



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, September 21, 2010
6:30 p.m.
AGENDA

Members of the City Council

*Woody Fridae, Mayor
Cecilia Aguiar-Curry, Mayor Pro-Tempore
Harold Anderson
Michael Martin
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 Winters City Council Held on Tuesday, September 7, 2010 (pp 1-8)
- B. Amplified Sound Permit for Hispanic Advisory Committee Festival de la Comunidad (pp 9-11)
- C. Street Closure Request – Buckhorn Car Show (pp 12)
- D. Resolution 2010-50, a Resolution of the City Council of the City of Winters in support of Proposition 22 (The Local Taxpayer, Public Safety and Transportation Protection Act of 2010) (pp 13-16)

PRESENTATIONS

A Proclamation of the City Council of the City of Winters Honoring the Life of Frank A. Ramos for his Outstanding Service (pp 17)

A Proclamation of the City Council of the City of Winters Honoring the Winters Historical Committee (No Backup)

DISCUSSION ITEMS

1. Speed Control Options at Railroad Ave. and Russell Blvd. (No Backup)
2. Climate Change and Environmental Initiatives and Programs Update (pp 18-24)
3. Legal Services Agreement – Harriet Steiner (pp 25-29)
4. Supplemental Legal Services Review Committee (pp 30)

COMMUNITY DEVELOPMENT AGENCY

1. Resolution 2010-51, a Resolution of the Community Development Agency of the City of Winters in support of Proposition 22 (The Local Taxpayer, Public Safety and Transportation Protection Act of 2010) (pp 31-34)
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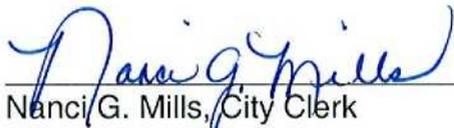
CITY MANAGER REPORT

INFORMATION ONLY

EXECUTIVE SESSION

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the September 21, 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 September 16, 2010, and made available to the public during normal business hours.



Nanci G. Mills, City Clerk

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Wednesday at 10:00 a.m.

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



Minutes of the Regular Meeting of the
Winters City Council
Held on Tuesday, September 7, 2010

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

Present: Council Members Cecilia Aguiar-Curry, Harold Anderson, Michael Martin, Tom Stone, and Mayor Woody Fridae.
Absent: None
Staff: City Manager John Donlevy, City Attorney John Wallace, Director of Financial Management Shelly Gunby, Housing Programs Manager Dan Maguire, Environmental Services Manager Carol Scianna, Associate Elliot Landes and Administrative Assistant Tracy Jensen.

Joe Tramontana led the Pledge of Allegiance.

Approval of Agenda: Mayor Fridae requested that Item #8, Update on Winters History Committee-Final Report, be moved to Discussion Item #1, moving all remaining items back one. Motion by Council Member Aguiar-Curry, second by Council Member Martin to approve the agenda with said changes. Motion carried unanimously.

COUNCIL/STAFF COMMENTS: Council Member Stone said the Winters Fire Department will be holding their annual All-You-Can-Eat Shrimp Dinner on October 9th. There will be 200 tickets available and they will go fast. The next Chamber Mixer, scheduled for Monday, September 13, is the Teacher Appreciation, which will be held at the Community Center from 5:30-7:00pm.

Council Member Aguiar-Curry said volunteers are needed for the Festival on Saturday, September 25, where volunteer hours can be earned. Youth volunteers will receive an Adidas soccer shirt. The League of California Cities will be holding their annual conference next Tuesday-Friday. She will be sitting on a panel regarding the TACN project.

Council Member Anderson attended a SACOG meeting, where he is on the Transportation and Land Use Plan committee. He will also be attending a

regular SACOG board meeting this week. In October, SACOG will be hosting 9 metropolitan transportation plan workshops and the public is invited to attend.

Mayor Fridae said there were a lot of Winters representatives at the Yolo County Fair Opening Gala event, but would like to see more of a City presence next year.

PUBLIC COMMENTS: None

CONSENT CALENDAR

- A. **Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, August 17, 2010**
- B. **Claim Against the City of Winters – Tomat’s California Cuisine**

City Manager Donlevy gave a brief overview. Motion by Council Member Aguiar-Curry, second by Council Member Martin to approve the Consent Calendar. Motion carried unanimously.

DISCUSSION ITEMS

- 1. **Update on Winters History Committee – Final Report – No Backup**

JoAnn Larkey said the Winters History Committee had created a goals and mission statement, amassed a collection of vintage photos, and collected donations. To date, the collection has been on display in eight different locations throughout Winters. While no City funds were used for the Winters History Project, the committee used the City's non-profit status. In December 2009, the Ad Hoc committee structure changed and the Winters History Committee was not eligible to use the City's tax deductible status. The Winters History Committee has received great public exposure with the help of the Winters Chamber of Commerce, Winters Friends of the Library, Winters Center for the Arts, Woodland Historical Society and the Yolo County Board of Supervisors to preserve and promote the history and heritage of Winters.

Ms. Larkey requested the Winters History Committee balance fund of \$725 be transferred to Yolo County Historical Society and indicated a special account has been set up at First Northern Bank. These funds will remain in Winters and managed by the committee. Ms. Larkey asked that special recognition be given to Jill Corson, who originally proposed a Winters Visitor’s Center where it is currently located on Main Street, and who also helped the committee develop their mission statement and was an integral part of the committee's activities.

Mayor Fridae said this praise and recognition is appropriate, but also added that Ms. Larkey is the backbone of the committee. Ms. Larkey said it has been a positive experience.

2. Appeal of the Planning Commission's Action to Find the Burger King, Arco Gas Station, AM PM Convenience Mart, and Truck Fueling Facility to be exempt from further CEQA review and approve the Conditional Use Permit, Site Plan/Design Review, Sign Permit for the Freeway Information Sign, and Variance to the Sign Ordinance – REQUEST FOR CONTINUANCE TO THE SEPTEMBER 21, 2010 CITY COUNCIL MEETING

City Manager Donlevy asked Council to consider staff recommendation to continue the above referenced item to a special meeting to be held on **Wednesday, September 29 @ 6:30 p.m. in Council Chambers**. The appellant's legal representatives are not able to attend a meeting on September 21 as originally requested. If the meeting were to be held on September 29, this would accommodate the appellants, their legal representatives, and City staff.

