. Council Member Anderson, along with Council Member Aguiar-Curry recently attended a Local Government Commission (LGC) meeting. Council Member Anderson also attended a Lower Putah Creek Coordinating Committee (LPCCC) meeting, where they toured the Elmira Solano Irrigation Pumping facility. On June 14, the Yolo County Transportation District (YCTD) received news that a \$4 million grant application for a road project between Davis & Winters had been accepted. This project is being endorsed by the YCTD and hopefully by SACOG as well. We have Supervisor Thompson to thank for this.

Council Member Fridae requested an addition to the July 6th agenda, with the assumption the Measure W passes and is formally certified by the County, to offer a 25% rebate to businesses or review other rebate options. Council Member Fridae confirmed that Council can vote to reduce taxes but cannot raise them. On June 10th, Council Member Fridae attended a meeting of Elected Officials with Yolo County to look at the budget. It was productive and budget reduction measures were shared among those attending. Council Member Fridae said we're not alone and we're not as bad as other jurisdictions.

Council Member Aguiar-Curry said Yolo County Housing Authority presented an accommodation to Winters for 60 years in the business. Winters Healthcare would like to invite the Council to tour the Community Gardens. The policy committees for the League of California Cities (LCC) include Council Member Anderson for transportation, City Manager Donlevy for Revenue & Tax, and Council Member Aguiar-Curry for Environment. Council Member Aguiar-Curry recently attended a Yolo County Leadership Summit meeting in Davis, which was a collaborative effort between cities, school districts and the County. Council Member Aguiar-Curry also attended a Green Initiative meeting with Council Member Fridae, where regional jobs and economic development possibilities were discussed. Council Member Aguiar-Curry asked staff to submit information to the newspaper regarding safe community information.

Mayor Martin stressed the importance of shared communities and the opportunity to put a good job plan together to share services. Mayor Martin said we have a real nugget in UCD and should work closely with them, who can help stimulate economic development. We have them, let's keep them.

PUBLIC COMMENTS: JoAnn May, 103 E. Main St., spoke about the danger of walking her dogs in the evenings and said it's safer to walk them in the street than on the sidewalk. Many dogs are off leash and roaming. She asked if there was an ordinance in place to address this problem, or whether these would be citable offenses.

Dan Mickel, 6 Russell St., requested a stop sign be installed at the intersection of Russell & Railroad, where there is a real safety issue. He asked about a temporary stop sign. City Manager Donlevy said this section of Railroad is included with the re-design of the bridge and will be brought back to a future agenda. He also asked about the installation of no parking signs on Russell St.

CONSENT CALENDAR

- A. **Minutes of the Regular Meeting of the City Council of the City of Winters Held on Tuesday, June 1, 2010**
- B. **Accept Recommendations from Council Members to Re-appoint Winters Putah Creek Committee Members to the**

- Winters Putah Creek Committee (WPCC). Also, Accept Recommendation for New Student Representative**
- C. **City Manager's Contract: Amendment #3 - Retirement and Administrative Leave Benefit Reductions**
 - D. **Resolution 2010-37, A Resolution of the City Council of the City of Winters Establishing an Appropriation Limit Pursuant to Article XIII B of the California Constitution for Fiscal Year 2010-2011**
 - E. **Approval of Amplified Sound Permit for Winters Friends of the Library Annual July Gazebo Concerts Held on Thursday Evenings**
 - F. **Solar Power Agreement – PPA Amendment** (*Moved from Discussion Item #9*)

City Manager Donlevy gave a brief overview. Council Member Stone made a motion to approve the consent calendar and was seconded by Council Member Fridae. Motion carried unanimously.

PRESENTATIONS: None

DISCUSSION ITEMS

1. Community Vandalism and Reward Program

Prestlie Pearce and Elliot Herrera, representatives from the WHS FFA, thanked the City Council for their help and said an account has been created at First Northern Bank entitled, "Ag Site Reward Fund." Donations would be used for rewards and a security system at the ag site. Mayor Martin City Manager Donlevy said the vandalism at the ag site was atrocious. Vandals also shut down the pool, putting 9 people out of work and preventing approximately 300 swimmers from swim team, recreation, lap and masters, from swimming. He would like to establish a reward fund in the City's budget for other types of vandalism and would like to bring back as a future agenda action item. Council Member Aguiar-Curry asked about installing motion lights and a security system at the pool. Council Member Anderson said this would be a demand on the budget and the community must become involved. He agrees with Council Member Aguiar-Curry regarding surveillance, a resource that has become a fact of life. City Manager Donlevy said this has been requested from the School District. Council Member Aguiar-Curry suggested a Council representative go to the school board in person. Mayor Martin volunteered to go before the school board with this request. Mayor Martin thanked Prestlie and Elliot for coming before the board. They are a good example of young adults in Winters. Agency Chairman Fridae convened the Community Development Agency meeting with the City Council meeting at 7:12 p.m.

2. Joint Public Hearing with Community Development Agency, Adopt Resolution 2010-04, a Resolution Authorizing the Executive Director to Execute and Amended and Restated Owner Participation Agreement with Central Valley Coalition for Affordable Housing, and Adopt Resolution 2010-36, a Resolution Authorizing the City Manager to Execute a Payment in Lieu of Property Taxes, and a Maintenance Agreement with the Developer of the Orchard Village Project

Housing Programs Manager Dan Maguire gave an overview and introduced Stephanie Downs of Meyers, Nave, Riback, Silver & Wilson and Shellan Miller of Winters Pacific Associates. Council Member Aguiar-Curry asked about the Maintenance Agreement. Dan replied the City will enter into a maintenance agreement to require the property owner or lessee, or any successors in interest, to maintain the project to certain City standards. Council Member Anderson asked about the PILOT (Payment in Lieu of Taxes) agreement and whether funding has been anticipated for maintenance. Dan replied that payment to the PILOT agreement is made to cover property taxes. City Manager Donlevy said the property tax agreement was pre-negotiated. Shelly Gunby, Director of Financial Management said without the PILOT agreement, the City would not receive any money for the general fund.

Council Member Aguiar-Curry asked for a point of clarification regarding the maintenance cost for the additional park.

Agency Chairman Fridae opened the joint public hearing at 7:30 p.m. and closed the joint public hearing at 7:30 p.m. with no public comment.

Motion by Council Member Stone, second by Council Member Anderson to adopt Resolution 2010-36, authorizing the City Manager to execute a Payment in Lieu of Property Taxes, and a Maintenance Agreement with the Developer of the Orchard Village Project. Motion carried with the following vote:

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

Motion by Council Member Anderson, second by Council Member Aguiar-Curry to adopt Resolution 2010-04, authorizing the Executive Director to execute an Amended and Restated Owner Participation Agreement with Central Valley Coalition for Affordable Housing. Motion carried with the following vote:

AYES: Agency Members Aguiar-Curry, Anderson, Martin, Stone, Agency Chairman Fridae
NOES: None

ABSENT: None

ABSTAIN: None

3. Joint Public Hearing with Community Development Agency, Adopt Resolution 2010-38, a Resolution Approving a Community Development Block Grant CDBG Allocation for Public Improvements in Support of New Housing Construction, Homeownership Assistance, and a Public Facility Set-Aside Grant Application in the Amount of \$800,000 for the Fiscal Year 2010-2011

Housing Programs Manager Dan Maguire gave an overview. Agency Chairman Fridae opened the joint public hearing at 7:40 p.m. and closed the joint public hearing at 7:40 p.m. with no public comments.

Motion by Agency Member Anderson, second by Agency Member Aguiar-Curry to approve Resolution 2010-38, approving a Community Development Block Grant CDBG Allocation for Public Improvements in support of new housing construction, homeownership assistance, and a Public Facility Set-Aside Grant Application in the Amount of \$800,000 for the Fiscal Year 2010-2011. Motion carried with the following vote:

AYES: Agency Members Aguiar-Curry, Anderson, Martin, Stone, Agency Chairman Fridae

NOES: None

ABSENT: None

ABSTAIN: None

4. Public Hearing, Second Reading and Adoption of Ordinance 2010-04, An Ordinance of the City Council of the City of Winters, Amending Title 2, Chapter 2.56 of the Winters Municipal Code Regarding Disaster and Emergency Organization

Grant Writer Dawn Van Dyke gave a brief overview. Once adopted, Ordinance 2010-04 will designate the City Manager as the director of emergency services for the City of Winters.

Mayor Martin opened the public hearing at 7:58 p.m. and closed the public hearing at 7:58 p.m. with no public comment.

Motion by Council Member Anderson, second by Council Member Stone to adopt Ordinance 2010-04, amending Title 2, Chapter 2.56 of the Winters Municipal Code Regarding Disaster and Emergency Organization. Motion carried with the following vote:

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

5. **Public Hearing and Adoption of Resolution 2010-xx, A Resolution of the City Council of the City of Winters Approving a 2010/2011 Application for Funding and the Execution of a Grant Agreement and Any Amendments Thereto from the General Native American Allocation of the State CDBG Program**

This item is a duplication of Discussion Item #3.

6. **Public Hearing and Adoption of Resolution 2010-39, A Resolution of the City Council of the City of Winters Approving the Tentative Parcel Map (Jordan Tentative Parcel Map) for the Property Located at the Southwest Quadrant of Interstate 505 and State Route 128 (Grant Avenue) Totaling 11.72 Acres**

Community Development Director Nellie Dyer gave an overview and presented slides of the proposed area.

Mayor Martin opened the public hearing at 8:30 p.m. Brian Bonino of Laugenour and Meikle confirmed the Jordan's have accepted the easements on the property. Mayor Martin closed the public hearing at 8:32 p.m.

Council Member Anderson said he had concerns about the traffic, and acknowledged that numerous studies have been done and asked how will the cyclists and pedestrians be affected? City Manager Donlevy said the Complete Streets Joint Council and Planning Commission Workshop to be held on July 13th may be the best place to discuss cyclist, pedestrian and traffic issues. Nellie gave additional direction regarding tonight's process and said there will be more opportunity to address any issues.

Council Member Aguiar-Curry asked Planning Commissioner Wade Cowan to speak to the Planning process, and Wade confirmed that Grant Avenue will be taken care of during the Complete Streets workshop. He also confirmed that any easement cannot be built upon and he is in favor of the approval of the Jordan Tentative Parcel Map. Nellie reviewed Items #11 and #12 of the Conditions of Approval on Agenda Page 119, which reference median islands on Hwy. 128.

Motion by Council Member Stone, second by Council Member Anderson to approve Resolution 2010-39, approving the Tentative Parcel Map (Jordan

Tentative Parcel Map) for the property located at the southwest quadrant of Interstate 505 and State Route 128 (Grant Avenue) Totaling 11.72 Acres. Motion carried with the following vote:

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

7. Public Hearing, Second Reading and Adoption of Ordinance 2010-05, an Ordinance of the City of Winters Amending Title 17, Chapter 17.120 of the Winters Municipal Code Regarding Vacant and Abandoned Property Registration

City Manager Donlevy gave an overview, stating this ordinance reflects current action. Mayor Martin opened the public hearing at 8:58 p.m. and closed the public hearing at 8:58 p.m. with no public comment.

Motion by Council Member Anderson, second by Council Member Aguiar-Curry to adopt Ordinance 2010-05, amending Title 17, Chapter 17.120 of the Winters Municipal Code regarding vacant and abandoned property registration. Motion carried with the following vote:

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

8. Resolution 2010-34, A Resolution of the City Council of the City of Winters Approving and Adopting a Budget of Estimated Revenues and Expenditures for Fiscal Year 2010-2011 and 2011-2012

City Manager Donlevy gave an overview of Discussion Item #8 concurrently with CDA Item #3. Shelly Gunby, Director of Financial Management, said the two-year budget does not include Measure W and has been prepared as if the City won't receive the funds. If Measure W does pass, the budget will be brought back before Council on July 6th with the necessary updates and adjustments. Mayor Martin said the City is facing serious budget cuts and doesn't want any finger-pointing at staff by the community. Council Member Aguiar-Curry asked about the proposed turning off of street lights and whether the City could pick and choose which lights would be turned off. City Manager Donlevy said the streetlights are based on a grid and although there are no individual switches, the

bulbs can be taken out. Council Member Anderson asked what we would be charged to remove the light bulbs.

Motion by Council Member Stone, second by Council Member Fridae to approve Resolution 2010-34, approving and adopting a budget of estimated revenues and expenditures for Fiscal Year 2010-2011 and 2011-2012. Motion carried with the following vote:

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

9. Solar Power Agreement – PPA Amendment *(Moved to Consent Item F)*

10. Putah Creek Park – Restoration Agreement

City Manager Donlevy gave an overview and said additional grant funds are available for more precise language in the Restoration Agreement. This item will come back to Council at the July 6th meeting.

