



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, February 15, 2011
6:30 p.m.

*** AMENDED 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 Community Development Agency Meeting Held on Monday, January 24, 2011 (pp 1-4)
- B. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, February 1, 2011 (pp 5-10)
- C. Joinder to Agreement 88-133 between the Yolo Emergency Communications Agency and the Yocha Dehe Wintun Nation (pp 11-16)
- D. Authorize City Manager to Execute Consultant Services Agreement with Cameron-Cole, LLC to Provide Greenhouse Gas Verification Services in the Amount Not to Exceed \$6,500.00. Expenses to be Reimbursed by Yolo County, PG&E Grant Funds (pp 17-28)
- E. **Award of a Construction Contract for the Winters Radio Tower Communications Room Electrical Project**
- F. **Authorize City Manager to Sign Change Order No. 62, Bobo Construction, Inc.**

PRESENTATIONS

Administer Oath to Police Officer Joshua Hearn

INFORMATION ONLY

- 1. 2010 California Building Codes (pp 29-38)
- 2. December 2010 Treasurer Report (pp 39-45)
- 3. December 2010 Investment Report (pp 46-47)
- 4. Community Development Projects Update (pp 48-54)

DISCUSSION ITEMS

- 1. Public Hearing and Consideration of Resolution 2011-07, A Resolution of the City Council of the City of Winters to Adopt the

- Grant Avenue/State Route 128/Russell Boulevard Complete Streets Concept Plan (pp 55-104)
2. Update on the Winters' Farmers Market and the Winters Community Garden (pp 105-115)
 3. Adoption of Resolution 2011-14, A Resolution of the City Council of the City of Winters Adopting the Informal Bidding Procedures Authorized by the State of California Uniform Public Construction Cost Accounting Act; and Introduction and Waive the First Reading of Ordinance 2011-01, An Ordinance of the City Council of the City of Winters Adding Chapter 3.36 to Title 3 of the Winters Municipal Code to Establish Informal Bidding Procedures Pursuant to the Uniform Public Construction Cost Accounting Act (pp 116-128)
 4. Resolution 2011-05 A Resolution of the City Council of the City of Winters For Claim of Transportation Development Act Funding from the Sacramento Area Council of Governments (SACOG) (pp 129-137)
 5. Utility User Tax rate status update (pp 138-139)
 6. Economic Development Advisory Committee Appointees and Schedule (pp 140-144)
 7. Resolution 2011-08, A Resolution of the City Council of the City of Winters Adopting the Repayment Schedule for the Loan Made by the City of Winters to the Winters Community Development Agency for payment of the 2009-2010 SERAF (Supplemental Education Revenue Augmentation Fund). **(Joint with the Community Development Agency)** (pp 145-147)
 8. Resolution 2011-09, A Resolution of the City Council of the City of Winters Adopting the Repayment Schedule for the Loan Made by the City of Winters to the Winters Community Development Agency for payment on the 1992 General Plan Amendment. **(Joint with the Community Development Agency)** (pp 148-150)
 9. Resolution 2011-10, A Resolution of the City Council of the City of Winters Adopting the Repayment Schedule for the Water Distribution Facility Improvements within the Redevelopment Project Area **(Joint with the Community Development Agency)** (pp 151-153)
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COMMUNITY DEVELOPMENT AGENCY

1. Resolution 2011-11, A Resolution of the Winters Community Development Agency Adopting the Repayment Schedule for the Loan Made by the City of Winters to the Winters Community Development Agency for Payment of the 2009-2010 SERAF (Supplemental Education Revenue Augmentation Fund) **(Joint with the City of Winters)** (pp 154-156)

2. Resolution 2011-12, A Resolution of the Winters Community Development Agency Adopting the Repayment Schedule for the Loan Made by the City of Winters to the Winters Community Development Agency for payment on the 1992 General Plan Amendment **(Joint with the City of Winters)** (pp 157-159)
3. Resolution 2011-13, A Resolution of The Winters Community Development Agency Adopting the Repayment Schedule for the Water Distribution Facility Improvements within the Redevelopment Project Area **(Joint with the City of Winters)** (pp 160-162)
4. Resolution 2011-06, A Resolution of the Winters Community Development Agency Authorizing the City Manager to Sign an Agreement with Richards, Watson and Gershon for Special Legal Counsel Services to the Winters Community Development Agency (pp 163-173)

CITY MANAGER REPORT

EXECUTIVE SESSION

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the February 15, 2011 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 February 9, 2011, and made available to the public during normal business hours.



Tracy Jensen, Administrative Assistant for
Nanci G. Mills, City Clerk

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General Notes: Meeting facilities are accessible to persons with disabilities. To arrange aid or services to modify or accommodate persons with disability to participate in a public meeting, contact the City Clerk.

Staff recommendations are guidelines to the City Council. On any item, the Council may take action, which varies from that recommended by staff.

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other acceptable means of recordation. Such arrangements will be at the sole expense of the individual requesting the recordation.

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Wednesday at 10:00 a.m.

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



Minutes of the Winters Community Development Agency
Meeting Held on January 24, 2011

Agency Chair Cecilia Aguiar-Curry called the meeting to order at 5:00 p.m.

Present: Agency Members Harold Anderson, Woody Fridae, Michael Martin, Tom Stone and Agency Chair Aguiar-Curry

Absent: None

Staff: City Manager John Donlevy, City Attorney John Wallace, City Clerk Nanci Mills, Director of Financial Management Shelly Gunby, Environmental Services Manager Carol Scianna, and Housing Programs Manager Dan Maguire.

Dan Maguire led the Pledge of Allegiance.

Approval of Agenda: City Manager Donlevy said there were no changes to the agenda. Motion by Agency Member Fridae, seconded by Agency Member Martin and approved unanimously.

COUNCIL/STAFF COMMENTS: See "City Manager Report"

PUBLIC COMMENTS: None

CONSENT CALENDAR: None

COMMUNITY DEVELOPMENT AGENCY

1. Redevelopment Agency Update

City Manager Donlevy said over the Martin Luther King holiday, many cities put together cooperative agreements, which would put redevelopment funds into city coffers to pay for already authorized projects. The State Controller's office plans to

audit 18 redevelopment agencies throughout the State to obtain facts on the use of redevelopment funds and agency compliance with the laws governing their activities.

City Manager Donlevy said Shelly Gunby, Director of Financial Management, received notification of a national award for excellence in budgeting and financial reporting for the City of Winters.

City Manager Donlevy would like to go on record and recommend the adoption of a resolution in opposition of the administration's proposal to abolish redevelopment agencies, pointing to Proposition 22 which would prevent the State's raid of local government funds, including redevelopment funds. The State's proposal would take \$87 million of redevelopment funds from California cities, which would destroy projects and create the loss of jobs. These projects and jobs generate more than \$2 billion in state and local taxes per year. Locally, the City could lose approximately \$1.9 million in local tax dollars with the loss of local jobs and stimulation to our local economy.

Last Friday, City Manager Donlevy attended a City Manager's Revenue and Taxation Committee meeting in Sacramento. The speakers were Senator Lois Wolk, Senate Committee Chairperson for Finance & Government, and Michael Cohen, the Assistant Director of Finance.

City Manager Donlevy said he has a meeting scheduled this Friday with Senator Lois Wolk, who stands by the redevelopment agency, and said two Council members would be able attend. City Manager Donlevy wants to review the importance of redevelopment agencies and noted that the library, swimming pool, public safety facility, downtown renovations, water wells, and our ability to comply with housing requirements, were among the projects that were funded by redevelopment funds. The second thing is the revitalization of the California economy. Redevelopment activities are a \$40 billion dollar industry in California and is the number one provider of affordable housing. If the State removes a \$40 billion a year industry, how are they going to stoke the fires of the California economy? The third thing the elimination of redevelopment will take away one of the few tools local governments has to comply with state requirements to plan for more compact urban development. Redevelopment is also the second largest funder of affordable housing. If our redevelopment funds are taken away, our regional housing allocation requirements should not be required.

Agency Member Anderson asked about the pass-through amounts for the meeting with Senator Wolk on Friday and asked if the State is playing the schools against the cities. City Manager Donlevy said he would check to see if the schools receive any property tax money.

Agency Chair Aguiar-Curry said all cities are not the same, but are being put in the same bucket. The State could perhaps give some thought into small cities vs. large cities as alternatives. Agency Member Anderson said this might divide the cause.

City Manager Donlevy said after the passage of Proposition 13, the State was given the power to set the property tax and the State went through the property tax roll and the cities with the high burden were given a higher property tax rate. Cities that incorporated after Proposition 13 passed were considered low or no property tax, which means these cities don't get hardly any property taxes.

Agency Member Martin said almost all newspaper articles are indicating the State will be cutting redevelopment funds, but nobody is saying what the cuts are. Maybe the citizens should have a say as to what will be cut.

Agency Member Fridae suggested sending a letter with the CDA Chair's signature, similar to the ones sent to Senator Wolk and Assemblywoman Yamada, and include the resolution points and send them to the area newspapers. The public needs to know and it would be good to hear from many different sources. Agency Member Anderson agreed with Agency Member Martin in how the cuts will be made is not being covered. Agency Member Stone said the State is trying to re-write the Constitution.

City Manager Donlevy said the comprehensive analysis of the Governor's proposal on redevelopment came out right away, basically because the budget proposed by Governor Brown is exactly what Governor Schwarzenegger had proposed. Fifty percent of the State's revenue comes from income tax, and when they start killing jobs and killing the economy, it won't help that part of the pie. They are also very critical of deals that generate sales tax. Of an 8 cent sales tax rate, the State receives 7 cents and the City receives 1 cent.

Agency Chair Aguiar-Curry asked staff to include a dollar amount into Resolution 2011-04, which was presented tonight. City Manager Donlevy agreed and said a list of projects will also be attached to the resolution.

Agency Member Anderson asked what had already been taken from the City. City Manager Donlevy said there has already been a shift in redevelopment revenue to benefit the schools called ERAF (Education Revenue Augmentation Fund) which happened in 1992. Last year, \$1.7 billion was shifted to SERAF (Sacramento Education Revenue Augmentation Fund.) How much has gone away and never come back? City Manager Donlevy estimated it to be in the millions. ERAF was designed for the State to get around Proposition 98 requirements.

Agency Member Martin asked if any more taxes will be levied to fund local government. City Manager Donlevy said one of the things redevelopment does, because it's happening in the infill area, most of the time the contributions are used to make up for inconsistencies in infrastructure. Bonding against the totality of the project area allows for a spreading of the costs, but it also helps in bolstering that same area. For example, the City of West Sacramento had a \$50 million project to build a hotel, with the City contributing \$7 or \$8 million in infrastructure.

Tomorrow City Manager Donlevy will be talking with and forwarding an agenda to Craig Reynolds, a member of Senator Wolk's staff, for Friday's meeting with the Senator. As Agency Member Fridae cannot attend, Agency Member Anderson and Agency Chair Aguiar-Curry agreed to go. Agency Member Fridae asked if a letter he had signed had gone out and put in everyone's mailboxes, and was assured that it would be on everyone's e-mail. Agency Member Fridae also asked if there was a consensus regarding a letter to be prepared and signed by the Redevelopment Chairman and sent to the surrounding newspapers.

Motion by Agency Member Fridae, seconded by Agency Member Anderson to approve Resolution 2011-04, opposing the Administration's proposal to abolish redevelopment agencies in California. Motion carried with the following vote:

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

CITY MANAGER REPORT: City Manager shared a couple of handouts; "Stop the State's Redevelopment Proposal/Protect Local Jobs and the Economy" and a legislative alert entitled "State Controller Office to Audit 18 Redevelopment Agencies."

