



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, October 19, 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 Special Meeting of the Winters City Council Held on Wednesday, September 29, 2010 (pp 1-19)
- B. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, October 5, 2010 (pp 20-24)
- C. Consultant Services Agreement with Solano County Water Agency (SCWA) In the Amount Not to Exceed \$20,000.00 for Eradication Services on Dry Creek, Adjacent to Russell St. and Liwai Village Ct. (pp 25)

PRESENTATIONS

Proclamations Honoring Sponsors of the 2010 Festival de la Comunidad/Community Festival and Carnitas Cook-off (pp 26-40)

DISCUSSION ITEMS

- 1. Resolution 2010-53, A Resolution of the City Council of the City of Winters, Establishing Procedures for the Administration of Relations Between the City and Its Employees (pp 41-54)
- 2. Community Center and Pool Fund Committee (CCAPFC) Donation of Funds (pp 55-56)
- 3. Community Center Update (pp 57-61)
- 4. Pool Use Update on Fees and Programs (pp 62-65)
- 5. Authorization to Purchase a Voice Over Internet Protocol Telephone System (pp 66-80)
- 6. Gateway Planning and Economic Development- Implementation Program (pp 81-96)

COMMUNITY DEVELOPMENT AGENCY

- 1.
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CITY MANAGER REPORT

INFORMATION ONLY

EXECUTIVE SESSION

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the October 19, 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 October 13, 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.

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Minutes of the Special Meeting of the
Winters City Council
Held on Wednesday, September 29, 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 Fridae
Absent: None
Staff: City Manager John Donlevy, City Attorney John Wallace, City Clerk Nanci Mills, Community Development Director Nelia Dyer, City Engineer Nick Ponticello, Contract Planner Heidi Tschudin, Contract Attorney Harriet Steiner, Director of Financial Management Shelly Gunby, Grant Writer Dawn Van Dyke, Housing Programs Manager Dan Maguire, Environmental Services Manager Carol Scianna, After School Program Director Nancy Gonnella, and Administrative Assistant Tracy Jensen.

Al Vallecillo led the Pledge of Allegiance.

Approval of Agenda: Motion by Council Member Aguiar-Curry, second by Council Member Martin to approve the agenda. Motion carried unanimously.

COUNCIL/STAFF COMMENTS: Council Member Aguiar-Curry recently met with the Sacramento Area Commerce & Trade Organization, who will be coming to tour Winters and to discuss Economic Development. Tomorrow is the Greenwise Sacramento at the Crest Theater. Council Member Aguiar-Curry thanked the Hispanic Advisory Committee and staff members Dawn Van Dyke and Mary Jo Rodolfa for all their hard work in making the Festival de la Comunidad so successful. The festival was attended by approximately 1,700 people, including the Consulate President. Council Member Aguiar-Curry recently attended a Water Resource Association's (WRA) Integrated Resource Water Management Program (IRWMP.) Mayor Fridae echoed Council Member Aguiar-Curry's comments regarding the Festival de la Comunidad, thanked the Hispanic Advisory Committee and staff members, and said it was the best festival ever.

PUBLIC COMMENTS: None

DISCUSSION ITEMS

1. 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

Attachments:

- A) Notice of Appeal, dated August 20, 2010
- B) Planning Commission Staff Report, dated August 10, 2010 (without attachment)
- C) Conditions of Approval, dated September 22, 2010
- D) Winters Burger King/Arco Traffic Access Study, Dated August 2010
- E) CEQA Notice of Exemption and Initial Study, dated August 2010
- F) Caltrans Letter, dated January 7, 2010
- G) Minutes from January 26, 2010 Planning Commission Meeting
- H) Draft Meeting Notes from August 10, 2010 Planning Commission Meeting
- I) Letters submitted prior to and at the August 10, 2010 Planning Commission Meeting
- J) Proof of Mailing and Publication of Legal Notice for August 10, 2010 Planning Commission Meeting
- K) Proof of Mailing and Publication of Legal Notice for September 29, 2010 City Council Meeting

Mayor Woody Fridae briefly reviewed how the meeting agenda would progress and indicated that all interested parties would have the opportunity to speak at specified times during the meeting.

Community Development Director Nellie Dyer gave a power point presentation, which included the timeline of the project application up to and including the notice of appeal of the Planning Commission's action on the project that was filed with the City Clerk on 8/20/10. Ms. Dyer reviewed the Land Use Analysis, where the designated areas for the project are identified as principally permitted uses in the Winters Municipal Code and allowed "by-right." Regarding the Conditional Use Permit, the proposed truck fueling facility and above-ground storage tank are

not specifically listed as contemplated uses in the L1 zone, but the Winters Municipal Code states there may be uses not specifically listed to be a consistent use in the zone. The activity characteristics of the proposed uses are found to be similar in nature to other uses allowed in the light industrial zone and less intense than those uses that are conditionally allowed. The proposed uses are similar in nature to a "service station", which is considered allowable on the adjoining highway commercial use zone and no compatibility conflicts are anticipated to result. As conditioned, the project would be consistent with the land uses, applicable policies of the General Plan and development regulations of the zoning ordinance.

Ms. Dyer reviewed the proposed site plan, the proposed landscaping plan, two building elevation options which include a 5,000 square foot, one story building, fueling canopy elevations, refuse and recycling enclosure, an above-ground fuel tank enclosure, East retaining wall elevation and proposed freeway information sign and project monument sign.

Project Applicant Sunny Ghai clarified the truck fueling station is a re-fueling station only and not a professional level truck stop, so there would be no truck parking or shower facilities. Mr. Ghai also addressed Mayor Fridae's question regarding above-ground and underground fuel storage tanks.

City Manager Donlevy stated that staff had met with appellants Al Vallecillo, Mike McCoy and their legal representative Bill Yeates this morning and had a very positive meeting. All of those present agreed about their commitment to the complete streets project, the importance of proceeding with the planning and quality of the gateway efforts, and their collective desire to work on processes going forward. As there was mutual acknowledgement on several issues, there was no complete resolution.

Al Vallecillo, 210 Main Street, said he has moved to Winters three times and really cares about the community, and what happens at the gateway is really important. We are your friends, neighbors and colleagues who care about the quality of life, and how the community works both fiscally and physically. Mr. Vallecillo said he appreciated the Council for hearing this appeal de novo, which allows more consideration of the merit of the project and provides the opportunity for community input. Mr. Vallecillo thanked staff for meeting with them this morning to discuss the issues and asked for the Council's commitment to work with the community. He wants this plan to go forward but with adequate planning. Good planning leads to good projects.

Bill Yeates, Attorney for the Appellant's and self-defined Winters Community Planning Association, said his clients care about the City and the character of it, just like City staff and elected officials. His clients don't want to hold the project hostage, but want a commitment to work together on addressing the issues. When talking about specifics, he asked to let this be a beginning. One

outstanding design issue is the sign. The Association would like Council to address the signage. It is not uncommon for jurisdictions to address issues such as signage and gateways, as those are things seen when coming in and out of town.

Dave Springer said he looked into the Municipal Code, what the planning guidelines say and what the applicant is proposing in regards to signs. The proposed monument sign at the entrance of the facility is larger than any other fast food signs in town. The proposed freeway sign can't be seen from southbound I-505 and will be hard to see from the northbound lane as well. The signs need Council's consideration. Mayor Fridae asked how Burger King can get the information to the drivers soon enough so they don't have to make split decisions about exiting from the freeway. Mr. Springer said the CalTrans signs along the freeway are good as to what resources are available at each exit. Mr. Ghai said he would definitely look into the CalTrans signs if this is acceptable under the City's Municipal Code.

Heidi Tschudin, Contract Planner, said she would walk through the staff report, which includes some revised conditions and is in response to the appellant material received to date, and an addendum to the staff report in response to information after the release of the original staff report. Staff would also like to respond to comments heard throughout the evening. Ms. Tschudin said she would first address the appeal points that were in the original submittal from the appellants, and provide good honest answers to questions and concerns for Council's consideration. The following are the appeal points that were addressed:

#1. The public was not given a meaningful opportunity to comment on the proposed project. Ms. Tschudin responded that the process used to notice the hearing met all the legal requirements of the law, which was verified when the concern was raised. The manner in which hearing was conducted was appropriate & respectful, and although speakers were kept to a time limit, they were allowed to speak more than once.

#2. The City and the Planning Commission prejudicially abused its discretion by pre-determining that the project was exempt from the California Environmental Quality Act (CEQA). Ms. Tschudin said when a project comes in, staff reviews the merit of the project, analyzes what the appropriate environmental analysis is and brings it forward to the public hearing. Staff conducted an initial study, determined that all the potential significant effects had been analyzed adequately in the earlier General Plan EIR, so they would be avoided or mitigated by following the regulations and standards put in place following the General Plan EIR. The project as proposed with its' conditions of approval satisfied or qualified for exemption. Staff provided all the information supporting that in documentation to the Planning Commission, who took action on the exemption based on the recommendation. The Planning Commission took final action and found the project to be exempt from further

CEQA review. In terms of pre-determining, there was no initial decision that it qualified, the Planning Commission itself made that decision as part of their action that evening. Part of our recommendation today is to uphold that determination.

3. Applying Section 21083.3 of the Public Resources Code (CEQA Guidelines Section 15183) to exempt the project from CEQA was inappropriate as the project is not consistent with the General Plan. Ms. Tschudin said the Conditions of Approval were added so they would be followed through the process in determining that the project would remain compliant. Staff believes the project is consistent with the General Plan, and double checked the analysis as part of responding to this appeal. Staff feels they have substantiated their consistency findings and stands by their determination that this project is consistent, not only with the General Plan, but with the zoning and regulations as conditioned and brought forward today. Since the project is consistent with the General Plan, in our opinion, and the Planning Commission upheld that as part of their decision, the project qualifies for both a statutory exemption and a categorical exemption.

4. There is evidence that staff held serial private meetings with members of the Planning Commission in violation of the Open Meeting Law. Ms. Tschudin said staff did indeed hold meetings with Planning Commissioners, which is a common practice in Winters as well as many other communities. At no time was there a quorum of Planning Commissioners at those meetings. The purpose of those meetings was important. They were informational in order to go through materials that would be provided in the packet and to answer any informational questions related to those materials. Those types of meetings do not violate the Brown Act.

5. The City needs a Master Plan to guide development of the Gateway area, rather than lot-by-lot, piecemeal planning, which incrementally will lead to a Burger King, a McDonalds, an Exxon station, plus a Union 76 station, etc. Ms. Tschudin said the City has undertaken a discretionary community planning process for the I-505 & Hwy. 128 area, and is also integrated with a parallel process along Hwy 128. The 1993 Gateway Master Plan, which is a formally-adopted document of the City with a boundary; this project lies outside of that boundary. The Gateway Master Plan applies to the property in the southwest quadrant, not the northwest quadrant. Additionally, the land use designation that applies to this site for both zoning and the general plan has not been modified. The factual land use designations that apply to this property have not changed. Staff is obligated to analyze an application when it is received, and that's what is used in the analysis of this project. There are no new regulatory or design requirements that apply to this project. This project is not subject to the 1993 Gateway Master Plan design requirements, but is subject to the City-wide design requirements and that's what we used to do our analysis.

6. A freeway sign variance was approved. If other undeveloped lots in the gateway and along Grant Avenue were given equal treatment, an unsightly, urbanizing impact of overlarge freeway signs will certainly follow. Ms.

Tschudin said current zoning code states no more than one such multi-business sign shall be allowed on the north and south sides of Hwy. 128. Regulations already limit these types of signs to two. A variance is not precedent-setting. It has to be specific to the property and to the project and specific findings must support that. Staff did the analysis and found that it met the requirements of the variance should the City choose to uphold it, and in this case the Planning Commission felt it was appropriate after they heard all the evidence. Staff is recommending to Council that the sign variance be upheld.

7. Written public comments that were properly submitted to the Planning Commission at the meeting were not and could not have been fairly considered in the time available prior to the Commission's action. Ms.

Tschudin said all of the submitted items that were received by the Clerk that evening were taken into the record. All of authors were given the opportunity to summarize them verbally. Ms. Dyer said she received several comments via e-mail from individuals who could not attend the meeting. The letters submitted prior to and at the Planning Commission meeting are included under Attachment I, as are copies of the e-mails.

8. Approving a conditional use permit authorizing a commercial use on land zoned Light Industrial violates Winters' Zoning Ordinance. The proposed truck fueling facility is a commercial use, and is fundamentally different and not similar to a light industrial use. The truck fueling station will bring frequent and 24 hour truck traffic that is distinctly dissimilar from a light industrial use. Ms.

Tschudin said Ms. Dyer discussed in her description of the project, which includes a Land Use/Zone Matrix that identifies a number of uses, whether the uses are principally permitted within a particular zoning category, allowed by a conditional use, or where it's not typically shown, it is not allowed. Types of uses and the market for different uses changes over time, and zoning codes typically don't change that quickly. But it is not at all uncommon for zoning codes with a matrix to not list every possible use that somebody might bring to the community. The Winters code, like many other cities, has a section that allows for the Planning Director to make an interpretation if that use exhibits similar characteristics of other uses that are on the matrix. That is the process Ms. Dyer went through to reach the conclusion that would and should be an allowable use under a conditional use within the light industrial. The documentation of that analysis is provided in the staff report to the Planning Commission and carried forth before Council today, which was summarized earlier in the meeting by Ms. Dyer.

9. Substantial new information shows that the proposed project will have more significant adverse impacts that were not analyzed in the prior and outdated 1992 EIR prepared and certified for the City's General Plan.

This item was addressed later in the meeting.

10. Since 1992, the California Legislature has enacted the California Global Warming Solutions Act of 2006, which requires the California Air Resources Board to ensure that greenhouse gases that contribute to climate change are reduced to 1990 levels by the year 2020. The California Legislature required the California Natural Resources Agency and Governor's Office of Planning and Research to prepare and approve recent changes to the CEQA Guidelines that require lead agencies to analyze the direct, indirect, and cumulative effect of greenhouse gases generated by a proposed project. This requirement was completely overlooked by City staff and the Planning Commission. Ms. Tschudin said the initial study addressed this issue, talked about greenhouse gases associated with projects like this one and accumulative greenhouse gases, and will be summarized later in the meeting.

11. This project does not satisfy the requirements of CEQA Guidelines section 15183 (Projects Consistent with General Plan, Community Plan, or Zoning) or section 15332 (In-fill Development Projects) to be exempt from CEQA's environmental review requirements. Ms. Tschudin said staff prepared an analysis to go with the exemption, originally called an exemption verification, which was included in the Planning Commission staff report and is referred to in the Council's appeal staff report. This provides a summary of project information, provides an introduction to CEQA compliance, and actually steps through the two applicable exemption sections. For each aspect, it describes why staff made the determination they did, and why staff feels it satisfied these exemptions. Starting with the Statutory Exemption, which is 15183, this is intended to apply to projects that are consistent with the community plan, general plan or zoning. Staff described the project, the applicable general plan designations, the zoning designations, the interpretations regarding truck re-fueling, and concluded that all of the proposed uses fall well within both the designations for the site as well as the development assumptions for the site that were made in the General Plan and the General Plan EIR.

In Section 15183(a), projects that are consistent with the development density established by the existing zoning or General Plan in which the EIR was certified does not trigger additional environment review except to examine whether their project-specific effects are peculiar to the project or site. Once the project was determined to be consistent with the General Plan EIR, staff performed an initial study to verify that everything believed to be covered under the General Plan EIR was indeed covered. Staff also determined how much development the General Plan EIR assumed for this site as part of the analysis and it fell well within that, so staff concluded on all counts the project satisfied the requirements.

Section 15183(b) establishes the limits for subsequent environmental analysis if it is required. These include examination of impacts peculiar to the project or

parcel, impacts not analyzed as significant effects in the prior EIR, or significant impacts which are determined based on substantial new information to be more adverse than previously discussed. The initial study looked closely to see if any of those thresholds had been met, and staff determined that they had not.

Section 15183(c) establishes that additional EIR analysis is not required if an impact is not peculiar to the project or parcel. There was nothing that was identified as peculiar to the project or parcel. Staff's overall conclusion substantiated by the initial study based on the General Plan EIR was that none of these thresholds had been met.

Section 15183(d)(1) establishes that it only applies to projects that are consistent with the community plan adopted as part of the General Plan, a zoning action designating a parcel for a particular development density or a General Plan. In this case, the project is consistent with both the zoning and General Plan.

Section 15183(d)(2) establishes that the General Plan and the zoning must have been accompanied by a certified EIR. The General Plan was accompanied by a certified EIR, which was certified in 1992.

Section 15183(e) establishes the limits for the analysis of impacts. Since staff concluded through the initial study that there were no new potentially significant impacts that were identified, these limits were not applicable.

Section 15183(f) establishes parameters for determining if an impact should be considered peculiar to the project or parcel. Again, there were no potentially new significant impacts identified, so those parameters were not applicable.

Section 15183(g) gives examples of uniform applied development policies and standards that a City uses, wherein staff applied those to the conditioning of the project. There was no issue here as no new unaddressed environmental impacts were identified.

Section 15183(h) establishes that a lack of an applicable uniformly applied development policy or standard cannot be used in and of itself to determine that an impact is peculiar to the site. In this case, no new significant impacts were identified, so this threshold is not applicable.

Section 15183(i) applies to projects that include a rezone. This project does not include a rezone so it is not applicable.

Section 15183(i) (1) defines "community plan." Staff was reliant on the General Plan, so it is not applicable.

Section 15183(i)(2) defines the requirements for consistency with the development density as being the same or less as the standard expressed for

the parcel in the General Plan or zoning. Staff applied this in the initial study and this was well below those development assumptions (about one quarter of the development assumptions that were assumed in the General Plan EIR.)

Section 15183(j) reiterates that adequately analyzed off-site or cumulative impacts need not be further analyzed.

Staff concluded that this project does satisfy the requirements to take advantage of the statutory exemption in Section 15183. Staff also concluded that the project satisfied the requirements for the categorical exemption in Section 15332, which has to do with in-fill development projects. In order to qualify for that exemption, the project must be consistent with the applicable General Plan designation, policies, and applicable zoning designations and regulations, and this project satisfies all of those requirements. Staff described the assumptions drawn out of the EIR and how the project falls well within those and well below those.

Section 15332(b) specifies that in order to qualify for an exemption, the proposed development must occur within the City Limits, on a site of no more than 5 acres and be substantially surrounded by urban uses. This project site lies within the incorporated City limits and is 2.3 acres in size. Staff confirmed that the project is surrounded by existing or planned urban uses. Appellants are suggesting that staff should interpret it to read only existing uses. Staff does not subscribe to this interpretation and believes their description is substantiated by the facts and is consistent with the actual wording in the exemption.

Mayor Fridae asked Ms. Tschudin about one of the citations in the appellant's letter, which cites a reference to a court decision that requires 75% of the perimeter adjoining the current urban development and 25% adjoining it should be qualified urban uses. Ms. Tschudin said the appellants used in-fill site, which this is not the same wording that is used for this exemption. This exemption is for in-fill development with a categorical exemption. There is no reference to that definition. This project still satisfies the requirements of this exemption as it was envisioned in the CEQA guidelines. Staff is not trying to qualify this for that program from which the appellant's drew that definition from.

Section 15332(c) specifies that in order to qualify for this exemption, the site must have no value as habitat for endangered, rare or threatened species. Staff determined this was the case after having a biologist walk the site to verify this. The site has been fallow since 1970, has very little vegetation on it, has several trees on the south end and most of the site is covered in weeds.

Section 15332(d) specifies that approval of the project may not result in any significant effects relating to traffic, noise, air quality, or water quality. Staff again relied on the initial study and the analysis in the General Plan to show that there had already been an analysis of those that assumed development of the site at a much higher density, the project was consistent with all of the requirements of

that analysis, and there were no new issues or items that came up in the initial study, so therefore none of these were triggered.

Section 15332(e) requires that the site be adequately served by all required utilities and public services. As demonstrated in the initial study, all utilities and public services are planned to accommodate the project and are available to the site.

This appeal item also raised the issue of flooding on the site, which has been addressed in the initial study. In summary, the site is within a federal flood hazard zone and is in the City's flood overlay zone, both of which have been acknowledged. The City has its' own extensive policy requirements for developments in the flood overlay zone and is satisfied and find the conditioned to be consistent with all of those and has also been conditioned to require consistency with all the building standards that would apply within the federal zone.

Council Member Martin asked if the water retention ponds were for anticipated water coming off this site? Ms. Tschudin confirmed the retention ponds would be for drainage to be retained on the property and would not complicate any adjoining property.

12. General Plan Inconsistency. Ms. Tschudin said this item more specifically has to do with items in the circulation element. This project has been conditioned to require it's fair share of participation in all of the applicable improvements that are in the City General Plan circulation element , which include elimination of the free-right off the SB I-505 ramp onto SR 128, installation of a median and/or intersection control at or near this location in order to meter/control traffic flow, elimination of left turns from CR 90 onto SR 128, and realignment of CR90 to Timber Crest Road to allow for EB traffic from north onto SR 128. By conditioning the project his way, staff is assuring that any traffic that results from the project would have to be fully consistent with not only the General Plan EIR but the General Plan circulation element. As timing is the bigger issue at this location, staff commissioned an access study that follows all performance thresholds set in the General Plan, and concluded that the project will warrant a traffic signal at Grant Ave & CR 90. The traffic signal will preclude the need to align CR 90 and will also assure that traffic will be able to travel to/from all four directions.