After verifying that all Council members would be able to attend, a motion was made by Council Member Stone and seconded by Council Member Aguiar-Curry to continue the above referenced item to September 29 @ 6:30 p.m. Motion carried unanimously.

3. Information Item – Update on Putah Creek Bridge Replacement, Project No. 01-05

Assistant City Engineer Alan Mitchell provided an update on the Putah Creek Bridge Replacement, Project No. 01-05, where MGE Engineering has contracted with the County for design and environmental services. A temporary bridge will be installed to the east of the existing bridge as previously approved by Council, where accessibility will be maintained during the construction of the new bridge. Within the designs there are traffic calming features for vehicles coming into Winters, ie: bulb outs, brick design @ Railroad & Russell intersection (identical to Main & Railroad intersection), and area to erect a monument, if desired. There are also plans to push back the Putah Creek Road intersection on the south side of the bridge.

Council Member Aguiar-Curry asked whether the belvederes on the new bridge will be on the west side or east side of the bridge? Mr. Mitchell confirmed they will be placed on the west side. City Manager Donlevy said that most of the trees depicted on one of the presentation slides of the completed bridge will be

removed, as many of them are rotting. The bridge will also be tweaked so that it points straight to the downtown.

Mr. Mitchell expects the construction for this project to go to bid in approximately 1 year, and construction is expected to last for 18-24 months. Council Member Stone asked if there was space on Putah Creek Road to create a Dan Martinez Memorial Park. Mr. Mitchell suggested the staging area. Council Member Stone asked about the inside curve on the creek side. Mr. Mitchell said he will provide dimensions of this area for future consideration. Mr. Mitchell said they would be diligent about notifying residents of the upcoming construction schedule.

Dan Mickel, 6 Russell St., asked about access from the bridge to Wolfskill Road, which is one way only. Mr. Mitchell will contact Mr. Mickel to discuss further.

4. Information Item – Update on Putah Creek Bridge Replacement - North Bank Improvements, Project No. 09-01

Assistant City Engineer Alan Mitchell provided an update North Bank Improvements for the Putah Creek Bridge Replacement, Project No. 09-01, which includes a pre-fabricated pedestrian bridge at the east end of the project as an add-alternative improvement. Due to existing Elderberry shrubs and the presence of federally-listed Valley Elderberry Longhorn Beetle, a conservation easement for mitigation-plantings is being pursued with Caltrans (State) and Fish & Wildlife Service (Federal.) The project will likely go out to bid in the Winter/Spring of 2011, with an anticipated start date of June 14, 2011. The City will receive \$1.6 million dollars (sponsored through Congressman Thompson's office), which are identified to implement a project that is tied to the bridge replacement project and will compliment those improvements. The remaining \$400,000 will be derived from park impact fees and non-general fund monies.

Council Member Anderson asked about an alternative material to be used for the 10' wood deck overlook to prevent fire/vandalism. Mr. Mitchell said he would present the question to the structural engineer. Council Member Aguiar-Curry asked if sealants on the concrete would be used. Mr. Mitchell said there are vandalism prevention coatings available.

5. Second Reading and Adoption of Ordinance 2010-06, an Ordinance of the City Council of the City of Winters Authorizing an Amendment of the CalPERS Contract

City Manager Donlevy gave a brief overview. Motion by Council Member Aguiar-Curry, second by Council Member Anderson to adopt Ordinance 2010-06, authorizing an amendment of the CalPERS contract in order to facilitate the

consolidation of the Winters Fire Department. Motion carried with the following vote:

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

6. Second Reading and Possible Adoption of Ordinance 2010-09, An Ordinance of the City of Winters, amending Chapter 17.96 (Alcoholic Beverage Establishments) of the Winters Municipal Code

Council Member Anderson and Mayor Fridae recused themselves due to a possible conflict of interest.

City Manager Donlevy gave a brief overview, stating the proposed changes to the Winters Municipal Code would eliminate the 200 feet separation barrier with specified businesses in the downtown area. City Attorney Wallace said no negative comments were received from the public or business owners since the introduction of the ordinance.

Motion by Council Member Martin, second by Council Member Stone to waive the second reading, read by title only, and adopt Ordinance 2010-09, amending Chapter 17.96 of the Winters Municipal Code pertaining to alcoholic beverage establishments. Motion carried with the following vote:

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

Council Member Anderson and Mayor Fridae returned to the dais at this time.

8. Second Reading and Possible Adoption of Ordinance 2010-08, An Ordinance of the City Council of the City of Winters, Extending the Medical Marijuana Dispensary Moratorium

City Attorney Wallace gave a brief overview. Motion by Council Member Aguiar-Curry, second by Council Member Martin to adopt Ordinance 2010-08, an urgency Ordinance extending the moratorium on the establishment and operation of medical marijuana dispensaries for an additional period of one year in order to

allow the City to continue to study the impacts of such uses, and make decisions regarding siting and zoning. Motion carried with the following vote:

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

Agency Chairperson Aguiar-Curry concurrently opened the meeting of the Community Development Agency at 7:45 p.m.

7. Almondwood Apartments Housing and Loan Agreement and Adoption of Joint Resolution No. 2010-48 (City Council) and Resolution No. 2010-49 (Community Development Agency) authorizing the City Manager/Executive Director to execute subordination agreements in conjunction with a Housing and Loan Agreement with Winters Almondwood, LP

Housing Programs Manager Dan Maguire gave an overview of staff recommendations and introduced Suzanne Brown of McDonough Holland & Allen. The City will be loaning \$300,000 to the project (through the CDA), and a 55-year affordability restriction will be put in place. Council/Agency Member Martin noted the City is 4th in the lien position. Mr. Maguire said this was due to the City being the smallest investor on the project. Council/Agency Member Anderson asked if the rehabilitation of apartments would be energy efficient. Mr. Maguire said that among the improvements, the HVAC would be extended beyond the living area, and the insulation would be brought up to R-30. There will also be substantial ADA upgrades as the ADA standards have increased since the apartments were constructed in 1983. The rehabilitation of the units will also meet the USDA Rural Development standards.

Mayor/Agency Member Fridae asked about the wording within the resolution pertaining to TCAC (California Tax Credit Allocation Committee.) Mr. Maguire said the language within the resolution gives the CDA Executive Director authority to approve the subordination agreements as needed. Suzanne Brown added that the language will also protect the City by maintaining the level of rent in the event the apartments are sold and added there will be no individual resale of the units.