Agency Member Anderson said the recent Excellence in Finance award should be included on the City's website. Agency Member Fridae said he was told that the City's website looks great, the Police Department's website looks OK, and the Fire Department's website needs some work.

INFORMATION ONLY: None

EXECUTIVE SESSION: None

ADJOURNMENT: Agency Chair Aguiar-Curry adjourned the meeting at 5:52 p.m.

Cecilia Aguiar-Curry, Chair
Winters Community Development Agency

ATTEST:

Nanci G. Mills, Secretary
Winters Community Development Agency



Minutes of the Winters City Council Meeting
Held on February 1, 2011

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

Present: Council Member 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, Associate Elliot Landes, and Administrative Assistant Tracy Jensen.

Christian Sturgeon, a 5th Grader at Shirley Rominger Intermediate School, led the Pledge of Allegiance. Christian is reading at a 9th grade level and has read 1.8 million words in response to the school's million word challenge.

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

COUNCIL/STAFF COMMENTS: Council Member Aguiar-Curry recently attended a League of California Cities Environmental Quality meeting, and today, along with City Manager Donlevy, Dawn Van Dyke, and Tom Stone attended a meeting at UCD, which was very productive and expected action based on the outcome today. Ms. Aguiar-Curry, along with Council Member Anderson, attended a meeting with Senator Lois Wolk last Friday regarding redevelopment. Ms. Aguiar-Curry attended the weekly Yolo County Water Resource Association meeting, where they are trying to consolidate the projects for the entire county (they are on #90 out of 246) and thanked Streamkeeper Rich Marovich for representing the City of Winters and its' needs regarding Putah Creek at last week's meeting. Chris Kelsch has been named as the 5th District Representative of the Yolo County Health Council.

Council Member Anderson attended the League of California Cities Transportation and Public Works meeting, where they discussed utilities throughout the state, including providing facilities for electric cars at no charge.

Council Member Stone said the next Chamber mixer will be held at Rootstock on the first Monday of the month, February 7th, instead of the second Monday of the month, which falls on Valentine's Day.

Mayor Fridae shared an invitation he had received with the entire Council from Sacramento Mayor Kevin Johnson to attend a Park and Recreation Society event on March 10th.

PUBLIC COMMENTS: None

CONSENT CALENDAR

- A. **Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, January 18, 2011**
- B. **Wave Broadband Master Services Agreement, Order for Internet and Telephone Services and Addendum to Master Services Agreement between Wave Broadband and the City of Winters**

City Manager Donlevy gave an overview. Motion by Council Member Anderson, second by Council Member Martin to approve the Consent Calendar. Motion carried unanimously.

DISCUSSION ITEMS

1. Strategic Action Plan Update

City Manager Donlevy gave an overview and said the #1 goal and single highest priority in 2011 is economic development, followed by fiscal sustainability, public safety and the consolidation of the fire and police departments, water conservation programs and the implementation of water meters, wastewater operations and capital projects. Mayor Fridae asked how these goals came about. City Manager Donlevy said it started with the 2007 Strategic Plan, followed by the cataloging and compilation of Council directives. Council Member Curry asked to add the reference to collaboration with other agencies regarding programs to benefit the community, ie: safety for senior citizens, the juvenile justice system, roadway repairs/stripping and various county or state programs. Ms. Aguiar-Curry also requested the new public safety facility site be used for community meetings and workshops. City Manager Donlevy said a shared services initiative would be added.

Council Member Anderson requested the history of the installation of infrastructure to I-505 be included in the Public Facilities and Infrastructure Project portion of the strategic program. Council Member Aguiar-Curry asked that senior citizens be identified under Community Service; AB32 and SB375 was also referenced, with AB32 coming about as a result of SB375. Council Member Anderson attended a recent Yolo County Board of Supervisors meeting and said their Climate Action Plan is being adopted in March, 2011, and indicated this could be a starting point for the City of Winters. Mayor Fridae agreed that their baseline data could help us to develop a Climate Action Plan. Council Member Aguiar-Curry asked to identify working with landowners. Council Member Anderson said ag processing could be very water-intensive.

Council Member Martin asked about the 90 acres across I-505 and a cooperative effort between the City and Yolo County and asked if anything had gotten off the ground. City Manager Donlevy said David Morrison, a planner with Yolo County is currently finalizing their General Plan implementation. Council Member Aguiar-Curry asked is the vehicle bridge and Downtown Streetscape projects are still top priorities? City Manager Donlevy said the Downtown Streetscape Phase 2 is scheduled for this spring. Of the four Putah Creek projects, which include the north bank project, vehicle bridge, creek project/perk dam, one of them will go. Currently, the vehicle bridge is scheduled to go to bid in Fall of 2011. City Manager Donlevy added the Monticello project is on hold and the existing agreement has expired, but the City of Winters has the option to renew. Currently, the biggest project to move on is a downtown hotel.

Council Member Anderson requested to add Putah Creek Trail connector in the vicinity of Hwy. 128 & I-505 to the Circulation Projects and 1 or more roundabouts to the Infrastructure Projects. City Manager Donlevy said the Complete Streets will be brought back to Council on February 15th. Council Member Stone said a traffic light should be included at E. Main St. & Hwy. 128/Grant Avenue. Council Member Anderson said the City should also think about adding Electric Vehicle Charging Stations. Council Member Aguiar-Curry asked if the Police Department could collaborate with the County juvenile justice system to offer meeting space within the City.

2. Economic Development Committee Work Program and Calendar

City Manager Donlevy held a meeting for the appointment of members to the Economic Development Advisory Committee (EDAC) and to approve a work program, and reviewed three key dates: an organizational meeting on 2/7; a second meeting on 2/17, and a public community workshop on 3/7. These meetings will take place in Council Chambers and the special meetings and community workshops will take place at the Community Center or library. These

meetings are open to the public and any meetings held in Council Chambers will be televised.

City Manager Donlevy said an overall syllabus containing two tracks would include overall economic development and updating the design guidelines for the Grant Avenue corridor. This would include two facilitated workshops. City Manager Donlevy said this will be brought back to Council at the 2/15 meeting.

Council Member Aguiar-Curry asked if the workshops would be controlled by staff. City Manager Donlevy said various options would be available to the committee. Council Member Anderson asked if the syllabus could include public transit and bus stops. Council Member Stone said it would be hard to plan for specifics. Council Member Anderson said it doesn't have to be specific, but should be planned for.

Council Member Aguiar-Curry said the Community Development Department at UCD could help with the project polling and facilitation of the meetings. Available resources and collaboration would be tapped into and would be a good opportunity for the students in the Business masters program. City Manager Donlevy asked for direction regarding a facilitator at the Community workshops and whether to pursue Terry Bottomley of Bottomley Associates or check with UCD for these resources. Council Member Stone asked City Manager Donlevy to check with UCD and report back. City Manager Donlevy said this could affect the scope with Bottomley. Mayor Fridae added that other resources could help as well as Bottomley. Council Member Stone said significant feedback has been received from the Winters Community Planning Association (WCPA) and it appears that they are trying to re-invent the process. Council Member Stone does not agree with their premise and is opposed to collaborating with the WCPA and their offer to hire Bottomley Associates to facilitate the workshops. Mayor Fridae said Bottomley is a well-trained professional and would assure that the workshops don't get commandeered and that everyone would be fairly represented. Council Member Stone said he is not opposed to Bottomley, but he is against accepting money from the WCPA and validating them as an entity and added the City of Winters would not be able to afford Bottomley's services. Council Member Martin agreed with Council Member Stone and added that Terry Bottomley is an excellent facilitator. Mayor Fridae said the meetings and workshops would be focused and would represent a wide community view and added that money does not preclude direction. Council Member Martin asked if staff had the capability and time to prepare for and facilitate the workshops and added that they are not trying to silence anyone in the community; all are welcome to share their ideas. City Manager Donlevy said whether Bottomley or UCD provided their services, staff time would be involved and it would be a collaborative approach.

Al Vallecillo of the Winters Community Planning Association said they could be laborers for the staff and assist the Economic Development Advisory Committee

(EDAC) and added that the EDAC would have authority. Council Member Aguiar-Curry said she is not supportive of the Scope of Work as it has been written by the WCPA and said that it needs to be cleaned up. Mr. Vallecillo said a group of citizens who are interested in working toward a common goal formed the WCPA and are offering the City a donation, and egos shouldn't be ruffled. Council Member Stone said the WCPA includes 12 plaintiffs from recent legal appeal and Council Member Stone views their special status as objectionable.

Mr. Vallecillo said he previously discussed the WCPA's scope with the City Manager and City Staff. The WCPA is not trying to re-write history but mend the rift regarding planning issues. Council Member Stone cited a conflict of interest and asked who filed the proposal and who would be impacted by the decision? Council Member Martin indicated the City Manager would receive direction from Council and added that the WCPA has the appearance of trying to guide the process. Mr. Vallecillo said Council had shut off communication and Council Members Martin and Stone said that they had not been contacted. Mayor Fridae said the Economic Development Advisory Committee will be involved in the set-up and scope of work and Council Member Stone said they would be in charge.

Eric Doud, 15 Main Street, said the Complete Streets process would not have gotten this far without Nick (Ponticello), and that everyone needs to come together and work it out. He recommended getting a professional planning facilitator and allowing the WCPA to assist the City of Winters in the public process. The City should accept the WCPA's offer of money to put into the City coffers. He also said Terry Bottomley would be a good candidate for facilitator.

3. Grant Avenue/I-505 Traffic Analysis

City Manager Donlevy gave an overview and referred to a financing plan that calls for a distribution of costs for the properties in the area. Council Member Martin asked about the initial cost of lighting and whether this would be funded by the Burger King project. City Manager Donlevy said a cost allocation would be determined, which will include the Burger King project as well as any future projects.

Eric Doud spoke of one major concern: safety issues regarding a pedestrian and bicycle crossing. City Manager Donlevy said this analysis addresses the traffic process and safety issues are not included, but the safety issues will be picked up during the design process.

Motion by Council Member Aguiar-Curry, second by Council Member Martin to approve the traffic engineering service work order with Fehr & Peers Associates, Inc. in the amount of \$6,210 to prepare a traffic improvement cost allocation analysis for improvements in the vicinity of the Grant Avenue/County Road 90

intersection in the City of Winters and authorize the City Manager to execute the work order with Fehr & Peers Associates, Inc. Motion carried unanimously.

COMMUNITY DEVELOPMENT AGENCY

1.

CITY MANAGER REPORT: City Manager Donlevy said he received the green light from Cal Trans regarding the new bridge project description, which was provided by contract engineer Alan Mitchell. Last Friday, City Manager Donlevy met with Senator Lois Wolk regarding the state budget and various issues

Council Member Aguair-Curry added the League of California Cities will hold a board meeting next week and asked for alternatives or ideas to present.

City Manager Donlevy said he will be at the League of California Cities Managers Meeting, where he is a member of the Executive Board of Directors and will give a briefing regarding his discussion with Senator Wolk. The City Managers Department is taking the lead in a number of areas, including pension reform issues. A lot of agencies have not done so.

INFORMATION ONLY: None

EXECUTIVE SESSION

**Pursuant to Government Code Section 54957.6 Personnel -
City Manager**

There was no reportable action taken.

ADJOURNMENT: Mayor Fridae adjourned the City Council meeting into Executive Session at 8:15 p.m.