COMMUNITY DEVELOPMENT AGENCY

- 1. Joint Public Hearing with the City Council, Adopt Resolution 2010-04, a Resolution Authorizing the Executive Director to Execute and Amended and Restated Owner Participation Agreement with Central Valley Coalition for Affordable Housing, and Adopt Resolution 2010-36, a Resolution Authorizing the City Manager to Execute a Payment in Lieu of Property Taxes, and a Maintenance Agreement with the Developer of the Orchard Village Project**

This item was heard concurrently with Discussion Item #2.

- 2. Joint Public Hearing with the City Council, Adopt Resolution 2010-38, a Resolution Approving a Community Development Block Grant CDBG Allocation for Public Improvements in Support of New Housing Construction, Homeownership Assistance, and a Public Facility Set-Aside Grant Application in the Amount of \$800,000 for the Fiscal Year 2010-2011**

This item was heard concurrently with Discussion Item #3.

3. Resolution 2010-35, A Resolution of the Community Development Agency of the City of Winters Approving and Adopting a Budget of Estimated Revenues and Expenditures for Fiscal year 2010-2011 and 2011-2012

This item was heard concurrently with Discussion Item #8.

Motion by Agency Member Stone, second by Agency Member Anderson to approve and adopt a budget of estimated revenues and expenditures for fiscal year 2010-2011 and 2011-2012. Motion carried with the following vote:

AYES: Agency Members Aguiar-Curry, Anderson, Martin, Stone, Agency Chairman Fridae
NOES: None
ABSENT: None
ABSTAIN: None

4. Neighborhood Foreclosure Program

City Manager Donlevy gave an overview. Agency Chairman asked why this item was being discussed in an open forum and requested it be discussed during the Executive Session.

Agency Chairman Fridae closed the Community Development Agency at 7:55 p.m.

CITY MANAGER REPORT: Al Calderone of the Discovery Worship Center submitted an Amplified Sound Permit for a function to be held on the basketball courts at City Park on Friday, June 25, but did so after the agenda packet had been completed. City Manager Donlevy requested that permission be given to hold the event.

INFORMATION ONLY

- 1. Dog Attack:** Police Chief Muramoto reported that recently a tragic event occurred where a 6 year old received a horrendous injury as a result of a dog (pit bull) attack. The Fire department staff was on the scene, as was Yolo County Animal Control, who took the animal away to be euthanized. The victim was taken to the hospital and transported to the Med Center and stayed for 4 days. A quilt, handcrafted and donated by a local quilters group, was given to the

victim by Officers Wilson and Ramos. Chief Muramoto then reviewed statistics of licensed pit bulls (38), number of calls to animal control in 08/09 (752), and the number of dog bites reported from 5/31/09-5/31/10 (4), which included bites from 1 Australian Sheppard, 1 English Pointer and 2 Pit Bulls. City Manager Donlevy suggested extensive community outreach. Dogs are considered property and extremely difficult to take away from the owner and the ability to restrict breeds of animals are very limited. City Attorney Wallace said animals are covered under the State Food & Ag law, which pre-empts Cities from restricting specific breeds. After much discussion, City Attorney Wallace will assist City Manager Donlevy with an outreach article for the newspaper and newsletter.

2. **Investment Report for March 2010**
3. **Treasurer Report for March 2010**
4. **Investment Report for April 2010**
5. **Treasurer Report for April 2010**

Mayor Martin adjourned the regular City Council meeting into Executive Session at 9:24 p.m.

EXECUTIVE SESSION

Consultation with Real Property Negotiator per Government Code Section 54957.6 – 426 Cottage Circle, Winters, CA, APN 030-920-08

City Manager Performance Evaluation Pursuant to Section 54957 of the Government Code

ADJOURNMENT

The Community Development Agency executive session adjourned at 10:30 p.m. with no reportable action.

Michael Martin, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



Minutes of the Special Winters City Council Meeting
Held on Monday, June 21, 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 Martin

Absent: None

Staff: City Manager John Donlevy, City Clerk Nanci Mills.

City Clerk Nanci Mills led the Pledge of Allegiance.

Approval of Agenda: Motion by Council Member Fridae, second by Council Member Stone to approve the agenda with no changes. Motion carried unanimously.

COUNCIL/STAFF COMMENTS: None

PUBLIC COMMENTS: None

CONSENT CALENDAR: None

DISCUSSION ITEMS

1. Setting the July 6, 2010 Regular Meeting of the Winters City Council for Swearing in of Elected Officials and Selection of Mayor and Vice Mayor

Motion by Council Member Stone, second by Council Member Fridae, to set the July 6, 2010 regular meeting of the Winters City Council for swearing in of elected officials and selection of Mayor and Vice Mayor. Motion carried unanimously.

2. Resolution 2010-40, a Resolution of the City Council of the City of Winters, Declaring the Results of the General Election Held in the City of Winters on June 8, 2010

Motion by Council Member Fridae, second by Council Member Stone, to approve Resolution 2010-40, declaring the results of the General Election held in the City of Winters on June 8, 2010. Motion carried with the following vote:

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

CITY MANAGER REPORT: None

INFORMATION ONLY: None

EXECUTIVE SESSION: None

ADJOURNMENT

Mayor Martin adjourned the meeting at 6:40 p.m.

Michael Martin, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers

DATE: July 6, 2010

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

FROM: Dawn Van Dyke, Management Analyst

SUBJECT: Letter of Support for Yolo County's Application for federal TIGER II rural set-aside funds for County Road 31 improvement project

RECOMMENDATION: That the City Council authorize the Mayor to sign the attached letter of support for Yolo County's application for federal TIGER II (Transportation Investment Generating Economic Recovery) rural set-aside funds for the County Road 31 improvement project.

BACKGROUND: Recently the Yolo County Transportation District Technical Advisory Committee gave its support for Yolo County to apply for federal TIGER II rural set-aside funding for Yolo County's Road 31 improvement project. This recommendation was accepted by the Yolo County Transportation District Board. The County is currently preparing a grant application for funding in the amount of \$5 million.

County Road 31 (Covell Boulevard) is a primary roadway for travelers heading to and from Winters, including commuters and agricultural related transportation. In addition, it is a rural-urban connector for visitors wishing to reach regional recreational facilities including Lake Berryessa, Lake Solano and Putah Creek. Improvements to the roadway would be a benefit to Winters residents, as well as those in surrounding communities.

Staff recommends submitting the attached letter of support in order to assist the County in strengthening its grant application.

FISCAL IMPACT: None.



July 6, 2010

Supervisor Helen Thomson
Chairwoman, Yolo County Board of Supervisors
625 Court St. Room 204
Woodland, CA 95695

Re: Yolo County federal funding request TIGER II: Sustaining the Rural-Urban Connection-County Road 31 project

Dear Chairwoman Thomson:

On behalf of the City Council of the City of Winters, I would like to express my strong support for Yolo County's application for TIGER II rural set-aside funding in the amount of \$5 million for the Sustaining the Rural-Urban Connection-County-Road 31 project.

County Road 31 is the primary east-west connector in the southwestern part of Yolo County and is a main thoroughfare between the City of Winters and the urban areas of Davis, Woodland and the University of California at Davis (UC Davis). It also provides access to regional recreational facilities including Lake Solano, Lake Berryessa and Putah Creek to the west and facilities such as the UC Davis and Yolo County airports to the east. In addition, this road is surrounded by agricultural lands, with crops that make up the primary industry in the unincorporated areas of Yolo County. Besides benefits to vehicles and trucks, this project will provide benefits to bicyclists who commute on the route or utilize it for recreational purposes.

This project will ensure the capacity of this roadway to support both current and future uses. It will benefit the rural-urban connection for Winters and neighboring communities in Yolo County, as well as visitors to the region.

NEPA clearance has already been approved for this project, and funding for a portion of the project has already been secured through the American Recovery and Reinvestment Act (ARRA). TIGER II funding will allow for timely construction of the remainder of the project.

I urge your support of TIGER II funding for this worthwhile project.

Sincerely,

Woody Fridae
Mayor, City of Winters

318 First Street
Winters, CA 95694
Phone 530.795.4910
Fax 530.795.4935

COUNCIL MEMBERS
Cecilia Aguilar-Curry
Harold Anderson
Tom Stone

MAYOR
Michael Martin
MAYOR PRO TEM
Woody Fridae

CITY CLERK
Nanci Mills
TREASURER
Michael Sebastian

CITY MANAGER
John W. Donlevy, Jr.



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council members
DATE: July 6, 2010
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Dan Maguire, Housing Programs Manager *DM*
SUBJECT: Update on the Winters Farmers Market

RECOMMENDATION:

Staff recommends that the City Council receive the staff report on the future of the Winters Farmers Market and provide direction on the proposed change of market day and time.

BACKGROUND:

In the first quarter of 2008, the Winters Healthcare Foundation (WHF), in collaboration with the Davis Farmers Market Association (DFMA) and the City of Winters, successfully applied for a grant from the TIDES Foundation under the Networking for Community Health. The grant established start up funding for the development of a farmers market and formation of a community garden. At the City Council meeting of April 21, 2009, Council adopted Ordinance 2009-04 (the Farmers Market Ordinance), which added Chapter 14-01 to the Winter Municipal Code. Section 14.01.030, subsection 6 specifies that "the market's location, hours of operation, and other conditions of use if city property shall be determined by the city manager subject to review by the City Council."

The first year of operation (May through October, 2009) of the Winters Farmers market was deemed a success. Staff met with representatives from WHF and the DFMA at the end of the first year of the market to analyze the sustainability of the market for next year. Based on projections that the second year of the market would have income and expenses similar to that of the first year of the market, it was anticipated the market would be self sustaining. The first two months of the market (May/June 2010) have not supported those projections. Market management re-evaluated the market to look for ways to improve the performance of the market. As a result of those evaluations, the recommendation is the market day and time be switched from Sunday mornings to Thursday evenings for the remainder of this year's market season (mid July through October).

FISCAL IMPACT:

None by this action



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: July 6, 2010
THROUGH: John W. Donlevy, Jr., City Manager
FROM: John C. Wallace, City Attorney
SUBJECT: Designation of Mayor/Mayor Pro Tempore

BACKGROUND: The current City Code for designation of the positions of Mayor and Mayor Pro Tempore is attached with this Report. Under the Government Code the City Council may designate a Council Member by majority vote, at any time. The City's ordinance preserves that authority, but has a procedure for designation based on election results from the June 8, 2010 election and the 2008 election. The change from the Government Code arose from a City Council desire to avoid the council infighting then taking place in West Sacramento.

RECOMMENDATION: The procedure by motion Designating the current Mayor Pro Tempore as Mayor, a second, and a vote. The same procedure is used by motion to Designate the Council Member receiving the most votes on June 8th as Mayor Pro Tempore, a second, and a vote. A council member can of course decline to serve.

Chapter 2.04

CITY COUNCIL

2.04.070 Appointment and Removal of Mayor.

On the first Tuesday following any general municipal election at which Council members are elected, the City Council shall meet and designate its presiding officer, who shall have the title of Mayor. The Council member who served as Mayor Pro Tempore immediately prior to this meeting shall be designated as Mayor. The Mayor shall serve in this capacity at the pleasure of the City Council. Any Council member may decline to serve as Mayor.

Should the person who was selected as Mayor Pro Tempore no longer be a Council member at the time of the above-referenced meeting, the remaining Council members shall select one of their number as Mayor by a majority vote.

Duties of Mayor. The Mayor shall perform those duties required by law, which, consistent with the office, the Mayor voluntarily assumes within the limitations of the law and the limitations imposed by the Council. (Ord. 2004-04 § 2 (part); prior code § 2-1.08)

2.04.080 Mayor Pro Tempore.

At the same meeting at which the Mayor is selected, the City Council shall also designate one of its members as Mayor Pro Tempore, who shall be that person who received the greatest number of votes in the most recent general municipal election at which Council members are elected. The Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability. The Mayor Pro Tempore shall serve in this capacity at the pleasure of the City Council. Any Council member may decline to serve as Mayor Pro Tempore. (Ord. 2004-04 § 2 (part); Ord. 2000-01; Ord. 90-05; prior code § 2-1.09)



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: July 6, 2010
FROM: John W. Donlevy, Jr., City Manager 
SUBJECT: Fiscal Year 2010-11 and 2011-12 Budget Allocations- Measure W Allocations

RECOMMENDATION:

That the City Council:

1. Review recommended allocations of estimated Measure W revenues for the Fiscal Year 2010-11 and 2011-12 General Fund Budgets.
2. Provide direction on a Business UUT Rebate Program.

BACKGROUND:

On June 8, 2010, ballot Measure W was passed increasing the City's Utility Users Tax to 9.5% and generating an estimated \$400,000 in General Fund Revenues. Advisory Measure Y regarding allocations of these revenues also passed with 54% of the vote.

On June 15, 2010, the City Council approved Resolutions 2010-34 and 2010-35 which adopted a two year budget for the City. Because the election results were not certified and there were a considerable number of outstanding ballots, revenues for Measure W were not included in the budgets, nor were expenditures.

This report is meant to provide recommendations on expenditures for the Measure W revenues.