There was a question about cumulative impacts of the project, which were included in the General Plan EIR and staff did rely on those.

13. New Information – Highway capacity manual. Ms. Tschudin said the appellants believe that because there have been changes in the highway capacity manual, which is used to guide traffic studies, since the time the General Plan was done, the new information triggers an EIR for this project.

Staff does not agree with this conclusion and it is not uncommon for technical methods to change over time. The test is whether the analysis is sound for the purpose it was done and the purposes upon which we relied on it. The information contained in the access study validates staffs relying on the General Plan for their main improvements. Despite of its age, staff has no reason to believe the General Plan analysis is unsound. It is in fact sound and is the basis for a lot of good planning and decision making. Nothing staff has uncovered in this process would suggest otherwise. The access study does use state-of-the-art practice methodology and there is actually a reference to a 2010 Highway Capacity Manual that hasn't even been published yet. Staff used the latest published version to do the access study. Overall, the growth of Winters as it was assumed in the General Plan, is well below what the original General Plan anticipated as to when it would occur. This is one reason why the access study was so important, to see if there would be enough traffic there yet or would be under these conditions to trigger ultimate improvements as opposed to interim improvements.

14. The freeway sign variance that was granted establishes a precedent for additional unsightly signage. The visual degradation of the City's gateway and the significant adverse aesthetic direct, indirect, and cumulative impacts were never evaluated prior to approving the variance for the proposed project. Furthermore, the variance is inconsistent with Design Guidelines and visual protection policies of the General Plan. Ms. Tschudin said the freeway sign variance had already been addressed.

15. There has been no design review (as provided for in Section 17.36.020 of the Zoning Code) by a properly constituted Economic Development Commission, and the Planning Commission was not provided with recommendations from the Economic Development Commission concerning the consistency with Design Review Guidelines. Ms. Tschudin said it was anticipated in the text of the zoning regulations that an Economic Development Commission would participate in the design review process. That commission does not exist at this time, but the actual adopted design review guidelines were signed off by the Economic Development Commission and that's evidenced in the cover page of the document as well as the resolution that adopted it. Compliance with the design guidelines demonstrates compliance with economic development review because they signed off on the guidelines and they did a proficiency analysis with those guidelines as part of the original staff report.

16. Before development in the Gateway area, a Master Plan needs to be created to put into effect the General Plan policies for concentration of fast food restaurants (Policy I.D.7) and limiting strip development (Policy I.D.5). Ms. Tschudin previously addressed this issue.

17. There is evidence that City staff conducted serial meetings with individual members of the Planning Commission in violation of the Brown Act (Public Open Meeting). Ms. Tschudin previously addressed this issue.

18. And for all of the reasons entered into the public record of the August 10, 2010 Winters Planning Commission Meeting as well as all the issues raised in the following written comments, timely and properly submitted at the Public Hearing, and not considered. Ms. Tschudin previously addressed this issue.

Ms. Tschudin said the letter received from Mike McCoy contained more specific information about the concerns the appellants have as to how the term "peculiar" applied to the property, and whether or not the exemptions were appropriate given the potential "peculiar" aspects of the property. The code reads "a public agency shall limit its examination of environmental effects to those which the agency determines in an initial study or other analysis are 'peculiar' to the project or parcel on which the project will be located." Staff performed an initial study and did not reach any conclusions that there were peculiar environmental issues. The comment identified that the property is peculiar for many reasons, including its odd shape, unusually difficult to plan, proposal for a conditional use (specifically truck refueling), proposal for a sign variance, and that it has peculiar impacts on traffic that are not particular to any other parcel in the general plan and that it has a peculiar alignment of the parcel to the road.

With the possible exception of the discussion of the traffic effects, none of the above items relate to potential environment impact. The shape of the parcel is relevant to the layout of the uses on the site, and staff discussed this extensively as part of the design review. But there is no environmental impact associated with that. The difficulty of planning the site falls outside the impact analysis that has already been performed and our initial study substantiates that in this case there is nothing like it that has come out of the analysis. Nor does the fact that the truck refueling was subject to an interpretation, triggering environment issues or that it had a conditional use permit analysis or a sign variance. These are all planning issues, but they are not peculiar environmental issues. As a matter of land use planning, they are all addressed in the attachments in the analysis that was completed.

Traffic from the project is an area of potential environmental effects. But in this case, the initial study and the CEQA exemption analysis both supported the findings that there was no additional CEQA analysis necessary and no additional impacts triggered. In summary, staff believes their analysis demonstrates that none of those items would require additional CEQA analysis under that section.

In reference to a letter received from Mr. Eric Doud, Ms. Tschudin said Mr. Doud pointed to one section of the code dealing with the height of the free-standing monument sign. The height of the sign was proposed to be 9 feet, 3 inches and

code requires that it be no higher than 8 feet. Staff has added condition #87 to address this.

Ms. Tschudin said the letter received from Mr. Al Vallecillo discusses some of the environmental issues that have already been discussed, and also brings up the issue of energy conservation measures. These issues have been analyzed in the initial study and also in the existing general plan, where there are a number of policies that deal with energy issues. Staff also identified where the project applicant has proposed certain green building elements as part of the project, including the installation of off-site pedestrian improvements that improve connectivity, supplying bicycle storage, installing concrete in drive-thru lane that has a better solar reflectant, installing roofing material that is better in terms of energy efficiency, using interior lighting that is automatically controlled, manual override capabilities for lighting after hours, installation of water-efficient landscaping, innovative waste water technology, water efficient fixtures, building materials that are extracted within a 500 mile radius of project site, use of low emitting materials, sealants, adhesives, etc. and using a lead accredited contractor. Mr. Vallecillo's letter also raised an issue of public controversy. Public controversy is addressed in guideline section 15064. Public controversy in and of itself does not trigger an IER. Where there is no substantial evidence that the project would have a significant impact on the environment does not trigger an EIR.

Ms. Tschudin said Mr. Jeff Tenpas' letter had questions about lot coverage, parking adequacy and several of the general plan policies. Staff has provided the lot coverage numbers, summarized the parking issue, and already talked about the access study. Mr. Tenpas identified several policies that are in the general plan and staff provided an analysis of how, where & why they do or don't apply.

Ms. Tschudin said the items included in Mr. Bill Hailey and Ms. Sally Brown's letters have already been addressed. A question was posed at the August 10th meeting regarding grading but did not appear in any of the appellant's letters, but staff wanted to respond to the original question by saying information obtained by the applicant regarding grading has been included on page 19 and 20 of the staff report. Basically, the necessary grading would result in approximately 180-190 truckloads of imported material coming to the site, which is typical to build up the site for flood purposes. Conditions address the trucks bringing the material to the site, as well as improvement standards that are also part of the regular standards that address this issue. Staff determined that additional trips would not change our traffic conclusions and that information is provided therein.

Staff issued an Addendum to Appeal staff report. Staff received two letters on 9/22/10, which did not give them much time, but staff wanted to try to respond. Letters were received from Mr. Yeates, Kevin Jackson, and a letter not specific to any one appellant but included Sally Brown's name at the top of the letter. Staff

has provided individual responses and Ms. Tschudin said she thought she had covered all of the issues contained in the letters.

Mayor Fridae said the appellants complained that documents were requested and not given in a timely manner. On page 3 of the Response to Appellants' Letter, received on September 22, 2010 (Item 12, pages 31-33) contained in the Addendum to Staff Report, Ms. Dyer said the appellants misconstrued the Government Code and subsections that followed. The Public Records Act requires a response by the City of Winters to Public Records Act requests. That response was made to Appellant's attorney on September 3. That response cited the need to receive input from City staff and consultants as to their knowledge of the location and identity of documents requested, some going back 19 years. The section requires the response, not the production of the records. The City, procedurally, is allowed up to 24 days after receipt of the request to make the documents available. Between September 17 and September 23, the public records of the City of Winters sought were e-mailed in electronic format to the attorney for the appellants. In cases where there were no records, an explanation was voluntarily provided. In the specific request for a traffic study that "pre-dates" the General Plan, no such study was found in the City records. The City voluntarily provided the General Plan Background Report in electronic format, a summary of the calculation methodology for estimates of tax revenue from the proposed project with source data, and the traffic access study was sent as soon as it was received by the City of Winters. In one case, appellants continued to seek the General Plan EIR, though it was in their possession two days after the request. There is no Public Record Act requirement that says the City is required to put hundreds of pages into electronic format. Staff concluded that the City complied with the Public Records Act.

Ms. Dyer said the Planning Commission at the meeting of August 10th approved the project with added conditions of approval. Upon Mayor Fridae's request for clarification, Ms. Dyer confirmed there are some modifications made at the planning commission as well as some additions made at the planning commission. Staff also added conditions based on this appeal, and conditions have been modified based on the appeal as well. On page 1 of Attachment C, conditions #5, #6 and #7 have been modified as part of the appeal based on the information received from the traffic access study. City Engineer Nick Ponticello said the modifications to the conditions provides the opportunity and clarify the conditions. Based on the traffic access study, #5 and #6 contain wording changes and #7 specifically states that a traffic signal is required. Mayor Fridae asked about right in-right out. Mr. Ponticello said #5 clarifies to the applicant what the ultimate build-out at that particular intersection might do to this project.

Council Member Anderson asked about #6 of the revised Conditions of Approval, specifically the level of service changing from C to D. Mr. Ponticello confirmed this was a typing error. The General Plan has a policy that states you shall conform to the Yolo County Congestion Management Plan, or to the Cal Trans

level of service threshold on the state highway, which is level of service D. All other areas in the community that are not on Cal Trans state highways are level of service C.

Ms. Dyer reviewed the Revised Conditions of Approval dated September 22, 2010. Condition #85, which was added at the Planning Commission meeting, pertained to the proposed graffiti-resistant retaining wall. Conditions #86 (powder-coated iron railing) and #87 (decrease monument sign height to 8 feet) were added at a later date, and proposed #88 (graffiti removal within 48 hours) will be added based on comments received prior to the meeting.

Based on the conditions and the presentation given tonight, Ms. Dyer recommended the following actions subject to the attached conditions of approval:

- Deny the appeal of the project;
- Uphold the decision of the Planning Commission as modified by the addition of Conditions 87 and 88 and the modification of Conditions 5, 6 and 7;
- Confirm the finding that the project is exempt from further from CEQA review pursuant to Section 15183 (project is consistent with Community Plan, General Plan, or Zoning) and/or pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines;
- Confirm the approval of the Conditional Use Permits;
- Confirm the approval of the Site Plan Design Review;
- Confirm the approval of the Sign Permit for the Freeway Information Sign;
- Confirm the approval of the Variance to Sign Ordinance;
- Direct staff to file a CEQA Notice of Exemption.

Applicant Sunny Ghai said he was happy to see so many people being active in the development of the City and thanked staff for working with him during the last 16 months, beginning in May of 2009. The appellants mentioned that they would like to see more community involvement and planning. The meeting on January 26, 2010 was held specifically for community participation, from which the applicant went back to the drawing board based on community input. The sign design was also changed based on what the Planning Commission wanted. Mr. Ghai referenced this morning's meeting with the appellants and said he shouldn't be used as a hostage to what the appellants want now. He has agreed to all of the conditions presented. Lenders have been on stand-by for 16 months. Some people may think we haven't done enough. The applicant sits between the City and two franchise owners, juggling back and forth every time a change is made, trying to please everyone and it is getting out of hand. Mr. Ghai delivers quality products and asked Council to be allowed to move forward with this project.

Council Member Aguiar-Curry said she had walked through the Davis and Woodland projects, which were both very well done. Ms. Aguiar-Curry asked

about the possibility of creating a dog park where the retention pond is located to accommodate those travelers who travel with their pets. This would give them one more reason to stop in Winters. As this is a technical change, Mr. Ghai said the design personnel will review the possibility. If it reasonable, it would be feasible to put it in.

Council Member Martin said he appreciated the applicant coming back with the requested design changes from the January meeting, taking a non-descript building and making it look unique, which he knows cost much more money.

Council Member Stone asked staff about the project being "held hostage" as stated by Mr. Ghai and whether the agreements or discussions of this morning's meeting would hinder this project from going through. Are any recommendations, planning processes or the Gateway Master Plan contingent upon what was discussed at the meeting this morning? City Manager Donlevy replied no. Mr. Ghai reiterated that he did not want to be put in the middle.

From the meeting held in January, the applicant came back with modifications based on public input. Mayor Fridae said Council could not comment on that in the event it might come before Council as an appeal, which is exactly what has happened. Mayor Fridae said this is the first time Council is able to make a comment or suggestion and not be involved in any discussions regarding the project. Mayor Fridae asked Mr. Ghai whether he would have any influence on how the restaurant will be managed and will there be an effort made to hire locally? Mr. Ghai responded absolutely, especially weekends, where local teenagers are given the opportunity to work less hours. Mr. Ghai doesn't want employees commuting to work and mentioned the fundraising possibilities for local schools, including scholarships. Mayor Fridae said he was disappointed that the truck fueling station was not a full-service truck stop, as this could create more revenue for the City. He also noted that having a truck fueling station on the west side of the freeway (as opposed to the truck stop located on the east side of the freeway in Dunnigan) would be more convenient for southbound trucks as they wouldn't have to cross the freeway to refuel. Mayor Fridae suggested installing photovoltaics on the roof of the restaurant. There is an initial cost up front but it will pay off for years afterward in operating costs. Mr. Ghai said the fans and air conditioning units on the roof of the restaurant have prevented the installation of these solar cells. He also thought the canopies of the truck fueling station would not be able to support the weight of the photovoltaic's, but he will look into it and produce the results to the City.

At 8:45 p.m., Mayor Fridae said there would be a 10-minute break. Upon return from the break, Mayor Fridae opened the public hearing at 8:55 p.m.

Glen Negri, Business Owner, said he appreciated Nellie, Heidi and the entire staff for their hard work. The idea of the project coming to Winters is ideal. The

amount contributed will be huge and we all know we need it. He encouraged Council to deny the appeal.

Linda Hirst submitted a Request to Address Council, but did not come to the podium when called.

Ed Carbahal, Business Owner, said he supported the project. The City of Winters needs the sales tax revenue.

Bob Paschoal, Winters resident, said he is very much in favor of the project. The City needs it. The project looks good on paper.

Jim Taylor said since the General Plan was adopted in 1992 at a cost of over 1 million dollars, there has been one new commercial building built. People have concerns regarding fuel spills – what about the Chevron? People have also mentioned lack of sidewalks and are concerned for the safety of kids walking to Burger King. What about the students who drive out of town? Lorenzo's Market and Round Table have been at their current sites for years, with no sidewalks to Lorenzo's and a sidewalk to Round Table that was just built. How will we pay for sidewalks if we don't get the business here first? If Burger King is not built, some of the personal negative effects are: limited dining choices, spending money outside Winters, drive more and use more fuel, grandkids will have less job opportunities, hometown will continue to struggle with antiquated infrastructure and fiscal problems and it will stymie any kind of development at the freeway for another 10-15 years. Mr. Taylor is disappointed in the Winters Chamber of Commerce for their lack of support of this project and urged Council to approve this project, and any other project in the near future if it is a reasonable project.

Roger Mosier, Winters resident, said the appellants picked out small segments of statutes and the overall meaning of the statutes were not recognized. He said the Planning Commission is doing a tremendous job, the General Plan is working well and can be modified if needed, and sincerely urged Council to approve staff recommendation.

Sally Brown thanked Council for the de novo hearing and appreciated the time spent with staff. She welcomed the community involvement regarding the Gateway Master Plan process and thinks the General Plan needs to be followed, including a public process to include all views to ensure a better gateway. The Complete Streets put on by Cal Trans was a fabulous process and she is happy with the outcome of the process. She asked Council to direct staff to have a swift start to this process (public process to the Gateway Master Plan), volunteered to help in any kind of money-raising efforts as money might be an issue, south side of Gateway needs to be developed soon, but we need to do good planning. She asked Council to accept application for this area, but please do not approve any more developments until the Gateway Master Plan is completed.

Jeff Tenpas doesn't think the appellants were make frivolous arguments. Traffic and pedestrians issues need to be resolved. He supports the Master Plan and we would all like to see the best development out there.

Mayor Fridae closed the public hearing at 9:08 p.m.

Mayor Fridae said that Yolo Housing residents will probably want to do business at Burger King and wanted to know how they would get there safely. City Engineer Nick Ponticello responded there is currently a pedestrian sidewalk over the freeway. Within the Complete Streets program, which looks at pedestrian access from Yolo Housing, and regardless of the proposed project, the Complete Streets study identifies improvements working with Yolo County to put pedestrian facilities coming into town. The freeway on and off ramps currently have to be maneuvered by pedestrians which will need to be looked at when the improvements occur. Complete Streets plan will be coming to Council for approval in October. Staff will move forward with a commitment from Cal Trans to look at funding sources to implement those projects. The project does look at a traffic signal and ADA improvements at the intersection of Grant Ave. & C.R. 90. Pedestrian improvements have been placed on the application in the vicinity of the project to continue connectivity.

City Manager Donlevy said once the Complete Streets project has been completed, and if the County is on board, staff will see if there are any available CDBG funds.

Mayor Fridae said we will work on the Master Plan and Complete Streets without holding up the Burger King or ask the applicants to pay for that. Expansion of the Gateway Master Plan to include all the projects that will be at the entrance to the City is important and should be done as soon as possible.

Council Member Aguiar-Curry wanted more clarification regarding the sign. Ms. Dyer said it's not the height of the sign, it's the sign area, which is 200 square feet. City Manager Donlevy said the freeway sign would be one third larger than the Lorenzo Market sign. In comparison, the Chevron sign is 80 feet and the Burger King sign will be 65 feet. Ms. Dyer said the location of the sign was discussed and the applicant agreed to put the sign at the northernmost point on the property. Regarding the design of the freeway sign, Ms Dyer said there would be no bar in the middle or arch on top as shown on the diagram provided. Planning Commissioner Wade Cowan said they weren't in agreement regarding the sign, but in order to move the project forward, it was agreed that the above referenced features be removed.

Council Member Anderson asked if the Burger King logo would be on the left side of the monument sign? Ms. Dyer said yes. Mayor Fridae doesn't want the City logo on any signage because it may appear that the City might be endorsing or not endorsing certain businesses. Council Member Anderson confirmed there

can be a community sign on each side of Grant Ave. and wanted to make sure there was room on the sign(s) for four businesses as per the current sign ordinance.

Mayor Fridae said the plans look really nice. It's come a long way and he really appreciates what staff has done, who have really worked hard to save this community as we are currently operating on deficit spending, in spite of our community really stepping up and passed Measure W. We really need the income. He also appreciates the citizens who have come forward with this appeal. Although it has been a huge inconvenience for the City, but recognizes that many of their concerns have been heartfelt and they felt it was important and a matter of principle. The appellants took care, expertise and time spent looking through these documents to make sure it has been done in a legal way. It is disappointing that the City has spent \$15,000, and didn't know how much time and energy were spent by the appellants to get to this point. There was an obvious breakthrough at the meeting this morning. Not to stop the Burger King, but to work on an open public process for the Gateway Master Plan was the goal of the appellants. Most of this could have been avoided if the Gateway Master Plan was followed through back in January and it is also disappointed about the appellants unwillingness to sit down and talk to the City Manager about their concerns. In the future, we need to work on trying to build consensus rather than build a case against each other and go forward in that mode from now on.

Motion by Council Member Aguiar-Curry, second by Council Member Anderson to approve staff recommendation, to come back to next meeting with an idea of how to add public process going forward with the Gateway Master Plan and Complete Streets, and approve the conditions as amended. Motion carried unanimously.

CITY MANAGER REPORT: City Manager Donlevy said there was a tri-tip dinner at the Community Center tonight that everyone missed.

INFORMATION ONLY: None

EXECUTIVE SESSION: None

ADJOURNMENT: Mayor Fridae adjourned the meeting at 9:35 p.m.

Woody Fridae, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



Minutes of the Regular Meeting of the
Winters City Council
Held on Tuesday, October 5, 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, City Clerk Nanci Mills, Chief of Police Bruce Muramoto, Fire Chief Scott Dozier, Police Lieutenant Sergio Gutierrez, Grant Writer Dawn Van Dyke, and Administrative Assistant Tracy Jensen.

Fire Chief Scott Dozier led the Pledge of Allegiance.

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

COUNCIL/STAFF COMMENTS: Council Member Aguiar-Curry said she will be attending, by invitation only, a regional leaders meeting in Sacramento for Portland Congressman Earl Blumenauer for the Vision for Livability and the Federal Community Initiative. The Sacramento League of California Cities will be hosting a golf tournament on October 22 and she expects the City of Winters representatives (City Manager Donlevy and Mayor Fridae) to bring home a trophy.

Council Member Stone said the next Chamber Mixer will take place on Monday, October 11 and is being co-sponsored by Wiscombe Funeral Home and Florals by Chris from 5:30 – 7:00 p.m. at 34 Main Street.

Council Member Martin said Council Member Anderson will be representing him at the next Yolo-Solano AQMD meeting.