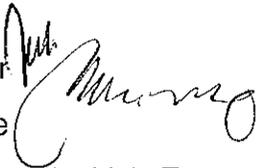
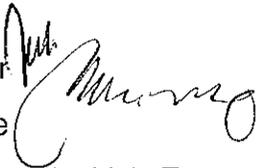
Woody Fridae, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE : February 15, 2011
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Bruce K. Muramoto, Chief of Police 
SUBJECT: Joinder to Agreement 88-133 between the Yolo Emergency Communications Agency and the Yocha Dehe Wintun Nation

RECOMMENDATION:

Approve the Joinder to Agreement 88-133, as amended by 08-001, between Yolo Emergency Communications Agency (YECA) and the Yocha Dehe Wintun Nation.

BACKGROUND:

On April 20, 2010 the Winters City Council endorsed a resolution or the admission of the Yocha Dehe Wintun Nation to the Yolo Emergency Communications Agency, and directed staff to assist as needed (Regional 911 system).

At the January 5, 2011 meeting of YECA, the Board approved the Joinder to Agreement 88-133 (agenda item number 6), to grant membership to the Yocha Dehe Wintun Nation. In December 2010, the Yocha Dehe Fire Commission and Tribal Council approved the Joinder to Agreement 88-133.

This action is to obtain governing body approval from all YECA JPA member agencies thereby authorizing the recognition of the tribe as a full partner in regional emergency services.

The recommended action:

- Supports the growth and development of YECA
- Increases operational cost effectiveness
- Positively affects the public safety resources in the region

- Benefits the Yolo County citizenry
- Bodes well for regional interoperability
- Serves as a model of distinction to others

YECA has been collecting information on how the needs of the agency could be expanded to include other agencies that are currently contract members. Contract members are agencies that partner with the JPA for communications and dispatch needs but are not official JPA members. The Yocha Dehe Wintun Nation has been a contract member since 2004. They are vital partners in providing emergency services in the western part of the county. They have the only emergency medical team and full-time fire crews that respond to dispatched calls at any time. While they provide services to their casino business, most of the dispatched services are to provide mutual aid or first responder services to accidents on Highway 16, county back roads and Interstate 505.

The Yocha Dehe Wintun Nation submitted a resolution that stated its interest in becoming a full member of the JPA. In the resolution it asked that all current JPA members garner their parent governing body's endorsement of the proposal. Those endorsements were secured by each member agency in March/April 2010.

FISCAL IMPACT:

None, but may affect the Yolo Emergency Communications Agency budget in an unspecified amount.

Attachments:

Joinder to Agreement 88-133

YECA JPA Agreement 08-001

YECA Agreement 09-1020

Yocha Dehe Wintun Nation Resolution No. TC-01-19-10-08

**JOINDER TO AGREEMENT 88-133, AS AMENDED BY 08-001,
BETWEEN THE YOLO EMERGENCY COMMUNICATIONS AGENCY (YECA)
AND THE YOCHA DEHE WINTUN NATION (TRIBE)**

THIS JOINDER TO AGREEMENT 88-133, as amended by 08-001 ("Joinder Agreement") is entered into this ____ day of _____, 2011, among the YOLO EMERGENCY COMMUNICATIONS AGENCY, a joint powers agency ("YECA" or "YECA Parties"), and THE YOCHA DEHE WINTUN NATION ("Tribe"), a federally recognized Indian tribe located in the County of Yolo, State of California (collectively "Parties" or "Party").

RECITALS

A. YECA was formed in 1988 to provide 24-hour public safety dispatch services for police, fire, emergency medical, public works and other governmental functions.

B. YECA Parties are Yolo County cities and County who exercise powers jointly in the manner set forth in Agreement 88-133, as amended by 08-001.

C. Agreement 88-133, as amended by 08-001, provides for additional membership to be granted upon the unanimous acceptance of all Parties to the Agreement.

D. Agreement 88-133, as amended by 08-001, provides that the Parties will share the cost of operating and maintaining those mission critical operations as set forth in paragraph 2, which are primarily:

- a. To provide dispatch and records management services for police, fire, medical, building inspection, animal control, public works and other governmental functions;
- b. To provide a 911 public safety answering point;
- c. To install, provide equipment service to engineer, maintain and repair microwave systems, radio-based and mobile systems in connection therewith; and

E. YECA and Tribe have entered into an Agreement dated October 20, 2009, for the provision of 24-hour safety dispatch services to their fire department, in conjunction with the Tribe's operation of a hotel and casino complex, a copy of which is attached hereto as Exhibit A. All defined terms used herein but not defined herein, shall have the meaning given for that term in Agreement 88-133, as amended by 08-001.

This Joinder Agreement sets forth the agreement of the YECA Parties to grant membership to the Tribe as an additional party to Agreement 88-133, as amended by 08-001.

The Parties therefore agree as follows:

AGREEMENT

1. Term of the Agreement. This Agreement shall commence upon the date of full execution by the Parties and remain in effect until terminated by any Party in accordance with the terms hereof.

2. Membership.

a. YECA is governed by a Governing Board, hereinafter referred to as "Board" comprised of one member appointed by the governing body of each party to this agreement upon recommendation by its chief administrative officer, to serve at the pleasure of each appointing governing body. The Tribe, as agreed herein, will be granted membership to the Governing Board, per paragraphs 4 and 23 of Agreement 88-133, as amended by 08-001, and will appoint one member according to the provisions therein with all of the rights and responsibilities therein.

b. Except as expressly set forth in this Joinder Agreement, the Tribe shall have all the same rights and obligations of the YECA Parties with respect to Agreement 88-133, as amended by 08-001, whether or not the Tribe is expressly named in the provisions of Agreement 88-133, as amended by 08-001.

3. Budget and Contributions. The procedure for setting forth the Tribe's proportional share of financial contribution to the mission of YECA shall be calculated as outlined in Section 9 (Budget and Contributions) of Agreement 08-001, a copy of which is attached hereto as Exhibit B.

4. No Joint Exercise of Authority beyond Government Code §6500. Nothing herein is intended to jointly exercise powers of any Party in excess of those authorized by law. This agreement is to exercise those powers authorized by law and with the specificity supported in this document.

5. Exhibits. All exhibits and attachments to which reference is made are deemed incorporated in this Agreement.

6. Counterparts. This Joinder Agreement may be executed in counterpart originals, each of which shall be deemed an original, but all of which, together shall constitute one and the same instrument.

IN WITNESS WHEREOF, YECA, Cities, County and Tribe are executing this Agreement as of the date first set forth above.

Attest: Yolo Emergency Communications Agency,
A Joint Powers Agency

Patricia Williams, Executive Director

By: _____
Carol Richardson, Chair
Governing Board

Yocha Dehe Wintun Nation
4

By: _____
Marshall McKay, Chairman
Tribal Council

By: _____
Tribal Legal Counsel

Attest:

City of Woodland, a municipal corporation

City Clerk

By: _____
Mayor

By: _____
City Attorney
City of Woodland

Attest:

City Of West Sacramento, a municipal corporation

City Clerk

By: _____
Mayor

By: _____
City Attorney
City of West Sacramento

Attest:

City Of Winters, a municipal corporation

City Clerk

By: _____
Mayor

By: _____
City Attorney
City of Winters

County of Yolo

Attest: By: _____

Clerk, Board of Supervisors

Matt Rexroad, Chair
Yolo County Board of Supervisors

By: _____

Deputy
(Seal)

Approved as to Form:

By: _____

Robyn Truitt Drivon, County Counsel



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: February 15, 2011
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 Cameron-Cole, LLC to provide Greenhouse Gas Verification services in the amount not to exceed \$6500.00. Expenses to be reimbursed by Yolo County, PG&E grant funds.

RECOMMENDATION:

Authorize City Manager to Execute Consultant Contract Agreement with Cameron-Cole, LLC to provide Greenhouse Gas Verification services in the amount not to exceed \$6500.00. Expenses to be reimbursed by Yolo County, PG&E grant funds.

BACKGROUND: Staff has been working with the Michelle Kim, a UC Davis graduate student to collect Greenhouse Gas (GHG) inventory information to establish our baseline numbers. Michelle has submitted this information for 2008 and 2009 regarding all City facilities and vehicles, to the Climate Registry. The data collected will assist the City with completing their Climate Action Plan, in order to utilize the data collected it must be verified by a certified third party.

Staff sent out requests for proposal to several firms and has concluded that Cameron-Cole would be the best choice to provide these services. Michelle Kim has been an invaluable asset in this process and has generously offered to continue to assist the City in working with Cameron-Cole to complete the verification process.

FISCAL IMPACT: Contract not to exceed \$6500, however the Yolo County Climate Compact has offered to reimburse the City's expenses for the verification services up to \$8000 using the remaining funds from a PG&E grant

GHG Verification Bid Comparisons

			reqments	schedule	#of yrs v	COST	QUALIF	constituents verified
SCS Scientific Certification Systems			X	5 WKS	2008-9	7200	x	kyoto
					2010	3900		
SCS Engineers			x	10 wks	2008-9	7,700	x	kyoto
Cameron-cole			x	5 wks	2008-9	5960	x	CO2 only
						6500	x	kyoto
					2010	3640	x	kyoto

best offer

Greenhouse Gas Inventory Verification Proposal

Prepared For:
**City of Winters, California
The Climate Registry**

Date: 01.14.2011



Cameron-Cole

Cameron-Cole, LLC

50 Hegenberger Loop
Oakland, CA 94621



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1.0 Introduction and Statement of Understanding

Cameron-Cole, LLC is pleased to submit this proposal to the City of Winters, California (the City) to verify its Greenhouse Gas (GHG) Emissions Report for calendar years (CY) 2008 and 2009. An optional contract extension covering verification of CY 2010 has also been included in this proposal. The City prepared the GHG Emissions Report using the General Reporting Protocol Version 1.1 dated May 2008 and associated updates and clarifications (collectively referred to as the GRP). Cameron-Cole will conduct the verification of the City's GHG Inventory using the General Verification Protocol Version 2.0 dated June 2010 and associated updates and clarifications (collectively referred to as the GVP).

Our understanding of the City's emissions comes from an email from Carol Scianna dated December 14, 2010. The City's GHG Emission Inventory is described as follows:

- **Geographical:** City of Winters, California
- **Chemical:** At the City's request, Cameron-Cole included two cost options: 1) carbon dioxide (CO₂) only; and, 2) all six Kyoto gases - nitrous oxide (N₂O), methane (CH₄), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulfur hexafluoride
- **Organizational Boundary:** Four City of Winters properties
- **Operational Boundary:** The following sources/emissions were identified in the City's organizational boundary:
 - Indirect Emissions from Electricity Purchases: from 30 PG&E accounts
 - Direct Emissions from Mobile Combustion Sources: from approximately 28 City vehicles, trailers and miscellaneous units
 - Direct Emissions from Stationary Combustion Sources: from four PG&E natural gas accounts

Per TCR requirement, the verification will result in a reasonable assurance. Reasonable assurance statements generate the highest level of confidence, and provide reasonable assurance that an emissions report is materially correct.

The primary objectives of the verification are to:

- Verify whether the City's CY2009 GHG Inventories meets the generally accepted GHG accounting principles of accuracy, completeness, transparency, relevance and consistency.
- Determine if the City has reported all emissions in conformance with the guidelines provided in the TCR GRP.

- Determine whether or not the City's CY2009 Inventory meet/exceed the 95% threshold for accuracy required by TCR.