DISCUSSION:

The results of Measure Y included, but not withstanding, the need to advance public safety services has been a major concern and priority for the City for many years. A key reason for Measure W being placed on the ballot by the City Council was based on the public safety need.

Staff recommendations for the expenditure of Measure W funds are based on the following policy principles:

- Enhancement of police services from both a technological and manpower basis.
- Implementation of fire services to move toward 24/7 coverage once the City of Winters Fire Department moves into the new public safety facility. This will include the implementation of a "sleeper program" which combines paid and volunteer forces.
- Provide stop-gap funding for basis municipal services such as street lighting.
- Allocate funding toward the maintenance of some community based recreation and social services.

Staff is recommending the following expenditures:

<i>Expense or Program</i>	<i>FY 2010-11</i>	<i>FY 2011-12</i>
Police Officer	\$75,000 (9 mos)	\$100,000 (full year)
Police Officer	\$85,000 (6 mos)	\$116,000 (full year)
Transition to Sleeper	\$50,000 (Start up costs)	\$0
Street Lighting	\$40,000	\$40,000
Fire Sleeper Program	\$20,000 (2 mos)	\$100,000
Technology Improvement Program	\$160,000	\$20,000
Recreation/Community Services	\$0	\$24,000
Total	\$400,000	\$400,000

Under the proposed programs, the following would occur:

- Two (2) Police Officers would be added during Fiscal Year 2010-11 and continue in the following years.
- Year 1 would see \$50,000 invested in equipment and uniforms to add 12 volunteers into the Fire Department and the program will operate in months May and June. Estimated costs annually are estimated at \$100,000.
- Year 1 will see the advent of a **Technology Improvement Program** will include the installation of video and camera technology throughout the community to aid in patrol of key areas including parks, schools, business areas and key facilities. This will also include main thoroughfares and mobile locations. \$20,000 in maintenance costs are included for following yeas.
- Year 2 will include \$24,000 set aside for support of community services and recreation programs.

This will expend all of the estimated revenues from Measure W. Any amounts above \$400,000 will be deposited into the City's General Fund.

Staff will return to the City Council on August 3, 20110 with a revised budget and spending resolution to reflect the direction from the City Council.

Business Rebate Program:

Staff was also directed to return the idea of a business rebate program to lessen the impact on local businesses of the Measure W increase.

Staff estimates that fewer than 10 businesses will qualify for rebates above the residential cap of \$450 and the previous business cap of \$900. Staff recommends that if the City Council considers providing business rebates that it include the following criteria:

- Establish a percentage figure (ie. 10% rebate)
- Set a cap on the refund (\$2,000)
- Require that rebates only occur in a set time period (June of each fiscal year)
- Set a cap on total rebates for all businesses (ie. \$25,000 total)

Such a program will require an amendment to the existing ordinance, which will require that this return to the City Council.

FISCAL IMPACT:

\$400,000



TO: Honorable Mayor and Council Members
DATE: July 6, 2010
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nicholas J. Ponticello, City Engineer
SUBJECT: Information Item – Update on Putah Creek Bridge Replacement,
Project No. 01-05

RECOMMENDATION: No action requested- informational item only.

BACKGROUND: The Putah Creek Bridge (Bridge No. 23C-234) on the south end of Railroad Avenue was put on the State's list of bridges eligible for replacement or upgrade. The City and County entered into an Agreement to implement a project, which includes replacement of the existing structurally deficient and functionally obsolete structure. MGE Engineering out of Sacramento was selected to perform design services associated with the project. An alignment for the new bridge was approved in 2006, and MGE and the County have been coordinating with City staff on refining the design elements and working on the lengthy environmental process. A couple months ago, the NEPA environmental Categorical Exclusion was approved and the CEQA document it is currently out for public review and comment.

Right-of-way acquisition is pending. Attached is an Exhibit showing the land-takes required for the project. The County is currently waiting for Caltrans approval to move forward with the right of way phase.

The design is nearly 30% completed. Civil Plans (see attached) for the work north of the bridge have been reviewed with the City staff and Council Members Fridae and Anderson. The following key concerns were expressed and the design engineers will address them in the final design:

1. The sidewalk adjacent to Biasi's, along Russell, be salvaged to preserve the tools (horseshoe, hammer, file, etc.) stamped into the concrete.
2. Incorporate CL 2 Bike Lanes into the new Putah Creek Road cross-section, to tie into the Trestle Bridge.
3. Save the existing large trees adjacent to the retaining walls in back of the Community Center, near the proposed detour bridge roadway.
4. Avoid directing the temporary pedestrian and bike access to the Trestle Bridge through the Community Center Patio Area.
5. Temporary relocation of electricpower, and gas, telephone, and water facilities lines will be required. The utility companies may request from and the City permission to use the Trestle Bridge for temporary relocations. The City will ask for needs assurances that if the Trestle Bridge is use to temporarily relocate exiting utilities, these utilities will be the best location that PG&E will permanently moved them back to the new bridge.
6. Incorporate the faux railroad rail into the new sidewalk along the Community Center.

Final design should be completed in January 2011, and it is anticipated that all right of way will be acquired in mid-2011.

ALTERNATIVES: None recommended by staff.

FISCAL IMPACT: The project is funded through the Federal Highway Bridge Program, which covers 80___% of the total project costs for environmental and design and 88.53% for right-of-way, construction, and construction engineering costs with the remaining 20_% and 11.47% matching funds respectively, are shared equally by the City of Winters and the County of Solano. The current construction project budget is \$8,000,000_____.

Attachments: Right of Way Acquisition Exhibit
Civil Design Sheets



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: July 6, 2010
FROM: John W. Donlevy, Jr., City Manager *JWD*
SUBJECT: Economic Development Program

RECOMMENDATION:

That the City Council:

1. Receive a presentation from City staff on possible economic development strategies and direction points; and
2. Discuss these strategies and provide direction on the refinement of the overall approach to economic development for the City.

BACKGROUND:

In February 2010, the City Council provided direction to City staff on advancing economic development within Winters. This direction and previous directives on local economic development are evidenced in the following attachments:

1. **Exhibit A:** Direction from February 16, 2010 on Economic Development.
2. **Exhibit B:** Strategic Plan Adopted in September 2008.
3. **Exhibit C:** Economic Development Strategy (date?).

The overarching goals of these previously presented strategies are: 1) the implementation of the City's General Plan; and 2) the advancement of the fiscal and economic base (sustainability?) of the City.

DISCUSSION:

As we enter Fiscal Year 2010-11, the City faces a considerable structural deficit and the potential for similar financial issues for the coming future. Economists are predicting

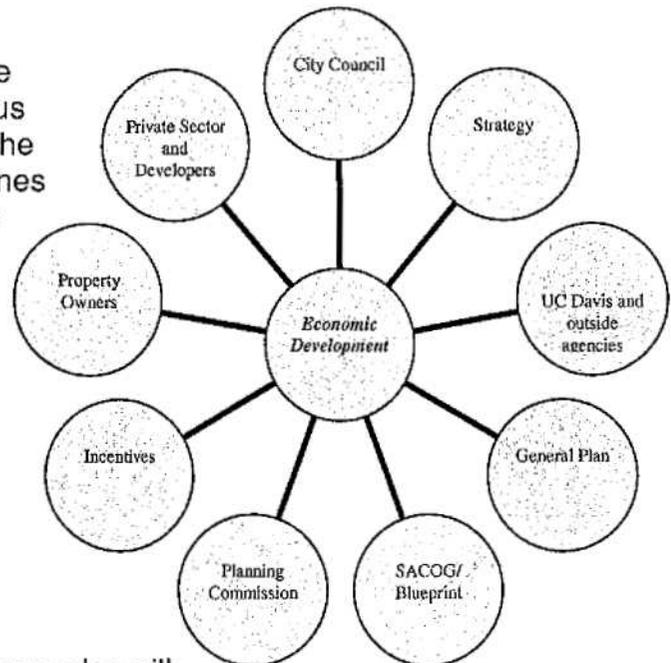
that the Sacramento region may not recover from the current recession until 2016 (do you have articles from the Sac Bee or Business Journal to support this statement?).

In order to advance (or build?) our local economy, the City's ability to attract emerging industries will define our fiscal future and invariably translate into either prosperity or a continuance of fiscal struggles.

Economic Development:

Successful economic development starts with the recognition of the interconnection between various elements that have the same goal. The base of the community is the City's General Plan, which defines the overall goals for the City, including economic development. Related influences then include:

- Property Owners
- Developers
- Strategy
- Outside influences including UC Davis, SACOG and State initiatives.
- Planning
- Incentives for investment
- Public Process



The success of any economic development program also will rely on the receptiveness of a community to the prospects of new industry or commerce.

A cold reality of the present economy is the fact that potential businesses will rely on minimal capital risk in pursuing expansion. Localities will be required to lessen the investment risk for potential businesses in order to gain even a first consideration for the citing of a business.

Concepts for Winters Economic Development:

A key to the success of a program in Winters will include embracing local initiatives and strengths, along with the ability to take regional opportunities and make them adjunct to Winters.

Staff recommends the following concepts::

- Sustainable jobs, where people can earn salaries that support families, mortgages and the local economy.

- “Green” jobs which realize advancements of an environmentally friendly economy within emerging technologies.
- Working with UC Davis and other groups to receive collateral benefits from research, grants and educational initiatives.
- Coordinating with groups such as the Apollo Alliance and Valley Vision, bringing capital and emerging industries together to grow jobs and industry.
- Agricultural jobs and research.
- Bio-tech and medical which collaborates with the work being accomplished in Solano County.
- Service Sector including business support, call centers and direct business support functions to adjacent industry.

Potential Uses and Businesses:

The ability to define (or identify) the “types” of businesses or industry that will come to Winters is impossible and probably implausible. The advancement of new business sectors changes rapidly and the idea that we might define a specific sector will short change the City's potential for receiving new business.

Regardless, some key indicators for business recruitment include:

- UC Davis advancements and research initiatives.
- Solano County growth areas including biotechnology and pharmaceuticals.
- Agricultural advancements and business opportunities.
- Local innovation.

The concept of “technology transfer” is the idea that the research and educational arms of universities fuel local business and industry. Much like Stanford University helped advance the boon in Silicon Valley, UC Davis could serve as a catalyst for “green” or other industrial sectors in our area.

The key will be the ability of Winters to adequately position itself to receive the spin-offs from the technology transfer from UC Davis and the region. The window of opportunity for the greatest amount of benefits will most likely be small and the rewards considerable. The ability to act quickly and decisively could determine the winners and losers in the competition to land major businesses and jobs.

Some of the main use categories which can be expected for Winters will include:

- Research/Technology Parks
- Manufacturing
- Biotechnology
- University related business
- Agricultural (Technology)
- Office/Professional

- Meeting/Conference Facilities
- Call/Service Centers

An important task will include defining certain zoning to allow a broad cross section of business opportunities within the scope of previously approved environmental assessments. This may simply include updates to some zoning definitions to recognize emerging business classifications and removal of antiquated categories.

Locations:

The focus of the economic development efforts will be as follows:

- Downtown Master Plan Area
- Jordan Property
- McClish Property
- Skreden Properties
- Robada
- Mariani
- Monticello
- CDA Properties

These properties are identified based purely on expressed interest of the property owners to initiate future uses or they are included in recently approved master plans.

Process:

In order to adequately position the City to achieve desired economic development, it will be critical that a clear and definable course for development to occur be defined.

The national recession has redefined how financial markets evaluate investment in real estate. The ability for developers to gain financing for “planning” or speculation of “potential” development is virtually gone. Business now requires more certainty in considering locations. This means that the City must utilize current planning documents or develop such to allow development a clearer path toward locating within the community.

In order to be successful, the City will need to establish a process for the various locations within the City which includes the following:

1. Define the vision of the current General Plan for the above-referenced properties. This will also include a review of environmental documentation already completed and development levels which have been approved.
2. Assessment of current General Plan Land Use designations and Zoning categories.
3. Project Processing Guidelines including critical path elements to help define how projects can proceed.
4. Design Guidelines which include building and energy requirements for development.

These documents are in development and will be brought back to the City Council at a

later workshop.

Networking:

A critical success factor will be the City's ability to appear welcoming and desirous of investment within the community. It is also important that the City immediately begin working with potential partners within the region who play key roles in connecting business and industry to localities the business community. These contacts should include but not be limited to the following:

- UC Davis
- Valley Vision
- SACOG Rural Urban Connection Strategy
- Solano Economic Development Corp.
- Sacramento Area Regional Technology Alliance (SARTA)

The ability for the City of Winters to "be at the table" in the discussions on strategy and opportunity will be critical. Absent participation, the City may find itself left out of important opportunities within the region.

Summary:

A successful strategy requires a realization that accomplishing local goals will necessitate working within a broader region of interests and opportunities. It will not require that local standards or desired be comprised; however, it will entail setting higher standards and allowing development to occur that benefits both Winters and the Sacramento region..