Council/Agency Member Martin asked if affordable housing requirements will be met. Mr. Maguire said a revision to the inclusionary housing will actually exceed these requirements by producing more affordable housing than required.

Motion by Council/Agency Member Martin, second by Council/Agency Member Stone to adopt Joint Resolution 2010-48 (City Council) and 2010-49 (CDA)

authorizing the City Manager/Executive Director to execute subordination agreements in conjunction with a Housing and Loan Agreement with Winters Almondwood, LP for the acquisition and rehabilitation of the Almondwood Apartments. Motion carried with the following vote:

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

COMMUNITY DEVELOPMENT AGENCY

1. **Almondwood Apartments Housing and Loan Agreement and Adoption of Joint Resolution No. 2010-48 (City Council) and Resolution No. 2010-49 (Community Development Agency) authorizing the City Manager/Executive Director to execute subordination agreements in conjunction with a Housing and Loan Agreement with Winters Almondwood, LP. (See City Council Staff report for staff report documentation)**

This item was heard concurrently with Discussion Item #7.

CITY MANAGER REPORT: As Chairperson of the Yolo Managers Group, a meeting will be held regarding vicious dogs to advance the concept of a spay/neuter/chip program. This topic will also be brought up at the next 2x2 meeting with the County. There will also be a Countywide meeting in September or October, where they will be working on a Countywide proposal. The State legislation adjourned without adopting a state budget. They will reconvene in October, and with the election season coming up, there may possibly be a special session.

It is critical that the residents are aware of the importance of passing Proposition 22, the Local Taxpayer, Public Safety & Transportation Protection Act on the November ballot. The State has no regard for the State Constitution and its' failure to adopt a budget costs \$680/second.

City Manager Donlevy extended an invitation to Council for lunch to be held at the Fire House tomorrow, where BBQ ribs & chicken will be served, followed by a tour of the Public Safety Facility.

Council Member Anderson asked if Proposition 22 will be included on the next agenda. City Manager Donlevy replied yes. Mayor Fridae also requested a resolution for the Winters History Committee also be included on the next agenda.

INFORMATION ONLY: None

EXECUTIVE SESSION: None

ADJOURNMENT

Mayor Fridae adjourned the meeting at 8:10 p.m.

Woody Fridae, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council Members

DATE: Sept. 21, 2010

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

FROM: Dawn Van Dyke, Management Analyst 

SUBJECT: Amplified Sound Permit for Hispanic Advisory Committee Festival de la Comunidad

RECOMMENDATION: The City Council approve the Amplified Sound Permit for the Hispanic Advisory Committee Festival de la Comunidad on Saturday evening, Sept. 25, 2010 from 5-10 p.m. in Rotary park

BACKGROUND: The Winters Hispanic Advisory Committee is planning the fourth annual Festival de la Comunidad, with the third annual Carnitas Cook-off. The event date is Saturday, Sept. 25, from 5-10 p.m. at Rotary Park. Activities planned for the evening include dancing with music provided by a traditional Mexican Band. Attached is an Amplified Sound Permit application with signatures collected by committee members.

FISCAL IMPACT: None by this action.

Date of Application: July 22, 2010 To City Council: _____

Name of Person(s)/ Organization: City of Winters Hispanic Advisory Committee Contact: _____

Business Address: 318 First Street Telephone: _____

Winters, CA 95694

Telephone: 530-795-4910

Type of Event: Community festival of Carnitas Cook-Off

Purpose of Event: (ie; fundraiser, parade, festival, etc.): Festival

Date/Time of Event: September 25, 2010 From: 5 p.m. To: 10 p.m.

Location/Address of Event: Rotary Park
Railroad Ave. & East Main St.

Rated Output of Amplifier in Watts: 1000 Number of Speakers: 4

I have provided a list of and contacted all property owners adjacent to and within 300 feet of the event. Their approval of this event is indicated by their signature on the attached petition. Complaints about the sound will result in a warning and a request to reduce the volume. Additional complaints will result in the cessation of amplified sound. All amplified sound must be extinguished no later 10:00 p.m. pursuant to Winters Municipal Code Title VI; Chapter 7-Noise Control. Signing below certifies that all information contained within this application is correct. In the event that any of this information is found to be fraudulent, it may result in an automatic denial of this application.

Signature: _____

For City Use Only

Proof of Insurance: N/A (Not City Property) Yes No

Rental Fee Paid: N/A (Not City Property) Yes No

Police Department: Approved Denied Date: _____

Authorized Signature: _____

City Council: Approved Denied Date: _____

Authorized Signature: _____



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: September 21, 2010
FROM: John W. Donlevy, Jr., City Manager, 
SUBJECT: Street Closure- East Main St.- Railroad to Rotary Park Gazebo- Buckhorn Car Show

RECOMMENDATION:

That the City Council authorize a street closure on East Main Street between Railroad Ave. and the Rotary Park Gazebo for the extension of the Buckhorn Car Show on October 12, 2010.

BACKGROUND:

For the past two years, the Buckhorn Car Show has been held on the second Tuesday of each month. The popularity of the event brings hundreds of participants and spectators.

Because of its success and draw, the Car Show has reached maximum capacity for the core area of Main Street. On Tuesday, September 14, 2010, over 120 classic cars were packed on to Main Street and many were turned away. The event has reached maximum capacity!

Staff and organizers are requesting that East Main Street between Railroad Ave and the Rotary Park Gazebo be closed to allow additional area for the cars to park. The area is easily blockaded and detours are easily established through Elliot Street and the City Parking lots.

This request is for the completion of the 2010 Car Show year on October 12, 2010.

FISCAL IMPACT:

None by this action.



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council Members

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

FROM: Dawn Van Dyke, Management Analyst

SUBJECT: Resolution 2010-50 a Resolution of the City Council of the City of Winters in support of Proposition 22 (The Local Taxpayer, Public Safety and Transportation Protection Act of 2010)

RECOMMENDATION: The City Council approve Resolution Number 2010-50 A Resolution of the City Council of the City of Winters in support of Proposition 22 (The Local Taxpayer, Public Safety and Transportation Protection Act of 2010)

BACKGROUND: Over the past decade, the State of California's budget crises have led to increased raids of local funds by State legislators in an effort to balance the State's budget, not by making tough choices at the State level, but by raiding or "borrowing" local revenues. Such actions have impacted local governments' abilities to provide even basic services, including public safety and transportation improvements, to their citizens. In some cities, these raids have led to layoffs in some of the most crucial departments including police officers and fire fighters.