The concept of materiality is used to determine if omitted or misstated GHG emissions information will lead to significant misrepresentations of emissions. A material misstatement is the aggregate of errors and omissions with program requirements, and/or misrepresentations that could influence the decisions of intended users. TCR sets the materiality threshold at 5% (for both understatements and overstatements) of a Member's direct and indirect emissions (assessed separately).

A description of our scope of verification work and approach are provided in the sections below, along with assumptions, schedule, cost, contract duration, authorization procedures and qualifications.

2.0 Scope of Work & Approach

Cameron-Cole's scope of work and proposed approach are presented below. Verification activities will include: meetings; site visits; telephone and e-mail correspondence; desktop reviews; and, reporting. The approach outlined in this section was developed in accordance with ISO-14064-3:2006(E) Greenhouse Gases – Part 3: Specification with guidance for the validation and verification of greenhouse gas assertions.

Task 1 -- Conflict of Interest Process

Cameron-Cole will undertake a detailed process to determine if there are risks of Conflict of Interest (COI). First, Cameron-Cole will initially describe any pre-existing interactions or relationships with the City in its COI Assessment Form. An internal screening process will be undertaken to determine if there are any additional (potential or actual) COIs based on personal relationships with Cameron-Cole staff and the City; organizational relationships with the Cameron-Cole organization and the City; and previous work conducted by Cameron-Cole for the City (both GHG- and non-GHG related). Once all potential or actual COIs are identified and assessed for level of risk, the City will be notified by Cameron-Cole of the results. If COIs cannot be avoided, resolved or mitigated, Cameron-Cole will notify the City that we are unable to conduct the activities as specified by the City. Based on our current knowledge of Cameron-Cole's personnel and organizational relationships with the City, we believe that (initially), there would be a low potential of COI between our organizations.

Additionally, a COI Assessment Form in Appendix A1 of the GVP will be completed and sent to COI@theclimateretry.org before verification activities begin. The Climate Registry will review this form and evaluate the potential COI between our organizations.



Task 2 – Verification Plan & Kick-Off Meeting

Once we receive approval from TCR, and a contract has been finalized between Cameron-Cole and the City, Cameron-Cole will request the following documents and information for review:

- A copy of the City's emissions report;
- Emission calculation spreadsheets;
- Lists of facilities and sources;
- Description of methodologies used to estimate emissions from identified sources; and
- The Inventory Management Plan (IMP) and previous assessments [if available].

Cameron-Cole will review this information and prepare a Verification Plan for the City that will include the following:

- Level of assurance
- Verification objectives
- Verification criteria
- Verification scope
- Materiality
- Verification activities and schedule.

Cameron-Cole will then schedule a call with the City to introduce the verification team, discuss the Verification Plan and schedule verification activities.

Should any changes to the GVP occur during the course of the verification, Cameron-Cole will contact the City, to discuss whether this will affect the City's objectives and to determine the most appropriate course of action.

Task 3 – Conduct Verification Activities

Task 3.1 – Verify emissions sources

Cameron-Cole will conduct a detailed desktop review of the City's source list to verify that all facilities, emissions sources, and fuels for the entity have been identified. All sources will be ranked by magnitude.

Task 3.2 – Determine areas of high risk and uncertainty

Based on initial discussions, and on information gathered and evaluated in previous tasks, Cameron-Cole will then determine which areas (facilities, sources and resultant emissions



estimates) have the highest risk of material error or misstatement. We will focus our efforts in these areas. The following are types of potential errors, omissions and misrepresentations that will be included in our assessment:

- The inherent risk of a material discrepancy occurring;
- The risk that the controls of the organization will prevent not prevent or detect a material discrepancy; and
- The risk that the verifier will not detect any material discrepancy that has not been corrected by the controls of the organization.

Task 3.3 Verification Sampling Plan

Since it is generally inefficient to assess all GHG information collected by an organization, a risk-based approach will be employed in developing a Verification Sampling Plan and Data Request. The Data Request will include documentation and other supporting information for areas of the GHG Inventory that have highest risk of material error or misstatement, as determined in previous sections.

Cameron-Cole will submit the Data Request to the City. The Data Request will address additional supporting documentation that may include, but is not limited to the following:

- A description of inventory management systems, including methods used to gather, transcribe (if applicable), QA/QC and aggregate activity data;
- Fuel and Utility bills; and
- Copies of leases or rental agreements.

Per ISO 14064-3:2006(E), the Verification Sampling Plan will “be amended, when necessary, based on any new risks or material concerns that could potentially lead to errors, omissions and misrepresentations that are identified throughout the validation or verification plan.”

Task 3.4 Evaluate methodologies and management systems

Cameron-Cole will review the methodologies and management systems used by the City to determine whether they are in conformance with the GRP. We will review the data collection, transcription, conversions (if applicable), assumptions (if applicable), QA/QC and recordkeeping processes to ensure they are robust. Cameron-Cole’s management system review will give consideration to the following:

- Selection and management of the GHG data and information;



- Processes for collecting, processing, consolidating and reporting GHG data and information;
- Systems and processes that ensure the accuracy of the GHG data and information;
- Design and maintenance of the GHG information system;
- Systems and processes that support the GHG information system;
- Results of previous assessments, if available and appropriate.

Task 3.5 Verification of emission estimates

Desktop Review

First, Cameron-Cole will conduct activities as described in the GVP to verify the accuracy and completeness of activity data (i.e., verifying fuel and electricity usage). Then, using the results of previous tasks, Cameron-Cole will select calculations to verify.

Site Visits

Cameron-Cole expects to conduct a total of two site visits, in accordance with the GVP. During the site visit, Cameron-Cole will meet with the City staff, conduct interviews, examine source activity data available at the site, and conduct a site walk to confirm that all sources have been identified.

Recalculation

Cameron-Cole will recalculate emissions estimates for selected sources using underlying activity data (provided by the City). Material and immaterial errors and misstatements will be identified, and the City's overall emissions estimates will be compared to our overall emissions estimates to determine if the materiality threshold (of 95% accuracy) has been achieved.

Task 4 – Verification Report, Verification Statement & Exit Meeting

Cameron-Cole will prepare a Verification Report and Verification Statement for the City. The Verification Report will document the verification process, inventory recalculations and summarize the verification findings.

All documents will be subjected to a quality assurance check by Cameron-Cole's independent senior reviewer. The general conclusion from the Verification Report will be used to create



the Verification Statement, which will then be reviewed and signed by Cameron-Cole's independent senior reviewer and the Lead Verifier.

Originals of these documents will be provided to the City, and an exit meeting will be held with the City to discuss the verification report and statement. If no material errors or misstatements are found, the City will then sign the Verification Statement. If material misstatements are found, it is understood that the City can revise its information and resubmit it for review by Cameron-Cole (on an additional time-and-materials basis) until the minimum quality standard is met. The City can provide a copy of Cameron-Cole's Verification Statement to all interested parties and directly quote the Verification Conclusion section of the Verification Statement.

3.0 Client Responsibilities & Proposal Assumptions

The following assumptions apply to this scope of work:

1. The City will make complete and truthful statements (to the best of their knowledge) and provide accurate and complete data as requested. Verification will be based on the information made available to Cameron-Cole by the City, and the City is solely responsible for the completeness and accuracy of its data.
2. The City will comply with all verification requirements as stated in the (Program Protocol(s)), this proposal and subsequent contract agreed to by the City and Cameron-Cole.
3. The City will provide all information to Cameron-Cole in a timely manner. Significant delays in providing information may result in schedule delays and in additional consulting hours subject to a change order.
4. If the City's emissions report or descriptions of its sources are significantly different than what was listed in the City's RFP to Cameron-Cole, this may result in a change order.
5. If the City resubmits its GHG Emissions Report after verification has begun (whether due to discovered errors or other business reasons), this may result in a change order.
6. The City will coordinate the site visit. Information necessary to conduct the visit will be made available and readily accessible to Cameron-Cole staff upon their arrival (i.e., Cameron-Cole will not be searching for/collecting data from the site).
7. The City will make provisions to accommodate program-related observers during office-based visits or those on-site.
8. Cameron-Cole will not provide "consulting" during the course of verification activities. That is, we will identify errors, but not provide advice on how to fix them.



9. As specified in (the GVP), Cameron-Cole will provide the City with a Verification Report and Verification Statement. The latter is a publicly available document that can be cited by the City. Characterization of the verification outcome is limited to the language used in the Verification Statement, and the City shall not alter such language when referring to the verification outcome.

4.0 Complaints and Appeals

During any point in the verification process, complaints and appeals can be directed to the Cameron-Cole's Chief Sustainability Officer Connie Sasala via e-mail at csasala@cameron-cole.com or via phone at 330-659-0733.

5.0 Schedule, Cost, Contract Duration & Authorization Procedures

Schedule

The proposed verification schedule (in working days) is as follows:

- Determine that no COI exists between Cameron-Cole & the City – by Day 1
- Finalize contract with the City – by Day 2
- Submit Verification Plan to the City – by Day 3
- Kick-off meeting – by Day 3
- Complete site visits – by Day 10
- Receive all request information from the City – by Day 20
- Submit Verification Report to the City – by Day 30
- Exit meeting – by Day 30
- Submit Verification Statement – by Day 30

This schedule assumes that the City will not be required to resubmit their GHG Inventory and is subject to all of the assumptions listed in Section 2. The schedule will be developed in a manner that will allow for observers from relevant oversight bodies to participate in the verification process.



Cost

Cameron-Cole will perform the following scope of work for the fixed prices listed below, inclusive of all expenses.

- Option ONE: Verification of CY2008 and CY2009 CO₂ only = \$5,960
- ~~Option TWO: Verification of CY2008 and CY2009 All gases = \$6,500~~
- OPTIONAL¹: CY2010 extension; Verification of CY2010 All gases = \$3,640

Contract Duration & Authorization

Cameron-Cole proposes to set the contract duration at three months, to account for any unforeseen uncertainties. To authorize this work, a contract will need to be signed between the City and Cameron-Cole.

Please also:

- Approve this SOW in the signature space below.
- Fax, mail or e-mail the signature page to Cameron-Cole at:

Cameron-Cole, LLC

Attn: Chris Lawless
 50 Hegenberger Loop
 Oakland, CA 94621
 Fax: 510-777-1871
 Phone: 510-777-1858
clawless@cameron-cole.com

This proposal shall remain valid until February 11, 2011. Cameron-Cole appreciates the opportunity to provide the City with this proposal. If there are any questions, please direct them to Chris Lawless. By signing below, you acknowledge that you have read and understand the information contained within this document.

Name: _____ Signature: _____
 Title: _____ Date: _____
 Company: _____

¹ Note that OPTIONAL task may be selected independent of Options 1 or 2 at the discretion of The City. This is an additional year of verification optionally proposed at a reduced cost.



TO: Honorable Mayor and Council Members I
DATE: February 15, 2011
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Bruce Muramoto, Chief of Police; Scott Dozier, Fire Chief
SUBJECT: Award of a Construction Contract for the Winters Radio Tower
Communications Room Electrical Project

RECOMMENDATION:

Staff recommends that the City Council (1) Award a Construction Contract for the Winters Radio Communications Room Electrical Project to Koch Excavating, Inc., for the contract amount of twenty one thousand eight hundred thirty six dollars and zero cents, (\$21,836.00). (2) Authorize the City Manager to execute the construction contract on the City's behalf.