ATTACHMENTS:

1. **Exhibit A:** Direction from February 16, 2010 on Economic Development.
2. **Exhibit B:** Strategic Action Plan for Economic Development.
3. **Exhibit C:** Economic Development Strategy.

FISCAL IMPACT:

None by this action.

*Direction from February 16, 2010 City Council Meeting
Economic Development*

1. ***Aggressively recruit and solicit development*** of job creating businesses in developable areas. This would require the following:
 - a. Reduce impact and building fees to make Winters more competitive as compared to neighboring cities.
 - b. Establishment of a streamlined and well developed processing system to allow businesses to quickly break ground and open properties for desired industries.
 - c. Actively market the Winters Community as a favorable business atmosphere, ready to accept emerging industries and technologies.
 - d. Create a development contract, much like a grant contract, which provides incentives to developers based on the number of jobs created and the amount of sales and property tax generated.

The City will begin working with area commercial brokerages and land owners to provide incentives for locating business and industry. The idea of establishing a “finders fee” for brokers who bring development and jobs could prove highly beneficial. These incentives, combined with a well defined approval process could position the City to receive additional development as the economy begins to improve.

2. ***Encourage and promote freeway serving development*** on Grant Ave. at the I505. This would primarily include co-brand development (food establishments paired with fuel/convenience) and hotels/lodging.
 - a. In order to proceed with this, the process would include the following:
 - i. Architectural planning process to update the City of Winters Design Guidelines for Grant Ave.
 - ii. Roadway/Public Infrastructure planning to combine the Grant Ave. Access Study and the Safe Streets Project through a Caltrans facilitated process.
 - iii. Begin a process (immediately) of actively working with property owners to define desired businesses and encouraging those to occur within the Gateway Master Plan area.
3. ***Impact Fee Adjustments for AB 1600 Major Projects Fees*** to reduce the overall costs of development in Winters to become more attractive to developers. This would include:
 - a. ***Removal of projects*** within the fee program which have been recently developed by the CDA and City partnerships. This will include the public safety center and the pool which will eliminate almost \$10m in costs from the impact fee program.
 - b. ***Cost Adjustments*** which will reflect current costs for projects.
4. ***Flood Overlay Area-*** Amended program to include:
 - a. Establish a financing/assessment district in lieu of a fee program.
 - b. Re-analysis of the fee program based on previous cost estimates.

City of Winters Economic Development Strategic Action Plan

May 8, 2007

Economic Development:

The focus on Economic Development is clearly viewed as the most important priority for the City of Winters as it serves as the linchpin for all other priorities of the City. Economic Development is viewed as the driving force toward the enhancement of needed City Services, including public safety, recreation and facilities. Without an enhanced economy, the only viable alternative would include increased taxes at a substantial rate.

At the present time, the Winters economy performs in the lower 11% of all cities and counties in California. In Yolo County, the per capita revenue generation is \$169. In Winters it is \$62.

Jobs in Winters are considered an important issue. The current economy consists of family run/low employment businesses which provide limited opportunity within the community. Most available employers are "service" or agricultural oriented jobs which produce incomes below those required for home ownership. This current need for most residents is to seek employment outside of the community which produces a negative economic impact. Winters lacks jobs for both youth and homeowners.

Revenue and job generation will invariably lead to a bolstered economy which will also enhance the overall quality of life for residents. The development of jobs within Winters is seen as a benefit toward schools and public safety which are impacted by the "bedroom community" for which the City has become.

Mission:

The Mission of the Winters Economic Strategy will focus on:

- Maximizing revenue generation within the community
- Creation of jobs which provide opportunities for both youth and homeowners
- Balance "visitor" serving businesses with the development of an industrial and professional job sector.
- Taking advantage of Winters locale based on our proximity with Lake Berryessa, the I80 Corridor and our agriculturally based businesses

This strategy will focus on the establishment of an economically sustainable community.

Objectives:

Over the course of a two year period, the City of Winters will seek to accomplish the following:

1. Increase development to provide revenues to support City services
2. Seek Freeway serving businesses
3. Focus on Grant Corridor
4. Seek businesses which will build a strong tax base
5. Compliment the downtown- not compete
6. Job creation with sustainable wages

Strategy:

In order to achieve the stated objectives, the City will implement the following programs and projects.

1. Increase development to provide revenues to support City services

The City will implement an overall economic development program which will seek development in the following areas:

- I505 Interchange
- McClish Property Development
- Grant Avenue Corridor to include:
 - i. Granite Bay Holdings Project
 - ii. Lorenzo Property
- Downtown Projects including
 - i. Monticello Project
 - ii. First/Abbey Street Properties
- Downtown Renovation Opportunities
 - i. DeVillibus Hotel
 - ii. Putah Creek Café Building
 - iii. Masonic Hall

In order to accomplish such, the City and Community Development Agency will add the an Economic/Redevelopment Project Manager to begin the implementation of programs to move these projects forward.

2. Seek Freeway/Lake serving businesses

Winters enjoys the only location along an almost 30 mile stretch of I505 which currently does not provide freeway serving business such as food and lodging. It is estimated that close to 30,000 vehicles pass daily along this corridor. Additionally, the CA128 passing through Winters is a premier access to Lake Berryessa, with a daily passage of almost 2,000 visitors on weekends and holidays.

The City will seek the following:

- Development of the "Jordan" Property and encourage lodging, fuel and food establishments to serve freeway and Lake traffic.
- Seek commercial businesses which can serve visitor and lake interests. This may include boat/water craft dealers and recreational vehicle businesses. Additionally, the pursuit of niche businesses such as "fruit stands" or agriculturally based businesses will also be encouraged.

3. Focus on Grant Corridor

The greatest potential for economic growth within the City of Winters is the Grant Ave. corridor between the I505 and Railroad Ave. Because all of the City's industrially zoned property is encumbered by General Plan restrictions due to a Flood Overlay Zone, in the near future, this area serves as the only potential area for development. The area is the main entrance into Winters and sensitivity for this gateway will be a key priority in how this economic objective is pursued.

In order to pursue development in this area, the City will seek the following:

- **Infrastructure Program:** Development of a program which will provide for infrastructure to be located along those areas on Grant Ave. which currently do not contain adequate water and sewer lines. In order to accomplish the develop ability of this area, the City will pursue:
 - Estimates and costs for the construction of this infrastructure in the area.
 - Begin the design and plans for said infrastructure.
 - Develop an overall plan for the construction of said infrastructure and implement.
- **Financing:** Pursue financing options which may include the establishment of a community facilities district, assessment district or land owner participation in the construction of the infrastructure.
- **Design Guidelines:** Preparation of design guidelines for the corridor.

- **Circulation:** Completion of the currently developed Grant Access/Circulation Project to aide in circulation and traffic improvement needed for maximizing the use of this corridor.

4. Seek businesses which will build a strong tax base

The pursuit of businesses within the City which allow persons to both live and work in Winters will be critical.

A strong tax base is developed based on the location of businesses which provide a broad range of employment opportunities, including income. In order for Winters to become economically sustainable the need to attract jobs in the areas of research and development, manufacturing and those associated with regional businesses will be critical.

In order to accomplish this, the City will need to have the broadest variety of land and land sizes available. In order to accomplish this, the City will pursue the following:

- **Flood Overlay Zone:** Cure the current General Plan restrictions for the Flood Overlay Zone through the adoption of a stipulated plan to addresses the related issues.
- **Marketing:** Begin an aggressive marketing campaign using our proximity to vibrant economic markets such as Vacaville and U.C Davis to attract companies looking to locate within a reasonable proximity to both locations.

5. Compliment the downtown- not compete

The economic strategy for Winters has focused on downtown Winters as our economic core. The sustainability of the downtown is viewed as a critical component to maintaining the quality of life and a true identity for Winters. The strategic plan will focus its attention on the following:

- **Avoidance of Strip Mall Development:** The plan will avoid the development of projects which will establish a "second" downtown outside of the core of Winters. Developments should encourage feeder businesses with an emphasis which is less on retail, and more on mixed uses such as business and office development which will "feed" employees into the retail of Downtown.
- **Downtown Master Plan:** The Downtown Master Plan offers the possibility for the establishment of a vibrant core to include residential, office and retail. The City will pursue the implementation of the entire Downtown Master Plan including design guidelines and zoning modifications.

6. Job creation with sustainable wages

The City will focus on encouraging development which provides jobs with sustainable wages. While it is understood that certain jobs in the “freeway” serving sector will be lower paying, projects within the manufacturing zone and Grant Corridor should seek to provide sustainable wages.



Economic Development Strategy

Key Vision Elements for Winters

1. Maintain the small town attributes of Winters.
 - Safe
 - Good schools
 - Great place to raise children
 - Volunteerism and community involvement
2. Diversification of development of Winters to strengthen the overall town.
 - Generation of job creating businesses
 - Avoid becoming a commuter community
3. Development should support itself economically.
4. All projects should compliment Winters and provide a balance between jobs, services, and housing.
5. No one development sector (housing, industry, commercial) shall dominate the Winters economy.
6. Winters will strive to be a small unique community.
7. Development should compliment regional sectors in Solano and Yolo Counties.
8. City will manage capital resources to balance development.
9. Expressly focus development and City resources toward the promotion of desired classifications of projects within Winters. The City's priorities for new development include:
 1. Light Industrial
 2. Heavy Industrial
 3. Business/Professional
 4. Commercial/Retail
 5. Housing
 - a. Single family
 - b. Multi-family

Goal 1. Commercial development from the Downtown core- Outward

Develop programs and encourage business development from the downtown business district outward. Specifically, this will include:

- With Main St./Railroad Ave. serving as the center, encourage development of properties located along Railroad Ave. and Main St. for commercial expansion.
- Implement Capital Improvements which enhance the ambiance of the historic district.
- Work with developers and property owners to encourage development of properties in the core which will include a combination of commercial, business and residential uses.
- Implement aspects of the Winters Design Guidelines.
- Expand downtown parking.
- Seismic retrofit program.

Goal 2. Create Opportunities for Development of 505 Industrial Area

- Develop infrastructure master plan for eastern area of City.
- Develop a plan for making development along the 505 more feasible, by:
 - Explore possible annexation and sphere of influence expansion both to the North and to the East.
 - Explore the potential for specific planning of the area which would include land use, infrastructure financing options and phasing.

Goal 3. Community Development Agency/Redevelopment

Utilize redevelopment financing and the Agency's Implementation Plan to spur economic development along the Grant and Railroad Ave. corridors. This may include:

- Development and Implementation of a capital improvement plan to strategically locate public improvements which make it easier for job producing industry to locate.
- Consider development agreements with property owners and developers interested in producing industrial and commercial sites.
- Actively work to market and attract developments to Winters.

Appendix

1. Desired land uses map
2. Demographics-All
 - Workforce
3. Jobs/Housing balance comparison
4. Employment breakdown

Strengths/Weaknesses

1. Available land supply
2. Labor Force
3. Proximity to UC Davis and Vacaville

State of California Launches First-Ever Site Certification Program

New Program Streamlines and Facilitates State's Site Selection Process

(SACRAMENTO) -- In an ongoing effort to support new investment and retention of expanding industries in California, Business, Transportation and Housing Agency Secretary Dale E. Bonner today announced the creation of a new statewide program aimed at allowing commercial and industrial building projects to commence more quickly than ever before. The newly created Site Certification Program allows local governments to register commercial or industrial sites that are "project ready," and market them as locations for new business investment and expansion.

"As California faces increasing competition from other states for new or relocating businesses, we must work together in finding new ways to reduce business costs and ease the process of expanding or relocating to California," said Bonner. "By streamlining and facilitating the site-selection process in California, we can help stimulate regional business expansion and attract new investment as the current economic situation improves in communities large and small."

The Site Certification Program was developed to assist with the commercial and industrial business site selection, planning and development process in the state. The certification of a site is performed by the California Department of Real Estate (DRE) who will review required materials to ensure a site meets specific criteria including, but not limited to, verification and availability of utilities, site access, environmental concerns, land use conformance and potential site development costs. The DRE will provide a current inventory of commercial and industrial sites that are available for purchase or lease, have the support of local permitting authorities, meet current evaluation criteria for various commercial and industrial uses and are readily available for project development or initiation of use in the shortest time possible.

"We should all compliment the State of California on establishing a program that will make California communities more competitive in the real estate market," said Wayne Schell, President and CEO of the California Association for Local Economic Development. "This is a great way of recognizing the forward-thinking communities that invest in the future of their economy by providing certified sites that are ready for business."

The DRE, which will be working in partnership with local and regional economic development agencies, utility companies, commercial realtors, and other economic development professionals, has already approved three sites and that number is expected to increase as the program gains exposure. The current certified sites are located in the cities of Redding and Apple Valley and one in Riverside County.

"By working together over the past year, state and local stakeholders have developed a statewide program that will help local governments showcase opportunities for employers looking to expand or relocate to California as the economy continues to recover," said Bonner. "In return for the modest up front costs of preparing sites for certification, local governments can now take the guess work out of the site location process thereby reducing relocation and expansion costs for business and accelerating the time it takes to generate much-needed jobs and tax revenue."