Mayor Fridae said he will represent the City at the upcoming Cool Davis, an event regarding global warming, to be held on October 10, where Sacramento Mayor Johnson and Woodland Mayor Pimentel will be in attendance.

PUBLIC COMMENTS: None

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, September 21, 2010
- B. Street Closure Request – Winters High School Homecoming Rally
- C. Resolution 2010-52, A Resolution of the City Council of the City of Winters Authorizing Submittal of An Application to the California Energy Commission's EECBG Program for Funds to Execute an Energy Efficiency Project

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.

PRESENTATIONS

1. Update-Public Safety Facility

Police Chief Bruce Muramoto provided a current update of the progress of construction at the Public Safety Facility. The structure should be enclosed within two weeks and the interior currently includes rough electrical and plumbing systems. Two emergency generators were delivered, as well as a 2,000 gallon diesel tank. Fire Captain Brad Lopez worked very hard to prepare the RFP for these items. City staff has a construction meeting every Tuesday with the Bobo Construction Superintendent, who gives a 3-week advance look at the construction activity that will be taking place. The construction of the Public Safety Facility has been coordinated well with the Well #7 project. The original completion date was 260 working days, or the end of September, 2010. But due to 50 rain days that were scheduled working days, the anticipated completion date is end of February/beginning of March, 2010.

Council Member Aguiar-Curry asked if the project was on budget. Chief Muramoto said the project is approximately 50%-60% complete, with change orders representing 2% of the project. Council Member Anderson said he saw the generators being delivered and they were gigantic. Chief Muramoto confirmed each 400 kilowatt generator weighs 14,000 pounds. Council Member

Anderson also asked about a time capsule. Chief Muramoto said a time capsule is being considered.

DISCUSSION ITEMS

1. Community Dinner Fee Waiver Request

Council Member Stone requested that the Community Center fees for the Community Dinner might be waived, as the previously budgeted \$1,000 was deleted from the current budget. He also asked if the attendant could be waived, as he will be on-site during the entire time and will assume this responsibility. Council Member Martin said this would be a great opportunity for the community, especially the student volunteers who have become active in every aspect of the dinner, and offered to help cleanup following the dinner.

Motion by Council Member Aguiar-Curry, second by Council Member Stone to designate \$250 out of the Council's discretionary fund to go toward the Community Dinner. Motion carried unanimously.

2. Fire Alerting System, Station BDA, and Base VHF Radio System for Fire/Police Public Safety Facility

Fire Chief Scott Dozier gave an overview. The fire alerting system quote, the VHF (very high frequency) radio system quote and the BDA (bi-directional amplifier) system quote have all been provided by ComTech Communications, who is the industry leader for this type of equipment. Council Member Anderson asked if we're geared up with Yolo Emergency Communication Agency (YECA). City Manager Donlevy said we are beholden to YECA and our systems should be complimentary. Council Member Martin asked if the radios will reach through the canyon and up to the dam? Fire Chief Dozier replied yes. Council Member Aguiar-Curry recently toured the Rumsey Rancheria Fire Station, and Fire Chief Dozier said the facility had recently become accredited and is the first tribal facility to receive the accreditation.

Motion by Council Member Aguiar-Curry, second by Council Member Anderson to approve the expenditure of funds already encumbered under the original funding for the Public Safety Facility in the amount of \$106,612.99 to fully fund the station alerting system, and to authorize the City Manager to sign the contract documents for ComTech Communications. Motion carried unanimously.

3. Accidental Firearm Discharge

Winters Police Lieutenant Sergio Gutierrez addressed Council regarding two accidental firearm discharges within the last year, October, 2009 and September, 2010 and said this is a very serious matter and is a negative reflection on the department. Through precaution and firearm training, these incidents are preventable as officers receive P.O.S.T. training as well as periodic range training. Any violation of policy, with the exception of mechanical malfunction, requires review.

As these incidents both happened in-house and did not involve the public, it became an internal affairs matter, making it confidential and eliminating the issuance of a press release. If the accidental firearm discharges occurred in public, a press release would be issued, confirming an accidental discharge had occurred but not disclosing the names of the officers involved.

Council Member Aguiar-Curry asked if these incidents were confidential and supposed to stay within the department, how did the information get out? Council Member Aguiar-Curry respects the attempt to keep it quiet, but is there a lack of respect within the department? Who leaked the information? Council Member Aguiar-Curry asked Lieutenant Gutierrez to stress to officers the importance of confidentiality.

Council Member Stone said that while confidentiality is important, the officer(s) involved are free to talk about the incident. Council Member Stone suggested the issuance of a press release to notify the public, confirming that an accidental discharge had taken place, but not releasing any other information.

Mayor Fridae asked how Council members should handle questions from residents? Lieutenant Gutierrez asked that all questions be directed to the Police Department. Council Member Anderson said, with all due respect, that this puts them in an awkward position. City Attorney Wallace said different cities have different policies. Some kind of press release should be issued if an incident occurs outside the confines of the police department. Accidental discharges would be handled internally, and the Police Department could create a form should an accidental discharge occur.

Lieutenant Gutierrez said it was unfortunate that there have been two accidental firearm discharges within the last year, and there have not been any for the last 15-20 years. Council Member Stone said we have to get the word out when accidental firearm discharges occur in order to quell speculation from the residents. City Manager Donlevy said a generic policy will come back before Council. The City Attorney will work on the wording to include the proper Government Code, personnel rights, and the public's right to know.

COMMUNITY DEVELOPMENT AGENCY

1.

CITY MANAGER REPORT: Friday is Homecoming! Word has leaked out that the State has a budget, which shows up while they are not in session and with no hearings. The City has not yet received any payments for gas tax. At the appeal hearing on 9/29, the Grant Ave./I-505, or Gateway Master Plan was brought up. At the 10/19 meeting, City Manager Donlevy will bring the Gateway Master Plan framework before Council for direction. Interest has been expressed by people who want to do projects within the Gateway area.

INFORMATION ONLY: None

EXECUTIVE SESSION: None

ADJOURNMENT: Mayor Fridae adjourned the meeting at 7:20 p.m.

Woody Fridae, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: October 19, 2010
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Carol Scianna, Environmental Services Manager *CS*
SUBJECT: Authorize City Manager to Execute Consultant Services Agreement with Solano County Water Agency (SCWA) in the amount not to exceed \$20,000.00 for Eradication Services on Dry Creek adjacent to Russell St. and Liwai Village Ct.

RECOMMENDATION: Authorize City Manager to Execute Consultant Services Agreement with Solano County Water Agency (SCWA) in the amount not to exceed \$20,000.00 for Eradication Services on Dry Creek adjacent to Russell St. and Liwai Village Ct.

BACKGROUND: The City will be working with SCWA and Rich Marovich to implement an eradication project targeting Tree of Heaven and Arrundo. Both of these non-natives are very invasive and there are numerous large trees and saplings along Dry Creek. Staff and Marovich have done an initial survey of the fifteen properties on Russell St and Liwai Village Ct and found numerous Tree of Heaven saplings and several large trees. There are also a few properties that have Arrundo along the creek bank. These invasives will continue to spread and eventually could overtake the native and create erosion problems along the bank.

The plan is to treat the trees with an herbicide, once the trees have died completely they will be removed. This method will minimize the trees sending out new shoots. We will need to do follow-up treatments over a two year period. SCWA will be contracting with Solano Resource Conservation District to do the herbicide treatment and Solano Shade for the larger tree removals. Cooperative agreements will be completed between the City and Property Owners, before any work begins.

FISCAL IMPACT: Eradication Project will be funded through Dry Creek Maintenance District



**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF WINTERS HONORING
CONGRESSMAN MIKE THOMPSON
AS A SPONSOR OF THE
THE FESTIVAL DE LA COMUNIDAD/COMMUNITY FESTIVAL
SPONSORED BY THE WINTERS HISPANIC ADVISORY COMMITTEE**

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

WHEREAS, Congressman Mike Thompson made a significant contribution towards the festival; and

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

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

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

PASSED AND ADOPTED, this 19th day of October, 2010.



Mayor Woody Fridae

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Michael Martin

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



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

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

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

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

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

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

PASSED AND ADOPTED, this 19th day of October, 2010.

Mayor Woody Fridae

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Michael Martin

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



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

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

WHEREAS, Lester Farms made a significant contribution towards the festival; and

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

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

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

PASSED AND ADOPTED, this 19th day of October, 2010.

Mayor Michael Martin

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Woody Fridae

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



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

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

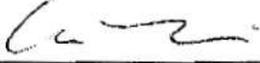
WHEREAS, Howard and Germaine Hupe made a significant contribution towards the festival; and

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

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

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

PASSED AND ADOPTED, this 19th day of October, 2010.



Mayor Woody Fridae

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Michael Martin

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



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

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

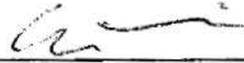
WHEREAS, EJ De La Rosa & Co, Inc. made a significant contribution towards the festival; and

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

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

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

PASSED AND ADOPTED, this 19th day of October, 2010.



Mayor Woody Fridae

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Michael Martin

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



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

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

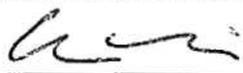
WHEREAS, Martinez Orchards made a significant contribution towards the carnitas cook-off; and

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

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

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

PASSED AND ADOPTED, this 19th day of October, 2010.



Mayor Woody Fridae

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Michael Martin

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



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

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

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

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

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

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

PASSED AND ADOPTED, this 19th day of October, 2010.

Mayor Woody Fridae

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Michael Martin

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



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

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

WHEREAS, Circle G Ranch made a significant contribution towards the carnitas cook-off; and

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

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

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

PASSED AND ADOPTED, this 19th day of October, 2010.



Mayor Woody Fridae

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Michael Martin

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



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

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

WHEREAS, Yolo County Supervisor Duane Chamberlain made a significant contribution towards the carnitas cook-off; and

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

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

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

PASSED AND ADOPTED, this 19th day of October, 2010.



Mayor Woody Fridae

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Michael Martin

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



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

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

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

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

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

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

PASSED AND ADOPTED, this 19th day of October, 2010.

Mayor Woody Fridae

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Michael Martin

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



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

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

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

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

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

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

PASSED AND ADOPTED, this 19th day of October, 2010.

Mayor Woody Fridae

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Michael Martin

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



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

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

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

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

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

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

PASSED AND ADOPTED, this 19th day of October, 2010.

Mayor Woody Fridae

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Michael Martin

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



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

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

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

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

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

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

PASSED AND ADOPTED, this 19th day of October, 2010.



Mayor Woody Fridae

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Michael Martin

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



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

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

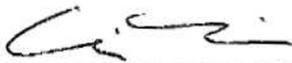
WHEREAS, Mariani Nut Company Foundation made a significant contribution towards the entire festival and cook-off; and

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

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

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

PASSED AND ADOPTED, this 19th day of October, 2010.



Mayor Woody Fridae

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Michael Martin

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



**A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF WINTERS HONORING
ADIDAS
AS A SPONSOR OF THE
THE FESTIVAL DE LA COMUNIDAD/COMMUNITY FESTIVAL
SPONSORED BY THE WINTERS HISPANIC ADVISORY COMMITTEE**

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

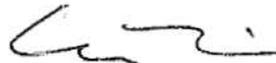
WHEREAS, Adidas made a significant contribution towards the festival; and

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

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

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

PASSED AND ADOPTED, this 19th day of October, 2010.



Mayor Woody Fridae

Council Member Cecilia Aguiar Curry

Council Member Harold Anderson

Council Member Tom Stone

Council Member Michael Martin

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



Est. 1875

**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: October 19, 2010
THROUGH: John W. Donlevy, Jr., City Manager! *JD*
FROM: Nanci G. Mills, Director of Administrative Services/City Clerk *Nanci*
SUBJECT: Resolution 2010-53, Establishing Procedures for the Administration of Relations Between the City and Its Employees

RECOMMENDATION:

That the City Council waive full reading and adopt Resolution 2010-53, establishing procedures for the administration of relations between the City and its employees.

BACKGROUND:

In summary, the Meyers-Milias –Brown Act (MMBA), established in 1968, governs labor management relationships in California local government: cities, counties, and most special districts. The proposed employer-employee relations resolution is essential a set of procedures to utilize if employees chose to be recognized as an employee group.

It is the purpose of the MMBA to promote full communication between public employers and their employees by providing a reasonable method of preventing and resolving disputes regarding wages, hours, and other terms and conditions of employment between public employers and public employee organizations. It is also the purpose of the MMBA to promote the improvement of personnel management and employer-employee relations within the various public agencies in the State of California by providing a uniform basis for recognizing the right of public employees to join organizations of their own choice and be represented by those organizations in their employment relationships with public agencies.

The proposed Employer-Employee Relations Resolution does several things:

1. Updates definitions and clarifies timeframes to follow.
2. Clarifies the impasse procedure.
3. Clarifies the process for recognition of a bargaining unit and decertification procedures.

4. Updates various sections to meet current law.

There is no impact to any Memorandum of Understanding nor any employee benefits through the adoption of the attached resolution. With the adoption of a clearly written, up to date resolution, the City or any bargaining unit can avoid ambiguities in our processes and follow best practices.

FISCAL IMPACT:

None

RESOLUTION 2010 -53

ESTABLISHING PROCEDURES FOR THE ADMINISTRATION OF RELATIONS
BETWEEN THE CITY AND ITS EMPLOYEES

Employer-Employee Relations

WHEREAS, the City of Winters ("the City") desires to adopt reasonable rules and regulations for the administration of employer-employee relations pursuant to the Meyers-Milias-Brown Act ("MMBA"), California Government Code section 3500, *et seq.*; and

WHEREAS, the City has provided notice of this employee relations resolution to all affected employee organizations, and all organizations have had the opportunity to meet and consult regarding the contents of this resolution pursuant to the MMBA;

WHEREAS, the City wishes to establish such rules in compliance with the act;

NOW, THEREFORE, BE IT RESOLVED that the City hereby adopts these policies governing employer-employee relations pursuant to the MMBA:

Article I – General Provisions

Section 1. Statement of Purpose

The purpose of this Resolution is to implement the City's rules and regulations governing labor relations pursuant to section 3507 of the California Government Code.

Section 2. Definitions.

As used in this Resolution, the following terms shall have the meanings indicated:

- A. "Appropriate Unit" means a unit of employee classes or positions, established pursuant to this Resolution.
- B. "City" means the City of Winters, and, where appropriate herein, refers to the City Council or any duly authorized City representative as herein defined.
- C. "Confidential Employee" means an employee who has access to confidential information relating to the City's employer-employee relations.
- D. "Consult/Consultation in Good Faith" means to communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions; and, as distinguished from meeting and conferring in good faith regarding matters within the required scope of such meet and confer process, does not necessarily involve an exchange of proposals and counterproposals with an exclusively recognized employee organization in an endeavor to reach agreement in the form of a Memorandum of Understanding, nor is it subject to impasse and impasse-resolution procedures specified in this Resolution.
- E. "Day" means calendar day unless expressly stated otherwise.

Employer-Employee Relations Resolution

- F. "Employee Relations Officer" means the City Manager or the City Manager's duly authorized representative or designee.
- G. "Impasse" means a deadlock in negotiations concerning matters within the scope of representation.
- H. "Management Employee" means (1) an employee having responsibility for formulating, administering or managing the implementation of City policies and programs; or (2) any employee having authority, in the interest of the City, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them or to adjust their grievances, or to recommend any of the foregoing personnel actions if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires some use of independent judgment.
- I. "Proof of Employee Support" means (1) an authorization card recently signed and personally dated by an employee, or (2) a verified authorization petition or petitions recently signed and personally dated by an employee. The only authorization which shall be considered as proof of employee support hereunder shall be the authorization last signed by an employee. The words "recently signed" shall mean within ninety (90) days prior to the filing of a petition.
- J. "Exclusively Recognized Employee Organization" means an employee organization which has been formally acknowledged by the City as the sole employee organization representing the employees in an appropriate unit designated pursuant to this Resolution, having the exclusive right to meet and confer in good faith concerning statutorily required subjects pertaining to unit employees, and thereby assuming the corresponding obligation of fairly representing such employees.
- K. "Memorandum of Understanding" or "MOU" means a written, negotiated agreement or contract between the City and an Exclusively Recognized Employee Organization that sets out wages, hours and fringe benefits over a stated period of time. MOUs are not binding until approved by the City Council.
- L. "Meyers-Milias-Brown Act" or "MMBA" refers to the California Government Code sections 3500, et seq.

Article II -- City Rights

Unless specifically in conflict with any MOU, all management rights shall remain vested exclusively with the City. City management rights include but are not limited to:

1. The right to determine the mission of the City, including without limitation the City's departments, divisions, institutions, boards and commissions;
2. The right of full and exclusive control of the management of the City; supervision of all operations; determinations of methods, means, location and assignments of performing all work; and the composition, assignment, direction, location and determination of the size and mission of the work force;
3. The right to determine the work to be done by employees, including establishment of service levels, appropriate staffing and the allocation of funds for any position(s) within the City;

Employer-Employee Relations Resolution

4. The right to review and inspect, without notice, all City-owned facilities, including without limitation desktop computers, work areas and desks, email, computer storage drives, voicemail systems and filing cabinets and systems;
5. The right to change or introduce different, new or improved operations, technologies, methods or means regarding any City work, and to contract out for work;
6. The right to establish and modify qualifications for employment, including the content of any job classification, job description or job announcement, and to determine whether minimum qualifications are met;
7. The right to maintain and modify the City's classification plan;
8. The right to establish and enforce employee performance standards;
9. The right to schedule and assign work, make reassignments and assign overtime work;
10. The right to hire, fire, promote, discipline, reassign, transfer, release, discipline, layoff, terminate, demote, suspend or reduce in step or grade, all employees;
11. The rights to establish and modify bargaining units; to assign new or amended classifications to particular bargaining units; and to designate any position confidential, supervisory, management or otherwise for bargaining unit assignments pursuant to the MMBA.
12. The right to inquire and investigate regarding complaints or concerns about employee performance deficiencies or misconduct of any sort, including the right to require employees to appear, respond truthfully and cooperate in good faith regarding any City investigation; and
13. The right to maintain orderly, effective and efficient operations.
14. The right to publish its views, and to distribute appropriate information, concerning any labor relations issue;
15. The right to correct misstatements and other inaccurate information disseminated by third parties concerning the City's labor relations and any aspect thereof; and
16. The right to take any appropriate lawful measure to ensure the best delivery of services to the public in response to any work stoppage, including without limitation: (a) altering work schedules or locations to ensure coverage; (b) investigating absences to ensure no violation of City policies.

Except in cases of emergencies as defined by the MMBA, the City shall provide advance notice to each recognized employee organization affected by any ordinance, rule, resolution, or regulation directly relating to matters within the scope of representation proposed to be adopted by the City and shall give such recognized employee organization the opportunity to meet with City representatives. In the event of emergency causing the City immediately to adopt an ordinance, rule, resolution or regulation directly

Employer-Employee Relations Resolution

relating to matters within the scope of representation, the City shall provide notice and opportunity to meet at the earliest practicable time.

Article III -- Rights of City Employees

Unless specifically in conflict with a MOU, all employees shall enjoy the following rights:

1. The right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations;
2. The right to refuse to join or participate in the activities of employee organizations; and
3. The right to be free from interference, intimidation, restraint, coercion, or discrimination because of exercising rights specified in this section.

Article IV – Representation Proceedings

Section 1. Filing of Recognition Petition by Employee Organization

An employee organization that seeks to be formally acknowledged as the Exclusively Recognized Employee Organization representing the employees in an appropriate unit shall file a petition with the Employee Relations Officer containing the following information and documentation:

- A. Name and address of the employee organization.
- B. Names and titles of its officers.
- C. Names of employee organization representatives who are authorized to speak on behalf of the organization.
- D. A statement that the employee organization has, as one of its primary purposes, the responsibility of representing employees in their employment relations with the City.
- E. A statement whether the employee organization is a chapter of, or affiliated directly or indirectly in any manner, with a local, regional, state, national or international organization, and, if so, the name and address of each such other organization.
- F. Official copies of the employee organization's constitution and bylaws.
- G. A designation of those persons, not exceeding three in number, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice on the employee organization for any purpose.
- H. A statement that the employee organization has, as one of its primary purposes, the responsibility of representing employees in their employment relations with the City.
- I. The job classifications or position titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein.
- J. A statement that the employee organization has in its possession proof of employee support as herein defined to establish that at least thirty (30) percent of employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the City. Such written proof shall be submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party.
- K. A request that the Employee Relations Officer formally acknowledge the petitioner as the Exclusively Recognized Employee Organization representing the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith.

Employer-Employee Relations Resolution

The Petition, including the proof of employee support and all accompanying documentation, shall be declared to be true, correct and complete, under penalty of perjury, by the duly authorized officer(s) of the employee organization executing it.

Section 2. City Response to Recognition Petition

Upon receipt of the Petition, the Employee Relations Officer shall determine whether:

- A. There has been compliance with the requirements of the Recognition Petition, and
- B. The proposed representation unit is an appropriate unit in accordance with this Resolution.