BACKGROUND:

The Public Safety Facility, Project No. 05-03, was established to design and construct a facility to house both Departments. On June 15, 2005, the City Council approved the selection of the site for the new facility. The site is located along West Main Street, north of Grant Avenue, off the future street being constructed with the Ogando-Hudson subdivision, and the land will be granted to the City with the Ogando-Hudson Final Map. It was determined early on in this project that a new radio communications tower would be needed do to the current Fire Department site being abandoned. Additionally, the current communications tower at the Fire Department is only 70 feet in length and "unrated". It provides limited receive and transmit capabilities due to its short height. A taller communications tower would improve police and fire units to communicate more effectively thus improving officer safety. The Yolo Emergency Communications Agency (YECA) also had a need to improve the radio communication infrastructure for the Southwest end of the county. This improvement of the radio infrastructure would benefit Winters Fire, Yolo Sheriff and Winters Police departments. YECA would also install a microwave communications system that would link the cities and county with a voice and limited data system. The JPA would also act as the Project Manager for the Communications Tower project on the City of Winters behalf.

On July 22, 2008, the City of Winters Planning Commission conducted a public hearing

and, subsequently, approved the following planning entitlements for the City of Winters Public Safety Facility:

- Site Plan Review
- Design Review
- Conditional Use Permit
- Variance (to height requirements)

The project, including site plan and design, was determined to be consistent with City plans and policies, as analyzed in the Planning Commission Staff Report dated July 15, 2008. Therefore, a Conditional Use Permit was granted as required by the zoning ordinance for a public facility in a P/QP zone.

It was also determined that approval of the variances to City height requirements for the wall, communications tower, and public safety building would be in the interest of the public's health, safety and welfare by reducing noise, light and glare on neighboring residences, and maximizing security and communications during the course of police and fire operations.

- The first variance is for a proposed 140-foot public safety communication tower.
- The second variance is to provide an eight to ten foot high fence along the west side of the fire and police compound. This request for the additional height is a safety and security issue.
- The third variance is for the two story section of the facility that will house the fire department living quarters to exceed the 40 foot maximum structure height by two feet making the top of the two story section of the building 42 feet from ground level to the peak of the roof line.

In Fiscal Year 2008 the City of Winters applied for and received a Federal Homeland Security grant to erect a 140 foot radio communications tower at the Public Safety Facility. The Federal Homeland Security grant funded \$140,000.00 of the communication tower's cost.

From 2008 to June of 2010, the JPA and City of Winters staff worked with California Emergency Management Agency (Cal EMA), Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA) to meet all the requirements to construct and Radio Communications Tower. In June of 2010 the City received authorization to construct the Tower and the JPA was directed to proceed with the project.

On October 11, 2010 the City of Winters, through the JPA, issued a Request for Proposal (RFP) for the radio tower project. On October 29, 2010 the JPA received four

(4) bids at the close of bidding. All bids were reviewed for responsiveness and responsibility per requirements in the Bid and Contract documents. After review, it was determined that L.D. Stroble Company, Inc. was the lowest responsive/responsible bid.

Because the Radio Tower project bid was lower than the \$140,000.00 than the Homeland Security Grant authorized the JPA submitted a request to CalEMA to reallocate the residual funds toward the electrical project. In December 2010 that request was approved by CalEMA. On January 21, 2011 the JPA solicited proposals for installation of the radio room electrical system, including the transformer, separate circuit panel, and back-up generator hookups. A public notice was published in the Sacramento Bee on five (5) days between January 21st and January 28th. The IFB was published on the YECA, BidSync.com and City of Winters' websites. All bid documents including electrical drawings were available for download on all three websites. Additionally, the announcement and bid documents were emailed directly to 12 companies that had expressed interest in previous YECA radio projects and requested to be notified when the IFB was issued. For detailed information regarding the bid proposal see Exhibit A

FISCAL IMPACT:

The project is funded by a Federal Emergency Management Agency Homeland Security Grant for \$140,000.00. The construction authorization amount is within the approved Project Budget Sheet amount.

ATTACHMENTS:

- Exhibit A-Winters Room Electrical Project Bid Results and Recommendations
- Exhibit B-Bid Tabulation/Evaluation



YOLO EMERGENCY COMMUNICATIONS

(YECA)

35 N. Cottonwood St., Woodland, CA 95695 • Bus: (530) 666-8900 • Fax: (530)

Patricia Williams
Executive Director

MEMORANDUM

February 8, 2011

To: Chief Bruce Muramoto
City of Winters Police Department

From: Marianne Wolf, Support Services Manager

SUBJECT: WINTERS RADIO ROOM ELECTRICAL PROJECT BID RESULTS AND RECOMMENDATION

YECA opened the bid process on January 21, 2011 to solicit proposals for installation of the radio room electrical system, including the transformer, separate circuit panel, and back-up generator hookups. A public notice was published in the Sacramento Bee on five (5) days between January 21st and January 28th. The IFB was published on the YECA, BidSync.com and City of Winters' websites. All bid documents including electrical drawings were available for download on all three websites. Additionally, the announcement and bid documents were emailed directly to 12 companies that had expressed interest in previous YECA radio projects and requested to be notified when the IFB was issued.

A mandatory attendance pre-bid meeting and job walk was conducted on January 28th and was attended by representatives from 19 companies. One addendum was issued on January 28th following the job walk.

1. The following bids were received by the closing deadline on February 8th, at 2:00 p.m. and were publicly opened and announced beginning at 2:05 p.m. on the same date. The following five (5) bidders submitted bid proposals including a bid bond or check as per instructions of the bidding documents.

Bid No.	Name of Bidder
1.	L.D. Strobel, Concord, CA

2.	Pullman Construction, Inc., Middletown, CA
3.	WICOMM Construction, Rocklin, CA
4.	Interstate Construction, Roseville, CA
5.	Koch Excavating, Inc., Penn Valley, CA

2. The following bidders' representatives attended the public opening of bids.

Bidder No.	Name	Designation	Bidding Company Represented
3.	Mike Curtis	Estimator	WICOMM Construction
4.	Roger Brown	(Not Specified)	Interstate Construction, Inc.
5.	Ric Eli	Estimator	Koch Excavating, Inc.

3. The Bid Opening was conducted by Support Services Manager Marianne Wolf and recorded by I.T. Specialist I Charles Keasler. Each envelope was inspected to verify it was marked as instructed in the bid documents. All five bid envelopes were in compliance. Reading and recording of bids was completed by 2:20 p.m. with the signing of the Record of Bid Opening document, a copy of which is attached as annexure of this document.

4. **Bid Evaluation:** Bidders were required to submit pricing proposals broken out into three (3) categories and totaled into a single Base Bid Total. As this is a prevailing wage job, bidders were also required to include their hourly rate (\$) including burden and profit.

The Summary of Bid Prices is indicated below.

No.	Name of Bidder	Bid Bond Cash, or Check inc.	Base Bid Total	Hourly Work (\$/hour inc. burden & profit)
1.	L.D. Strobel Co., Inc.	Bond	\$47,522.00	\$95.00
2.	Pullman Construction, Inc.	Check	\$39,000.00	\$110.00
3.	WICOMM Construction	Check	\$23,112.96	\$81.50
4.	Interstate Construction	Bond	\$47,211.00	\$107.75
5.	Koch Excavating, Inc.	Bond	\$21,836.00	\$100.00

The lowest combined evaluated bid, submitted by Bidder No. 5, Koch Excavating, Inc., is approximately 54% lower than the highest submitted bid and 5.5% lower than the second lowest bid.

5. **Evaluation of Bid Documents:** The bid proposals were examined and evaluated by Support Services Manager Marianne Wolf.

The Evaluation of Bid Documents is indicated below.

ITEM	DESCRIPTION	1	2	3	4	5
1.	BID QUALIFIERS					
1.1	Bid submitted by deadline	Y	Y	Y	Y	Y
1.2	Bidder attended Pre-Bid Job Walk	Y	Y	Y	Y	Y
ITEM	DESCRIPTION	1	2	3	4	5
1.3	Bidder holds California Class C-10 Electrical license, copy inc. w/bid	Y	P	Y	Y	Y
1.4	Bidder has provided three (3) customer referrals for similar projects	Y	Y	Y	Y	Y
2.	BID DOCUMENTS					
2.1	Doc. 00410 Bid Form: Filled in & Signed	Y	Y	Y	Y	Y
2.2	Bid Addenda (1) Acknowledged	Y	Y	Y	Y	Y
2.	BID DOCUMENTS					
2.3	Bid Schedule (Pricing) complete	Y	Y	Y	Y	Y
2.4	Hourly \$ reflects prevailing wage	Y	Y	Y	Y	Y
2.5	Bidder's Bond: Cash, Cashier's Check, Certified Check or Surety Bond	Y	Y	Y	Y	Y
2.6	Doc. 00430: Subcontractor's List included and complete	Y	Y	Y	Y	Y
2.7	Doc. 00450: Bidder Information Sheet filled in and signed	Y	P	Y	Y	Y
2.8	Doc. 00451: Non-Collusion Affidavit filled in and signed	Y	Y	Y	Y	Y
2.9	All bid documents submitted, all fields completed, legible, properly signed	Y	N	Y	Y	Y
3.	PROJECT SCHEDULE					
3.1	Number of days to complete from Notice to Proceed	30	15	21	45	30
	ALL BID REQUIREMENTS MET	Y	N	Y	Y	Y

Rating Legend: Y = Yes N = No
P = Partial
? = Follow-up Rq'd

Comments:

1.3 Bidder #2 did not submit a copy of their California Class C-10 license as required in the Bid Instructions.

2.7 Bidder #2 did not complete all fields as instructed on Document 00450, Bidder Information Sheet.

2.9 Bidder #2 did not comply with all bid document requirements as noted in 1.3 and 2.7.

6. Conclusions and Recommendations: On the basis of the systematic evaluation of bids as presented in this report, it was concluded that the bid of Bidder No. 5, Koch Excavating, Inc. out of Penn Valley, CA was the lowest evaluated substantially responsive bid, therefore it is recommended that the Contract for the Winters Radio Communications Room Electrical Project be awarded to Koch Excavating, Inc., for the contract amount of twenty one thousand eight hundred thirty six dollars and zero cents, (\$21,836.00).

MARIANNE W. WOLF
SUPPORT SERVICES MANAGER

Attachment 1: Record of Bid Opening



RECORD OF BID OPENING

Project Title: Winters Radio Communications Room Electrical Project
Project No. YECA2011-001

Exhibit B

The following bids were received by the close of bidding on February 8, 2011 at 2:00 p.m., and were publicly opened and read beginning at 2:05 p.m. on the same date.

No.	Name of Bidder	Bid Bond Cash, Check or Bond inc.	Base Bid Total	Hourly \$ (burden & profit)
1.	L.D. Strobel Co., Inc., Concord, CA	Bond	\$47,522.00	\$95.00
2.	Pullman Construction Inc., Middletown, CA	Check	\$39,000.00	\$110.00
3.	WICOMM Construction, Rocklin, CA	Check	\$23,112.96	\$81.50
4.	Interstate Construction, Roseville, CA	Bond	\$47,211.00	\$107.75
5.	Koch Excavating, Inc., Penn Valley, CA	Bond	\$21,836.00	\$100.00

Bids as read aloud and recorded during the public bid opening on February 8, 2011. All bids are further reviewed for responsiveness and responsibility per the requirements in the Bid and Contract documents.

Bids opened by:

 Marianne W. Wolf
 YECA Support Services Manager

Bids recorded by:

 Charles Keasler
 YECA I.T. Specialist I



TO: Honorable Mayor and Council Members I
DATE: February 15, 2011
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Bruce Muramoto, Chief of Police; Scott Dozier, Fire Chief
SUBJECT: Authorize City Manager to sign Change Order No.: 62

RECOMMENDATION:

Staff recommends that the City Council (1) Authorize the City Manager to execute Construction change No. 62 Order on the City's behalf.