Questionnaire and evaluation criteria for the State of California Site Certification Program as well as a listing of certified sites can be found at www.dre.ca.gov/ind_certified_sites.com.



State of California Site Certification Program **Evaluation Criteria**

Participation Requirements (must be completed and documented in order to submit):

- Applicant must be local government entity such as a city, county or redevelopment agency.
- Site must be in a General Plan area that is designated for industrial/commercial use.
- Site must have a CEQA review completed and EIR (if required) within 5 years.
 - o If not explicitly addressed in the CEQA review or EIR, the following due diligence must be provided: wetlands delineation, geotechnical study, Phase I environmental assessment, archeological and historical survey, and an endangered species study.
 - o If the EIR study found any actionable environmental issue, the community must submit a plan to indicate that it would be able to quickly re-execute the appropriate study and react with a mitigation plan if necessary
- Site must be a minimum of 25 contiguous, developable acres, or have a Floor Area Ratio (FAR) of 2 or greater and 350,000 square feet of useable space.
- Developable acreage must be outside the FEMA 100- and 500-year floodplain. Site must have any required permits or clearance if within the jurisdiction of the Central Valley Flood Control Board.
- Site must be accessible (no rights-of-way, easements, or other impediments can be blocking access to, or development of, the site) or mitigation solutions (including costs and schedule for mitigation and appropriate commitments) must be clearly demonstrated.
- Site must be available for sale or lease.
 - o Site ownership must be documented (parcel numbers, parcel sizes, and owner names must be clearly delineated)

- o Development entity has signed letters of intent from property owners to sell the property for a specified price and an explicit duration.
- Transportation infrastructure appropriate for truck traffic must be in place at the site.
 - o If the site does not have access to transportation infrastructure a detailed plan must be submitted that indicates how the site will be served. These plans should include a schedule for extending road, an approximate cost for the extensions. In addition, any necessary right-of-way access must be identified and a plan of action for securing the right-of-way should be clearly demonstrated.
- Utility infrastructure (water, wastewater, electricity, natural gas, and telecommunications) must be in place at the site.
 - o If the site does not have access to utility infrastructure a detailed plan must be submitted that indicates how the site will be served. These plans should include a schedule for extending utilities, an approximate cost for the extensions. In addition, any necessary right-of-way access must be identified and a plan of action for securing the right-of-way should be clearly demonstrated.
- Site must be capable of being fully permitted (air and site development). The community must provide a detailed description of what permits are required in order to begin development of a project and the appropriate sequencing. In addition, the community the must submit the following information:
 - o The typical timelines for each step of the process
 - o A letter from someone who has oversight of the process committing that a project will be permitted within the typical timeframes
 - o Examples of projects that have also been permitted through the process and the timeframe for that project.
- Exemptions to one or more of these criteria shall be considered upon request.



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: July 6, 2010
FROM: John W. Donlevy, Jr., City Manager *JWD*
SUBJECT: Winters Theatre Company Community Center Contribution

RECOMMENDATION:

That the City Council accept the direct contribution of \$3,500 from the Winters Theatre Company in lieu of hourly charges for use of the Community Center.

BACKGROUND:

In March, 2010, the City Council established an hourly use rate for the Community Center for private and non-profit groups. Staff was also directed to work with these groups to collect fees and determine methods for operating the Center at reduced costs.

The Winters Theatre Company is a key user of the Community Center. They act in many capacities including entertainment, service group, fundraising for multiple organizations and recreation.

DISCUSSION:

Staff has worked to negotiate an agreement with the Theatre Company which accomplished the following:

- Establishes a fair remuneration for time used in the Center.
- Allows for a cost reduction in the total operation of the facility, including staff and janitorial services.
- Provides for a continuation of the philanthropic benefits to other organizations within the community from the activities of the WTC.

- Represents a fair contribution for hours used at the facility.

Attached is a letter from the WTC which outlines their proposal. The terms are as follows:

- \$3,500 for Fiscal Year 2010-11 to cover rehearsal and performances.
- WTC will assume responsibility for facility supervision, set up and take down while under their use. This will significantly reduce staff costs associated with the facility.
- Assistance in overall management of the facility.

While the WTC is a regular user of the Community Center, the \$3,500 costs and the assumption of coverage is viewed as a fair remuneration. It is also the largest contribution from any single group.

FISCAL IMPACT:

\$3,500 in revenue.



THE WINTERS THEATRE COMPANY

P. O. BOX 728, WINTERS, CA. 95694

(530) 795 - 4014

17 May 2010

Mr. John Donlevy
City Manager, City of Winters
318 First Street
Winters, CA. 95694

Dear John:

This is a follow-up proposal to our letter of 5 March, 2010, in which the Winters Theatre Company wished to contribute to the financial stability of the Community Center. I have attached a copy of this letter.

At the last meeting of the Board of Directors of WTC, I was directed to offer a direct contribution to the City of Winters in the amount of \$3,500.00 to cover the rehearsal and production hours used in 2010. This would be in lieu of an hourly rate schedule for the year. It will also permit WTC to continue to support other non-profit organizations in Winters and to be good stewards of the Community Center.

Since fifty percent of our audiences are from out-of-town and many of them avail themselves of Winters' restaurants and other venues at our productions, we generate sales tax dollars for the City. In this regard, WTC will continue our efforts to encourage visitors spend time and money in Winters.

I have attached a check in the amount of \$3,500.00.

Thank you for your support and assistance in this matter.

Sincerely,

Howard M. Hupe
Board of Directors
Winters Theatre Company

Mr. John Donlevy
City Manager, City of Winters
318 First Street
Winters, CA. 95694

5 March 2010

Dear John:

In 1980, when the Winters Theatre Company was formed, at the request of the Winters Community Center Commission, the decision was made by that body to not have the new group pay facility fees, but rather to be good stewards of the newly built Community Center and to provide a service to the Winters community at large.

Since that time the theatre company has fulfilled that request in many ways. As stewards of the Community Center we have, since our inception, accomplished the following:

a. Provided the velvet stage curtains and proscenium drapes for the stage. This was done in conjunction with another local non-profit organization at a cost of approximately \$8000.00.

b. Provided the large velvet curtains to cover the large expanse of windows at the southern end of the Community Center at a cost of approximately \$7000.00.

c. Purchased 125 padded chairs for the Center for more comfortable seating at city and theatre events; twenty five of these were donated for use by the senior citizens. This was at a cost of approximately two thousand dollars.

d. Provided two replacement microwave ovens to the seniors.

e. Installed stage lights, dimmer pack, and manual control for lighting the stage area. These have been used over the years by hundreds of organizations that use the stage area for performances, conferences, and other meetings. At the request of the Commission, the theatre company did all of the necessary wiring and installation in conformance with City standards.

f. At the request of the City, covered the expense of mounting the loudspeakers permanently into the walls. Prior to this time, portable loudspeakers that gave barely satisfactory service were used for events.

g. Recently, at the request of the City, recarpeted the conference room at an approximate cost of five hundred dollars. This service also included new draperies for the room.

The above constitute only some of the major contributions made by the theatre company for the Community Center in our role as good stewards.

Additionally, the Winters Theatre Company has served as a venue for the many other organizations of our community in these ways:

a. As a fund raising source for local non-profit entities such as the Winters Educational Fund, the Friends of the Library, Winters Center for the Arts, Winters Soroptimists, and the Yolo Family Service Agency. We give the profits, above operating expenses, of a performance to these organizations.

b. Two years ago, aware that the local Ministerial Alliance was in financial need to provide food baskets to the needy of our community, the theatre company raised almost one thousand dollars as a donation for them.

c. Over the many years of the Chamber of Commerce annual citizen of the Year dinner, the theatre group has paid for the AFS students to attend this function and be recognized by the community.

d. For many years the theatre company has provided scholarships for needy students to participate in the Winters Youth Shakespeare Workshops. As concerns assistance to this local organization, the theatre company joined with it to obtain adequate lighting for their productions in the city park. We covered the costs of building storage containers for the lights.

e. The theatre company has consistently responded for requests from the Winters Rotary , the Chamber of Commerce, Winters Educational Fund, and other organizations for donated auction items.

f. Over the many years of operation our company has provided support in the form of costumes, lighting technicians, stage assistance, and personnel assistance to many local groups. This should include our support to the high school to pay for the construction of stage flats for its recent production.

g. It is safe to say that the Winters Theatre Company has provided more financial, administrative, and logistical support to other local organizations than any other similar entity in Winters.

h. Over fifty percent of our audiences come from out-of-town. Many of these patrons avail themselves of Winters' restaurants and other businesses before and after each show, thereby contributing to the local business economy.

i. Several years ago, the Winters Theatre Company was listed in "The 100 Best Small Towns in America" as a major cultural resource for Winters.

We are not a money-making organization, however. Our continuing major expenses are for rent for the storage of our equipment to a local person in the amount of three thousand six hundred dollars annually, liability insurance in the amount of two thousand dollars annually, royalty costs to produce a theatre production (this can range from five hundred to two thousand dollars), replacement lights at a cost of seventy dollars each, and other costs. As a rule, each production by the company results in approximately five to seven hundred dollars and that goes to initiate the costs of a new show.

If the Winters Theatre Company were required to pay for use of the Community Center on an hourly basis for rehearsal and production time, it would be financially impossible for us to continue operation and to continue our support of all other non-profit organizations, which are in dire financial conditions at this time.

We are, however, acutely aware of the financial situation facing the city of Winters as concerns the continuing operation of the Community Center. We wish to be part of the solution, not the problem. In this regards, the Winters Theatre Company would like to enter into discussions with the City to best determine how we can make an effective contribution.

Sincerely,

**Howard M. Hupe
Board of Directors
Winters Theatre Company**

Subj: **WCT 2011 Dates**
Date: Thursday, April 8, 2010 7:26:13 PM
From: GSHMH@aol.com
To: a.ahuja@sbcglobal.net, eliottl@penmakers.com, eyeatman@sbcglobal.net, gls@cal.net, gshmh@aol.com, jimhewlett@yahoo.com, jke@bryantweb.org, Journey73@sbcglobal.net, lh zglick@gmail.com, LJustus546@aol.com, starbase222@sbcglobal.net, tabsmash@yahoo.com, tlrost@ucdavis.edu

At the board meeting last night, I was asked to schedule dates for 2011. Following are the available dates:

March 27 - April 1 Tech week

April 2 - 10 Performances Fri. - Sun.

(Earlier March dates were not available)

May 15 - May 19 Tech week

May 21 - 28 Performance Dates

August 10 - 11 Main Hall

August 12 -- 20 Performance Dates Fri. - Sat.

Shakespeare in the Park

November 21 - 23 Tech Week (Nov. 24 is Thanksgiving)

November 25 - December 10 Performance Dates



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: July 6, 2010
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Dan Maguire, Housing Programs Manager *DM*
Dawn Van Dyke, Management Analyst *DVD*
SUBJECT: Authorize the City Manager to execute a contract with David Nelson Consulting to provide Economic Development Consulting Services for the State Community Development Block Grant ("CDBG") Program.

RECOMMENDATION:

Staff recommends authorization for the City Manager to execute a contract with David Nelson Consulting to provide the Program Administrator services for the CDBG Economic Development Business Assistance Program Loans. Also, authorization to execute subrecipient contracts with Sierra Economic Development Corporation (SED Corp) and Coastal Business Finance, as needed.

BACKGROUND:

The Winters City Council adopted Guidelines for Business Assistance Loan funded by the City of Winters with CDBG Funds with the passage of Resolution 2010-09 at the City Council meeting of February 16, 2010. At that meeting, Council also authorized staff to issue a Request for Proposal ("RFP") for the services of a qualified program administrator ("Administrator") who has experience in originating business loans and is familiar with state CDBG requirements.

Staff direct mailed the RFP to 10 Northern California consulting firms from a list provided by Patrick Talbott, CDBG ED Program Representative from the State of California, and received one proposal in response. After interviewing the respondent, staff believed he was qualified to carry out the requirements for administering the CDBG ED program.

Following State guidelines, staff wrote a letter requesting permission to proceed with Sole Source Procurement, which was granted.

FISCAL IMPACT:

The cost of using a Program Administrator will not impact the General Fund as the RFP specified the services would be funded from CDBG funds (program income and grants) as program delivery costs as allowed under the CDBG administrative cost guidelines.

ATTACHMENTS:

Proposal Scope of Work from David Nelson Consulting

Sole Source Approval letter from CDBG ED Program Representative

Proposal Scope of Work

A. Brief description of firm, contact person, address, and telephone number.

David Nelson Consulting (DNC) has been in operation since September 2008 and is owned and operated by David and Irene Nelson as sole proprietors. DNC focuses on assisting jurisdictions who are eligible to the Community Development Block Grant (CDBG) small cities and rural counties program. This assistance includes general consulting, grant preparation, and program implementation in both the General (housing) and economic development allocations. David Nelson has worked at the state, local, and private levels in both CDBG housing and economic development allocations, so his CDBG experience is varied and extensive.