If an affirmative determination is made by the Employee Relations Officer on the foregoing two matters, he/she shall so inform the petitioning organization, shall give written notice of such request for recognition to the employees in the unit and shall take no action on said request for thirty (30) days thereafter. If either of the foregoing matters are not affirmatively determined, the Employee Relations Officer shall offer to consult thereon with such petitioning employee organization and, if such determination thereafter remains unchanged, shall inform that organization of the reasons therefore in writing. The petitioning employee organization may appeal such determination in accordance with section 10 of this Article.

Section 3. Open Period for Filing Challenging Petition

Within thirty (30) days of the date written notice was given to affected employees that a valid recognition petition for an appropriate unit has been filed, any other employee organization may file a competing request to be formally acknowledged as the exclusively recognized employee organization of the employees in the same or in an overlapping unit (one which corresponds with respect to some but not all the classifications or positions set forth in the recognition petition being challenged), by filing a petition evidencing proof of employee support in the unit claimed to be appropriate of at least thirty (30) percent and otherwise in the same form and manner as set forth in Section 1 of this Article. If such challenging petition seeks establishment of an overlapping unit, the Employee Relations Officer shall call for a hearing on such overlapping petitions for the purpose of ascertaining the more appropriate unit, at which time the petitioning employee organizations shall be heard. Thereafter, the Employee Relations Officer shall determine the appropriate unit or units in accordance with the standards in this Resolution. The petitioning employee organizations shall have fifteen (15) days from the date notice of such unit determination is communicated to them by the Employee Relations Officer to amend their petitions to conform to such determination or to appeal such determination pursuant to section 10 of this Article.

Section 4. Election Procedure

The Employee Relations Officer shall arrange for a secret ballot election to be conducted by a party agreed to by the Employee Relations Officer and the concerned employee organization(s), in accordance with its rules and procedures subject to the provisions of this Resolution. If both sides cannot agree on the party to conduct the election, the election shall be conducted by the State Mediation and Conciliation Service (SMCS). All employee organizations that have duly submitted petitions which have been determined to be in conformance with this Article shall be included on the ballot. The ballot shall also reserve to employees the choice of representing themselves individually in their employment relations with the City. Employees entitled to vote in such election shall only be those persons employed in regular permanent positions within the designated appropriate unit who were employed during the pay period immediately prior to the date which ended at least fifteen (15) days before the date the election

commences, including those who did not work during such period because of illness, vacation or other authorized leaves of absence, and who are employed by the City in the same unit on the date of the election. An employee organization shall be formally acknowledged as the Exclusively Recognized Employee Organization for the designated appropriate unit following an election if it received a numerical majority of all votes cast in the election. In an election involving three or more choices, where none of the choices received a majority of the valid votes cast, a run-off election shall be conducted between the two choices receiving the largest number of valid votes cast; the rules governing an initial election being applicable to a run-off election.

There shall be no more than one valid election under this Resolution pursuant to any petition in a 12-month period affecting the same unit.

The City may conduct elections, with election procedures subject to consultation with those employee organizations on the ballot. The organizations on the ballot may observe the balloting and counting. The employees in the appropriate unit(s) shall be granted reasonable release time to vote.

Costs of conducting elections shall be borne in equal shares by the City and by each employee organization appearing on the ballot.

Section 5. Procedure for Decertification of Exclusively Recognized Employee Organization

A Decertification Petition alleging that the incumbent Exclusively Recognized Employee Organization no longer represents a majority of the employees in an established appropriate unit may be filed with the Employee Relations Officer only during the following periods: (a) during the thirty (30) day period commencing one hundred twenty (120) days prior to the expiration date of a Memorandum of Understanding then having been in effect less than three (3) years; or (b) for MOUs in effect more than three (3) years, during the months of February and March of each year after the third year the MOU is in effect. A Decertification Petition may be filed by two or more employees or their representative, or an employee organization, and shall contain the following information and documentation declared by the duly authorized signatory under penalty of perjury to be true, correct and complete:

- A. The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.
- B. The name of the established appropriate unit and of the incumbent Exclusively Recognized Employee Organization sought to be decertified as the representative of that unit.
- C. An allegation that the incumbent Exclusively Recognized Employee Organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts relating thereto.
- D. Proof of employee support that at least thirty (30) percent of the employees in the established appropriate unit no longer desire to be represented by the incumbent Exclusively Recognized Employee Organization. Such proof shall be submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party within the time limits specified in the first paragraph of this Section.

An employee organization may, in satisfaction of the Decertification Petition requirements hereunder, file a Petition under this section in the form of a Recognition Petition that evidences proof of employee support of at least thirty (30) percent that includes an allegation that the incumbent Exclusively Recognized Employee Organization no longer represents a majority of the employees in the appropriate unit, and any other relevant and material facts relating thereto, and otherwise conforms to the requirements of Section 1 of this Article.

The Employee Relations Officer shall initially determine whether the Petition has been filed in compliance with the applicable provisions of this Article. If his determination is in the negative, he shall offer to consult thereon with the representative(s) of such petitioning employees or employee organization and, if such determination thereafter remains unchanged, shall return such Petition to the employees or employee organization with a statement of the reasons therefore in writing. The petitioning employees or employee organization may appeal such determination in accordance with this Article. If the determination of the Employee Relations Officer is in the affirmative, or if his negative determination is reversed on appeal, he shall give written notice of such Decertification or Recognition Petition to the incumbent Exclusively Recognized Employee Organization and to unit employees.

The Employee Relations Officer shall thereupon arrange for a secret ballot election to be held on or about thirty (30) days after such notice to determine the wishes of unit employees as to the question of decertification and, if a Recognition Petition was duly filed hereunder, the question of representation. Such election shall be conducted in conformance with this Article II.

If a different employee organization is formally acknowledged as the Exclusively Recognized Employee Organization, such organization shall be bound by all the terms and conditions of any Memorandum of Understanding then in effect for its remaining term.

Section 6. Policy and Standards for Determination of Appropriate Units

The City Manager shall designate and maintain a description of all current bargaining units in the City. The City Manager shall have the management discretion to form and define reasonable bargaining units, and to modify bargaining units based on the procedures specified in this resolution. The City Manager may consider, but shall not be bound by, labor relations criteria considered under federal authorities such as the National Labor Relations Act. A key criterion for unit determination is whatever grouping provides the broadest feasible grouping of positions that share an identifiable community of interest. In addition, the City Manager may consider, but is not limited to, the following criteria:

- a. Community of interest among employees, and avoiding actual or potential conflicts of interest within the bargaining unit;
- b. Historical relationships including the organizational structure and collective bargaining;
- c. The effective delivery of services;
- d. The application and consistency of wage, hour and benefit packages (including retirement benefits) within the bargaining unit;
- e. Specific legal requirements;
- f. Employee rights to freely choose labor representatives according to their preference;
- g. The confidential, management and/or supervisory status of any employee; and
- h. Efficiencies in the labor negotiations process.

Employer-Employee Relations Resolution

The City may adopt reasonable rules to restrict managerial, supervisory and confidential employees from representing any employee organization which represents employees who are non-managerial, non-supervisors or non-confidential. Management, supervisory and confidential employees may not represent any employee organization which represents other employees.

The Employee Relations Officer shall, after notice to and consultation with affected employee organizations, allocate new classifications or positions, delete eliminated classifications or positions, and retain, reallocate or delete modified classifications or positions from units in accordance with the provisions of this Resolution.

Section 7. Procedure for Modification of Established Appropriate Units

Requests by employee organizations for modifications of established appropriate units may be considered by the Employee Relations Officer only during the periods specified in Section 5 of this Article. Such requests shall be submitted in the form of a Recognition Petition and, in addition to the requirements set forth in Section 1 of this Article, shall contain a complete statement of all relevant facts and citations in support of the proposed modified unit in terms of the policies and standards set forth in this Article. The Employee Relations Officer shall process such petitions as other Recognition Petitions under this Article.

The Employee Relations Officer may on his/her own motion propose that an established unit be modified. Such a proposal may be made during the period specified in Section 5 of this Article, within sixty (60) days of adoption of this Resolution, or any time the Employee Relations Officer determines that business circumstances justify such a modification. The Employee Relations Officer shall give written notice of the proposed modification(s) to any affected employee organization and shall hold a meeting concerning the proposed modification(s), at which time all affected employee organizations shall be heard. Thereafter the Employee Relations Officer shall determine the composition of the appropriate unit or units in accordance this Article, and shall give written notice of such determination to the affected employee organizations. The Employee Relations Officer's determination may be appealed as provided in Section 8 of this Article. If a unit is modified pursuant to the motion of the Employee Relations Officer hereunder, employee organizations may thereafter file Recognition Petitions seeking to become the Exclusively Recognized Employee Organization for such new appropriate unit or units pursuant to this Resolution.

Section 8. Appeals

An employee organization aggrieved by an appropriate unit determination of the Employee Relations Officer may request mediation through the California State Conciliation Service within ten (10) days of notice of the unit determination.

Alternatively, determinations by the Employee Relations Officer concerning: (a) the designation or modification of an appropriate unit; (b) recognition petitions; or (c) decertification petitions may be appealed within fifteen (15) days of notice of such determination, to the City Council for final decision.

Appeals to the City Council shall be filed in writing with the City Clerk, and a copy thereof served on the Employee Relations Officer. The City Council shall commence to consider the matter within thirty (30) days of the filing of the appeal. The City Council may, in its discretion, refer the dispute to a third party hearing process. Any decision of the City Council on the use of such procedure, and/or any decision of the City Council determining the substance of the dispute, shall be final and binding.

Article V — Administration

Section 1. Submission of Current Information by Recognized Employee Organization

All changes in the information filed with the City by an Exclusively Recognized Employee Organization in its Recognition Petition shall be submitted in writing to the Employee Relations Officer within thirty (30) days of such change.

Section 2. Payroll Deductions on Behalf of Employee Organizations

Upon formal acknowledgment by the City of an Exclusively Recognized Employee Organization under this Resolution, only such Recognized Employee Organization may be provided payroll deductions of membership dues and insurance premiums for plans sponsored by such organization upon the written authorization of employees in the unit represented by the Exclusively Recognized Employee Organization on forms approved by the City. The providing of such service to the Exclusively Recognized Employee Organization by the City shall be contingent upon and in accordance with the express provisions of Memoranda of Understanding.

Section 3. Agency Shop / Organizational Security Agreements

If adopted, agency shop arrangements between the City and any exclusively recognized employee organization shall be made in accordance with the MMBA, as amended, and other applicable law. Employee organizations shall fully indemnify the City, to the extent permitted by law, for the creation and administration of agency shop / organizational security arrangements.

Section 4. Employee Organization Activities — Access to Work Locations

Reasonable access to employee work locations shall be granted officers of Recognized Employee Organizations and their officially designated representatives, for the purpose of processing grievances or contacting members of the organization concerning business within the scope of representation. Such officers or representatives shall not enter any work location without the consent of the Employee Relations Officer. Access shall be restricted so as not to interfere with the normal operations of the department or with established safety or security requirements.

Solicitation of membership and activities concerned with the internal management of an employee organization, such as collecting dues, holding membership meetings, campaigning for office, conducting elections and distributing literature, shall not be conducted during working hours.

Section 5. Employee Organization Activities - Use of City Facilities

Employee organizations may, with the prior approval of the Employee Relations Officer, be granted the use of City facilities during non-work hours for meetings of City employees provided space is available. All such requests shall be in writing. The City reserves the right to assess reasonable charges for the use of such facilities.

The use of City equipment (including without limitation telephones, information technology systems, email, computers, facsimiles, photocopiers) -- other than the following items normally used in the conduct of business meetings, such as desks, tables, chairs, blackboards--is prohibited, unless prior approval is given.

Employer-Employee Relations Resolution

Section 6. Employee Organization Activities - Use of Bulletin Boards

Recognized employee organizations may install bulletin boards with the approval of the Employee Relations Officer under the following conditions:

- A. Postings on employee organization bulletin boards will be restricted to meeting notices and materials related to organization activities. The bulletin board shall not be used for political purposes nor to describe differences between (1) the organization or its members and (2) other City employees or the City Council.
- B. The City and the recognized employee organization will determine where bulletin boards shall be placed.
- C. An employee organization that does not abide by these rules may forfeit its right to have materials posted.

Section 7. Administrative Rules and Procedures

The City Manager is hereby authorized to establish such rules and procedures as appropriate to implement and administer the provisions of this Resolution after consultation with affected employee organizations.

Article VI — Impasse Procedures

Section 1. Initiation of Impasse Procedures

Impasse procedures are applicable to negotiations concerning a memorandum of understanding or successor memorandum of understanding. Impasse procedures do not apply to meet and confer issues that are not mandatory subjects of negotiation under the law, or which occur during a period when a MOU is in effect.

If the meet and confer process concerning a MOU has reached impasse as defined in this Resolution, either party may initiate the impasse procedures by filing with the other party a written request for an impasse meeting, together with a statement of its position on all issues. An impasse meeting shall then be scheduled promptly by the Employee Relations Officer. The purpose of such meeting shall be:

- A. To review the position of the parties in a final effort to reach agreement on a Memorandum of Understanding; and
- B. If the impasse is not resolved, to discuss arrangements for the use of the impasse procedures provided herein.

Section 2. Impasse Procedures

Impasse procedures are as follows:

If either party makes a last, best and final offer on a package settlement of wages, hours and working conditions, the other party must present the package to its principals. Thus, the City must present any last, best and final offer to its principals, and the Union must present any last, best and final offer to its membership. After consideration of a last, best and final offer, a party must provide feedback to the other party as to whether the offer is accepted or rejected.

After a final meeting, either party may request that the dispute be submitted to mediation. The costs of mediation shall be borne equally. Mediation shall be conducted by a mutually agreed upon mediator, or a mediator supplied by the California State Mediation and Conciliation service. Mediation shall be confidential. The mediation shall not make public recommendations or issue any decision concerning the issues.

If the matter is not resolved after mediation, or if one party refuses to mediate, the dispute shall be resolved by the City Council. In resolving an impasse, the City Council may take such action regarding the impasse as it deems appropriate and in the public interest. Any legislative action by the City Council on the impasse shall be final and binding.

This section shall not cover day-to-day meet and confer subject; rather, this impasse resolution procedure is intended to apply only to comprehensive memoranda of understanding containing economic provisions.

Section 3. Costs of Impasse Procedures

The costs for the services of a mediator or any other impasse resolution processes agreed-upon by the parties shall be born equally by the City and Exclusively Recognized Employee Organization. The cost for other separately incurred costs during impasse resolution procedures shall be born separately by the parties.

Article VII – Miscellaneous Provisions

a. Savings and Separability: This Resolution is intended to comport with all applicable state and federal laws, and it should be interpreted and applied to harmonize with all such law, reserving the broadest legal measure of authority to the City Council. In the event a court of competent jurisdiction determines that some provision is inconsistent with applicable and binding law, then that provision shall be severed and all remaining portions of the resolution shall continue in full force and effect. Upon request by the City, a recognized bargaining representative will meet and consult with the City promptly upon request in an effort to resolve any amendments that are necessary or advisable in light of changes to existing law, or interpretations of the law that impact this Resolution.

b. Anti-Discrimination: The City is committed to ensuring that its workplaces are free from discrimination and harassment made unlawful pursuant to Title VII of the Civil Rights Act, as amended, the Fair Employment and Housing Act, and other state and federal laws regarding discrimination. This Resolution shall be interpreted to comply with such laws. All memoranda of understanding, including side letters, adopted pursuant to the MMBA and this Resolution shall be interpreted to comply with such laws.

c. Construction: This Resolution should be interpreted based on its plain meaning and intent of the City Council as expressed herein. No legislative intent may be implied or inferred based upon changes, if any, to draft resolutions during the meet and consult process with affected employee organizations.

PASSED AND ADOPTED by the City Council of the City of Winters, this ____ day of _____, 2010 by the following roll call vote:

Employer-Employee Relations Resolution

AYES:
NOES:
ABSENT:
ASTAIN:

Woody Fridae, MAYOR

ATTEST:

Nanci G. Mills, CITY CLERK



EST. 1875

TO: Honorable Mayor and Council Members
DATE: October 19, 2010
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Nanci G. Mills, Director of Administrative Services/Recreation *Nanci*
SUBJECT: Community Center and Pool Fund Committee (CCAPFC) Donation of Funds

RECOMMENDATION:

That the Winters City Council receive the recommendation of distribution of funds raised by the Community Center and Pool Fund Committee (CCAPFC).

BACKGROUND:

<u>Community Center</u>	<u>F/Y 08/09</u>	<u>F/Y 09/10</u>	<u>Budgeted F/Y 10/11</u>
Revenue	\$ 18,025	\$ 29,722	\$ 63,920
Expenses	<u>76,913</u>	<u>85,702</u>	92,175
CCAPFC			<u>6,000</u>
Total	\$ (58,888)	\$ (55,980)	\$ (22,255)
<u>Pool</u>	<u>F/Y 08/09</u>	<u>F/Y 09/10</u>	<u>Budgeted F/Y 10/11</u>
Revenue	\$ 25,331	\$ 30,800	\$ 40,650
Expenses	<u>77,567</u>	<u>64,226</u>	80,062
CCAPFC			<u>6,000</u>
Total	\$ (52,236)	\$ (33,426)	\$ (33,412)

The committee, consisting of community members, was formed to plan and sponsor the highly successful fundraising efforts. The committee raised funds through donations and proceeds from ticket sales for the spaghetti dinner and has risen to approximately 24,000.00. They are recommending a split of funds raised to go toward the pool (\$12,000) and the Community Center (\$12,000).

The Committee's mission is "To raise money to enable the Winters Community Center and the Winters Swimming Pool facilities to operate at the current levels. These levels will be that of 2009-2010."

The Committee is recommending that the City lower the price of recreation swimming from the \$3 adopted for the 2010 season, back to 2009 price of \$1 and accept \$6,000 from the committee to cover the shortfall. They are recommending that this be done for both 2011 and 2012 recreation season. This will cover the cost of the city charging \$3. The Committee feels that with the reduced price it will allow more people to utilize the pool.

In regards to the Community Center, the Committee is recommending that the \$12,000 would go towards the Lions Club Blood Drives and the Senior Program. This would cover the center costs for these two programs for a period of two years. The Lions Club holds six blood drives per year, and the Seniors hold their lunch program Monday through Friday.

FISCAL IMPACT:

None



EST. 1879

TO: Honorable Mayor and Council Members
DATE: October 19, 2010
THROUGH: John W. Donlevy, Jr., City Manager *JD*
FROM: Nanci G. Mills, Director of Administrative Services/Recreation *Nanci*
SUBJECT: Community Center Update

RECOMMENDATION:

City Council to receive the information and direct staff as appropriate.

BACKGROUND:

The Winters City Council approved a new fee structure for the community center at its February 16, 2010 meeting.

Below you will find the revenues and expenditures. You will see that both revenues and expenditures have increased. However, the overall deficit has decreased. This taking into consideration that the fee increases had been in effect for just three months. Most customers were already in contract with the lower fees.

<u>Community Center</u>	<u>F/Y 08/09</u>	<u>F/Y 09/10</u>	<u>Budgeted F/Y 10/11</u>
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Expenses	<u>76,913</u>	<u>85,702</u>	92,175
CCAPFC			<u>6,000</u>
Total	\$ (58,888)	\$ (55,980)	\$ (22,255)

Staff sent out twelve subscription letters on March 12, 2010 to advise non-profit groups of the annual fee to allow them a lower hourly rate. To date we have received subscriptions from the Winters Chamber of Commerce, Winters Healthcare and the Winters Rotary Club.

Included in the revenue are funds received by the Winters Theatre Company in the amount of \$3,500. We have not received any funding from the Seniors or Lions Club groups.

Customers do not seem surprised by the new fee schedule and we have not received much negative feedback.

The community center is a very active place and seems to be busier than ever. We understand that St. Anthony's Parish Hall will no longer be renting the building for events.

FISCAL IMPACT:

None.



COMMUNITY CENTER RENTAL INFORMATION

SUBSCRIBER USE – NON PROFIT ORGANIZATIONS

Call for available dates: 795-4910 ext. 100

Annual Subscription: \$350

\$20.00 per hour for event (Includes Main Hall, Kitchen, Back Patio w/BBQ)

Two hours *free* to set-up and one *free* hour to clean up

Additional set-up time @ \$20.00/hour

Refundable Security Deposit: \$600.00

Non-Refundable Cleaning Fee: \$300.00

**Licensed Security Guards ~ 2 per 100 people
(required to arrive at the beginning of the event
and stay ½ hour after the end of the event):
\$16 - \$23 / guard / hour**

**Proof of liability insurance required for all events ~ \$1,000,000 coverage
City of Winters shall be named Additional Insurance on Proof of Liability
YCPARMIA Insurance: City Representative will Call for Quote**

CONFERENCE ROOM: \$30.00/hour

ROTARY PARK, GAZEBO & AMPHITHEATER: Flat rate of \$75 for park, gazebo or amphitheater usage only. If interested in using tables and chairs, you must pay the Subscriber Use/Non-Profit Organization Use rate of \$20/hour in addition to the \$75 Rotary Park/Amphitheater rate.