BACKGROUND:

The Public Safety Facility, Project No. 05-03, was established to design and construct a facility to house both Departments. On June 15, 2005, the City Council approved the selection of the site for the new facility. The site is located along West Main Street, north of Grant Avenue, off the future street being constructed with the Ogando-Hudson subdivision, and the land will be granted to the City with the Ogando-Hudson Final Map.

As the Council remembers, Staff was very concerned about the Project cost more than the budget established by the City Manager. Prior to the Project going out to bid many items were deleted from the original bid package in order to save cost. One of the items deleted was Protective Wainscoting. The Wainscoting in the Training and Conference Rooms will offer protection against damage caused by tables, chairs. It should be noted that Protective Wainscoting is used in City Hall. The Protective Wainscoting in the Police Department Hallways will provide protection from duty belt equipment damaging the walls. Protective Wainscoting is a standard feature with police departments throughout the region.

FISCAL IMPACT:

Change Order No. 62 is for \$31,712.00. The remaining Construction Budget for the Police/Fire Facility Project will be \$242,736.00

ATTACHMENTS:

Exhibit A-Change Order No. 62

CONTRACT CHANGE ORDER

(x) OWNER
(x) ARCHITECT
(x) CONTRACTOR
() FIELD
() OTHER

PROJECT: Winters Police-Fire Facility

CHANGE ORDER NO.: 062

DATE: February 7, 2011

TO CONTRACTOR:

Bobo Construction, Inc.
9728 Kent Street
Elk Grove, California 95624

ARCHITECT'S PROJECT NO.: C06267.00

CONTRACT DATE: September 15, 2009 (NTP)

COMPLETION DATE: September 30, 2010 (260 WD)

**CONTRACT FOR: Winters Police-Fire Facility
700/702 West Main Street, Winters, California**

The Contract is changed as follows:

Provide protective Wainscoting in Training/EOC 102, Storage 103, Fire Conference 305, Fire Chief 306, Police Conference 514, Police Chief 515, Waiting 502, Halls 201, 202, 503, 504, 505, 506, 507, 508, per Bobo Construction, Inc., Potential Change Order 073R1.

Contract Time Extension of 10 days is granted; the request for 5 Additional Contract Days will be reviewed separately.

Ref: Bobo Construction, Inc., Potential Change Order 073R1 (02/07/11)
CH&D Contract Modification 038R1 (01/30/11)

The original Contract Amount was	\$6,366,000.00
Net change by previously authorized Change Order	\$359,552.00
The Contract Amount prior to this Change Order was	\$6,725,552.00
The Contract Amount will be increased by this Change Order in the amount of	\$31,712.00
The new Contract Amount including this Change Order will be	\$6,757,264.00
Total Change Order Amount will be	\$391,264.00

The Contract Time will be (increased) (~~decreased~~) (~~unchanged~~) by Ten (10) work days

The date of Contract Completion as of the date of this Change Order therefore is March 2, 2011

Architect
Calpo Hom & Dong Architects

Contractor
Bobo Construction, Inc.

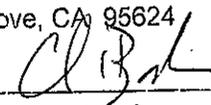
Owner
City of Winters

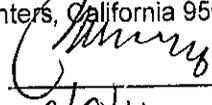
2120 20th Street, Suite One
Sacramento, CA 95818

9728 Kent Street
Elk Grove, CA 95624

318 First Street
Winters, California 95694

By: Dennis Dong

By: 

By: 

By: _____

Date: 2/8/11

Date: 2/8/11

Date: 2/8/11

Date: _____



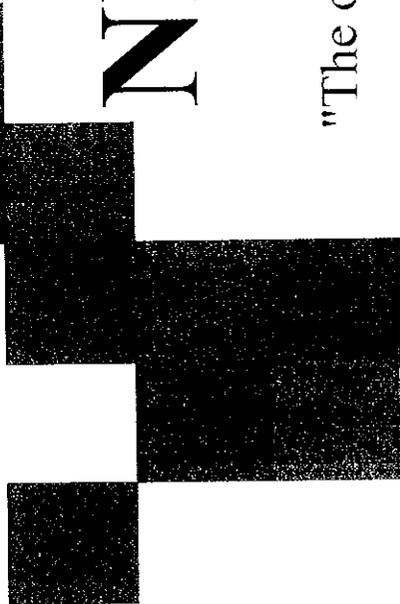
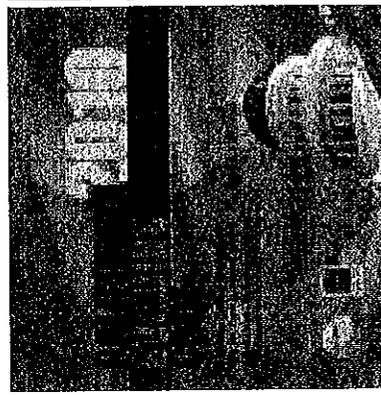
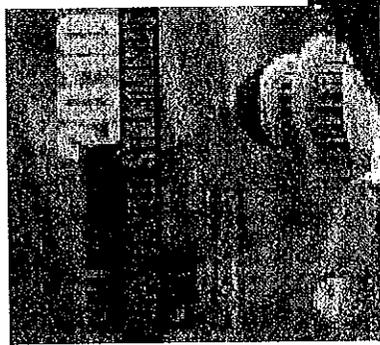
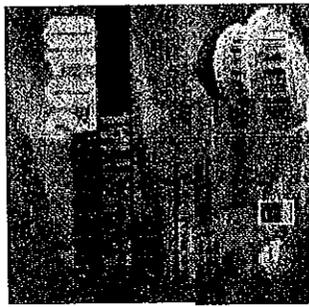
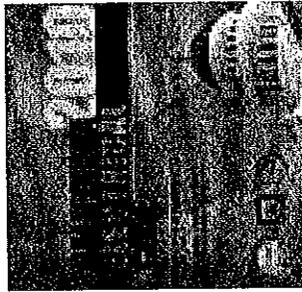
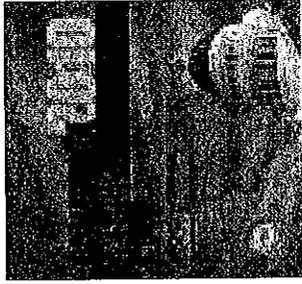
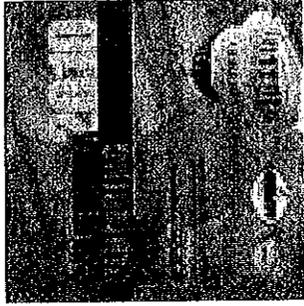
CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: February 15, 2011
THROUGH: John W. Donlevy, Jr., City Manager *JD*
FROM: Nelia C. Dyer, Community Development Director *ncd*
Gene Ashdown, Building Official
SUBJECT: Information Item - 2010 California Building Codes

RECOMMENDATION: None

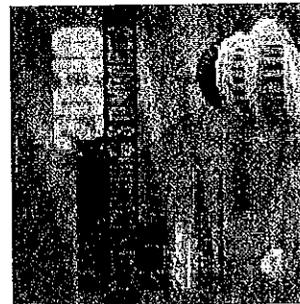
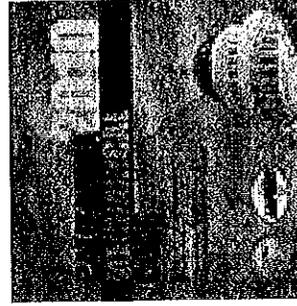
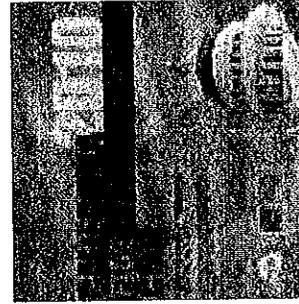
BACKGROUND: Every three years, the California Building Standards Commission updates the California Building Standards Code (California Code of Regulations, Title 24.) The State's last update of the California Building Standards Code was on January 1, 2008. The latest version, which came into effect statewide on January 1, 2011, includes significant additions intended to limit the effect of building structures on the environment through planning, design, energy efficiency, water efficiency/conservation, material conservation/resource efficiency and environmental air quality. Much of this is contained in the new California Green Building Standards Code (CALGreen). Other relatively minor changes and additions are also included in the State's code update.

Building Official Gene Ashdown will provide an overview of the 2010 California Building Codes.

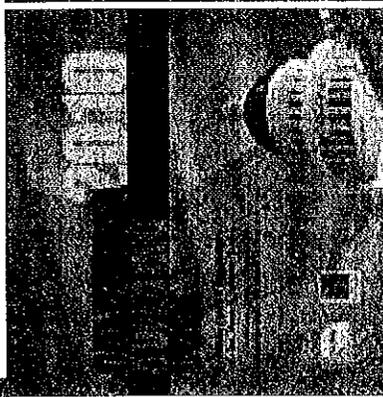


NEW CODES

"The only thing constant in life is change!" *Francois de la Rochefoucauld*



City of Winters



What codes does California currently use?

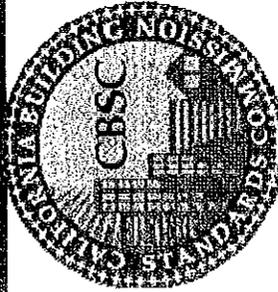
The California Building Standards Code found in the California Code of Regulations, Title 24:

- Part 2, known as the 2007 California Building Code (CBC).
- Part 3, known as the 2007 California Electrical Code (CEC).
- Part 4, known as the 2007 California Mechanical Code (CMC).
- Part 5, known as the 2007 California Plumbing Code (CPC).
- Part 6, known as the 2008 California Energy Code and Energy Commission Standards (CECS).
- Part 9, known as the 2007 California Fire Code (CFC)
- Part 12, known as the 2007 California Referenced Standards Code (CRSC)

Starting January 1, 2011, all new buildings being constructed in California will be required to comply with the new California building codes, except those where building permit applications have been submitted prior to December 31, 2010.



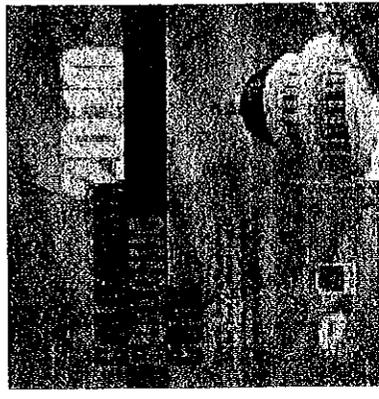
Developed by the International Code Council (ICC), the new California codes are based on the International Building Code and International Fire Code.

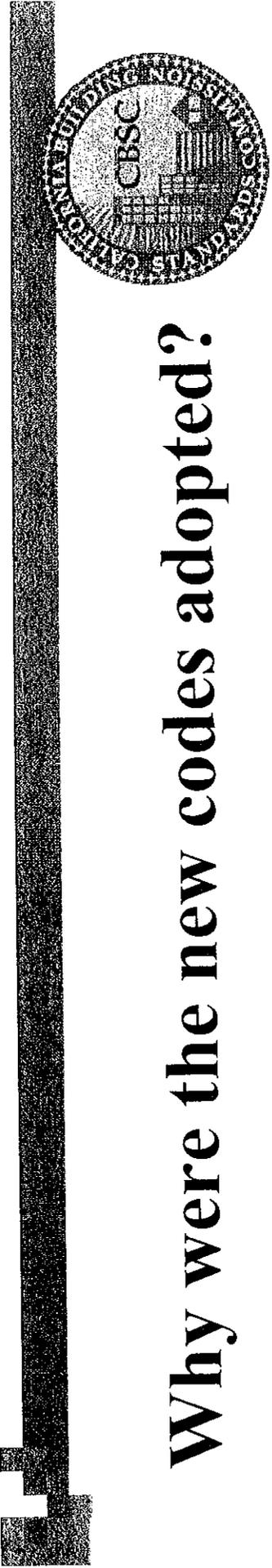


What are the NEW CODES?