B. Resumes of staff who will work on the CDBG project underwriting and application preparation, including qualifications of project implementation staff or sub consultants or financing experts.

DNC brings a team approach to this bid. DNC will provide the majority of the program operation to implement the City's loan programs. Two subcontractors will assist in operating the loan programs. The Sierra Economic Development Corporation (SEDCorp) will provide the loan closing and loan servicing. The underwriting will be accomplished by Coastal Business Finance (CBF). CBF has a long history in community development financial underwriting. Resumes for these parties are below:

DAVID NELSON CONSULTING (www.davidnelsonconsulting.com)

Grant Writing History (since 9/2008)

Funding Source	Jurisdiction	Topic	Amount	Year Awarded
CDBG, Economic Development	City of Nevada City	Business Lending	\$ 300,000	2009
CDBG, Economic Development	County of Nevada	Business Lending	\$ 300,000	2009
USDA, HPG	County of Mono	Housing Rehabilitation	\$ 48,794	2009
USDA, HPG	County of Nevada	Housing Rehabilitation	\$ 75,000	2009
CDBG, P/TA	County of Nevada	OTC Preparation	\$ 35,000	2009
CDBG, P/TA	County of Mono	Non profit Business & Marketing Plan	\$ 35,000	2009
CDBG General Allocation	County of Nevada	Public Works Assessments	\$ 800,000	2009
CDBG, P/TA	County of Mono	Walker Community Center Area Master Plan	\$ 70,000	2010
State Parks, Prop 84 Program	South Oroville African American Historical Society	Community Facility	\$5,000,000	Submitted March 2010 Pending
CDBG General Allocation	City of South Lake Tahoe	Housing Rehabilitation/FTHB, ADA retrofit to community center	\$800,000	In process

Program Operations

- CDBG Subcontractor to SEDCorp, a community development non-profit, Auburn, CA (March 2010-Present). Clients include:
 - City of Colfax CDBG Program Income Revolving Loan Accounts facilitator for Housing Rehabilitation and Business Lending.
- County of Nevada in two CDBG Over The Counter business loan applications:
 - Grocery Store, for approximately \$1 million (Nov 2009—Mar 2010, volunteer).
 - Manufacturing plant, for approximately \$1.5 million (Oct 2009—Present).
- County of Nevada: Implemented CDBG Business Loan Assistance Program (volunteer-2009).
- City of Nevada City: Cleared special conditions for City of Nevada City's Business Loan Assistance Program (2009).

General Consulting

- County of Nevada, CDBG Program: Housing (volunteer-2009).

Income Surveys

- City of Colusa: Conducting citywide CDBG income survey (Nov 2009--Present).
- Mono County: Conducted areawide CDBG income survey in support of a pending CDBG application, "Walker Community Center Area Master Plan" (Fall 2009).
- Nevada County: Conducted CDBG income survey for the Cement Hill Community Facilities District (Nevada Irrigation District) in support of successful CDBG public works application for Nevada County (Summer 2009).

Miscellaneous

- Investigated Indian affordable housing issue in relation to Owens Valley (Mono County). (2009)

PUBLIC SECTOR EXPERIENCE

David Nelson, History, Prior to 09/2008

- California Department of Housing and Community Development (HCD), Community Development Block Grant (CDBG) Program, Economic Development (ED) and Housing (HSG) Allocations, Program Representative.
- ED Program Representative to City and County jurisdictions (and their contracted consultants) eligible to the CDBG Program in Alpine, Colusa, El Dorado, Imperial, Inyo, Kern, Lassen, Mono, San Luis Obispo, Santa Barbara, Trinity, and Tulare Counties.
- (HSG) Program Representative to City and County jurisdictions (and their contracted consultants) eligible to the CDBG Program in Alpine, Amador, Fresno, Inyo, Lassen, Merced, Modoc, Mono, and Yuba Counties.
- (ED) Over the Counter (OTC) Specialist. Updated OTC Notice of Funding Availability (NOFA) and Application publications. Coordinated state loan committee meetings. Assisted in presenting OTC workshops throughout the state. OTC Allocation awarded a total of \$7 million in 2007/08.
- (HSG) Lead-based paint (LBP) specialist. Compiled/edited/wrote Chapter 20, "Lead Based Paint" in the CDBG Grant Management Manual (GMM) which implements federal policies on LBP hazards in residences.

City of Winters

David Nelson Consulting Response to CDBG Economic Development RFP

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- (ED/HSG) Monitored jurisdictions for performance and compliance. Inspected project sites.
- (ED/HSG) Team participant in rating and ranking Housing, Enterprise Fund, and Planning Grant Allocations.
- (ED) Contributing editor for CDBG GMM, Chapter 15, "Economic Development" and Chapter 12, "Monitoring Checklists," Economic Development Section.
- (ED) Successful completion of National Development Council classes, ED 101, "Economic Development Finance" and Economic Development 202, "Real Estate Finance."
- (ED/HSG) Conducted workshops using PowerPoint on various CDBG topics at sites around the State.
- (ED/HSG) Wrote Management Memos for training notices or programmatic updates as required.
- (ED/HSG) Reviewed and approved fund requests.
- (ED) Reviewed and approved revolving loan requests. Provided technical assistance on revolving loan programs.
- (ED/HSG) Cleared special conditions for grants awarded in assigned jurisdictions.

Nevada County Housing Division, Senior Analyst

- Secured over \$4 million in grant funds, representing over \$400,000 in administrative funds.
- Labor Standards Coordinator for a \$250,000 CDBG Program Income tenant improvement project.
- Technical advisor to staff and management on the CDBG program in the following areas: Procurement, Grant Strategy, Housing Rehabilitation, Program Income, Labor Standards, Program Monitoring, Citizen Participation, and Lead-Based Paint.
- Assisted in implementing housing and economic development revolving loan accounts.
- Created and/or modified program guidelines for:
 - CDBG Enterprise Fund Business Assistance Loan Program
 - HOME Rental Deposit Program
 - CDBG Housing Rehabilitation Program
 - HOME First Time Homebuyer Program
 - CDBG Program Income Reuse Plan
- Cleared special conditions for:
 - HOME grant 04-HOME-0747, First Time Homebuyer Program
 - CDBG Enterprise Fund grant 04-EDBG-1029, Business Assistance Program
 - CDBG housing rehabilitation activity in CDBG grant 05-STBG-1577
 - CDBG public works activity in grant 05-STBG-1577.
- Assisted in the procurement process for the Mixed-Use Study, CDBG planning grant 03-PTAA-0046.
- Finalized the Penn Valley Community Feasibility study for CDBG planning grant 01-STBG-1755.

Irene Nelson, Prior to 09/2008

- University of California, Davis School of Medicine (UCDSM)
 - Administrative manager of the Otology Research Laboratory for seven years. Purchased lab supplies and equipment. Managed a faculty and resident research library.
 - Assisted the Department Chair in the preparation and administration of multi-year, multi-million dollar federal research grants.
 - Managed budgets and met the grant cycles and reporting deadlines for National Institutes of Health grants, and smaller grants from other funding sources.
 - Wrote and distributed a monthly departmental newsletter for Northern California otolaryngologists and coordinated faculty publications in peer-reviewed journals.
 - Coordinated nationwide meetings for an otology research trust fund.
- Owned and operated Irene Nelson Transcription for five years, providing quality medical transcription services for physicians in Northern California.

SEDCORP ******(<http://www.sedcorp.biz/content/about-us>)

The Sierra Economic Development Corporation (SEDCorp) is a private, non-profit organization devoted to supporting the economic development of the rural communities north and east of Sacramento.

Formed through a joint powers agreement by the counties of El Dorado, Placer, Nevada and Sierra in 1969, SEDCorp provides service in three primary program areas. First, SEDCorp supports local jurisdictions in their economic development efforts, providing expertise often lacking in small local governments. SEDCorp works with those jurisdictions to secure grant funds from a variety of sources for high priority projects.

Second, SEDCorp supports the region's businesses with a variety of training events ranging from single-subject sessions on such topics as bookkeeping and local business resources to intensive three-day business "boot camps," to teach the fundamentals of sound business planning from inception to retirement.

Third, SEDCorp is a small business lender. SEDCorp provides a number of loan products sourced from the U.S. Small Business Administration (<http://www.sba.gov/>) and the Department of Agriculture (<http://www.cdfa.ca.gov/>) to a service area that extends across all the counties touching the border with Nevada from Sacramento to Oregon. The loan programs SEDCorp offers are the: SBA Microenterprise Loan program, AG-Express Loan program, and the Rural Revolving Loan Program

COASTAL BUSINESS FINANCE (CBF)*

(<http://www.coastalbusinessfinance.com/index.html>)

Coastal Business Finance is a non-profit corporation, licensed and certified by the U.S. Small Business Administration to provide California businesses with low-cost, long-term financing.

CBF, like 250 similar non-profit organizations throughout the country, is chartered by the Federal Government as a Certified Development Corporation (CDC). Founded in 1982, CBF's public

City of Winters

David Nelson Consulting Response to CDBG Economic Development RFP

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purpose organization has successfully financed over 200 business expansion projects. CBF has an active Board of Directors and a membership of forty representatives from community organizations, businesses, government and private sector institutions; all committed and supportive of the growth of small businesses in California.

In 1997, the National Association of Development Companies, NADCO, recognized CBF's development company as the fastest growing CDC in the Western United States. In 1998 the SBA designated the CDC as an "Accredited Lender Provider," in recognition of the corporation's excellent underwriting and loan packaging.

C. Consultant's experience in CDBG business assistance loan processing and obtaining state/HCD approval of loan.

Prior to establishing DNC, David Nelson was employed at the State CDBG program as a senior representative in the Economic Development Allocation. In this capacity he had a caseload of jurisdictions (counties and cities) at various locations within the state. His duties included:

- Providing advice to jurisdictions on the information to submit with an appropriately documented loan package to the CDBG Program for review and approval.
- Reviewing the loan packages for approval and funding.
- Participated in the Enterprise Fund loan checklist revision.
- Over-the-Counter (OTC) specialist: These duties included assisting in the training for the OTC loan applications, participating in OTC loan applications, assisting in OTC loan reviews, and updating the OTC Notice of Funding Availability (NOFA) releases.

As a private consultant, DNC has assisted the County of Nevada in implementing their Enterprise Fund loan program on a volunteer basis, which resulted in one successful loan and one pending. Additionally, DNC has assisted with two OTCs with the County. For one OTC project that was done on a volunteer basis, it is estimated over 200 hours were expended in this assistance. The CDBG Program has recently determined that this project needed additional information prior to moving forward to an application. The second OTC was nearing the end of the application process when the business decided to withdraw from the process altogether and seek other funding.

Currently, DNC is a subcontractor with SEDCorp to implement the City of Colfax's CDBG Program Income Microenterprise Assistance Program. These duties include updating the City's Program Income Re-use Plan, in which a second business lending revolving loan account will be created (job creation), updating and creating appropriate guidelines for program operations, and assisting in the public hearing required for these changes and updates. DNC is working with five applicants who are at the beginning stages of the loan application process.

D. Description of experience in CDBG Enterprise Fund application preparation.

As a state employee, Mr. Nelson worked in the CDBG Economic Development Allocation for two years. In this capacity, he participated in the CDBG Enterprise Fund trainings held at various locations around the state. Additionally, he participated in several rounds of reviewing Enterprise Fund applications. Prior to working in the Economic Development Allocation, Mr. Nelson had worked over three years in the General Allocation, in which he participated in a

numerous rounds of application reviews, assisting in evaluating hundreds of CDBG grant applications.

As a grant writer (Nevada County and DNC), Mr. Nelson has been successfully secured four Enterprise Fund grants, totaling \$1.1 million. Of these grants, \$900,000 was for business lending (job creation) and \$300,000 was for a microenterprise loan program. These represent approximately \$82,000 in general administration and \$150,000 in activity delivery funds.

E. Examples of knowledge and skills in business assistance networking, contact development, and marketing ability for local government.

While working as a senior analyst for the County of Nevada, Mr. Nelson observed how the Housing Division sought networking liaisons as a strategy for successful program implementation. The County secured liaisons with local stakeholders, which included a local bank, SEDCorp and chambers. As a private consultant, DNC echoes that same strategy, as evidenced by the composition of this bid response. Rather than trying to become an expert in the whole process, DNC has gathered experts in various aspects of the community development lending industry to form a composite bid, one that DNC feels is competitive in quality and depth of experience. DNC has the depth of knowledge in CDBG operations on both the Economic Development and Housing Allocations. SEDCorp is an expert in lending funds and as a matter of course, conducts loan closings and servicing as part of its daily services. Coastal Business Financing provides underwriting as a central service for their business operations and has specific experience in CDBG loan underwriting.