COMMUNITY CENTER RENTAL INFORMATION

FOR NON-SUBSCRIBER USE -- NON PROFIT ORGANIZATIONS

Call for available dates: 795-4910 ext. 100

\$50.00 per hour for event (Includes Main Hall, Kitchen, Back Patio w/BBQ)

Two hours *free* to set-up and one *free* hour to clean up

Additional set-up time @ \$30.00/hour

Refundable Security Deposit: \$600.00

Non-Refundable Cleaning Fee: \$300.00

**Licensed Security Guards ~ 2 guards per 100 people
(required to arrive at the beginning of the event
and stay ½ hour after the event):
\$16 - \$23 / guard / hour**

**Proof of liability insurance required for all events ~ \$1,000,000 coverage
City of Winters shall be named Additional Insurance on Proof of Liability
YCPARMIA Insurance: City Representative will Call for Quote**

CONFERENCE ROOM: \$30.00 /hour

ROTARY PARK, GAZEBO & AMPHITHEATER: Flat rate of \$75 for park, gazebo or amphitheater usage only. If interested in using tables and chairs, you must pay the Community Center Non-Subscriber/Non-Profit Use rate of \$50/hour in addition to the \$75 Rotary Park/Amphitheater rate.



COMMUNITY CENTER RENTAL INFORMATION

FOR GENERAL USE

Call for availability: 795-4910 ext. 100

\$75.00 per hour for event (Includes Main Hall, Kitchen, Back Patio w/BBQ)

Two hours *free* to set-up and one *free* hour to clean up

Additional set-up time @ \$30.00/hour

Refundable Security Deposit: \$600.00

Non-Refundable Cleaning Fee: \$300.00

**Licensed Security Guards: 4 guards per 100 people (Coming of Age & Baptisms)
2 guards per 100 people for all other events (guards are required to arrive at the
beginning of the event and stay ½ hour after the event)
\$16-\$23 / guard / hour**

**Proof of liability insurance required for all events ~ \$1,000,000 coverage
City of Winters shall be named Additional Insured on Proof of Liability
YCPARMIA Insurance: City Representative will Call for a Quote**

CONFERENCE ROOM: \$30/hour

**ROTARY PARK, GAZEBO & AMPHITHEATER: Flat rate of \$75 for park, gazebo, or
amphitheater usage only. If interested in using tables and chairs, you must pay
the Community Center General Use rate of \$75/hour in addition to the \$75 Rotary
Park/Gazebo/Amphitheater rate.**



TO: Honorable Mayor and Council Members
DATE: September 21, 2010
THROUGH: John W. Donlevy, Jr., City Manager *John*
FROM: Nanci G. Mills, Director of Administrative Services/Recreation *Nanci*
SUBJECT: Pool Use Update on Fees and Programs

RECOMMENDATION:

That the City Council receive the information, and direct staff as appropriate.

BACKGROUND:

	<u>F/Y 08/09</u>	<u>F/Y 09/10</u>	<u>Budgeted F/Y 10/11</u>
Revenue	\$ 25,331	\$ 30,800	\$ 40,650
Expenses	<u>77,567</u>	<u>64,226</u>	80,062
CCAPFC			<u>6,000</u>
Total	\$ (52,236)	\$ (33,426)	\$ (33,412)

On February 16, 2010 the City Council authorized the operation of the swimming pool and on March 6, 2010 adopted the new fees for the 2010 pool season.

As you can see the revenues are up and the expenses are down. I contribute it to the new fees as well as efforts to make programs revenue neutral. As well as a policy of reducing the number of lifeguards on duty as to the ratio of attendance at each hour of recreation swim.

The actual number of participants was down as far as daily attendance, private parties and lessons, as well as masters (see attachments), with the only increase in adult lap swim. The contributing factors could be the increase in fees, economy and weather.

The donation from CCAPFC is to offset loss of revenue for the lowering of the recreation swim cost from the approved \$3 to \$1 to allow more people to possibly utilize the pool.

Attached you will find the pool fee calculator table that staff brought to Council in March to project revenue for this season. We fell a bit short in each of the city programs.

The Masters Group had estimated that they had an average of 40 swimmers, however this year only had an average of 9.84 paid swimmers per month fell way below the estimate. The City received \$20 per swimmer.

We have developed an hourly rate of \$65 per hour for the use of the pool for user groups. They will be responsible for providing lifeguard/instructor and certificate of insurance.

Staff will be meeting to discuss development of policies and standards to maximize the benefits of the pool facility to all residents of the community.

FISCAL IMPACT:

None by this action.

2010 Pool Use

User Groups	May	June	July	Aug	Sept	Oct	Total	Actual Average	2011 Estimate
Daily Swimmers	65	829	761	199			1854	24.72	2000
Adult Lap Swimmers	10	14	15	12	10	4	65	10	65
Masters Swimmers	7	8	13	11	14	6	59	9.84	Hourly Rate
Swim Team							250	250	250
Year Round Swin Team				15				15	Hourly Rate
Lessons							134	134	135
Private Pool Parties			2	2			4	4	4

Daily Swimmers average 24.72 per day during days open (2940 in 2009)

Adult Lap Swimmers average 10 per month paid (50 in 2009)

Masters memberships average 9.84 per month paid (unknown in 2009)

Swim Team had 250 registrations for the summer (same as 2009)

The City provided 134 lessons (250 in 2009)

There were 4 Private Party Rentals (18 in 2009)

Pool Fee Calculator:

Notes:	Number	Cur Charge	Proposed	Projection			
Pool Parties	6	160.00	225.00	1,350.00			
Swim Passes	60	50.00	200.00	12,000.00			
Lessons	162	45.00	75.00	12,150.00			
Masters	40	-	200.00	8,000.00			
Swim Team				-	Rec Swim Cost	Daily	Uni
			Revenue	33,500.00	(1,500.00)	(22.39)	(0.5)

Total Op Cost	74,000.00
Net Oper Cost	(40,500.00)
Carry Cost	34,000.00
Net Oper Vs Carry	<u>(6,500.00)</u>



EST. 1875

TO: Honorable Mayor and Council Members
DATE: October 19, 2010
THROUGH: John W. Donlevy, Jr., City Manager *JD*
FROM: Nanci G. Mills, Director of Administrative Services/Recreation *Nanci*
SUBJECT: Authorization to Purchase a Voice Over Internet Protocol Telephone System

RECOMMENDATION:

Staff recommends that the City Council (1) award the contract for the phone system to Packet Fusion (2) authorize the City Manager to execute the contract on the City's behalf and (3) authorize the expenditure in the amount of \$89,639.42.

BACKGROUND:

The City has approximately 40 telephones at 2 sites and is using an Avaya/Lucent phone system. This system has been in place for over 20 years and was purchased in 1989. In the past five years, phone technology has merged with existing computer technologies allowing even small entities to have their own phone systems which are basically extensions of existing data systems. This has proven to be a time and dollar savings over previous systems.

The implementation of a new telephone system is now feasible because of technical advances in phone systems. In the past five years, systems have been designed to easily integrate into existing computer systems and no longer require independent support. A new telephone system will also provide connectivity between City Hall and the new Public Safety Facility as well as allow the ability to improve customer support and increase customer satisfaction for residents, business owners and others who conduct business with the City.

A small sample of benefits that would be generated by implementing a new phone system include the ability to; integrate with Outlook to automatically notify the caller if you're unavailable; ability for calls to automatically locate staff; voice messages sent to staff via email as sound files and/or message when out of the office; log ongoing calls to identify potential employee productivity issues or abuses. Other benefits will be the ability to easily setup phones for new staff or for staff to easily move to a temporary or permanent location.

This system would become part of the City's existing information systems infrastructure, connecting the public safety and City Hall sites to the City's computer systems.

An IP based phone system can run over the City's existing infrastructure with some equipment added to each site. The additional equipment ensures the system remains operational. Installing a new system will also allow the City to better audit existing phone lines, insuring all lines are needed and are being billed appropriately. As well as providing the ability to audit staff calls, incoming public calls and report on call history, such as where a call was routed and queue wait times.

Staff participated in the City of Woodland's phone replacement (VOIP) process, and was involved in the review and evaluation of VOIP proposals and vendor demos.

Based on the quotes received, it is recommended that the contract be awarded to Packet Fusion as the low responsive, responsible bidder, in the amount of \$77,947.32. The requested amount for the phone system expenditures (\$89,639.42) includes a 15% contingency, as we know that when occupying the public safety facility we will need additional equipment to furnish the offices and EOC.

The contract includes installation, training and a five year support/warranty.

FISCAL IMPACT:

Up to \$89,693.42 paid out of fund 703, 2007 RDA Tax Allocation Bond Proceeds

Proposal For:



Presented by:
Craig Tetschlag & Kevin Doohan
10/7/2010



Date: 10/7/2010
Customer: City of Winters
Attn: Nanci G. Mills
Re: ShoreTel ShoreGear 10.1

Packet Fusion is pleased to submit our complete System and Installation project proposal. We understand how to leverage technology to increase productivity and reduce bottom line cost of your business. As a certified ShoreTel partner, Packet Fusion, Inc. looks forward to providing you with full-service engineering and installation for all of your technology needs. We are committed to adhering to your schedule while maintaining flexibility and providing you with a technically sound solution.

We are providing a solution for you based on ShoreTel's ShoreGear product which scales from 20 to 40,000 lines. Supported within this unit are all the capabilities your business needs to maximize its success, including robust telephony features, voice mail, call center, computer telephony integration, and much more.

By choosing ShoreTel for your site, you'll be installing a platform that delivers a powerful, affordable solution that's quick to deploy and easy to manage. Since it's an integrated solution, everything you need is right there in one compact chassis that can be managed from a single, intuitive software application.

The design of this proposal is based on the preliminary information that we have gathered. In this proposal you will find our scope of work and pricing. Please take your time to look over this proposal and familiarize yourself with all that Packet Fusion will provide. Should you have any further questions or need further explanation, please do not hesitate to give me a call. We also included leasing options with our leasing partners, Tamco.
www.tamcocorp.com

Best Regards,

Craig Tetschlag & Kevin Doohan
Packet Fusion, Inc.
1900 South Norfolk St.
San Mateo, CA 94403
Office: (650) 292-6081
Fax: (650) 292-6082
Email: ctetschlag@packetfusion.com
Website: www.packetfusion.com

PACKET FUSION OVERVIEW

Packet Fusion provides telephony solutions to mid-market and enterprise companies. We specialize in Voice over IP, LAN applications, wireless technology, switching, routing and advanced, enterprise communication networks. We offer a world class portfolio of products and services with unparalleled customer satisfaction.

Through strong vendor relationships and exceptionally skilled in-house resources, we've built an extensive portfolio of infrastructure hardware, management systems and applications. Whether you have a 20-person single site or a 3,000-line worldwide enterprise, Packet Fusion will provide a specialized team to ensure a successful project completed on time and on budget. Our experienced engineers work closely with your team to design, implement and maintain communications solutions that satisfy critical business needs. We build strong, long-lasting relationships with our customers based on consistent quality and responsiveness.

Packet Fusion offers a variety of communication networking services. Unique to our organization, and a key benefit for you, is our commitment to making certain that not only the proper hardware is identified and delivered, but also that the network is set up and functioning properly, users are trained, and monitoring and support mechanisms are in place to ensure the network's effectiveness as well as your company's overall success.

Packet Fusion Services Include:

- Network Operations Center (NOC) 24 x 7 x 365
- 4 Hour Onsite Emergency Response
- Consulting and Implementation
- VoIP Lan / Wan Assessments
- Contact Center Design and Implementation
- Disaster Recovery / Business Continuity Planning
- Training for end users & system administrators
- Dedicated Account Management
- Dedicated Project Management



2008 ShoreTel Awards / Accolades:

- Circle of Excellence—Partner of the Year (worldwide)
- Major Account Partner (MAP) of the Year
- Volume Achievement (#3 worldwide)
- Million Dollar Club
- Customer Satisfaction above 95%
- #1 Customer Satisfaction Score for Northern California
- #1 Volume in California
- "Orange" certified ShoreTel VAR
- Currently service the 2 largest multi-site single system image of ShoreTel
 - Gensler & Associates - 3,700 lines - 24 locations worldwide
 - CNET/CBSi - 3,200 lines - 14 locations worldwide



SHORETEL OVERVIEW

ShoreTel® is a leading provider of Pure IP Unified Communications solutions and known for exceptional customer satisfaction. ShoreTel's distributed architecture delivers unmatched reliability, scalability and manageability, plus a user interface that sets the standard for ease-of-use.

ShoreTel's Unified Communications system encompasses phones, switches, and software that are designed to allow easy deployment and rapid flexibility, and deliver world-class quality. ShoreTel's IP phones provide the ultimate in ergonomic and aesthetics design, as well as superior audio quality. ShoreGear® voice switches are purpose-built appliances with no moving media, delivering unmatched reliability and availability. And the ShoreWare® Call Manager end-user application suite makes it easier for users to communicate with anyone, anywhere, anyway they choose.

IP Phone System

The ShoreTel IP phone system is a completely integrated system that scales seamlessly from 1 to 10,000 users including PBX, voice mail, and automated attendant functions. The ShoreTel system is built from the ground up and designed to be the easiest to use, easiest to manage, full-featured IP phone system on the market today. Its distributed architecture is ideal for multi-site companies that span multiple locations because the ShoreTel IP phone system appears and behaves as a single, unified system.

Distributed Architecture

ShoreTel has designed this fully distributed Unified Communications (UC) system based on a unique and innovative architecture that is purpose-built with no single point of failure. The ShoreTel distributed architecture incorporates a switch-based hardware platform that makes each switch and site an independent call processor which continues to operate seamlessly in the event of wide area network (WAN) failure. Unlike other solutions, all servers can be disconnected from the ShoreGear® switches and the ShoreTel phone system will continue to place and receive calls.



Voice applications, including voicemail and automated attendant, run on standard server hardware from anywhere on the IP network. The result is a single-image system across all geographies with complete feature transparency and integration of all PBXs, voice-mail systems, automated attendants, and Automatic Call Distribution (ACD) systems.

System Administration—ShoreWare Director

ShoreWare® Director is a Web-based network management tool that provides a single management interface for all voice applications, across all locations. This best-in-class management interface unifies all systems and tasks, instead of using separate management systems and administrators for multiple PBX, voicemail and automated attendant systems. Extremely easy to learn and use, the system helps improve administrator productivity, lower ownership costs and reduce IT resources.



Unified Communications

A successful Unified Communications (UC) solution can deliver significant benefits to any organization and help turn communication challenges into competitive advantages. When people know the most effective way to contact colleagues, they can efficiently obtain needed information and get work done, rather than spending on the job time tracking down the appropriate person.

- Find Me Follow Me
- Desktop Video Conferencing
- Log into any phone on the network
- DID assignment to Cell Phone
- Instant Messaging
- Screen Pop for Contacts
- Presence Information
- Call Handling Modes
- Click to Dial

Terms & Conditions

Packet Fusion, Inc., ("Company"), hereby enters into this Agreement ("Agreement") with: City of Winters ("Customer"), having its executive offices at: 318 First Street, Winters, CA 95694 Company and Customer intend that this Agreement shall apply to all orders placed by Customer with Company during the term hereof, and all Maintenance and Time and Material (T&M) Work performed by Company during the term hereof. NOW, THEREFORE, in consideration of sufficient good and valuable consideration received by each party, Company and Customer agree as follows:

A. LIMITED WARRANTY

1. Equipment. All equipment, materials, parts, components, and peripheral equipment ("Equipment"), described in the Scope of Work and supplied and/or installed by Packet Fusion pursuant to the attached Agreement, are warranted to be free of defects under normal use for the period of the manufacturer's written warranty. All assignable manufacturer's warranties applicable to such Equipment will be assigned to the Client upon installation. Any extended warranty available from the manufacturer of such Equipment may be made available to the Client. All Equipment warranties are subject to, and limited by, the terms and conditions imposed by the written warranties extended by the respective manufacturers of the Equipment.

2. Labor. All labor and/or services ("Labor"), provided by Packet Fusion as described in the Scope of Work and provided pursuant to the attached Agreement, is warranted to be performed in a competent and professional manner, and to be free of defects under normal use for one (1) year from the date such Labor is provided.

3. Repair or Replace. Except as otherwise provided in the Manufacturer's written warranties, within the Limited Warranty periods set forth above, as to any defects in Equipment and/or Labor installed or supplied by Packet Fusion pursuant to the attached Agreement, the extent of Packet Fusion's liability is limited to the repair and/or the replacement of such Equipment with a similar item, free from the defects in question, or the re-performance of such services without such defects.

4. No Consequential Damages. In no event shall Packet Fusion be liable for any incidental or consequential damages arising from or related to any alleged defect in the Equipment and/or Labor. Packet Fusion shall have no responsibility for, nor any other liability or warranty for, defects, damages or delays caused by the actions or inactions of persons or entities not affiliated with Packet Fusion, or caused by, or attributable to any reason beyond Packet Fusion's reasonable control.

5. No Other Warranties. The Limited Warranties provided herein are exclusive of, in lieu of, and Client hereby waives, any and all other warranties, guaranties, remedies, or liabilities, express or implied, arising by law or otherwise, including, without limitation, any warranty of merchantability, or fitness for a particular use. This Limited Warranty is only effective upon Client's payment in full of all sums due to Packet Fusion pursuant to the attached Agreement. This Limited Warranty cannot be extended, altered, or voided, except by a written agreement signed by an authorized officer of Packet Fusion and Client.

B. LIMITATIONS OF ACTION. Packet Fusion shall be relieved of all obligations and liability under this Limited Warranty if Client fails to report the defect, in writing, to Packet Fusion within twenty (20) days after such defect becomes reasonably apparent. No action, including, without limitation, contract and/or tort actions, relating to the Equipment and/or Labor supplied and/or performed by Packet Fusion, may be brought by the Client more than one (1) year after the cause of action for same accrues.

C. PAYMENT TERMS. Unless otherwise specified in the attached Agreement, payment of all amounts due Packet Fusion are due when each invoice is rendered. Invoices remaining unpaid after thirty (30) days from the date of the invoice shall bear interest at the rate of one and one-half percent (1.5%) per month. Packet Fusion reserves the right to suspend all work if Client's account becomes materially past due. By executing the attached Agreement, Client also agrees to pay ALL costs incurred by Packet Fusion to collect the amounts due Packet Fusion, including but not limited to: legal fees, costs, in-house attorney costs and fees, collection service costs, etc.

D. CREATION OF LIEN. It is expressly understood and agreed by Client that a mechanic's lien in favor of Packet Fusion shall be created against the property where the Equipment and/or Labor are installed or provided. Said lien shall take effect immediately upon the installation of such Equipment and/or Labor. Packet Fusion agrees that said lien will not be recorded or foreclosed unless Client fails to timely pay for the Labor and Equipment furnished by Packet Fusion.

E. CONDITION OF PREMISES. Client shall bear full responsibility for the condition of the building and premises in which said Labor and/or Equipment is to be installed. Client shall make any and all alterations or repairs to said building or premises that are reasonably necessary to accommodate such installation, and shall provide reasonable and adequate access to said premises.

F. NO HIRE POLICY. During the term of this Agreement, and for a period of one (1) year after the termination of this Agreement, or the completion of the project, whichever is later, the Client agrees that it will not, either directly or indirectly, hire, employ, retain, offer to employ, or solicit the employment of, any individual that was employed by Packet Fusion during the term of this Agreement, nor will Client attempt to do any of the foregoing. In the event Client breaches this provision, the parties agree that it would be difficult to establish the precise amount of damages incurred by Packet Fusion as a result of such conduct, and therefore the parties agree that immediately upon hiring said individual, Client shall pay to Packet Fusion an amount equal to 50 % of the gross annual salary or wages paid to the individual in question during the twelve months prior to the termination of that individual's employment with Packet Fusion.

G. NON-ASSIGNABILITY. The rights and duties of Client and Packet Fusion cannot be assigned by either party, without the advance written consent of the remaining party to the attached Agreement, which consent shall not be unreasonably withheld.

H. GOVERNING LAW. This Limited Warranty and the attached Agreement shall be governed by and construed in accordance with the laws of the state where such Equipment and/or Labor are supplied by Packet Fusion.

I. TOLL FRAUD. Packet Fusion will adhere to the manufacturer's specifications to secure the system to prevent toll fraud. In no way Packet Fusion liable for any toll fraud that may occur.

J. BILLABLE ITEMS NOT COVERED BY MAINTENANCE / WARRANTY.

(a) Remote VOIP Phones: All Hardware is covered. Anytime spent troubleshooting the customer's WAN / LAN / VPN will be billed on a time and materials basis.

(b) Desktop Applications: Unified Messaging, Faxing, SoftPhone, Personal Call Manager: Packet Fusion will warrant that the software provided works with the application provided. Any troubleshooting on a customer's PC, Laptop, Notebook after implementation will be billed at time and materials basis.

Customer Initials: _____

Date: _____

SCOPE OF WORK

Work to be performed: Implementation of Telephony Solution Pre-installation Planning

Packet Fusion is responsible for conducting most pre-installation planning. The installation will be based on this information and any significant change after it is completed may result in additional charges.