In 2009-10 alone, the City of Winters was subject to the State's "borrowing" \$781,448 in Redevelopment funds and \$111,396 in General Funds. In the current economic climate, with Winters' property tax revenues down over 10%, this raid has severely impacted the City's ability to provide services to the community. The Redevelopment take alone has all but halted the Community Development Agency's economic development activities in Downtown Winters including the Business Lease Assistance Program and Façade Improvement Program. The State's borrowing General Funds has further increased the budget deficit.

If these actions by the State are not halted, all local revenues could be at risk of being "borrowed" to solve the State's budget woes.

Proposition 22 seeks to close the loopholes that have allowed the State to raid Redevelopment and Gas Tax funds, to ensure that future raids of these, and possibly other local funds, are stopped and local governments' ability to provide services are not placed in further jeopardy.

Upon the City Council's approval of Resolution 2010-50, staff will fax a copy to the Yes on 22 Campaign and the City of Winters will be added to the growing list of its formal supporters.

FISCAL IMPACT: None by this action. Voter passage of Proposition 22 could protect the City from future raids by the State.

RESOLUTION 2010-50

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS IN SUPPORT OF
PROPOSITION 22
(THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT
OF 2010)**

WHEREAS, California voters have repeatedly and overwhelmingly passed separate ballot measures to stop State raids of local government funds, and to dedicate the taxes on gasoline to fund local and state transportation improvement projects; and

WHEREAS, these local government funds are critical to provide the police and fire, emergency response, parks, libraries, and other vital local services that residents rely upon every day, and gas tax funds are vital to maintain and improve local streets and roads, to make road safety improvements, relieve traffic congestion, and provide mass transit; and

WHEREAS, despite the fact that voters have repeatedly passed measures to prevent the State from taking these revenues dedicated to funding local government services and transportation improvement projects, the State Legislature has seized and borrowed billions of dollars in local government and transportation funds in the past few years; and

WHEREAS, the State has taken \$781,448 in Redevelopment funding and borrowed \$111,396 in General Fund revenues from the City of Winters adding to fiscal stress and structural deficit the City is facing during current difficult economic times; and

WHEREAS, this year's borrowing and raids of local government, redevelopment and transit funds, as well as previous, ongoing raids of local government and transportation funds have lead to severe consequences, such as layoffs of police, fire and paramedic first responders, fire station closures, stalled economic development, healthcare cutbacks, delays in road safety improvements, public transit fare increases and cutbacks in public transit services; and

WHEREAS, State politicians in Sacramento have continued to ignore the will of the voters, and current law provides no penalties when state politicians take or borrow these locally-dedicated funds; and

WHEREAS, a coalition of local government, transportation and transit advocates filed a constitutional amendment with the California Attorney General, called the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010, which will be on the November 2010 statewide ballot as Proposition 22; and

WHEREAS, approval of this ballot initiative would close loopholes and change the constitution to further prevent State politicians in Sacramento from seizing, diverting, shifting, borrowing, transferring, suspending or otherwise taking or interfering with tax revenues dedicated to funding local government services, including redevelopment, or dedicated to transportation improvement projects and mass transit.

THEREFORE, BE IT RESOLVED that the City Council of the City of Winters formally endorses Proposition 22, the Local Taxpayer, Public Safety and Transportation Protection Act of 2010, a proposed constitutional amendment.

BE IT FURTHER RESOLVED that we hereby authorize the listing of the City of Winters in support of Proposition 22, the Local Taxpayer, Public Safety and Transportation Protection Act of 2010, and instruct staff to fax a copy of this resolution to campaign offices at 916.442.3510.

PASSED AND ADOPTED this ___ day of _____, 2010 by the following City Council vote:

AYES:

NOES:

ABSTAIN:

Signed:

WOODY FRIDAE
Mayor, City of Winters

ATTEST:

NANCI MILLS
City Clerk, City of Winters



**A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF WINTERS
HONORING THE LIFE OF FRANK A. RAMOS
FOR HIS OUTSTANDING SERVICE**

WHEREAS, the life of Frank A. Ramos is being honored for his service to our country and for his years of involvement in the Winters community; and

WHEREAS, among his many contributions, Frank honorably served in the U.S. Marines during WWII in the 6th Division, serving in the Pacific; and

WHEREAS, Frank also farmed apricots, peaches, almonds and walnuts until 1977; afterwards he went into real estate sales until he retired; and

WHEREAS, Frank served this community by being a member of the Lions Club of which he served as president "more times than can be remembered," says family members; and

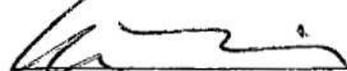
WHEREAS, Frank was also committed to being a member of the Masonic Lodge, American Legion, and Elks; and

WHEREAS, Frank's love for football was shown through his dedication to the Winters High School football team; he attended and filmed every game for the team; he also organized the Warrior football banquet for at least 50 years;

WHEREAS, Frank was a dedicated, committed, serving, loving and generous man, who touched many lives;

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Winters that the life of Frank A. Ramos is hereby recognized and his outstanding service to his country and the community will be remembered with much gratitude.

PROCLAIMED this 21st day of September, 2010.



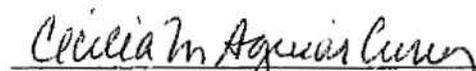
Mayor Woody Fridae



Councilmember Harold Anderson



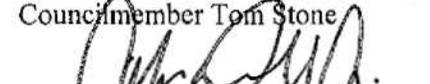
Councilmember Michael Martin



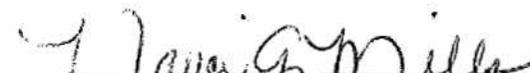
Mayor Pro Tem Cecilia Aguiar-Curry



Councilmember Tom Stone



City Manager John W. Doble, Jr.