DNC's approach to marketing a CDBG loan program is a continuation of the liaison strategy indicated above, in that a majority of CDBG loan clients are those who are referred. These referrals may be from a conventional lending institution that has rejected the applicant, or a referral from a government entity that has knowledge of the benefits of the CDBG loan program.

F. Knowledge and experience in technical assistance working with businesses, application intake, commercial underwriting, CDBG underwriting, business assistance loan processing, financing, and coordinating loan processing and application submittal.

As an analyst working for Nevada County, Mr. Nelson participated in establishing and operating the CDBG loan program. The Housing Manager was the lead on implementing the loan program, and Mr. Nelson's duties were primarily to assist the manager and provide feedback on the process.

As a private consultant Mr. Nelson has been working the past 18 months with both the CDBG OTC and business lending programs for Nevada County. Again, DNC's role in these efforts were to assist the Housing Manager in many aspects of implementing the loan programs. Mr. Nelson's duties included:

- Provide direct liaison with the business owners and/or other business officers.
- Provide liaison with the jurisdiction and CDBG program throughout the process.
- Gather and organize the various financial and other required loan information
- Liaison with the program underwriter to provide guidance on the CDBG process.
- Assemble and submit loan package to the CDBG Program.

While DNC does not provide direct underwriting services, it provides coordination and works with the underwriter to ensure that the CDBG underwriting guidelines are followed. As a state employee, Mr. Nelson worked with the state consultant for the CDBG Program with the OTC underwriting review process. Additionally, Mr. Nelson has successfully taken two National Development Council classes, ED 101, "Economic Development Finance" and Economic Development 202, "Real Estate Finance." As a result, he has familiarity with underwriting principles and practices.

Mr. Nelson has worked on "both sides" of the loan review process. As a state employee, he reviewed loan applications and provided feedback on the missing elements. As a county employee and private consultant, Mr. Nelson has worked on loan applications to gather and assemble documents to submit loan packages to the CDBG Program for review and approval.

G. Three references who have knowledge of consultants' recent work.

- Mary Booher, Financial Analyst, Mono County Administration: (760) 932-5583
- Kyle Thompson, Housing Manager, Nevada County: (530) 265-7256.
- Jan McClintock, City Manager, City of Colusa: (530) 458-4740.

H. Proposed schedule of work and phased milestones for completion, based on the City receiving a release of funds once existing program income has been expended.

[Note: In an email from Dan Maguire, dated 3-26-10, Mr. Maguire instructed that this question be "predicated more on...description of experience in enterprise fund application preparation."]

If DNC were to be the contractor to implement a successful Enterprise Fund Application, the first steps would be to clear special conditions (finalizing the guidelines, assisting the City with the NEPA, etc.) within the time allotted in the Standard Agreement. Frequently, the timeframe given by the state is more than adequate, and often clearing special conditions may begin after the award letter, but only with approval by the CDBG Program to incur costs prior to contract execution.

After clearing the special conditions, DNC would ensure that the proper loan program infrastructure would be in place when the funds are released. This would involve establishing or refreshing the local liaison connections, largely for marketing and referrals. Banks, chambers of commerce, public agencies and other local officials would be marketed and updated on the status and availability of these funds. Additionally, the local loan committee members would be secured and trained, and the forms customized for the City.

The timeline for these is as follows:

- Special Conditions: To be pursued immediately after the award letter and by permission from the CDBG Program to incur costs prior to the contract execution.
- Final Program Set-up: After special conditions are cleared, with the aim to finalize the program infrastructure system by the time the Standard Agreement is executed.
- Expenditure milestones: A good faith effort will be made to meet the milestones as indicated in the Standard Agreement. Conditions outside the consultant's and City's

control may hinder completion of the milestones, i.e., improved economy, lack of applicants willingness to undergo CDBG loan application process, etc.

- Reporting: Reporting will be accomplished as per the required deadlines.
- Grant closeout: As indicated in the CDBG Grants Management Manual and other CDBG guidance.

I. Proposed fix-price cost of underwriting and preparing a CDBG OTC application and/or a CDBG PI application. Fixed cost for preparation of CDBG Enterprise Fund application. Cost shall be based on a total budget limit not to exceed allowable activity delivery fees. Please include a schedule of charge rates for each employee of the consultant working on the City's programs. The fix-price cost will be negotiated upon selection of contractor.

- OTC Grant Application Preparation: No bid. Having worked on OTCs at the state and private level extensively, Mr. Nelson strongly suggests that due to the specialty nature of this skill set, that should an OTC application opportunity arise, the City bid it out separately.
- Enterprise Fund Grant writing cost: \$3,500 flat fee.
- Enterprise Fund/Program Income revolving loan account set up and operation. This includes underwriting by CBF* and loan closing by SEDCorp**, but not loan servicing: Not to exceed 3% General Administration and 11.5% Activity Delivery. Program operation is invoiced at \$85/hr. Reporting is invoiced at \$55/hr.
- Loan Servicing**: To be provided by SEDCorp and billed at an approximate hourly rate of \$75/hr for loan specialist and \$125/hr for SEDCorp President (if required for repayment issues)
- CDBG General PI Operations. This includes regular reporting and annual public hearing set up:
 - Quarterly reporting: \$110 flat fee.
 - Annual report: \$220 flat fee.
 - Public hearing preparation: \$85/hr, and if a trip to the City is necessitated to present at the public hearing: \$650 flat fee.

Notes:

- *CBF: Coastal Business Finance requires to contract directly with the City via a subrecipient agreement.
- **SEDCorp will contract directly with the City via a subrecipient agreement.
- NEPA: DNC will provide CDBG guidance in relation to the NEPA documents but is not responsible to conduct the NEPA reviews.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF FINANCIAL ASSISTANCE
FEDERAL PROGRAM BRANCH
State Community Development Block Grant (CDBG) Program
Economic Development (ED) Allocation



1800 Third Street, Suite 330
P. O. Box 952054, MS 330
Sacramento, CA 94262-2054
(916) 552-9398
FAX (916) 319-8488

May 25, 2010

Dan Maguire, Housing Programs Manager
City of Winters
318 First Street
Winters, CA 95811

RE: Approval of Sole Source Procurement for Economic Development (ED) Business Assistance Program Operator on CDBG Program Income Revolving Loan Account.

Dear Mr. Maquire:

This letter documents the receipt of a written request for approval for sole source procurement of consultant services to implement the city new business assistance loan program using CDBG program income. The Department reviewed the City's request for permission to use sole source procurement for the above referenced ED program income activities. Based on the information provided in the package, the City's request for sole source procurement is approved.

Please make sure the proper procurement file is set up with full documentation of this process including this letter and additional procurement information (verify no on federal debarred list, proper insurance is in place, etc.). Use the monitoring checklist in Chapter 12 of the grant management manual to ensure the procurement file is complete and all the proper CDBG contract language is placed in the consultant's contract.

The Department looks forward to assisting in the implementation of this grant. Please call me at 916-552-9361 or e-mail me at ptalbott@hcd.ca.gov with any questions or comments about the information in this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Talbott".

Patrick Talbott
CDBG ED Program Representative

Cc: PI File
Dawn Van Dyke, Program Specialist



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers, Winters City Council
DATE: July 6, 2010
THROUGH: John W. Donlevy, Jr., City Manager *[Signature]*
FROM: John C. Wallace, City Attorney
SUBJECT: Solano County Water Agency Contract Amendment

RECOMMENDATION: Staff recommends approval.

BACKGROUND: The Solano County Water Agency has requested from the City (1) an encroachment easement to establish a staging area on City of Winters property at the site of the old aeration ponds. The staging involves filling in the ponds and bringing 35,000 cubic yards; and (2) an amendment to the original agreement between the Solano County Water Agency and City wherein the Solano County Water Agency provides services at Putah Creek Park to 2025. The corrected language satisfies the term requirements under the River Parkway grant, and may make another \$1 million in grant funding available.

ANALYSIS: Staff has done a CEQA review of the request. This amendment as to the staging area is part of the original project, on which a Mitigated Negative Declaration and Notice of Determination has already been made, both by the City of Winters as lead agency and by the California Department of Fish and Game on June 3, 2009 as part of the State of California's approval of the project and the issuance of the Stream Bed Alteration Permit in 2009. The project Notice of Determination was previously sent and reviewed by the State Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Parks and Recreation; Native American Heritage Commission; Office of Historic Preservation; Department of Fish and Game, Region 3; Department of Fish and Game, Region 2; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Caltrans, District 3. The project CH 2008042018, has already been permitted and

approved, and no further CEQA analysis is required. The project description is as follows:

The California Department of Fish and Game is executing Lake or Streambed Alteration Agreement number 1600-2009-0088-R2, pursuant to Section 1602 of the Fish and Game Code to the project applicant, Solano County Water Agency. This project will remove a percolation dam and use processed waste concrete to help fill margins of the channel in the pool immediately below the percolation dam. The south bank abutment and first segment of the dam on the south side may optionally remain if the budget does not allow for complete removal. The dam will be removed completed or to a depth of 15 feet below summer water surface elevation. Access will occur from an existing ramp on the south bank off of Putah Creek Road that leads to a three-acre staging area formerly used for water treatment aeration ponds (Putah Creek Flats). The former pond sites will be cleared and excavated to create fill to restore 210 linear feet of floodplain on the south bank of sufficient width to access the percolation dam as needed for heavy equipment and to provide continuity of the south bank floodplain from the Winters Car Bridge to Putah Creek Flats. The staging area will be used to store imported fill for subsequent channel realignment projects throughout Winters Putah Creek Park. The derelict percolation dam foundation will be demolished, processed to remove exposed rebar and the waste concrete will be placed along the toe of the banks in the pool below the percolation dam and capped with a minimum of three feet of clean fill. Gabion baskets may be used at the option of the contractor to place the waste concrete in the channel and would also be capped with a minimum of three feet of clean fill. Subsequent phases of the project will fill in the existing pool below the percolation dam and create a design channel through the future constructed floodplains. The project area consists of 1200 linear feet of channel below the current location of the percolation dam and 100 feet above the percolation dam, inclusive of the dam. The area of the dam is 150 long and 30 feet wide (4500 sf - 0.1 acre). The area of constructed floodplain along the south bank is 210 feet x approximately 20 feet depending on the volume of waste concrete incorporated into the base of the constructed floodplain - 4200 sf - 0.1 acre. The staging area on Putah Creek Flats including the access ramp is 3 acres. Total project area is 3.2 acres.

CONCLUSION: The amendments provide additional detail to the original permit and Agreement, and no further CEQA analysis or study is required.

When recorded mail to:

Rich Marovich
Solano County Water Agency
P.O. Box 349
Elmira, California 95625-0349

_____ Space above this line for Recorder's Use _____

Project: **RIPARIAN HABITAT RESTORATION, LOWER PUTAH CREEK**

County: **YOLO COUNTY**

AMENDED NOTICE OF UNRECORDED GRANT AGREEMENT

A Grant Agreement titled for reference purposes as **RIPARIAN HABITAT RESTORATION, LOWER PUTAH CREEK** (Agreement No. **WC-4009SC**), was entered into by and between the State of California, by and through the Wildlife Conservation Board (Board), Solano County Water Agency (Agency) and the City of Winters (City).

The Board, Grantee and City entered into said Grant Agreement (No. WC-4009SC), pursuant to which the Board granted funds to Grantee to perform certain activities on the certain real property in Solano County owned by the Landowner, to perform weed removal and riparian habitat enhancement, and the use of a closed aeration pond site as a staging area. The Grant Agreement term runs from **August 12, 2004**, beginning with capital improvements and restoration activities, and continues to June 30, 2025, for management practices. The terms, conditions and restrictions of the Grant Agreement are binding upon and inure to the benefit of the Landowner, and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running for the project life span of the project on the subject lands as described in Exhibit "A" hereto and incorporated herein by this reference. For additional terms and conditions of the Grant, reference should be made to the Grant Agreement which is on file with the Wildlife Conservation Board, 1807 13th Street, Suite 103, Sacramento, California 95814.

SIGNATURE OF GRANTEE (Solano County Water Agency)

By: _____ DATE: _____

SIGNATURE OF LANDOWNER (CITY OF WINTERS)

By: _____, Mayor DATE: _____

Attest: _____
NANCI G. MILLS, CITY CLERK

SOLANO COUNTY WATER AGENCY

AMENDMENT TO AGREEMENT FOR WEED REMOVAL AND RIPARIAN HABITAT
ENHANCEMENT
IMPLEMENTING WILDLIFE CONSERVATION BOARD
GRANT AGREEMENT NO. WC-4009SC

AMENDMENT NUMBER: 1

LANDOWNER: CITY OF WINTERS.

EFFECTIVE DATE:

PROJECT: LPCCCC Riparian Restoration

DESCRIPTION OF AMENDMENT:

1. Paragraph 2 of the existing agreement between the Solano County Water Agency and the City of Winters, attached and referenced herein, is hereby amended to add the following sentence at the end of the paragraph: "Permission shall specifically include the use of the closed aeration pond site as a staging area for fill for creek restoration consistent with the Winters Putah Creek Park Master Plan."
2. Paragraph 5 of the Agreement is amended to extend the Term of the Agreement to June 30, 2025 for River Parkway projects.