Installation

TELEPHONY SYSTEM installation is limited to one (1) site per installation purchase. During the installation Packet Fusion shall perform the following tasks:

- Conduct a kick off meeting at the customer's site to review the project and create a time line with associated tasks for all parties involved.
- Provide a project manager to oversee the installation and act as a liason between the customer, the customer's vendors working on the project and Packet Fusion.
- Assist in ordering telco from the chosen vendor.
- Install chassis, modules, and software purchased.
- Delivery, setup, installation, configuration of the hardware components and affiliated software for TELEPHONY SYSTEM.
- This includes mounting in a customer provided and installed rack or Customer provided and installed wallboard.
- All software will be the current version that ShoreTel offers.
- All optional features purchased at time of installation purchase will be installed (i.e. voicemail, voice mail upgrades, etc.)
- Configuration of TELEPHONY SYSTEM, extensions, dial plans, telco circuits and telephones.
- Install, label (using Customer provided labeling plan), and test TELEPHONY SYSTEM telephones purchased at time of installation purchase.
- Provide link from Telco demark if within 10 feet of TELEPHONY SYSTEM location to TELEPHONY SYSTEM
- Verify TELEPHONY SYSTEM and configuration
- Utilizing test plan to insure that all items installed and configured by Packet Fusion are properly working according to TELEPHONY SYSTEM specifications.
- Provide end user training (up to one hour class with 8 users in each class) on installed telephone and voicemail functionality.
- Provide System Administrator training. 1 to 2 individuals for a single 3 hour class.
- Provide Documentation
- A drawing indicating the logical layout of the installed TELEPHONY SYSTEM system.
- Written documentation of the TELEPHONY SYSTEM configuration, dial plan, and extensions that were installed and configured by Packet Fusion.
- PFI will install the desktop applications on several of the customers workstations. It is the customers responsibility to deploy these applications. PFI has allotted 4 hours to assist in this desktop application installation. Any time above this will be billed on a time and materials basis.

Web Portal

With your purchase, like all Packet Fusion customers, You will have a personalized Web Portal into the Packet Fusion corporate system. This will allow you to review and expedite all ongoing relations with Packet Fusion, such as placing and tracking service requests, placing orders for additional phones, reviewing account statements and links to support and reference material.

Project Management

Packet Fusion adheres to a rigorous standard of project management for each of its contracted solutions. This entails the assignment of a Project Manager to the installation of your system who will establish milestones and coordinate all steps in the process. With this detail, you can be assured of a smooth, trouble-free and on-time completion of your transition to a new phone system.

Quote Number: 2010-0420 - No SIP and No ACD

Quote Date: 10/7/2010

Project: **City of Winters VoIP Telephony Project: 2010**

Customer Name: City of Winters

Customer Contact: Nanci G. Mills

Location: **INVESTMENT SUMMARY - City Hall, Police Station and Fire Station**

Packet Fusion Team

John Ghyselink, Engineer jghyselink@packetfusion.com

Matthew Pingatore, Sales Manager mpingatore@packetfusion.com

Craig Tetschlag & Kevin Doohan ctetschlag@packetfusion.com

Vince L. Reyes, Order Mgmt Rep vreyes@packetfusion.com

INVESTMENT SUMMARY - City Hall, Police Station and Fire Station							LABOR	
QTY	PART #	DESCRIPTION	LIST PRICE	DISCOUNTED PRICE	XTENDED	PRICE	XTENDED	
BASE SYSTEM - GATEWAYS, SERVERS and MDF (HARDWARE)								
Sub-Total (for below)							\$ 4,650.00	\$ 2,000.00
0	60020	Branch Office Solution (DVS License + Site License + Server)	\$ 1,995.00	\$ 1,995.00	\$ -	\$ 500.00	\$ -	
0	Dell - R410	PowerEdge R410 - Single Intel Xeon E5502 / Single 160 GB HD / Single PS	\$ 3,450.00	\$ 3,450.00	\$ -	\$ 250.00	\$ -	
1	Dell - R410	PowerEdge R410 - Dual Intel Xeon E5502 / Dual 160 GB HD / Dual PS	\$ 4,650.00	\$ 4,650.00	\$ 4,650.00	\$ 250.00	\$ 250.00	
0	AT1503EV-BU	CAT5e Patch Cord (3 ft. Blue)	\$ 3.50	\$ 3.50	\$ -	\$ -	\$ -	
0	AT1507EV-BU	CAT5e Patch Cord (7 ft. Blue)	\$ 3.00	\$ 3.00	\$ -	\$ -	\$ -	
0	15213-703	7X19" Racks 4 post - Adjustable ServerRack.	\$ 560.00	\$ 560.00	\$ -	\$ 250.00	\$ -	
0	11790-725	3x19" wall mount Rack with Multi-Mount	\$ 385.00	\$ 385.00	\$ -	\$ 250.00	\$ -	
2	MDF	MDF Material	\$ 250.00	\$ 250.00	\$ 500.00	\$ 250.00	\$ 500.00	
0	10320	ShoreGear 30 - 30 IP Phones, 2 Analog exts, 2 LS trunks	\$ 1,595.00	\$ 1,084.60	\$ -	\$ 250.00	\$ -	
1	10259	ShoreGear 50 - 50 IP Phones, 2 Analog exts, 4 LS trunks	\$ 1,995.00	\$ 1,356.60	\$ 1,356.60	\$ 250.00	\$ 250.00	
1	10324	ShoreGear 50V - 50 IP phones, 2 Analog exts, 4 LS trunks, 50 mailboxes, 22 hrs of	\$ 2,495.00	\$ 1,696.60	\$ 1,696.60	\$ 250.00	\$ 250.00	
1	10260	ShoreGear 90 - 90 IP Phones, 4 Analog exts, 8 LS trunks	\$ 2,995.00	\$ 2,036.60	\$ 2,036.60	\$ 250.00	\$ 250.00	
0	10325	ShoreGear 90V - 90 IP phones, 4 Analog exts, 8 LS trunks, 90 mailboxes, 56 hrs of	\$ 3,695.00	\$ 2,512.60	\$ -	\$ 250.00	\$ -	
0	10134	ShoreGear 120/24 - 120 IP Phones, 24 Analog exts, 8 LS trunks	\$ 4,995.00	\$ 3,396.60	\$ -	\$ 250.00	\$ -	
0	10261	ShoreGear 220T1 (includes N+1 Redundancy) - 220 IP Phones, 1 PRI/T1	\$ 5,995.00	\$ 4,076.60	\$ -	\$ 250.00	\$ -	
0	10229	ShoreGear 220T1A - 220 IP Phones, 1 PRI/T1, 4 Analog exts, 2 LS trunks	\$ 6,495.00	\$ 4,416.60	\$ -	\$ 250.00	\$ -	
0	10321	ShoreGear 24A - 24 Analog exts	\$ 2,995.00	\$ 2,036.60	\$ -	\$ 250.00	\$ -	
2	10322	ShoreGear T1k - 1 PRI/T1	\$ 3,495.00	\$ 2,376.60	\$ 4,753.20	\$ 250.00	\$ 500.00	
3	10223	19" relay rack shelf for 1/2 U ShoreGear Units	\$ 95.00	\$ 64.60	\$ 193.80	\$ -	\$ -	
BASE SYSTEM - SOFTWARE & LICENSES								
Sub-Total (for below)							\$ 7,208.00	\$ 1,325.00
53	30035	Extension & Mailbox License (IP users)	\$ 200.00	\$ 136.00	\$ 7,208.00	\$ 25.00	\$ 1,325.00	
3	30039	Extension-only License (analog devices)	\$ 140.00	\$ 95.20	\$ 285.60	\$ 25.00	\$ 75.00	
0	30040	Mailbox-only License (for "Virtual Mail Boxes and Mobile Users)	\$ 90.00	\$ 61.20	\$ -	\$ 25.00	\$ -	
0	30041	Add'l Language License	\$ 995.00	\$ 676.60	\$ -	\$ 25.00	\$ -	
0	30043	SIP Trunk Software License	\$ 50.00	\$ 34.00	\$ -	\$ 25.00	\$ -	
0	30053	SIP Device License	\$ 30.00	\$ 20.40	\$ -	\$ 25.00	\$ -	
0	21020	Distributed Voice Services License	\$ 995.00	\$ 676.60	\$ -	\$ 25.00	\$ -	
1	30044	Additional Site License	\$ 495.00	\$ 336.60	\$ 336.60	\$ 25.00	\$ 25.00	
0	30051	Mobile Call Manager	\$ 95.00	\$ 64.60	\$ -	\$ 25.00	\$ -	
55	30091	Personal Call Manager (Unified Messaging License)	\$ -	No Charge	No Charge	No Charge	No Charge	
0	30052	Professional Call Manager requires ShoreTel &	\$ 80.00	\$ 54.40	\$ -	\$ 100.00	\$ -	
2	40002	Operator Call Manager	\$ 595.00	\$ 404.60	\$ 809.20	\$ 200.00	\$ 400.00	
0	40003	Agent Call Manager	\$ 295.00	\$ 200.60	\$ -	\$ 200.00	\$ -	
0	40004	Supervisor Call Manager	\$ 595.00	\$ 404.60	\$ -	\$ 250.00	\$ -	
0	41002/4/5	SALESFORCE.COM / NetSuite / MS Dynamics Integration License	\$ 165.00	\$ 112.20	\$ -	\$ 250.00	\$ -	
0	93111	ShoreTel Web Dialer	\$ 65.00	\$ 44.20	\$ -	\$ 25.00	\$ -	
BASE SYSTEM - UPS and 4 Hour Battery Backup								
Sub-Total (for below)							\$ 1,150.00	\$ 200.00
0	SUA1400RMXLB3U	APC Smart-UPS XL 1400VA RM 3U 230V - Black	\$ 775.00	\$ 775.00	\$ -	\$ 100.00	\$ -	
0	SU24R2XLBP	APC Smart-UPS RM 2U XL 24V Battery Pack Black	\$ 499.00	\$ 499.00	\$ -	\$ 25.00	\$ -	
0	SUA2200XL	SMART UPS XL 2200VA TWR 120V NEMA 5-20P 10OUT CUST PAYS FRT	\$ 1,139.00	\$ 1,139.00	\$ -	\$ 100.00	\$ -	
0	SC450RM1U	APC Smart-UPS SC 450VA 120V - 1U Rackmount/Tower	\$ 175.00	\$ 175.00	\$ -	\$ 100.00	\$ -	
2	SUA1000RM2U	APC Smart-UPS 1000VA USB & Serial RM 2U 120V	\$ 579.00	\$ 579.00	\$ 1,158.00	\$ 100.00	\$ 200.00	
0	SUA750RM2U	APC Smart-UPS 750VA USB & Serial RM 2U 120V	\$ 435.00	\$ 435.00	\$ -	\$ 100.00	\$ -	
TELEPHONES AND ATTENDANT CONSOLES								
Sub-Total (for below)							\$ 9,913.00	\$ 1,425.00
6	10216/7	ShorePhone IP 115 - Silver /Black	\$ 159.00	\$ 108.12	\$ 540.60	\$ 75.00	\$ 375.00	
0	10199/8	ShorePhone IP212x - Silver/Black	\$ 299.00	\$ 203.32	\$ -	\$ 75.00	\$ -	
42	10197/6	ShorePhone IP230 - Silver/Black (MANAGER/STANDARD/CALL CENTER PHONE)	\$ 259.00	\$ 176.12	\$ 7,397.04	\$ 75.00	\$ 3,150.00	
0	10267/8	ShorePhone IP230C - Silver/Black	\$ 329.00	\$ 223.72	\$ -	\$ 75.00	\$ -	
8	10219/6	ShorePhone IP265 Color Screen - Silver/Black (EXECUTIVE PHONE & ADMINISTRATIVE)	\$ 369.00	\$ 250.92	\$ 2,007.36	\$ 75.00	\$ 600.00	
0	10148/156	ShorePhone IP560 - Silver/Black	\$ 349.00	\$ 237.32	\$ -	\$ 75.00	\$ -	
0	10203/4	ShorePhone IP560G - Silver/Black	\$ 429.00	\$ 291.72	\$ -	\$ 75.00	\$ -	
0	10220/1	ShorePhone IP565G Color Screen - Silver/Black	\$ 599.00	\$ 407.32	\$ -	\$ 75.00	\$ -	
0	10174/5	ShorePhone BB 24 - Silver/Black (SIDE CAR FOR CALL CENTER PHONE)	\$ 299.00	\$ 203.32	\$ -	\$ 75.00	\$ -	
0	10277	ShorePhone IP 8000 8.0 only	\$ 1,299.00	\$ 883.32	\$ -	\$ 75.00	\$ -	
0	10195	IP110 / 115 / BB24 Wall Mount Kit	\$ 13.00	\$ 8.84	\$ -	\$ -	\$ -	
0	10157	ShorePhone Power Adaptor (minimum 10 w/o phone order)	\$ 35.00	\$ 23.80	\$ -	\$ -	\$ -	
0	M8004	Aastra M8004 Analog phone with Message Waiting Light	\$ 40.00	\$ 40.00	\$ -	\$ 75.00	\$ -	
0	M8004WB	M8004 Wall Mount Kit	\$ 4.00	\$ 4.00	\$ -	\$ -	\$ -	
SUB-SYSTEMS - UNIFIED COMMUNICATIONS (STANDARD "FREE" FEATURE FOR ALL USERS)								
Sub-Total (for below)							\$ -	\$ -
SUB-SYSTEMS - CALL ACCOUNTING SYSTEM								
Sub-Total (for below)							\$ -	\$ -
0	UWUNLPG-P	SHADOW CMS for Windows (Unlimited Ext.)	\$ 4,650.00	\$ 4,650.00	\$ -	\$ 2,000.00	\$ -	
0	DEL	SHADOW CMS Windows Server/PC	\$ 1,950.00	\$ 1,950.00	\$ -	\$ -	\$ -	
WIRELESS SOLUTION								
Sub-Total (for below)							\$ 2,398.00	\$ 1,000.00
1	901-7731-XX02	ZoneFlex 802.11n (5 GHz) Outdoor Point to Point Bridge, pre-provisioned pair, IP-65	\$ 2,398.00	\$ 2,398.00	\$ 2,398.00	\$ 1,000.00	\$ 1,000.00	
ETHERNET SWITCHES								
Sub-Total (for below)							\$ 4,353.00	\$ 600.00
0	C3K172-24	C3 SecureStack 24 port Gigabit switch - 24-port SFP switch with support for an optional dual-10GbE IOM	\$ 6,795.00	\$ 4,755.50	\$ -	\$ 250.00	\$ -	
0	A2H124-24P	SecureStack A2 with 24 10/100 Power-over-Ethernet ports via RJ45, two Mini-GBIC uplink ports and two fixed 10/100/1000 stacking/uplink ports. All 28 front-panel ports can be active simultaneously	\$ 1,995.00	\$ 1,396.50	\$ -	\$ 250.00	\$ -	
2	A2H124-48P	SecureStack A2 with 48 10/100 Power-over-Ethernet ports via RJ45, two Mini-GBIC uplink ports and two fixed 10/100/1000 stacking/uplink ports. All 52 front-panel ports can be active simultaneously	\$ 2,395.00	\$ 1,676.50	\$ 3,353.00	\$ 250.00	\$ 500.00	
0	MGBIC-LC03	Mini-GBIC with 1000Base-LX/LH (2KM Long Haul) MMF with LC Connector	\$ 795.00	\$ 556.50	\$ -	\$ -	\$ -	
0	MGBIC-LC01	Mini-GBIC with 1000Base-SX with LC Connector	\$ 495.00	\$ 346.50	\$ -	\$ -	\$ -	
SERVER / MDF MATERIAL								
Equipment Subtotal							\$ 40,680.20	\$ 4,650.00
Installation / Training							\$ 3,650.00	\$ -
1st Year Premium Partner Support / Warranty							\$ 4,852.20	\$ -
2nd - 5th Year Premium Partner Support / Warranty							\$ 19,408.80	\$ -
Sub-Total							\$ 74,591.20	\$ -
Taxes (8.25%)							\$ 3,356.12	\$ -
TOTAL INVESTMENT							\$ 77,947.32	\$ -