ATTEST: City Clerk Nanci G. Mills



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: September 21, 2010
FROM: John W. Donlevy, Jr., City Manager. 
SUBJECT: Climate Change and Environmental Initiatives and Programs Update

RECOMMENDATION:

That the City Council receives an update on key policies and programs of the City related to climate change and initiatives which are meant to benefit the environment.

BACKGROUND:

The Winters General Plan was adopted on May 19, 1992. The purpose of the General Plan was to create a plan that meets the requirements of State law while reflecting the key policy needs of the City. Key policies of the General Plan include, but are not limited to, land use, transportation, economic development and the environment.

"Climate change" as a specific or distinct topic was not mentioned in the 1992 General Plan; however, the related topics of pedestrian-friendly land use and design features, transportation and circulation, energy efficiency, air quality, and waste management were addressed and are prominent in the General Plan. The existing General Plan includes the following policies relevant to this topic:

- Urban limit line (Policy I.A.2)
- Jobs housing balance (Policy I.A.6, I.E.2)
- Pedestrian and bicycle orientation (I.A.8, III.G.1 – III.G.6, VIII.A.4, VIII.B.1 – VIII.B.3, VIII.C.3)
- Infill and reuse (Policy I.B.2, I.B.5, II.B.1 – II.B.6)
- Interconnected grid streets and alleys (Policy III.A.9, VIII.C.2)
- Transit (Policy III.B.1, III.B.2, III.B.3)
- Trip reduction (Policy III.C.1, III.C.2, III.C.3, III.C.4)
- Protection of habitat (Policy VI.C.1 – VI.C.10, VI.D.1 – VI-D.9)

- Protection of air quality (VI-E.1 – VI.E.11)
- Energy conservation (II.C.1, II.C.2, VI-F.2 – VI.F.5)
- Emergency response (VII.D.1 – VII.D.4)
- Open space (VIII.A.6)
- Tree canopy (VIII.D.1 – VIII.D.6)

These policies are effective in reducing GHGs and minimizing impacts from climate change.

Adopted in 2006, Assembly Bill 32 established the Global Warming Solutions Act of 2006, which requires the State to reduce greenhouse gases (GHGs) to 1990 levels by 2020. GHGs have been found to contribute to global warming/climate change and associated environmental impacts. In 2008, State Bill 375 was adopted to tie together regional transportation planning and regional housing needs allocation in an effort to reduce GHG emissions through motor vehicle trips.

In recent years, the City of Winters has made great strides in participating in and implementing programs and policies which have worked to advance initiatives to stave off negative impacts of climate change. The topical areas of these programs and policies are as follows:

- Yolo Climate Compact
- Transportation and Land Use
- Economic Development
- Energy Efficiency and Conservation
- Renewable Energy
- Solid Waste Management
- City Initiatives for the Future
- Cumulative Greenhouse Gas Emissions

This report is meant to provide an overview of these programs and policies.

Yolo Climate Change Compact

The Yolo County Climate Compact is a county-wide partnership of municipalities, school districts and other agencies that meet regularly (bi-monthly) to share resources, information and ideas about climate change. In 2008, the Winters City Council passed Resolution 2008-27 joining the Yolo County Climate Compact. As a member of the partnership, the City of Winters attends the bi-monthly meetings to discuss climate-related activities with other Compact members. Meetings have often included guest speakers who have expertise in various fields related to climate change. Presentations also include information on funding sources and updates on legislation, including AB 32 and SB 375.

Through its membership in the Climate Compact, the City has initiated the following:

1. **Climate Registry:** The City is registered with the Climate Registry. Working with an intern from UC Davis, the City has determined its GHG baseline. Energy usage data for City operations including electricity use and fuel use is entered into the Registry's system to establish the baseline levels. Once verified, this baseline may be used as the starting point for a formal Climate Action Plan that will include strategies to reduce GHG emissions in various sectors.
2. **California First:** The Climate Compact joined forces with Sacramento County to apply for Energy Commission Funds for the California FIRST program. Federal ARRA funds were awarded for the AB 811 based program that would allow homeowners to finance energy efficiency improvements including, but not limited to, solar panels through a lien on their property tax bill. Unfortunately, Fannie Mae and Freddie Mac refused to allow their mortgage holders to participate in the program. The California FIRST program is now on hold until this issue is resolved.
3. **Yolo Energy Watch** The Climate Compact members have also formed the Yolo Energy Watch. The purpose of the Yolo Energy Watch, with funding from PG&E, was to provide additional outreach, publicity, education on energy efficiency programs offered by PG&E. The group is also seeking to fill gaps in services that are not already provided through other programs.

It is expected that as regulations for AB 32 and SB 375 are adopted, the Climate Compact will work on additional programs and projects to advance the overall goals of reducing greenhouse gas emissions.

Transportation and Land Use:

The City recognizes the connections between land use and greenhouse gas emissions. . In order to stave off these effects, the City has implemented the following land use and planning initiatives:

1. **General Plan:** The 1992 General Plan is a progressive document, which includes numerous policies to help reduce greenhouse gas emissions. The Natural Resources Element includes policy directives which focus on water quality, agricultural sustainability, habitat, riparian and ecosystems, air quality and energy efficiency. Other element policies work to improve the environment through land use, traffic and more effective use of resources to improve the livability of the community and better the climate.
SACOG Blueprint: The City was an active participant in the establishment of the SACOG Blueprint, which has become a model for the nation in regional planning. The City has adopted a footprint per the Blueprint and has participated as a member of the Board of Directors, subcommittees and grant programs to implement the policy objectives. In 2009, the City of Winters was recognized with SACOG's highest award for smart growth

planning with the Blueprint Excellence Award.