SIGNATURES:

Solano County Water Agency,
a Public Agency

CITY OF WINTERS.

By: _____

By: _____

Attest: _____
Nanci G. Mills, City Clerk

**AGREEMENT BETWEEN PROPERTY OWNER
AND THE
SOLANO COUNTY WATER AGENCY
ON BEHALF OF THE
LOWER PUTAH CREEK COORDINATING COMMITTEE
FOR
WEED REMOVAL AND RIPARIAN HABITAT ENHANCEMENT
IMPLEMENTING WILDLIFE CONSERVATION BOARD
GRANT AGREEMENT NO. WC-4009SC**

This AGREEMENT BETWEEN PROPERTY OWNER AND THE SOLANO COUNTY WATER AGENCY ON BEHALF OF THE LOWER PUTAH CREEK COORDINATING COMMITTEE FOR RESTORATION PROJECT ("Agreement") is entered into as of the ___ day of June, 2006 by and between the CITY OF WINTERS ("Owner") and the Lower Putah Creek Coordinating Committee represented by the Solano County Water Agency ("Agency").

1. Recitals.

A. Owner is the Owner of certain real property described in Exhibit "A" attached hereto and by reference made a part of this Agreement ("Property").

B. The Agency on behalf of the Lower Putah Creek Coordinating Committee administers a grant that provides public funding for restoration projects on public and private lands adjacent to Putah Creek with willing Owners who decide to participate.

C. The project, described in Exhibit "B", the Project Description, attached hereto and by reference made a part of this Agreement, hereinafter referred to as the "Project", has been specifically approved by the Owner, Agency and the Lower Putah Creek Coordinating Committee.

D. It will be necessary for Agency personnel, or persons performing under contract to the Agency, to enter upon the Property for the purpose of conducting the Project.

E. This Agreement provides for right of entry for the work to be done.

2. Grant of Permission. Subject to the terms and conditions of this Agreement, Owner hereby grants to Agency, its contractors, subcontractors and their employees, representatives and agents; and the employees of the Wildlife Conservation Board and the California Department of Fish and Game permission to enter the Property for the limited purpose of removing solid waste, controlling invasive weeds and habitat enhancement and verifying work performed on the Property as specifically set forth in the Project Description.

3. Scope of Work. By their signature on this Agreement, the parties have agreed to the Project Description, and that the work to be undertaken by the Agency is limited to the work set forth in the Project Description, described in Exhibit 'B'.

4. Limitations on Use.

A. Prior to each entry onto the Property, Agency shall provide at least seventy-two (72) hours notice to Owner, arrange for access and, if requested by Owner, allow oversight of all on-site activities.

B. Agency shall make reasonable effort to ensure that none of its activities on the Property unreasonably interferes with Owner's operations or use of the Property.

5. Term. The term of this Agreement shall commence on the date of execution and shall continue until August 12, 2014. If the Project is not completed by August 12, 2014 this Agreement shall terminate.

6. Payment. There shall be no payment made to Owner for this right of entry. All work in the Project Description will be done at Agency cost.

7. Conditions at Completion of Project. Upon completion of the Project, Agency shall remove all equipment and leave the Property in its condition existing immediately prior to the effective date of this Agreement to the extent reasonably possible, except for the work undertaken pursuant to the Project Description.

8. Permits and Compliance with Law. Agency shall obtain and maintain all governmental permits and approvals required for the activities conducted under this Agreement and shall comply with all statutes, ordinances, rules, regulations, orders and requirements now in effect or that become effective during the term of this Agreement applicable to its work to be undertaken pursuant to the Project Description.

9. Rights Limited. This Agreement is intended and shall be construed only as temporary permission to enter and conduct the activities of the Project on the Property and not as a grant of any real property or other rights to Agency in the Property.

10. Indemnification for Project Construction

During the term of this Agreement, and to the fullest extent permitted by law, Agency shall indemnify, defend, protect and hold harmless Owner and Owner's personal representatives, successors, and assigned (collectively, the "Indemnitees"), from and against any and all claims, demands, losses, proceedings, damages, causes of action, liabilities, costs or expenses (including, but not limited to, attorney's fees) caused by access to and activities on the Property conducted by Agency or its agents, representatives, employees, servants, contractors, subcontractors, sub-subcontractors, suppliers, licensees, invitees or anyone directly or indirectly employed by any of them or anyone for whose acts they may be liable, unless caused by the negligent or willful misconduct of Indemnitees. The provisions of this paragraph shall survive termination of the Agreement as to any actions covered by this indemnification occurring during the term of the Agreement.

Except as expressly provided above, upon termination of this Agreement Agency's obligation to indemnify Owner shall cease, and from that point forward, and to the fullest extent permitted by law, Owner shall indemnify and hold harmless and defend Agency, its directors, officers, employees, or authorized volunteers, and each of them from and against any and all claims, demands, causes of action, damages, costs, expenses, losses or liabilities, in law or in equity, of every kind or nature whatsoever for, but not limited to, injury to or death of any person and damages to or destruction of property of any person, arising out of or in any manner directly or indirectly connected with this Agreement, or Agency's action under this Agreement, however caused. Owner's obligation to indemnify Agency shall survive the termination or expiration of this Agreement.

11. Maintenance.

A. This Agreement shall not bind Owner to any future maintenance.

B. Agency's consent to undertake the work agreed to in the Project Description is a one-time obligation of the Agency, and imposes no continuing obligation on the Agency to maintain the work, or to repeat the work if the need arises in the future except as specified in the Project Description.

C. IN WITNESS HEREOF, Agency and Owner have executed two (2) original copies of the Agreement as of the date first referenced above.

"Agency"

SOLANO COUNTY WATER AGENCY

By: _____
David B. Okita, General Manager
Solano County Water Agency
508 Elmira Road
Vacaville

"Owner"

Yolo: 003-222-024
Yolo: 003-222-001
Yolo: 003-048-021
Yolo: 038-018-046
Yolo: 038-007-033

By: _____
John Donlevy

Parcel Numbers

EXHIBIT A – Property Description



Yolo County:

003-222-024: (Winters Community Center) North bank of Putah Creek from the centerline of the channel to the top of the bank from the Winters Car Bridge to the western edge of 003-222-001.

003-222-001: North bank of Putah Creek from the centerline of the channel to the top of the bank from the eastern edge of 003-222-024 (Community Center) to the western edge of 003-048-021.

003-048-021: North bank of Putah Creek from the centerline of the channel to the top of the bank from the eastern edge of 003-222-001 to the western edge of properties on Caselli Lane.

038-018-046 North bank of Putah Creek from the centerline of the channel to the southern boundary of properties on Creekside Way from the eastern edge of properties on Caselli Court to the western boundary of parcel 038-007-033.

038-007-033: North bank of Putah Creek from the centerline of the channel to the southern boundary of properties on Creekside Way from the eastern edge of parcel 038-018-046 to the western boundary of 038-007-012.

EXHIBIT B Project Description

This purpose of this project is to allow Agency to remove solid waste, remove and control invasive vegetation including Arundo, Himalayan blackberry, eucalyptus, tamarisk, domestic almond, tree-of-heaven and other non-native invasive weeds and to improve channel form and function where practical by restoring floodplains to functional elevation (two feet above low flow channel elevation) and sloping at a gentle grade from the toe of the bank to the low flow channel.

All herbicide applications will be made under the supervision of a licensed pest control operator using aquatic-safe herbicides and application methods. Disturbed sites will be treated to prevent erosion and planted to native vegetation.

The project also includes fish habitat enhancement consisting of two rock weirs, a w-weir at the riffle 210 feet below the percolation dam and a cross vane beneath highway 505. Rock weir construction will be supervised by a fluvial geomorphologist. The area upstream of the rock weirs will be filled with coarse gravel to enhance salmon spawning habitat.



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: July 6, 2010
FROM: John W. Donlevy, Jr., City Manager 
SUBJECT: Designation of a Voting Delegate and Alternates for the League of California Cities Annual Conference

RECOMMENDATION: That the Council designate a voting delegate and up to two alternates to vote at the Annual Business Meeting at the League of California Cities Annual Conference.

BACKGROUND: An Annual Business Meeting is held as part of the League of California Cities Annual Conference each year to consider and take action on resolutions that establish League policy. This year the business meeting will take place at 3:00 p.m. on Friday, September 17, 2010 at the conference in San Diego.

The League's bylaws require that the Council take action to designate the voting delegate and the alternates. It is also required that the voting delegate and alternates be registered to attend the conference. Currently Council Members Cecilia Aguiar Curry and Harold Anderson are registered to attend the conference. Correspondence from the League of California Cities is attached detailing the Annual Conference Voting Procedures.

FISCAL IMPACT:
None.

Annual Conference Voting Procedures 2010 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

2010 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Friday, August 20, 2010. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail _____

Mayor or City Clerk _____ Phone: _____
(circle one) (signature)

Date: _____

Please complete and return by Friday, August 20 to:

League of California Cities
ATTN: Mary McCullough
1400 K Street
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: mccullom@cacities.org
(916) 658-8247



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: July 6, 2010
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nanci G. Mills, Director of Administrative Services
SUBJECT: Councilmember Liaison Assignments

RECOMMENDATION: Council Member Stone to be named the Primary Liaison for the Ten-Year Plan to End Homelessness Executive Committee, with Council Member Anderson to be named the Alternate Liaison.

BACKGROUND: Yolo County and the Cities of Davis, West Sacramento, Winters, and Woodland supported the creation of this Plan for Ending and Preventing Homelessness, because homelessness is a multi-faceted issue in our community that requires a coordinated, committed effort to address. Through the planning process, the communities learned about the efforts that are underway to end homelessness for Yolo County residents and the needs that are still unmet.

FISCAL IMPACT: None



Council Member	2009/2010 Liaison & Committee Assignment
Harold Anderson	City of Winters Budget Subcommittee City of Winters Park Planning Commission City of Winters Public Finance Authority City/County 2x2 Development Review Committee (Primary) LAFCO City Representative & Sub-Committee Member Lower Putah Creek Coordinating Committee (Primary) Planning Commission Vacancy Selection Committee Sacramento Area Council of Governments (SACOG) (Primary) Ten-Year Plan to End Homelessness Exec Comm (Alternate) Winters Affordable Housing Steering Committee (Primary) Winters Economic Development Committee (Alternate) Winters Putah Creek Committee Yolo County Transportation District (Primary) Yolo-Solano Air Quality Management District (Alternate)
Tom Stone	Audit Committee per SAS 114 Budget Adjustment Committee - Fiscal Year 2007-08 Budget Overview Committee League of California Cities (Alternate) Lower Putah Creek Coordinating Committee (Alternate) Police/Fire/PW Facility Citing Committee Ten-Year Plan to End Homelessness Exec Comm (Primary) Winters Affordable Housing Steering Committee (Alternate) Winters Economic Development Committee (Alternate) Winters Fire District Consolidation Committee (Primary) Winters Public Finance Authority Yolo County Criminal Justice Cabinet Yolo County Visitor Bureau Representative Yolo County Habitat/Natural Gaining Ground (Primary)
Woody Fridae	Budget Subcommittee (Alternate) City/WJUSD 2x3 Development Review Committee (Alternate) E.A.R.T.H. Committee (Primary) Hispanic Advisory Committee (Alternate) Parks & Community Services Commission Planning Commission Liaison Rotary Park Planning Committee Winters Public Finance Authority Yolo County Transportation District (Alternate)

Cecilia Aguiar-Curry

Chamber of Commerce
Development Review Committee (Alternate)
Grant Avenue Commercial Project Committee
Hispanic Advisory Committee (Primary)
Industrial Area Assessment Committee
League of California Cities (Primary)
Parks & Community Services Commission
Planning Commission Vacancy Selection Committee
Rotary Park Planning Committee
Sacramento Area Council of Governments (SACOG) (Alternate)
Sacramento Metro Chamber of Commerce
Water Resources Association Board Member (Primary)
Winters Economic Development Committee (Primary)
Winters Public Finance Authority
Winters Swimming Pool Committee
Yolo County Comprehensive Economic Development Strategies
Yolo County Visitor Bureau Representative

Michael Martin

Audit Committee per SAS 114
Budget Adjustment Committee - Fiscal Year 2007-08
Budget Overview Committee
Chamber of Commerce
City/County 2x2
City/WJUSD 2X3
Development Review Committee (Primary)
Grant Avenue Commercial Project Committee
Industrial Area Assessment Committee
Winters Economic Development Committee (Primary)
Winters Fire District Consolidation Committee (Alternate)
Winters Public Finance Authority
Yolo County Children's Alliance
Yolo County Habitat/Natural Gaining Ground (Alternate)
Yolo County Visitor Bureau Representative (Alternate)
Yolo-Solano Air Quality Management District (Primary)

UPDATED: 6/23/2010