YES California installation site? Yes or No



Quote Number: 2019-0421 - FULL SUPPORT Quote Date: 10/7/2010 Project: City of Winters VoIP Telephony Project: 2010 Customer Name: City of Winters Customer Contact: Nanci G. Mills Location: CITY HALL - MODEL with FULL Support (phones included)	Packet Fusion Team John Ghyssels, Engineer jghysel@packetfusion.com Matthew Pingatore, Sales Manager mpingatore@packetfusion.com Craig Teshching & Kevin Doohan cte@packetfusion.com Vince L. Reyes, Order Mgmt Rep vreyes@packetfusion.com
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CITY HALL - MODEL with FULL Support (phones included)							LABOR	
QTY	PART #	DESCRIPTION	LIST PRICE	DISCOUNTED PRICE	XTENDED	PRICE	XTENDED	
BASE SYSTEM - GATEWAYS, SERVERS and MDF (HARDWARE)							Sub-Total (for below)	
0	65020	Branch Office Solution (DVS License + 3YE License + Server)	\$ 1,995.00	\$ 1,995.00	\$ -	\$ 500.00	\$ -	
0	Dell - R410	PowerEdge R410 - Single Intel Xeon E5502 / Single 160 GB HD / Single PS	\$ 3,450.00	\$ 3,450.00	\$ -	\$ 250.00	\$ -	
1	Dell - R410	PowerEdge R410 - Dual Intel Xeon E5502 / Dual 160 GB HD / Dual PS	\$ 4,650.00	\$ 4,650.00	\$ 4,650.00	\$ 250.00	\$ 250.00	
0	AT1503EV-BU	CAT5e Patch Cord (3 ft. Blue)	\$ 3.50	\$ 3.50	\$ -	\$ -	\$ -	
0	AT1507EV-BU	CAT5e Patch Cord (7 ft. Blue)	\$ 3.00	\$ 3.00	\$ -	\$ -	\$ -	
0	15213-703	7X19" Racks 4 post - Adjustable ServerRack,	\$ 560.00	\$ 560.00	\$ -	\$ 250.00	\$ -	
0	11750-725	3x19" wall mount Rack with Multi-Mount Hardware	\$ 385.00	\$ 385.00	\$ -	\$ 250.00	\$ -	
1	MDF	MDF Material	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	
0	10320	ShoreGear 30 - 30 IP Phones, 2 Analog exts, 2 LS trunks	\$ 1,555.00	\$ 1,084.60	\$ -	\$ 250.00	\$ -	
1	10259	ShoreGear 50 - 50 IP Phones, 2 Analog exts, 4 LS trunks	\$ 1,935.00	\$ 1,356.60	\$ 1,356.60	\$ 250.00	\$ 250.00	
0	10324	ShoreGear 50V - 50 IP phones, 2 Analog exts, 4 LS trunks, 50 mailboxes, 22 hrs of storage.	\$ 2,495.00	\$ 1,699.60	\$ -	\$ 250.00	\$ -	
1	10260	ShoreGear 90 - (includes N+1 Redundancy and 6 party conferencing)	\$ 2,995.00	\$ 2,036.60	\$ 2,036.60	\$ 250.00	\$ 250.00	
0	10325	ShoreGear 90V - 90 IP phones, 4 Analog exts, 8 LS trunks, 90 mailboxes, 56 hrs of storage.	\$ 3,695.00	\$ 2,512.60	\$ -	\$ 250.00	\$ -	
0	10134	ShoreGear 12024 - 120 IP Phones, 24 Analog exts, 8 LS trunks	\$ 4,995.00	\$ 3,396.60	\$ -	\$ 250.00	\$ -	
0	10261	ShoreGear 220T1 - 220 IP Phones, 1 PRI/T1	\$ 5,995.00	\$ 4,076.60	\$ -	\$ 250.00	\$ -	
0	10229	ShoreGear 220T1A - 220 IP Phones, 1 PRI/T1, 4 Analog exts, 2 LS trunks	\$ 5,495.00	\$ 4,418.60	\$ -	\$ 250.00	\$ -	
0	10321	ShoreGear 24A - 24 Analog exts	\$ 2,995.00	\$ 2,036.60	\$ -	\$ 250.00	\$ -	
1	10322	ShoreGear T1k - 1 PRI/T1	\$ 3,495.00	\$ 2,376.60	\$ 2,376.60	\$ 250.00	\$ 250.00	
2	10223	19" relay rack shelf for 1/2 U ShoreGear Units	\$ 95.00	\$ 64.60	\$ 129.20	\$ -	\$ -	
BASE SYSTEM - SOFTWARE & LICENSES							Sub-Total (for below)	
30	30035	Extension & Mailbox License (IP users)	\$ 200.00	\$ 136.00	\$ 4,080.00	\$ 25.00	\$ 750.00	
0	30039	Extension-only License (analog devices)	\$ 140.00	\$ 95.20	\$ -	\$ 25.00	\$ -	
0	30040	Mailbox-only License (for Virtual Mail Boxes and Mobile Users)	\$ 90.00	\$ 61.20	\$ -	\$ 25.00	\$ -	
0	30041	Adtl Language License	\$ 995.00	\$ 676.60	\$ -	\$ 25.00	\$ -	
0	30043	SIP Trunk Software License	\$ 50.00	\$ 34.00	\$ -	\$ 25.00	\$ -	
0	30053	SIP Device License	\$ 30.00	\$ 20.40	\$ -	\$ 25.00	\$ -	
0	21020	Distributed Voice Services License	\$ 665.00	\$ 467.60	\$ -	\$ 25.00	\$ -	
0	30044	Additional Site License	\$ 495.00	\$ 346.60	\$ -	\$ 25.00	\$ -	
0	30051	Mobile Call Manager	\$ 95.00	\$ 64.60	\$ -	\$ 25.00	\$ -	
30	30001	Personal Call Manager (Unified Messaging License)	\$ -	No Charge	No Charge	No Charge	No Charge	
0	30052	Professional Call Manager requires ShoreTel 6	\$ 80.00	\$ 54.40	\$ -	\$ 100.00	\$ -	
1	40002	Operator Call Manager	\$ 595.00	\$ 404.60	\$ 404.60	\$ 200.00	\$ 200.00	
0	40003	Agent Call Manager	\$ 295.00	\$ 200.60	\$ -	\$ 200.00	\$ -	
0	40004	Supervisor Call Manager	\$ 595.00	\$ 404.60	\$ -	\$ 250.00	\$ -	
0	41002/45	SALESFORCE.COM / NetSuite / MS Dynamics Integration License	\$ 189.00	\$ 112.20	\$ -	\$ 250.00	\$ -	
0	93111	ShoreTel Web Dialer	\$ 65.00	\$ 44.20	\$ -	\$ 25.00	\$ -	
BASE SYSTEM - UPS and 4 Hour Battery Backup							Sub-Total (for below)	
0	SUA1400RMXLB3U	APC Smart-UPS XL 1400VA RM 3U 230V - Black	\$ 775.00	\$ 775.00	\$ -	\$ 100.00	\$ -	
0	SUA24R2XLBP	APC Smart-UPS RM 2U XL 24V Battery Pack Black	\$ 499.00	\$ 499.00	\$ -	\$ 25.00	\$ -	
0	SUA2200XL	SMART UPS XL 2200VA 7WR 120V NEMA 5-20P 100OUT CUST PAYS FRY	\$ 1,139.00	\$ 1,139.00	\$ -	\$ 100.00	\$ -	
0	SC450RM1U	APC Smart-UPS SC 450VA 120V - 1U Rackmount/Tower	\$ 175.00	\$ 175.00	\$ -	\$ 100.00	\$ -	
1	SUA1000RM2U	APC Smart-UPS 1000VA USB & Serial RM 2U 120V	\$ 579.00	\$ 579.00	\$ 579.00	\$ 100.00	\$ 100.00	
0	SUA750RM2U	APC Smart-UPS 750VA USB & Serial RM 2U 120V	\$ 435.00	\$ 435.00	\$ -	\$ 100.00	\$ -	
PHONES							Sub-Total (for below)	
3	102167	ShorePhone IP 115 - Silver/Black	\$ 159.00	\$ 108.12	\$ 324.36	\$ 75.00	\$ 225.00	
0	10199/8	ShorePhone IP212x - Silver/Black	\$ 299.00	\$ 203.32	\$ -	\$ 75.00	\$ -	
21	10197/6	ShorePhone IP230 - Silver/Black (MANAGER/STANDARD/CALL CENTER PHONE)	\$ 259.00	\$ 175.12	\$ 3,698.92	\$ 75.00	\$ 1,575.00	
0	10297/8	ShorePhone IP230G - Silver/Black	\$ 329.00	\$ 223.72	\$ -	\$ 75.00	\$ -	
6	10219/6	ShorePhone IP265 Color Screen - Silver/Black (EXECUTIVE PHONE & ADMINISTRATIVE)	\$ 369.00	\$ 250.92	\$ 1,505.52	\$ 75.00	\$ 450.00	
0	10148/156	ShorePhone IP560 - Silver/Black	\$ 349.00	\$ 237.32	\$ -	\$ 75.00	\$ -	
0	10203/4	ShorePhone IP560G - Silver/Black	\$ 429.00	\$ 291.72	\$ -	\$ 75.00	\$ -	
0	10220/1	ShorePhone IP565G Color Screen - Silver/Black	\$ 599.00	\$ 407.32	\$ -	\$ 75.00	\$ -	
0	10174/5	ShorePhone BB 24 - Silver/Black (SIDE CAR FOR CALL CENTER PHONE)	\$ 299.00	\$ 203.32	\$ -	\$ 75.00	\$ -	
0	10277	ShorePhone IP 8000 8.0 only	\$ 1,299.00	\$ 893.32	\$ -	\$ 75.00	\$ -	
0	10195	IP110 / 115 / BB24 Wall Mount Kit	\$ 13.00	\$ 8.64	\$ -	\$ -	\$ -	
0	10157	ShorePhone Power Adaptor (minimum 10 w/o phone order)	\$ 35.00	\$ 23.80	\$ -	\$ -	\$ -	
0	M8004	Aastra M8004 Analog phone with Message Waiting Light	\$ 40.00	\$ 40.00	\$ -	\$ 75.00	\$ -	
0	M8004WB	M8004 Wall Mount Kit	\$ 4.00	\$ 4.00	\$ -	\$ -	\$ -	
SUB-SYSTEMS - UNIFIED COMMUNICATIONS (STANDARD "FREE" FEATURE FOR ALL USERS)							Sub-Total (for below)	
SUB-SYSTEMS - CALL ACCOUNTING SYSTEM							Sub-Total (for below)	
0	UWJNLPG-P	SHADOW CMS for Windows (Unlimited Ext.)	\$ 4,650.00	\$ 4,650.00	\$ -	\$ 2,000.00	\$ 0	
0	DEL	SHADOW CMS Windows Server/PC	\$ 1,950.00	\$ 1,950.00	\$ -	\$ -	\$ -	
WIRELESS SOLUTION							Sub-Total (for below)	
1	901-7731-XX02	Zonelink 802.11n (5 GHz) Outdoor Point to Point Bridge, pre-provisioned pair, IP-65	\$ 2,398.00	\$ 2,398.00	\$ 2,398.00	\$ 1,000.00	\$ 1,000.00	
ETHERNET SWITCHES							Sub-Total (for below)	
0	C3K172-24	C3 SecureStack 24 port Gigabit switch - 24-port SFP switch with support for an optional dual-10GbE ICM	\$ 6,795.00	\$ 4,756.50	\$ -	\$ 250.00	\$ -	
0	A2H124-24P	SecureStack A2 with 24 10/100 Power-over-Ethernet ports via RJ45, two Mini-GBIC uplink ports and two fixed 10/100/1000 stacking/uplink ports. All 28 front panel ports can be active simultaneously	\$ 1,995.00	\$ 1,396.50	\$ -	\$ 250.00	\$ -	
1	A2H124-48P	SecureStack A2 with 48 10/100 Power-over-Ethernet ports via RJ45, two Mini-GBIC uplink ports and two fixed 10/100/1000 stacking/uplink ports. All 52 front-panel ports can be active simultaneously	\$ 2,335.00	\$ 1,676.50	\$ 1,676.50	\$ 250.00	\$ 250.00	
0	MGBIC-LC03	Mini-GBIC with 1000Base-LX/LH (2KM Long Haul) MMF via LC Connector	\$ 795.00	\$ 556.50	\$ -	\$ -	\$ -	
0	MGBIC-LC01	Mini-GBIC with 1000Base-SX via LC Connector	\$ 495.00	\$ 346.50	\$ -	\$ -	\$ -	
SERVER / MDF MATERIAL							Sub-Total (for below)	
Equipment Subtotal							\$ 2,467.50	\$ 2,467.50
Installation / Training							\$ 5,800.00	\$ 5,800.00
1st Year Premium Partner Support / Warranty (FULL - including phones)							\$ 2,788.60	\$ 2,788.60
2nd - 5th Year Premium Partner Support / Warranty							\$ 11,146.40	\$ 11,146.40
Sub-Total							\$ 45,198.50	\$ 45,198.50
Taxes (8.25%)							\$ 2,100.90	\$ 2,100.90
TOTAL INVESTMENT							\$ 47,299.40	\$ 47,299.40

Quote Number: 2010-0421 - FULL SUPPORT
 Quote Date: 10/7/2010

Project: City of Winters VoIP Telephony Project: 2010

Customer Name: City of Winters
 Customer Contact: Nancy G. Mills

Location: Police Station / Fire Station- with FULL Support (phones included)

Packet Fusion Team

John Ghyssels, Engineer jghyssel@packetfusion.com

Matthew Pingatore, Sales Manager mpingatore@packetfusion.com

Craig Tetschlag & Kevin Doohan ctetschlag@packetfusion.com

Vince L. Reyes, Order Mgmt Rep vreyes@packetfusion.com

Police Station / Fire Station- with FULL Support (phones included)							LABOR	
QTY	PART #	DESCRIPTION	LIST PRICE	DISCOUNTED PRICE	XTENDED	PRICE	XTENDED	
BASE SYSTEM - GATEWAYS, SERVERS and MDF (HARDWARE)					Sub-Total (for below)		\$ 7,000.00	\$ 7,000.00
0	60020	Branch Office Solution (DVS License + Site License + Server)	\$ 1,995.00	\$ 1,995.00	\$ -	\$ 500.00	\$ -	
0	Dell - R410	PowerEdge R410 - Single Intel Xeon E5502 / Single 160 GB HD / Single PS	\$ 3,450.00	\$ 3,450.00	\$ -	\$ 250.00	\$ -	
0	Dell - R410	PowerEdge R410 - Dual Intel Xeon E5502 / Dual 160 GB HD / Dual PS	\$ 4,650.00	\$ 4,650.00	\$ -	\$ 250.00	\$ -	
0	AT1503EV-9U	CAT5e Patch Cord (3 ft. Blue)	\$ 3.50	\$ 3.50	\$ -	\$ -	\$ -	
0	AT1507EV-9U	CAT5e Patch Cord (7 ft. Blue)	\$ 3.00	\$ 3.00	\$ -	\$ -	\$ -	
0	15213-703	7X19" Racks 4 post - Adjustable ServerRack,	\$ 560.00	\$ 560.00	\$ -	\$ 250.00	\$ -	
0	11790-725	3x19" wall mount Rack with Multi-Mount Hardware	\$ 385.00	\$ 385.00	\$ -	\$ 250.00	\$ -	
1	MDF	MDF Material	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	
0	10320	ShoreGear 30 - 30 IP Phones, 2 Analog exts, 2 LS trunks	\$ 1,585.00	\$ 1,084.60	\$ -	\$ 250.00	\$ -	
0	10259	ShoreGear 50 - 50 IP Phones, 2 Analog exts, 4 LS trunks	\$ 1,995.00	\$ 1,356.60	\$ -	\$ 250.00	\$ -	
1	10324	ShoreGear 50V - 50 IP phones, 2 Analog exts, 4 LS trunks, 50 mailboxes, 22 hrs of	\$ 2,495.00	\$ 1,688.60	\$ 1,695.60	\$ 250.00	\$ 230.00	
0	10260	ShoreGear 90 - (includes N+1 Redundancy) 90 IP Phones, 4 Analog exts, 8 LS trunks	\$ 2,995.00	\$ 2,036.60	\$ -	\$ 250.00	\$ -	
0	10325	ShoreGear 90V - 90 IP phones, 4 Analog exts, 8 LS trunks, 90 mailboxes, 56 hrs of storage.	\$ 3,695.00	\$ 2,512.60	\$ -	\$ 250.00	\$ -	
0	10134	ShoreGear 120/24 - 120 IP Phones, 24 Analog exts, 8 LS trunks	\$ 4,995.00	\$ 3,366.60	\$ -	\$ 250.00	\$ -	
0	10261	ShoreGear 220T1 - 220 IP Phones, 1 PR/T1	\$ 5,995.00	\$ 4,076.60	\$ -	\$ 250.00	\$ -	
0	10229	ShoreGear 220T1A - 220 IP Phones, 1 PR/T1, 4 Analog exts, 2 LS trunks	\$ 6,495.00	\$ 4,416.60	\$ -	\$ 250.00	\$ -	
0	10321	ShoreGear 24A - 24 Analog exts	\$ 2,995.00	\$ 2,036.60	\$ -	\$ 250.00	\$ -	
1	10322	ShoreGear T1k - 1 PR/T1	\$ 1,495.00	\$ 2,376.60	\$ 2,376.60	\$ 250.00	\$ 250.00	
1	10223	19" relay rack shelf for % U ShoreGear Units	\$ 95.00	\$ 64.60	\$ 64.60	\$ -	\$ -	
BASE SYSTEM - SOFTWARE & LICENSES					Sub-Total (for below)		\$ 3,128.60	\$ 3,128.60
23	30035	Extension & Mailbox License (IP users)	\$ 200.00	\$ 133.00	\$ 3,128.60	\$ 25.00	\$ 575.00	
3	30039	Extension-only License (analog devices)	\$ 140.00	\$ 95.20	\$ 285.60	\$ 25.00	\$ 75.00	
0	30040	Mailbox-only License (for Virtual Mail Boxes and Mobile Users)	\$ 90.00	\$ 61.20	\$ -	\$ 25.00	\$ -	
0	30041	Add'l Language License	\$ 995.00	\$ 676.60	\$ -	\$ 25.00	\$ -	
0	30043	SIP Trunk Software License	\$ 50.00	\$ 34.00	\$ -	\$ 25.00	\$ -	
0	30053	SIP Device License	\$ 30.00	\$ 20.40	\$ -	\$ 25.00	\$ -	
0	21020	Distributed Voice Services License	\$ 995.00	\$ 676.60	\$ -	\$ 25.00	\$ -	
1	30044	Additional Site License	\$ 495.00	\$ 336.60	\$ 336.60	\$ 25.00	\$ 25.00	
0	30051	Mobile Call Manager	\$ 95.00	\$ 64.60	\$ -	\$ 25.00	\$ -	
25	30051	Personal Call Manager (Unified Messaging License)	\$ -	No Charge	No Charge	No Charge	No Charge	
0	30052	Professional Call Manager requires ShoreTel 8	\$ 80.00	\$ 54.40	\$ -	\$ 100.00	\$ -	
1	40002	Operator Call Manager	\$ 595.00	\$ 404.60	\$ 404.60	\$ 200.00	\$ 200.00	
0	40003	Agent Call Manager	\$ 295.00	\$ 200.60	\$ -	\$ 200.00	\$ -	
0	40004	Supervisor Call Manager	\$ 595.00	\$ 404.60	\$ -	\$ 250.00	\$ -	
0	41002/4/5	SALESFORCE.COM / NetSuite / MS Dynamics Integration License	\$ 165.00	\$ 112.20	\$ -	\$ 250.00	\$ -	
0	93111	ShoreTel Web Dialer	\$ 65.00	\$ 44.20	\$ -	\$ 25.00	\$ -	
BASE SYSTEM - UPS and 4 Hour Battery Backup					Sub-Total (for below)		\$ 679.00	\$ 679.00
0	SUA1400RMXLB3U	APC Smart-UPS XL 1400VA RM 3U 230V - Black	\$ 775.00	\$ 775.00	\$ -	\$ 100.00	\$ -	
0	SUA24R2XLBP	APC Smart-UPS RM 2U XL 24V Battery Pack Black	\$ 499.00	\$ 499.00	\$ -	\$ 25.00	\$ -	
0	SUA2200XL	SMART UPS XL 2200VA TWR 120V NEMA 5-20P 100OUT CUST PAYS PRT	\$ 1,139.00	\$ 1,139.00	\$ -	\$ 100.00	\$ -	
0	SC450RM1U	APC Smart-UPS SC 450VA 120V - 1U Rackmount/Tower	\$ 175.00	\$ 175.00	\$ -	\$ 100.00	\$ -	
1	SUA1000RM2U	APC Smart-UPS 1000VA USB & Serial RM 2U 120V	\$ 579.00	\$ 579.00	\$ 579.00	\$ 100.00	\$ 100.00	
0	SUA750RM2U	APC Smart-UPS 750VA USB & Serial RM 2U 120V	\$ 435.00	\$ 435.00	\$ -	\$ 100.00	\$ -	
PHONES					Sub-Total (for below)		\$ 1,376.00	\$ 1,376.00
2	10218/7	ShorePhone IP 115 - Silver /Black	\$ 169.00	\$ 108.12	\$ 216.24	\$ 75.00	\$ 150.00	
0	10193/8	ShorePhone IP212k - Silver/Black	\$ 299.00	\$ 203.32	\$ -	\$ 75.00	\$ -	
21	10197/6	ShorePhone IP230 - Silver/Black (MANAGER/STANDARD/CALL CENTER PHONE)	\$ 268.00	\$ 176.12	\$ 3,698.52	\$ 75.00	\$ 1,575.00	
0	10267/8	ShorePhone IP230G - Silver/Black	\$ 329.00	\$ 223.72	\$ -	\$ 75.00	\$ -	
2	10219/8	ShorePhone IP265 Color Screen - Silver/Black (EXECUTIVE PHONE & ADMINISTRATIVE)	\$ 368.00	\$ 250.92	\$ 501.84	\$ 75.00	\$ 150.00	
0	10146/150	ShorePhone IP560 - Silver/Black	\$ 349.00	\$ 237.32	\$ -	\$ 75.00	\$ -	
0	10203/4	ShorePhone IP560G - Silver/Black	\$ 428.00	\$ 291.72	\$ -	\$ 75.00	\$ -	
0	10220/1	ShorePhone IP565G Color Screen - Silver/Black	\$ 599.00	\$ 407.32	\$ -	\$ 75.00	\$ -	
0	10174/5	ShorePhone BB 24 - Silver/Black (SIDE CAR FOR CALL CENTER PHONE)	\$ 299.00	\$ 203.32	\$ -	\$ 75.00	\$ -	
0	10277	ShorePhone IP 8000 6.0 only	\$ 1,299.00	\$ 883.32	\$ -	\$ 75.00	\$ -	
0	10195	IP110 / 115 / BB24 Wall Mount Kit	\$ 13.00	\$ 8.84	\$ -	\$ -	\$ -	
0	10157	ShorePhone Power Adaptor (minimum 10 w/o phone order)	\$ 35.00	\$ 23.80	\$ -	\$ -	\$ -	
0	M8004	Aastra M8004 Analog phone with Message Waiting Light	\$ 40.00	\$ 40.00	\$ -	\$ 75.00	\$ -	
0	M8004WB	M8004 Wall Mount Kit	\$ 4.00	\$ 4.00	\$ -	\$ -	\$ -	
SUB-SYSTEMS - UNIFIED COMMUNICATIONS (STANDARD "FREE" FEATURE FOR ALL USERS)					Sub-Total (for below)		\$ -	\$ -
SUB-SYSTEMS - CALL ACCOUNTING SYSTEM					Sub-Total (for below)		\$ -	\$ -
0	LWUNLPG-P	SHADOW CMS for Windows (Unlimited Ext.)	\$ 4,650.00	\$ 4,650.00	\$ -	\$ 2,000.00	\$ -	
0	DEL	SHADOW CMS Windows ServerPC	\$ 1,950.00	\$ 1,950.00	\$ -	\$ -	\$ -	
WIRELESS SOLUTION					Sub-Total (for below)		\$ -	\$ -
0	901-7731-XX02	ZoneFlex 802.11n (5 GHz) Outdoor Point to Point Bridge, pre-provisioned pair, IP-65	\$ 2,398.00	\$ 2,398.00	\$ -	\$ 1,000.00	\$ -	
ETHERNET SWITCHES					Sub-Total (for below)		\$ 1,676.50	\$ 1,676.50
0	C3K173-24	C3 SecureStack 24 port Gigabit switch - 24-port SFP switch with support for an optional dual-10GbE IOM	\$ 8,795.00	\$ 4,736.50	\$ -	\$ 250.00	\$ -	
0	A2H124-24P	SecureStack A2 with 24 10/100 Power-over-Ethernet ports via RJ45, two Mini-GBIC uplink ports and two fixed 10/100/1000 stacking/uplink ports. All 28 front-panel ports can be active simultaneously	\$ 1,995.00	\$ 1,396.50	\$ -	\$ 250.00	\$ -	
1	A2H124-48P	SecureStack A2 with 48 10/100 Power-over-Ethernet ports via RJ45, two Mini-GBIC uplink ports and two fixed 10/100/1000 stacking/uplink ports. All 52 front-panel ports can be active simultaneously	\$ 2,395.00	\$ 1,676.50	\$ 1,676.50	\$ 250.00	\$ 250.00	
0	MGBIC-LO03	Mini-GBIC with 1000Base-LX/LH (2KM Long Haul) MMF via LC Connector	\$ 795.00	\$ 556.50	\$ -	\$ -	\$ -	
0	MGBIC-LO01	Mini-GBIC with 1000Base-SX via LC Connector	\$ 495.00	\$ 348.50	\$ -	\$ -	\$ -	
SERVER / MDF MATERIAL					Equipment Subtotal		\$ 5,214.70	\$ 5,214.70
<input checked="" type="checkbox"/> California installation site? Yes or No					Installation / Training		\$ 3,950.00	\$ 3,950.00
					1st Year Premium Partner Support / Warranty (FULL - including phones)		\$ 2,065.60	\$ 2,065.60
					2nd - 5th Year Premium Partner Support / Warranty		\$ 8,262.40	\$ 8,262.40
					Sub-Total		\$ 29,392.70	\$ 29,392.70
					Taxes (8.25%)		\$ 1,255.21	\$ 1,255.21
					TOTAL INVESTMENT		\$ 30,647.91	\$ 30,647.91

Quote Number: 2010-0628 Quote Date: 10/7/2010 Project: Procurement Options Customer Name: City of Winters Customer Contact: Nanci G. Mills Location: ALL	Packet Fusion Team John Ghyselink, Engineer jghyselink@packetfusion.com Matthew Pingatore, Sales Manager mpingatore@packetfusion.com Craig Tetschlag & Kevin Doohan ctetschlag@packetfusion.com Vince L Reyes, Order Mgmt Rep vreyes@packetfusion.com
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PROCUREMENT OPTIONS

System price: \$ 77,947.32

Lease Type	60 Month	Technology Risk Factor
\$1.00 Buy Out w/Maintenance	\$ 2,031.00	Payment Stream + Depreciation
Fair Market Value w/Maintenance	\$ 1,980.00	Payment Stream
Tamco Shield *	\$ 2,007.00	None

**You may upgrade your existing system with TAMCO Shield at any time during the contract with no financial penalties or cancellation charges. At the time of the upgrade, TAMCO guarantees the rates provided to you will be the same as those offered to other customers acquiring the same system. The existing system must be replaced with: (1) A larger capacity unit; or (2) An equal or larger capacity unit containing newer technology providing additional features and capabilities.*

The above pricing assume a good credit rating to qualify.