2. **Downtown Master Plan:** In 2007, the City and its Community Development Agency adopted a comprehensive plan for the redevelopment of the Downtown. The focus included mixed use development, shared parking, bike and pedestrian oriented facilities and smart design.
3. **Form Based Code:** In 2009, the City became one of the first municipalities to adopt a "Form Based Code" which promotes effective design, smart planning, mixed uses and pedestrian oriented development within the Downtown Core. The code allows higher densities than previously anticipated.
4. **Bike and Pedestrian Master Plan:** In 2002, the City adopted a bike and pedestrian master plan. The City wide plan focuses on connectivity throughout the City, linking residential, business, schools and recreational areas.
5. **Putah Creek Park Master Plan:** In 2008, the City adopted a revised plan for the enhancement of the Putah Creek Park riparian area. This includes extensive environmental restoration, recreational facilities, habitat restoration and water quality initiatives.
6. **Economic Development Programs and Strategies:** The greatest threat of Winters with regards to green house gases and climate change is the fact that this is a bedroom community. Most residents leave town each morning and drive a minimum of 15 miles to employment centers. Job creation to balance housing in Winters is seen as a critical means of reducing commuting. The City Council has discussed and provided direction on a comprehensive economic development strategy to bring jobs, work within the region to develop "green" jobs and to begin enhancing the jobs/housing balance within Winters.
7. **Right to Farm:** The City has an adopted "Right to Farm" Ordinance which protects the rights of farms and ranches to continue operation and promotes sustainability for this established agricultural industry.
8. **Habitat Conservation Program:** The City of Winters is the only jurisdiction in Yolo County to have its own habitat conservation policy. This is to advance conservation within a sphere near Winters for the benefit of the community and local habitat.

The City has also advanced transportation related projects and programs to maximize flow and non-vehicle alternatives within Winters. These projects and programs include:

- **Grant Ave Access Study/Pedestrian Safety Study:** From 2004-2005, the City advanced traffic studies and programs to enhance circulation on City streets. This has resulted in the consideration of roundabouts, traffic calming and the consideration or alternative street widths and configurations within the City.
- **Caltrans Complete Streets:** Winters is one of the first California communities to advance the concepts of Caltrans "complete streets" for the Grant Avenue/SR 128 corridor. Through a number of public workshops coupled with technical expertise, the project team has

developed a conceptual preferred plan for the corridor that will improve traffic flow, enhance pedestrian safety and reduce vehicle use within the community.

Energy Efficiency:

The City has made energy efficiency a high priority for both City operations and new development within Winters. Key examples include:

1. **City Facilities Review:** In 2010, the City completed a comprehensive review of its facilities for energy utilization and has implemented lighting and HVAC improvements as part of its ongoing plan to increase efficiencies, save money and reduce its overall impact on climate change.
2. **Energy Star Standards for New Development:** Through development agreements, all new development projects in Winters are required to meet the federal "Energy Star" Standards which provides almost 25% greater efficiency than current Title 22 Standards. This requirement has been placed on all of the current 700 units that are entitled within the City.
3. **Water/Wastewater System Master Plans:** Since 2005, the City has updated its Water, Sewer and Wastewater Treatment Master Plant Master Plans. Key aspects include upgrades in the overall efficiency of operations which reduces energy consumption for each of these utilities.
4. **City's Smart Fleet:** Almost 30% of the City's pool vehicle fleet are either electric or hybrid vehicles.

Renewable Energy:

The ability to reduce the reliance on fossil fuels and increased use of renewable sources of energy are viewed as a key to reducing the impacts on climate change. The City has implemented the following project and initiatives:

1. **Solar in New Development:** Through Development Agreements, 50% of the two largest subdivisions entitled will be solar homes. One hundred percent of all new subdivision homes built are required to be "plumbed" for solar and offered as an amenity.
2. **Wastewater Treatment Facility Solar Field:** In 2010, the City began operation of a 2.3 megawatt solar field which supports and supplies energy to the wastewater treatment facility.
3. **Solar Initiatives in Facilities:** The City is currently exploring the installation of solar power for both the Bobbie Greenwood Swimming Complex and the future Public Safety Facility.

Solid Waste:

In 1994 and pursuant to AB 939, the City adopted solid waste reduction elements to its General Plan to reduce the amount of solid waste flowing into landfills. The City has achieved dramatic success. Throughout the years, the City has implemented the following programs:

- Residential, industrial and commercial green waste collection.
- Residential, industrial and commercial mixed recycling programs.
- Household hazardous waste and e-waste collection.
- Used oil and tire collection.
- Mandated construction waste recycling
- Universal waste collection including white goods, batteries, textiles and food.

As of 2009, the City's mandated solid waste generation target was 5.5 ppd and the actual was 3.7 ppd (33% below State requirements).

City Initiatives

As of today, the requirements of AB 32 and SB 375 are constantly evolving. The California Air Resources Board (CARB) who will regulate the implementation and enforcement of this legislation has not yet completed its scoping plan nor have they issued guidelines or benchmarks which must be met by either private businesses or government agencies. Requirements are still being developed.

Once CARB releases their guidelines and directives, the City will work towards meeting those requirements which are attainable for a municipality the size of Winters. In the meantime, the City is working on the following:

1. **Winters EARTH Initiative:** In 2007, the City launched a public information campaign called the Winters EARTH Project to promote environmental programs that promote awareness and effectiveness in the areas of Energy, Agricultural Preservation and Protection, Recycling and Reuse, Transportation alternatives and Habitat restoration. This has included a number of public workshops and two community festivals to celebrate the main tenants of EARTH.
2. **Yolo Solano Air Quality Management District:** Winters is a member of the Air Quality District and has been an important participant in the development and implementation of numerous policies and initiatives related to air quality within the region.
3. **Proposition 84 Grant- Climate Action Plan:** In August, 2010, Staff submitted an application to fund the development of a Climate Action Plan (CAP) for the City of Winters.

Development of such a plan would require specific expertise in measuring the City's existing greenhouse gas emissions and developing realistic a plan for achieving reductions as outlined in AB 32. Proposition 84 funding would be used to pay for consultant services for the development of the plan. While there are commonalities amongst CAPs, there is no mandated template for how an individual plan should look. Staff will work to develop a scope of work for the CAP that is unique to the City of Winters and could include elements such as:

- Emissions analysis by sector (municipal buildings, wastewater treatment facility, etc.)
- Vehicle trips analysis: Statistical information on Winters residents including where they work, how far they drive to work, etc.
- Goals to reduce impacts
- Incorporation of existing General Plan policies

4. **City Facilities:** Staff has recently completed gathering the necessary information to determine the City's baseline GHG which includes all City buildings, wells, wastewater facilities and City vehicles. Through our capital programs and a climate action plan, the City will implement an overall effort to make our facilities more efficient and compliant with smart environmental practices.

Cumulative GHG Emissions

One of the key goals of the AB 32 Scoping Plan will be to determine the cumulative emission impacts of projects on the environment. Cities are asked to examine plans for impacts in determining benchmarks.