The 2010 California Building Standards Code, found in California Code of Regulations (CCR), Title 24, effective January 1st, 2011 are:

- Part 1, known as the **2010 California Administrative Code (CAC)**
- Part 2, known as the **2010 California Building Code (CBC)**
(*2009 International Building Code*) (Includes Part 8 Historical Code and Part 10 Existing Building Code)
- Part 2.5, known as the **2010 California Residential Code (CRC)**
- Part 3, known as the **2010 California Electrical Code (CEC)**
(*2009 National Electric Code*)
- Part 4, known as the **2010 California Mechanical Code (CMC)**
(*2009 Uniform Mechanical Code*)
- Part 5, known as the **2010 California Plumbing Code (CPC)**
(*2009 Uniform Plumbing Code*)
- Part 6, known as the **2010 California Energy Code (CECS)**
- Part 9, known as the **2010 California Fire Code (CFC)**
(*2009 International Fire Code*)
- Part 11, known as the **2010 California Green Building Standards Code (CBSC)** (*CalGreen is the Nations first mandatory Green Building Code*)
- Part 12, known as the **2010 California Referenced Standards Code (CRSC)**
(*This code contains minimum test and referenced standards required by the California Building Standards Code*)





Why were the new codes adopted?

- The current codes used in California are on a Triennial code cycle and the new codes go into effect January 1, 2011 as a state mandate.
- Health and Safety Code section 17958, requires that local jurisdictions, counties and cities, adopt these codes, with or without local revisions, on or before January 1, 2011. If no such local adoption action has been taken by that date, the codes, as written, are automatically adopted as published, by default.



What were some of the major changes that were

made with the new codes?

- Structural provisions reference national standards for structural load determination and design.
- Non-structural side, flexibility permitted for the design of a building or structure.
- Electrical code, clarification in code language.
- The plumbing and mechanical codes, added sections to allow for the use of new devices and Grey Water Systems.



What were some of the major changes that were made with the new codes? (Cont.)

- Nation's first mandatory green building code-dubbed "CalGreen" intended to assist the state in reducing greenhouse gas emissions by 33 percent by 2020. The mandatory sections of the California Green Building Code are 15% above the minimum standards set forth by the State of California Energy Efficiency Standards with voluntary provisions for 30%, 35% and 40% savings in energy.



What were some of the major changes that were made with the new codes? (Cont.)

- The California Residential Code is a new addition to the California Building Standards Code. The International Code Council intends to delete standards for detached one and two family dwellings from the current International Building Code and therefore has necessitated that the Department of Housing and Community Development adopt the International Residential Code.

How do the new codes affect buildings that are already under construction?

Or does it just affect future projects?

- Buildings that are already permitted and under construction, or have a permit application submitted prior to December 31, 2010 are not affected by the new codes.

HOWEVER, once the new California codes become effective, all new building permit applications submitted after December 31, 2010 for construction throughout California must comply with the new code provisions.

- If you have an addition/alteration, etc a building, only the new portion (that which will be permitted) will be required to meet the new codes.



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: February 15, 2011
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: December 2010 Treasurer Report

RECOMMENDATION:

Staff recommends that the City Council receive and file the City of Winters Treasurer Report for December 2010.

BACKGROUND:

The City of Winters financial policy requires monthly reports regarding receipts, disbursement and fund balances be submitted to the City Council for review. The report for December 2010 is attached.

Items of note in the attached report are as follows:

General Fund:

General Fund revenues are 23% of budgeted, the following items affect the cash flows into the General Fund.

- The first installment of Property Tax was received February 1, 2011.
- The first installment of Property Tax in lieu of Sales Tax was received February 1, 2011.
- The first installment of Property Tax in lieu of VLF was received February 1, 2011.
- Sale and use taxes are remitted to the City two (2) months after they are received by the State Board of Equalization.
- Municipal Services taxes are 50% of budget.
- Utility User Tax is 23% of budget as we wait for PG&E to determine how they are going to implement the increase voters approved in June 2010.
- Building permit fees received are 84% of budget.
- General Fund expenditures are 45% of budget.

Other funds:

Fund 221 Gas Tax Fund: The State of California has begun remitting Gas Tax funds to the City, and Gas Tax revenues are 58% of budgeted.

Fund 211 City Wide Assessment District: The City will received assessments from the City Wide Assessment District at the same time as it received the property tax payment, on February 1, 2011.

Fund 701 and 711 Redevelopment Funds: The Community Development Agency received the first installment of tax increment on February 1, 2011.

Fund 611 Water: Water fund revenues are 55% of budget and expenditures are 53% of budget.

Fund 612 Sewer: Sewer fund revenues are 50% of budget and expenditures are 40% of budget.

FISCAL IMPACT:

None

City of Winters
Cash and LAIF Balances Report
Cash and LAIF Balances as of December 31, 2010

Fund #	Fund Description	Balance 6/30/2010	Balance 12/31/2010
101	General Fund	\$ (120,648)	\$ 748,848
103	Community Center and Pool Fund	22,903	24,308
201	Fire Prevention Grant	1,781	1,787
208	First Time Homebuyer	83,263	83,536
211	City Wide Assessment	61,389	(142,787)
212	Flood Assessment District	3,775	3,787
221	Gas Tax	44,820	51,473
231	State COPS 1913		(113,469)
251	Traffic Safty	208,848	208,624
252	Asset Forfeiture	13,348	13,467
254	Vehicle Theft Deterrent	48,119	48,277
261	Traffic Congestion Relief	55,666	
274	Park Grant	146	
276	N. Putah Creek Bank Improvement		(10,373)
277	First 5 Grant	213	(6,763)
279	Jardin De Ninos		4,650
287	After School Donation Fund		5,000
291	Beverage Recycling Fund	16,919	21,137
294	Transportation(Including Bus S	397,453	250,225
298	Workforce Grant	18,023	
299	After School Program	85,259	129,528
302	07-PTA Grant	2,377	
351	RLF Housing Rehab	7,565	7,590
352	RLF First Time Homebuyer	11,160	26,525
355	RLF Small Business	76,061	89,456
356	RLF-HOME Program	74,551	74,795
411	Street Impact Fee	1,032,244	1,034,527
412	Storm Impact Fee	147,413	147,896
413	Parks and Recreation Impact Fe	747,345	539,583
416	General Facilities Impact Fee	244,782	245,433
417	Water Impact Fee	201,428	692,276
418	Sewer Impact Fee	227,661	228,190
421	General Fund Capital	544,427	546,065
422	Landfill Capital	226,894	220,784
424	Parks and Recreation Capital	8,257	8,407
427	Capital Equipment Fund	49,220	49,927
429	Service Reserve	43,175	43,317
481	General Plan 1992 Study		(575,909)
482	Flood Control Study	1,278	1,282
492	RAJA Storm Drain	37,929	38,053
494	Capitial Asset Recovery Fee	39,495	46,009
496	Storm Drain Non-Flood	231	231
501	General Debt Service	55,376	55,557
611	Water O & M	423,980	960,036
612	Water Reserve	77,268	81,574
615	07 Water Bonds	(70)	(651,929)
616	Water Conservation	9,532	9,259
617	Water Meter	32,607	836
621	Sewer O & M	1,215,639	1,395,562
626	07 Sewer Bonds	(248,250)	(263,098)
629	Sewer Debt Service	7,770	7,770
651	Central Services	22,676	2,528
701	Redevelopment	540,590	(221,179)
703	2007 Bond Proceeds	7,831,843	4,714,283
711	RDA Low Income Housing	129,633	(157,907)
712	RDA 2004 LIH Bond Proceeds	1,146,160	236
713	2007 LIH Bond Proceeds	1,515,542	1,278,007
751	Redevelopment LTD	472,445	472,445
821	Winters Library	102,960	103,297
831	Swim Team	77,454	84,206
832	Masters Swim Program		(3,247)
833	Festival de la Comunidad	1,229	1,482
845	Historical Photos	1,144	
846	Quilt Festival	325	691
Total Cash		\$ 18,080,623	\$ 12,656,101

City of Winters
General Fund Revenue Summary
July 1, 2010 through December 31, 2010

		% Of Year Completed			50%
G/L Code	Account Description	Budget 2010-2011	December Actual	Year to Date Actual	% of Budget Received
101-41101	Property Tax	\$ 637,357			
101-41102	Property Tax in Lieu of Sales Tax	71,621			
101-41103	Property Tax in Lieu of VLF	473,774			
101-41401	Sales & Use Tax	227,379	696	84,809	37%
101-41402	Prop 172	22,738			
101-41403	Franchise Fee	209,401		45,867	22%
101-41404	Property Transfer Tax	10,000			
101-41405	Utility Tax	789,000	20,535	182,179	23%
101-41406	Municipal Services Tax	286,080	23,930	142,970	50%
101-41408	TOT Tax	5,500		1,554	28%
101-41407	Business Licenses	24,000	360	4,345	18%
101-46102	Building Permits	75,164	4,926	63,337	84%
101-46103	Encroachment Permit	1,200	155	1,513	126%
101-46104	Other Licenses & Permits	31,457	1,663	31,866	101%
101-41507	Motor Vehicle in Lieu	28,490	762	5,765	20%
101-41508	Motor Vehicle Licensing Fee-ERAF			393	
101-41509	Homeowners Property Tax Relief	16,300			
101-48106	Post Reimbursement	1,500			
101-41511	Off-Highway Motor Vehicle				
101-42102	Copy Fees	50			
101-42103	Plan Check Fees	33,875	2,474	14,824	
101-42104	Planning Application Fees	10,000		3,200	32%
101-42107	Project Monitoring Fees	500		1,410	282%
101-42108	Police Reports	500	20	226	45%
101-42109	Fingerprint Fees	3,500	223	1,536	44%
101-42111	Towing/DUI Reimbursement	1,000	90	605	61%
101-42112	Ticket Sign Off Fees	250	20	517	207%
101-42201	Recreation Fees	3,660		186	5%
101-42205	Basketball Revenues	4,400	4,190	4,830	110%
101-42208	Masters Swim Passes	3,600		940	26%
101-42211	Pool Ticket Sales	5,400		3,397	63%
101-42213	Pool Proceeds	1,350		968	72%
101-42212	Pool Concession Stand Revenues	4,500		3,297	73%
101-42215	Swim Passes	6,000		310	5%
101-42216	Swim Lessons	11,800		2,710	23%
101-42217	Water Aerobics Fees			611	
101-42218	Swim Team Reimbursement	8,000		8,000	100%
101-42301	Park Rental	750		630	84%
101-42303	Community Center Rental	63,920	245	1,077	2%
101-42304	Community Center Insurance Collected			852	
101-44101	Rents/Leases Revenues	38,500	1,758	18,596	48%
101-43110	Fines-No Building Permits			53	
101-44102	Interest Earnings	3,000		267	9%
101-46106	Reinspect Fee	250		53	21%
101-49101	Contributions	80,450	3,992	26,546	33%
101-49102	Reimbursements/Refunds		912	1,388	
101-49104	Miscellaneous Revenues	1,000	(818)	3,199	320%
101-49106	Cash Over/Short		(1)	(33)	
101-48106	Post Reimbursement	1,500			
	Ambulance Service Charge	7,500			
	Fire District Payments	187,642			
101-49999	Interfund Operating Transfer	5,000			
TOTAL		<u>\$ 3,398,858</u>	<u>\$ 66,132</u>	<u>\$ 664,793</u>	<u>20%</u>