Why Tamco Shield?

Risk Management against Disruptive Technologies - Technological innovation is inevitable. "Shield" provides a unique fee-for-use vehicle that ensures you have protection from unforeseen growth and/or changes in technology. The "No-Penalty Upgrade" feature provides Customers with the peace-of-mind that should new technology become available or business needs change, the Customer may migrate to a new system at any time...without financial penalty and with no hidden costs. The old agreement is simply forgiven and a new one issued.

Preservation of Capital & Lowest Bottom-Line Cost-Paying cash is not always the best way to acquire new equipment because it deploys precious capital to pay for an asset that typically loses a significant portion of its value immediately after installation. The TAMCO Shield® program enables you to invest your cash into revenue-producing and/or appreciating assets. TAMCO Shield provides a monthly fee for use only while the technology is being utilized.

Flexible End-of-Term Options - Unlike the restrictive nature of traditional leases, the TAMCO Shield program allows Customers to adopt new technology on their timeline rather than being held hostage to lease expiration dates. Flexibility includes the ability to upgrade, renew at a reduced monthly rate, purchase, or return the equipment at the end of term.

TAMCO Shield® provides "MORE VALUE" and "LESS RISK" than other methods of acquisition. The Final Analysis below serves as a means to measure the net present value cost of ownership over the term. TAMCO Shield provides a winning financial solution to acquiring today's complex technology.

PACKET FUSION/SHORETEL PRICING & ACCEPTANCE

Notes:

- The information contained in this quotation is proprietary to Packet Fusion, Inc. and customer named above.
- Tax and Shipping are not included in this quote.
- Prices are subject to change after 30 days of quote date.

Payment Terms:

- Cash:** 50% payment due upon award, 30% upon delivery of equipment, 20% upon project completion.
- Lease:** 50% payment due upon contract signing. This payment will be refunded in full to the customer upon complete funding from the customer's chosen leasing company. This down payment is waived if the customer leases the equipment through Tamco and chooses the pre-funding option.

The stated specifications, pricing and conditions are satisfactory and are hereby accepted as stated. Packet Fusion, Inc. is authorized to perform the work as specified.

City of Winters

Signature: _____

Purchase Order #: _____
(Hard copy required)

Printed Name: _____

Date: _____

Title: _____

Project Name: _____

Packet Fusion, Inc.

Signature: _____

Date: _____

Printed Name: _____

Title: _____



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: October 19, 2010
FROM: John W. Donlevy, Jr., City Manager *JWD*
SUBJECT: Gateway Planning and Economic Development- Implementation Program

RECOMMENDATION:

That the City Council review the proposed Gateway Planning and Economic Development Implementation Program and provide input into both the process and scope of the recommendation.

BACKGROUND:

Both City staff and the City Council have spent a considerable amount of time discussing economic development and planning for the entrance to the City along Grant Ave at I-505. In 2007, the City Council approved a Strategic Action Plan, which ranked “economic development” as the highest priority for the City and included the Grant Avenue Corridor and the Downtown as the two main locations for this to occur. Over the past year, the City Council has approved concepts and plans to facilitate planning and economic development activity in this area. These are included as Exhibits A, B and C to this report. From these discussions, it is clear that the I-505/State Route 128 interchange is viewed as having a great potential for providing visitor-serving businesses and job creation, which could bring substantial financial resources and amenities to the City.

This report is meant to reconcile these reports as a focused Implementation Program.

Discussion:

Staff recommends a combination of programs to begin facilitating the resolution of planning issues and economic development to the area. This Implementation Program will allow many facets to

work concurrently in order to accelerate the potential for quality development to occur in the area.

Specifically, the programs will include the following:

1. **Gateway Planning:** The resolution of planning issues and the preparation of policies to best define and facilitate desired development.
2. **Complete Streets:** Completion of the Caltrans "Complete Streets Project" to help conceptually define the roadway infrastructure and landscape design for the Grant Avenue Corridor.
3. **Economic Development Advisory Committee:** The appointment by City Council of an advisory body to the City Manager and staff on economic development policies and projects.
4. **Economic Recruitment:** Development and refinement of an overall business strategy to recruit viable and sustainable businesses to Winters.
5. **Designing a Sustainable and Innovative Winters Economy:** Convene a City, Business and public workshop to discuss ways of working regionally to capture innovative and leading edge businesses to Winters.

Each aspect of the Implementation Program is further described as follows.

Gateway Planning

This aspect of the implementation program will include the following actions:

1. A review of current General Plan policies and development of recommended changes to the General Plan in order to facilitate economic development of the area.
2. Development of profiles for the key properties within the corridor. These profiles will include information such as completed environmental reviews, General Plan land use designation, zoning classification, and approved infrastructure and traffic thresholds for each property.
3. The review of current City policies regarding signage, design, architecture, energy, interconnectivity with other plans and other key policies to ensure adequacy with General Plan requirements and current desires. The establishment of guidelines for the Gateway Area under each (previously noted) subject area will result from the review.

Complete Streets Project- Completion

Since February 2010, the City has worked with Caltrans on a comprehensive planning process to address infrastructure and landscape design elements for the Grant Avenue Corridor between El Rio Villa in Yolo County and Railroad Avenue. This process has included numerous community workshops and a public hearing/workshop before both the Planning Commission and the City

Council. This project is due to be reviewed by the Planning Commission and adopted by the City Council by January 2011.

Economic Development Advisory Committee

Staff is recommending that an “***Economic Development Advisory Committee***” (EDAC) be appointed by the City Council and serve as an advisory body to the City Manager and staff to facilitate a review of key policies, development of planning recommendations for the Gateway Area and assist in economic development recruitment.

Economic Recruitment:

In July 2010, the City Council approved, in concept, an economic development strategy to help guide business recruitment and regional collaboration for sustainable jobs. This is included as Exhibit C of this proposal.

As part of the Implementation Program, staff is recommending that the program include all of those elements listed in the previous programs with an economic focus as follows:

1. Freeway/Visitor serving businesses to capture traffic along I-505 to include food, fuel and lodging.
2. Job creating business to include those outlined in the August economic concepts paper.
3. Development of a marketing program with the Chamber of Commerce and property owners to solicit business development within the Grant Ave Corridor.

Designing a Sustainable and Innovative Winters Economy:

As part of the overall economic development strategy, the City will need to work collaboratively within the region in order to attract the top caliber businesses to our community. The administration at UC Davis has indicated their willingness to help convene a local workshop to facilitate a discussion on attracting leading edge businesses to Winters. Attached as Exhibit D is a sample agenda of a similar program recently conducted in Davis.

FISCAL IMPACT:

None by this action.

Gateway Master Plan – Planning Process

Goals

Conduct a dual community input/planning process that effectively captures community involvement and ultimately results in a shared understanding and Council approval on master planning for the I505/SR128 (Grant Ave) intersection of the City. The “dual” process will consist of two parallel courses of action: one to address “architecture and planning” (Gateway Master Plan) and one to address roadway/infrastructure planning (Caltrans Complete Streets Process).

The **Gateway Master Plan** process will be facilitated by the City of Winters and focus on the land and planning elements of I505/SR128. The key elements of the process will include a review of planning, engineering, traffic and architectural guidelines. In essence, the final product will be an update of the design guidelines and the previously adopted Gateway Master Plan.

The goal of the **Grant Ave/Caltrans Complete Streets** project is to conduct a public participation process that effectively captures community input and results in a shared understanding by the City, Caltrans and the community. Improvement alternatives will be offered based on studies and data (Grant Ave Access Study and the Pedestrian Safety Study) already conducted for the City of Winters. Consensus will result in the development of a written document that the City of Winters can use as a basis for future transportation project phase prioritization. In addition, the agreed upon concepts (Complete Streets) will be captured and added to the Caltrans Transportation Corridor Concept Report for State Highway 128 and will serve as the Construction Standards for City development along the corridor.

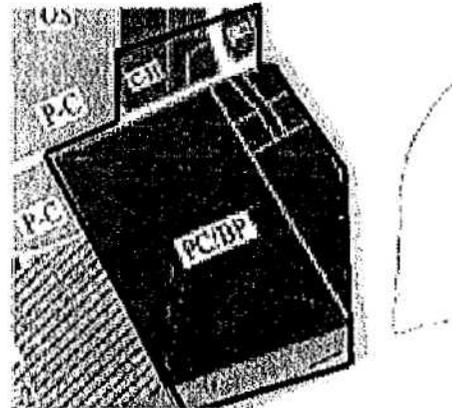
Gateway Master Plan Process

The Gateway Master Plan was adopted by the City of Winters in 1992. In 1998, the City embarked on a number of complimentary processes, which included the adoption of Design Guidelines for the Grant Ave. Corridor.

Staff is proposing a series of meetings to combine the input from property owners, the public and the City Council and Planning Commission to revise and modernize existing documents to facilitate the desired development within the corridor. The main objectives will be to help define key planning concepts and architectural qualities for the “gateway” properties.

The overall goals of the process will result in the following:

- List of key policies and goals consistent with the General Plan.
- Integration and update of the Gateway Master Plan to make it current and consistent with existing master plans including the Grant Ave/Caltrans Complete Streets, Putah Creek Master Plan, Pedestrian/Bikeway Master Plan, Winters General Plan.
- The development of a “correction document” which helps bring greater definition to key elements of the Gateway Master Plan while remaining consistent with the policies and goals of the City’s General Plan and projected environmental impacts.



- Creates incentives for desired business outcomes and quality/sustainable development.

The overall process elements will include:

1. Staff Site Visit/"Download" meeting – Staff Project Team Members will discuss goals, schedule, and process at the project kick-off meeting. Background materials including the Gateway Master Plan, General Plan, and Winters Design Guidelines will be reviewed and discussed at the meeting as well. A site visit will be conducted as part of the meeting.

This meeting was conducted on December 18, 2009 and included the key City and Contract Staff including Planning, Engineering, Traffic and City Administration. A comprehensive review of key documents was held and some key assumptions regarding this update were made. These included:

- Main focus of planning and updates would be the Gateway Master Plan and the Jordan and McClish Properties.
 - Both sides of Grant Ave (CH zoned properties) and the Jordan/McClish Properties would be subject to the resulting design guidelines.
 - CR 90 will ultimately remain as an intersection and will need the appropriate right of way and expandability to accommodate traffic controls such as traffic signals and roundabouts.
 - Sustainability will be a key concept in the overall development of the properties to encourage "smart" planning, design and development.
 - The idea of viewing the Gateway Properties as a "bubble" wherein key policies and goals will be defined within the scope of an infrastructure budget, performance standards, policy consistency (General Plan) and the establish design criteria. The overall process will rely on the GP Environmental Impact Report. Incentives will be established to encourage overall "sustainability" of development.
 - Design will focus on sustainable development standards including the siting and relationship of buildings.
 - Interconnectivity with the various master plans and the Caltrans Complete Streets Process will be a critical element.
 - This process will run concurrently with the Caltrans Public Participation Process and conclude in May, 2010.
2. Meeting with Property Owners – This meeting may involve a general education on master plans and the planning process. It will include a brief description of the history of the Gateway Master Plan. Visuals of the current Master Plan (with recommended land use and zoning) will be available for review. Visuals of the subject properties (without recommended land use and zoning) will also be available for the property owners as a "blank slate" for input on possible land use and site design.
 3. Development of conceptual policies and site planning for an updated Master Plan – Using the input from the meeting with the property owners, Staff Project Team Members will expand upon the "bubble concept" for a conceptual site plan/master plan.

4. Conduct Community Workshop #1 in February/March 2010 – Similar to the meeting with the property owners, this workshop will involve a general education on master plans and the planning process. It will also include a brief description of the history of the Gateway Master Plan. Visuals of the current Master Plan (with recommended land use and zoning) and the conceptual master plan (developed by the team members and property owners) will be available for review and comment. A key goal will be to elicit input from the community on design and development values to be included in the update of the master plan.
5. Revise Conceptual Site Plan/Master Plan based on community input
6. Conduct Community Workshop #2 in March/April 2010 – Project Team Members will present the revised conceptual site plan/master plan to the community members in attendance. The community members will be able to provide additional input on the concepts. The project team members will also describe the next steps in the process.
7. Conduct a Joint Public Hearing with the City Council and Planning Commission to present findings from the workshops and develop final revisions to the documents.
8. Conduct Public Hearing with City Council to present findings of the workshops and gain approval for the revised master plan for the Gateway.
9. Conduct Public Hearing with the Planning Commission to review the revised master plan, zoning matters and consistency with CEQA document; and make recommendation to City Council.
10. Conduct Public Hearing with City Council to present repeal of resolution; present the master plan, general plan amendment, rezone and CEQA document; and gain approval of these items.

Grant Ave/Caltrans Complete Streets

Project: Caltrans Planning Public Engagement (PPE) Project for State Highway 128-- this planning process only applies to transportation improvements on State Highway 128 from Yolo County Housing Authority to Railroad Avenue.

Goal: The goal of the Caltrans project is to conduct a community involvement process that effectively captures community input and results in a shared understanding by the community and City Council. The final result should be Council approval on what improvements should move forward on State Highway 128. Improvement alternatives will be offered based on studies and data already conducted for the City of Winters. Consensus will result in the development of a written document that the City of Winters can use as a basis for future transportation project phase prioritization. In addition, the agreed upon concepts (Complete Streets) will be captured and added to the Caltrans Transportation Corridor Concept Report for State Highway 128.

Process: The PPE process will consist of up to 10 stakeholder interviews, interviews with elected officials, opinion leaders, and Spanish-speaking groups. In addition, two facilitated community meetings, which will include visual materials describing each transportation alternative, will be held in early 2010. The first is scheduled for Feb. 4, at 6:30 p.m. in the Community Center.

Background Documents: The guiding document for this process is the "Grant Avenue Access Study," completed for the City of Winters by Fehr & Peers, in 2006. Some concepts from the "Plan to Improve Transportation Connections & Safety in Winters," by Glatting, Jackson, Kercher, Anglin, Inc. will be referenced during the process.

Note: The City Council approved the following direction to staff on February 16, 2010 as the direction regarding economic development.

Exhibit
B

Economic Development:

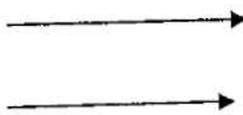
The City is currently in a position to implement a variety of strategies to position the City for added economic development to generate both tax revenues and jobs. The City Council approved the following:

1. ***Aggressively recruit and solicit development*** of job creating businesses in developable areas. This will 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.

Development would provide fee and permit revenue initially and invariably increase the tax base of the community.

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 1505. This will primarily include co-brand development (food establishments paired with fuel/convenience) and hotels/lodging.
 - a. In order to proceed with this, the process will 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.
 - iv. Freeway development should not include business which will compete with similar businesses in the Downtown.



The City has interested businesses and developers and the property owners are interested in developing their properties in this area. In 2009, the City spent almost \$400,000 installing utilities to the Gateway area. This area is ready for development and the City will begin pursuing such.

Fiscal Benefits:

The City has been approached and is actively working with developers interested in proceeding with projects for two (2) co-brand projects and a mid-line hotel at Grant/1505. The estimated tax benefits of such projects are as follows:

<i>Project</i>	<i>Estimated Property Tax</i>	<i>Estimated Sales/TOT Tax</i>	<i>Total Revenue</i>
Co-Brand (1)	\$87,500 (\$5m Project)		\$87,500
Service Station		\$65,000	\$65,000
Food		\$25,000 (\$2.5m an Sales)	\$25,000
Co-Brand (2)	\$87,500 (\$5m Project)	\$25,000 (\$2.5m an Sales)	\$87,500
Service Station		\$65,000	\$65,000
Food		\$25,000 (\$2.5m an Sales)	\$25,000
Hotel	\$140,000 (\$8m Project)	\$200,000 (\$2m an sales)	\$340,000
Totals	\$315,000	\$380,000	\$695,000

These projects also bring jobs. The typical fast food restaurant generates 35-40 jobs per location. The typical hotel will generate 15-20 jobs and a service station 5. Total estimate on jobs is between 100 and 120 jobs for three projects.

Development of freeway serving commercial need not preclude a plan for the Grant Avenue corridor. The properties adjacent to Interstate 505 lend themselves to these types of business, but careful planning and visioning by City staff, Planning Commission, City Council and property owners could still result in a vibrant corridor that provides a variety of businesses and services that complement the downtown, leaving the freeway serving businesses to serve the freeway traffic.

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.

Fiscal Benefits:

Making projects more affordable to build in Winters will ultimately position the City to see development sooner and allow for better projects. The City has approved almost 700 residential units and not a single one of them has been constructed. Residential builders will evaluate affordability of moving forward when the housing market begins to rebound and it will come down to a cost basis for developing.

For industrial and commercial developers, the square foot cost will ultimately determine whether to move forward or not. Commercial development will also follow residential, hence positioning the City for residential development will also benefit the progress of commercial and industrial projects.

Staff has included an attachment of a draft revision to the Impact Fee Program as an example.

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.

The fees within the Flood Overlay area are onerous and establish costs which make the fee higher than the cost of the land. The establishment of a financing district in lieu of the fees will allow development to proceed under the guise of a future assessment district which will be recorded with the development. When the flood project is constructed (ultimately through a financed project), the district will be established and assessed for the costs.

The re-analysis of the costs of the program will occur to reflect dropping construction costs.



Economic Development Concepts August, 2010

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..

Designing a Sustainable and Innovative Davis Economy
September 23, 2010
University of California at Davis
Conference and Visitor Center

- 7:30 AM** **Check in and Coffee**
- 8:00 AM** **Welcome and Logistics**
 UC Davis Host Welcome
Steven C. Curall, Ph. D., Dean, Graduate School of Management
 Logistics for the Day and Sponsor Recognition
Christi Skibbins, Executive Director Davis Chamber of Commerce
- 8:10 AM** **Setting the Stage**
 Vision: Designing a Sustainable and Innovative Davis Economy
 Bill Alger, Chairman, Davis Chamber of Commerce
 Don Saylor, Mayor, City of Davis
 Process: Outline for the Day
 Carolyn Penny, UC Davis Extension
 Elvia Garcia, City of Davis
- 8:20 AM** **Building Common Vocabulary**
Technology Transfer and Business Startups
 Moderator: *Rochelle Swanson,* Councilmember, City of Davis
David McGee, Ph.D., Executive Director, UC Davis Innovation
 Access
Barbara Hayes, Executive Director, Sacramento Area Commerce and
 Trade Organization (SACTO)
Meg Arnold, Chief Executive Officer, Sacramento Area Regional
 Technology Alliance (SARTA)
- 9:00 AM** **Round ONE Work Group - SWOT**
- OBJECTIVE: Identify strengths, weaknesses, opportunities and threats of the Davis area becoming a more vibrant environment for creation and retention of businesses related to UC Davis research activities and other green, tech, bio industries.
- 10:00 AM** **Break**
- 10:10 AM** **Round ONE Work Group - Report Out, Themes, and Issues**
- OBJECTIVE: Identify themes and potential strategic issues for afternoon work

- 11:15** **TRANSITION to LUNCH**
(Pick up box lunch and Reseat to afternoon groups)
- 11:30** **Lunch - Vision for UC Davis and the Sacramento/Bay Area Region**
Linda Katehi, Ph.D., Chancellor, UC Davis
Introduction: *Don Saylor*, Mayor, City of Davis
- 12:30** **Panel - Successes, Measurement, Lessons Learned and Needs**
Moderator: *Bill Alger*, Chairman, Davis Chamber of Commerce
Michael Faust, President and CEO, Northern California World Trade
Center, Vice-Chair, City of Davis Business and Economic
Development Commission
Adam Hansel, President, Digital Technology Laboratories
Pamela Marrone, Ph.D., Founder and CEO of Marrone
BioInnovations
- 1:15** **Break**
- 1:25** **Round TWO Work Group - Action Planning**
OBJECTIVE: Identify high leverage actions in each area.
- 2:30** **Round TWO Work Group – Report Out and Reflections**
- 2:50** **Closing Notes and the Way Forward**
Bill Alger, Chairman, Davis Chamber of Commerce
Don Saylor, Mayor, City of Davis
- 3:00** **Adjourn**