Cumulative greenhouse gas emissions and associated climate change impacts for the all of Yolo County were examined in the County's certified General Plan Final EIR (SCH# 2008102034 certified November 10, 2010) (pages 805-817, DEIR and pages 438-441, FEIR). Build-out of the Winters General Plan is included in that cumulative analysis.

Summary:

This update is meant to inform the City Council and the general public of the City's efforts and accomplishments to implement the City's General Plan policies related to the environment and climate change.

FISCAL IMPACT: None by this action.



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: September 21, 2010
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: John C. Wallace, City Attorney
SUBJECT: Legal Services Agreement (Harriet Steiner)

RECOMMENDATION: Approval of the attached agreement

BACKGROUND: The Planning Commission decisions on the Arco/Burger King Project have been appealed. The City's Municipal Code provides for a "de novo" hearing (a new hearing with any evidence having to be presented again) before the City Council. There is legal authority that the City Council when holding a new hearing should have new counsel. In this case Laura Hollender, my Assistant City Attorney, provided legal representation to the Planning Commission. However, to some extent I was involved in the oversight. As a precaution, I spoke with Harriet Steiner, the contract City Attorney of Davis. She agreed to represent the City Council at the appeals hearing. This contract is for her services, at the same open rate that we currently have with Meyers/Nave, Laura's firm.

FISCAL IMPACT: The project applicant has paid an additional \$15,000 to defray the costs of this appeal process and hearing. City exposure is for costs in excess of that figure.

AGREEMENT FOR LEGAL SERVICES CITY of WINTERS

This Agreement for Legal Services is entered into between Best ,Best and Krieger, LLP ("BBK") and the City of Winters ("City").

1. Legal Services to be Provided

The City hires BBK to provide legal services as requested or as approved by the City Attorney of the City of Winters.

Legal Services will be billed at \$225 per hour for attorneys plus costs, unless the parties agree otherwise.

Legal services for which the City can be reimbursed by third parties shall be billed at the rate of \$275 an hour for all attorneys plus costs. The current matter related to the appeal of a land use approval for the Sunny Gui property shall be billed at \$275 per hour plus costs.

All hourly rates shall be adjusted at the beginning of each calendar year, commencing January 1, 2010, pursuant to the Consumer Price Index, as published by the U.S. Department of Labor Statistics for the San Francisco-Oakland-San Jose Area. The increase will be based on the change for the most recent calendar year period, rounded up to the nearest five dollars per hour. However, such adjustment shall be no less than 2.5 percent and no more than 5 percent annually.

2. Term of Agreement

This Agreement shall be effective as of September 4, 2010, or upon approval by the Winters City Council, whichever date is later. Harriet Steiner shall be compensated in any event for services performed between September 4, 2010 and September 21, 2010, the date set for City Council decision on the agreement, up to \$5,000.

3. Staffing Assignments

Harriet Steiner shall be primarily responsible for the provision of legal services to the City. Other attorneys and legal assistants shall be utilized where necessary to assist in providing legal services as is appropriate for their level of experience.

4. Costs and Expenses

BBK shall bill the City and be reimbursed monthly for overhead costs incurred (administrative fee) at 4% of legal fees in lieu of individual charges for normal duplicating, long distance telephone, express mail, postage, messenger services, computer research, and the like. The City shall not be charged hourly rates for travel time to and from City Hall or other City facilities, but will charge actual mileage at the IRS rate.

The City shall reimburse BBK for the actual costs incurred by outside vendors working

directly on the case/matter, such as court costs, including filing fees, witness fees, experts and depositions and discovery costs not directly paid by the City.

5. **Monthly Billing**

BBK shall keep a record of time spent on all matters (routine and non-routine) in increments of one-tenth (0.1) of an hour. Each task shall be distinctly and completely identified. The billing entry must contain the name or initials of the individual performing the task, the nature of the task, the date it was performed, and the length of time it took and the fee. Invoices shall be submitted electronically.

BBK shall submit all invoices no later than the last day of the month following the month in which services were performed and actual costs incurred.

6. **Independent Contractor**

BBK hereby declares that it is engaged in an independent business and agrees to perform the services provided for in this Agreement as an independent contractor and not as the agent, servant, or employee of the City. BBK shall be solely responsible for its own matters relating to payment of employees, including compliance with social security, withholding and all other regulations governing such matters.

7. **Joint Representation/Of Counsel**

BBK maintains of-counsel agreements with certain attorneys who are deemed independent contractors under the applicable provisions of the tax laws. They are not considered employees of BBK. The arrangement has no effect whatsoever on the cost of your legal services. It is merely an ethical requirement that we disclose this fact and that you consent. The City is consenting by signing this Agreement.

8. **Insurance**

During the term of this engagement, BBK shall maintain the following insurances:

- General liability and property damage insurance in the minimum amount of \$1,000,000 per occurrence and \$2,000,000 aggregate;
- Professional errors and omissions insurance, not below \$2,000,000 per occurrence and \$4,000,000 aggregate.

9. **No Guarantee Of Outcome**

Any comments made by us about the potential outcome of the matters are expressions of opinion only and are not guarantees or promises about any outcome or results.

10. **Professional Standing**

BBK's lawyers working with the City shall, at all times, be members in good standing of the State Bar of California, and shall conduct themselves in full compliance with the standards of Professional Conduct of the State Bar.

11. **Nondiscrimination**

BBK shall not discriminate on the basis of race, religion, color, creed, national origin, gender, sexual orientation, marital status, age, physical or mental disability, legally protected medical condition, veteran status, or any other basis protected by state or federal laws.

12. **Entire Agreement; Full Understanding; Modifications in Writing**
This Agreement contains our entire agreement about our representation. Any modifications or additions to this letter agreement must be made in writing.
13. **Termination**
This Agreement may be terminated, with or without cause, by BBK at any time upon sixty (60) days written notice to the City, and by the City at any time upon written notice to BBK. In the event of termination, City shall be responsible only for fees and costs incurred through the effective date of the termination, and BBK will cooperate with the City in the orderly transfer of all related files and records to new counsel.

IN WITNESS WHEREOF,

CITY OF WINTERS

BEST BEST & KRIEGER LLP

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

By _____

Date: _____

Date: _____

ATTACHMENT 1
BBK
STATEMENT OF FEE AND BILLING INFORMATION

The following is a general description of our fee and billing policies. These general policies may be modified by the specific engagement letter or agreement to which this summary is attached, and in the event of a conflict, the agreement shall govern.



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: September 21, 2010
FROM: John W. Donlevy, Jr., City Manager *JWD*
SUBJECT: Supplemental Legal Services Review Committee

RECOMMENDATION:

That the City Council appoint one City Council Member, the City Attorney and the City Manager to serve on a Supplemental Legal Services Review Committee to review the current supplemental legal services provided to the City, develop a Request for Proposals Scope of Services, solicit proposals and present recommendations for supplemental legal services for the City of Winters.

BACKGROUND:

The City of Winters is served for general municipal law services through John Wallace who has served as the City Attorney for over twenty years. The City also is supplemented in legal services by outside firms in the areas of personnel, redevelopment, housing, planning, litigation and a variety of other municipal law areas.

Public law in the Sacramento region has seen significant shifts in the past year. Some major law firms have folded and some have seen extensive consolidation. This has happened in firms used by the City and mandates that the City initiate a review of the current state of our municipal law services.

Staff is recommending that a formal review of the supplemental municipal law areas be conducted with the assistance of at least one City Councilmember. This will include a review of current services, development of an RFQ and scope of services (if deemed necessary), the solicitation of proposals (if necessary) and the development of recommendations on how the City will proceed in this area.



CITY COUNCIL
STAFF REPORT

TO: Honorable Chairman and Community Development Agency Board

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

FROM: Dawn Van Dyke, Management Analyst

SUBJECT: Resolution 2010-51 a Resolution of the Winters Community Development Agency in support of Proposition 22 (The Local Taxpayer, Public Safety and Transportation Protection Act of 2010)

RECOMMENDATION: The Winters Community Development Agency approve Resolution Number 2010-51 A Resolution of the Winters Community Development Agency in support of Proposition 22 (The Local Taxpayer, Public Safety and Transportation Protection Act of 2010)

BACKGROUND: Over the past decade, the State of California's budget crises have led to increased raids of local funds by State legislators in an effort to balance the State's budget, not by making tough choices at the State level, but by raiding or "borrowing" local revenues. Such actions have impacted local governments' abilities to provide even basic services, including public safety and transportation improvements, to their citizens. In some cities, these raids have led to layoffs in some of the most crucial departments including police officers and fire fighters.

In 2009-10 alone, the City of Winters was subject to the State's "borrowing" \$781,448 in Redevelopment funds and \$111,396 in General Funds. In the current economic climate, with Winters' property tax revenues down over 10%, this raid has severely impacted the City's ability to provide services to the community. The Redevelopment take alone has all but halted the Community Development Agency's economic development activities in Downtown Winters including the Business Lease Assistance Program and Façade Improvement Program. The State's borrowing General Funds has further increased the budget deficit.

If these actions by the State are not halted, all local revenues could be at risk of being "borrowed" to solve the State's budget woes.

Proposition 22 seeks to close the loopholes that have allowed the State to raid Redevelopment and Gas Tax funds, to ensure that future raids of these, and possibly other local funds, are stopped and

local governments' ability to provide services are not placed in further jeopardy.

Upon the Community Development Agency's approval of Resolution 2010-51, staff will fax a copy to the Yes on 22 Campaign and the City of Winters will be added to the growing list of its formal supporters.

FISCAL IMPACT: None by this action. Voter passage of Proposition 22 could protect the City from future raids by the State.

RESOLUTION 2010-51
A RESOLUTION OF THE WINTERS COMMUNITY DEVELOPMENT AGENCY
IN SUPPORT OF PROPOSITION 22
(THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT
OF 2010)

WHEREAS, California voters have repeatedly and overwhelmingly passed separate ballot measures to stop State raids of local government funds, and to dedicate the taxes on gasoline to fund local and state transportation improvement projects; and

WHEREAS, these local government funds are critical to provide the police and fire, emergency response, parks, libraries, and other vital local services that residents rely upon every day, and gas tax funds are vital to maintain and improve local streets and roads, to make road safety improvements, relieve traffic congestion, and provide mass transit; and

WHEREAS, despite the fact that voters have repeatedly passed measures to prevent the State from taking these revenues dedicated to funding local government services and transportation improvement projects, the State Legislature has seized and borrowed billions of dollars in local government and transportation funds in the past few years; and

WHEREAS, the State has taken \$781,448 in Redevelopment funding and borrowed \$111,396 in General Fund revenues from the City of Winters adding to fiscal stress and structural deficit the City is facing during current difficult economic times; and

WHEREAS, this year's borrowing and raids of local government, redevelopment and transit funds, as well as previous, ongoing raids of local government and transportation funds have lead to severe consequences, such as layoffs of police, fire and paramedic first responders, fire station closures, stalled economic development, healthcare cutbacks, delays in road safety improvements, public transit fare increases and cutbacks in public transit services; and

WHEREAS, State politicians in Sacramento have continued to ignore the will of the voters, and current law provides no penalties when state politicians take or borrow these locally-dedicated funds; and

WHEREAS, a coalition of local government, transportation and transit advocates filed a constitutional amendment with the California Attorney General, called the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010, which will be on the November 2010 statewide ballot as Proposition 22; and

WHEREAS, approval of this ballot initiative would close loopholes and change the constitution to further prevent State politicians in Sacramento from seizing, diverting, shifting, borrowing, transferring, suspending or otherwise taking or interfering with tax revenues dedicated to funding local government services, including redevelopment, or dedicated to transportation improvement projects and mass transit.

THEREFORE, BE IT RESOLVED that the Winters Community Development Agency formally endorses Proposition 22, the Local Taxpayer, Public Safety and Transportation Protection Act of 2010, a proposed constitutional amendment.

BE IT FURTHER RESOLVED that we hereby authorize the listing of the City of Winters in support of Proposition 22, the Local Taxpayer, Public Safety and Transportation Protection Act of 2010, and instruct staff to fax a copy of this resolution to campaign offices at 916.442.3510.

PASSED AND ADOPTED this ___ day of _____, 2010 by the following Community Development Agency (CDA) vote:

AYES:

NOES:

ABSTAIN:

Signed:

CECILIA AGUIAR CURRY
Chairman, Winters CDA

ATTEST:

NANCI MILLS
Secretary, Winters CDA