City of Winters
Summary of Revenues
July 1, 2010 through December 31, 2010

Fund #	Fund Description	% of Year Completed			50%	
		Budget 2010-2011	December Actual	Year to Date Actual	Balance to be Received	% of Budget Received
101	General Fund	\$ 3,398,858	\$ 66,132	\$ 664,791	\$ 2,734,067	20%
103	Community Center and Pool Fund			1,369	(1,369)	
201	Fire Prevention Grant			3	(3)	
208	First Time Homebuyer In Lieu			126	(126)	
211	City Wide Assessment	189,173	79	161	189,012	0%
212	Flood Assessment District	416		6	410	1%
221	Gas Tax	119,383	12,812	69,533	49,850	58%
231	State COPS AB1913	100,000	31,440	31,440	68,560	31%
251	Traffic Sافتey	10,500		(291)	10,791	-3%
252	Asset Forfieture	300		95	205	32%
254	Vehicle Theft Deterrent	250		73	177	29%
261	Traffic Congestion Relief	70,226			70,226	0%
267	Grant Ave Improvement		2,407	1,204	(1,204)	
276	Putah Creek North Bank Improvem		4,526	31,116	(31,116)	
277	First Five		6,197	6,197	(6,197)	
279	Jardin de Ninos		-	4,650	(4,650)	
287	After School Donations			5,000	(5,000)	
291	Beverage Recycling	5,050		5,027	23	100%
294	Transportation	221,777		(3,579)	225,356	-2%
299	AFter School Program	141,670	84,853	217,350	(75,680)	153%
302	07-PTA Grant		1,280	4,346	(4,346)	
313	STBG 96-1043 Housing & Public W	8,724	727	4,362	4,362	50%
321	EDBG 99-688 Buckhorn	16,168		8,702	7,466	54%
351	RLF Housing Rehab	6,697		12	6,685	0%
352	RLF Affordable Housing			15,365	(15,365)	
355	RLF Small Business	1,838	727	13,182	(11,344)	717%
356	RLF HOME Program			113	(113)	
411	Street Impact Fee	155,858		(855)	156,713	-1%
412	Storm Drain Impact Fee	1,728		223	1,505	13%
413	Parks & Recreation Impact Fee	98,568		(524)	99,092	-1%
414	Public Sافتey Impact Fee	71,542			71,542	0%
415	Fire Impact Fee	69,086			69,086	0%
416	General Facilities Impact Fee	102,318		(322)	102,640	0%
417	Water Impact Fee	110,452		(292)	110,744	0%
418	Sewer Impact Fee	213,746		(377)	214,123	0%
421	General Fund Capital			(351)	351	
422	Landfill Capital	1,144		(164)	1,308	-14%
424	Parks & Recreation Capital	390		13	377	3%
427	Capital Equipment	2,000	546	620	1,380	31%
429	Service Reserve Fund	5,000		65	4,935	1%
481	General Plan 1992	88,744			88,744	0%
482	Flood Control Study			2	(2)	
492	RAJA Storm Drain			57	(57)	
494	CARF	500	2,641	6,445	(5,945)	1289%
495	Monitoring Fee	88,744			88,744	0%
501	General Debt Service	275		84	191	31%
611	Water O & M	1,005,707	83,597	555,324	450,383	55%
612	Water Reserve	10,560		3,899	6,661	37%
616	Water Conservation	11,592		14	11,578	0%
617	Water Meter Fund	10,200	1,576	19,518	(9,318)	191%
621	Sewer O & M	1,318,570	110,272	664,871	653,699	50%
701	Community Redevelopment	1,514,868	1,374	63,169	1,451,699	4%
703	2007 Bond Poject Fund			(3,797)	3,797	
711	Community Redevelopment LIH	386,739		1,000	385,739	0%
712	RDA Housing Project Area			236	(236)	
713	2007 LIH Bond Project Fund	8,250		(152)	8,402	-2%
751	Community Redevelopment LTD	30,663		34,282	(3,619)	112%
821	Winters Library	500		155	345	31%
831	Swim Team	71,250		44,083	27,167	62%
832	Masters Swim Program	3,000			3,000	0%
833	Festival de la Comunidad	6,400		6,560	(160)	103%
846	Quilt Festival			423	(423)	
Total Revenues		\$ 9,679,424	\$ 411,185	\$ 2,474,561	\$ 7,204,863	26%

City of Winters
Summary of Expenditures
July 1, 2010 through December 31, 2010

		% of Year Completed					50%
Fund #	Fund Description	Budget 2010-2011	December Actual	Year to Date Actual	Balance of Budget Remaining	% of Budget Expended	
101	General Fund Expenditures by Department						
110	City Council	\$ 2,872	\$ 9	\$ 332	\$ 2,540	12%	
120	City Clerk	8,440	550	12,639	-4,199	150%	
130	City Treasurer	338	27	162	176	48%	
160	City Manager	35,274	2,557	19,140	16,134	54%	
170	Administrative Services	170,109	14,617	86,121	83,988	51%	
180	Finance	3,134	224	1,351	1,783	43%	
210	Police Department	1,676,705	119,131	826,384	850,321	49%	
310	Fire Department	631,757		136,624	495,133	22%	
410	Community Development	245,863	15,336	137,988	107,875	56%	
420	Building Inspections	100,178	10,212	57,745	42,433	58%	
610	Public Works-Administration	180,325	12,806	100,207	80,118	56%	
710	Recreation	8,050	1,339	11,103	-3,053	138%	
720	Community Center	84,901	5,953	36,255	48,646	43%	
730	Swimming Pool	69,863		28,353	41,510	41%	
	Total General Fund Expenditure	\$ 3,217,809	\$ 182,761	\$ 1,454,404	\$ 1,763,405	45%	
201	Fire Prevention Grant	500			500		
211	City Wide Assessment	195,383	16,680	111,018	84,365	57%	
221	Gas Tax Fund	112,564	6,491	49,528	63,036	44%	
231	State COPS 1913	86,769	7,021	42,814	43,955	49%	
251	Traffic Safety			1,064	-1,064		
261	Traffic Congestion Relief	35,000		73,489	-38,489	210%	
267	Grant Avenue Improvements	70,000		-4,828	74,828	-7%	
274	Park Grant		146	146	-146		
276	Putah Creek North Bank Improvem	1,261,332	3,800	20,492	1,240,840	2%	
277	First 5 Grant		241	12,960	-12,960		
291	Beverage Recycling Grant	5,000		838	4,162	17%	
294	Transportation	281,171	18,857	189,552	91,619	67%	
299	After School Program	141,670	12,646	62,617	79,053	44%	
302	07-PTA Grant		1,280	4,346	-4,346		
313	STBG 96-1043 Housing & Public W	420	727	4,362	-3,942	999%	
321	EDBG 99-688 Buckhorn	7,935		8,702	-767	110%	
411	Street Impact Fee	47,192			47,192		
413	Park & Recreation Impact Fee	447,228	-258	210,211	237,017	47%	
417	Water Impact Fee			209,660	-209,660		
422	Landfill Capital	10,800		3,848	6,952	36%	
429	Service Reserve	5,000			5,000		
611	Water O & M	942,602	66,519	502,435	440,167	53%	
615	07 Water Bonds	1,208,808	135,736	600,407	608,401	50%	
616	Water Conservation Fund	3,800	204	304	3,496	8%	
617	Water Meter Fund		6,907	51,337	-51,337		
621	Sewer O & M	1,223,845	69,143	492,234	731,611	40%	
626	2007 Sewer Bond	2,208,070		4,330	2,203,740		
651	Central Service Overhead		-1,494		0		
701	Community Redevelopment	1,791,767	21,121	833,758	958,009	47%	
703	2007 Bond Project Fund	7,563,402	453,138	2,499,161	5,064,241	33%	
711	Community Redevelopment LIH	566,528	16,574	319,859	246,669	56%	
712	LIH Bond Proceeds	1,354,365		57,887	1,296,478	4%	
713	2007 LIH Bond Project Fund			242,113	-242,113		
751	Community Redevelopment LTD			42,268	-42,268		
821	Winters Library	25,000			25,000		
831	Swim Team	54,374		28,755	25,619	53%	
832	Masters Swim Program	3,000		3,058	-58	102%	
833	Festival de la Comunidad	6,400		6,308	92	99%	
845	Historical Photos			725	-725		
846	Quilt Festival			24	-24		
	Total Expenditures	\$ 22,877,734	\$ 1,018,240	\$ 8,140,186	\$ 14,737,548	36%	

City of Winters
Fund Balances Report
Estimated Fund Balance as of December 31, 2010

Fund #	Fund Description	Audited Fund		Current Year Expenditures	Transfers in(Out)	Estimated	
		Balance 6/30/2010	Current Year Revenues			Fund Balance 12/31/2010	Change From 6/30/2010
101	General Fund	\$ 1,446,014	\$ 664,791	\$ 1,454,404	\$ -	\$ 632,567	\$ (790,507)
103	Community Center and Pool Fund	22,940	1,369			24,309	
201	Fire Prevention Grant	1,784	3		-	1,787	3
208	First Time Homebuyer	83,410	126		-	83,536	126
211	City Wide Assessment	70,253	161	111,018	-	(40,604)	(110,857)
212	Flood Assessment District	3,781	6		-	3,787	6
221	Gas Tax	56,964	69,533	49,528	-	76,969	20,005
231	State COPS 1913	(102,095)	31,440	42,814	-	(113,469)	(11,374)
251	Traffic Safety	209,978	(291)	1,064	-	208,623	(1,355)
252	Asset Forfeiture	13,372	95		-	13,467	95
254	Vehicle Theft Deterrent	353	73		-	426	73
261	Traffic Congestion Relief			73,489	-	(73,489)	(73,489)
267	Grant Avenue Improvements	(6,032)	1,204	(4,828)	-		6,032
274	Park Grant	146		146	-		(146)
276	Putah Creek North Bank Imp	(20,997)	31,116	20,492	-	(10,373)	10,624
277	First Five Grant		6,197	12,960	-	(6,763)	(6,763)
279	Jardin De Ninos		4,650		-		
287	Afterschool Contributions		5,000		-		
291	Beverage Recycling Grant		5,027	838	-	4,189	4,189
294	Transportation	426,555	(3,579)	189,552	-	233,424	(193,131)
298	Workforce Grant	18,023			-	18,023	
299	After School Program		217,350	62,617	-	154,733	154,733
302	07 PTA Grant		4,346	4,346	-		
313	STBG-96-1043 Housing and P	(29,070)	4,362		(4,362)	(29,070)	
321	EDBG 99-688 Buckhorn		8,702		(8,702)		
351	RLF Housing Rehabilitation	19,222	12		-	19,234	12
352	RLF Affordable Housing	28,587	15,365		-	43,952	15,365
355	RLF Small Business	76,274	118		13,064	89,456	13,182
356	RLF HOME Program	74,682	113		-	74,795	113
411	Street Impact Fee	1,130,381	(855)		-	1,129,526	(855)
412	Storm Drain Impact Fee	177,673	223		-	177,896	223
413	Parks & Recreation Impact	750,317	(524)	210,211	-	539,582	(210,735)
416	General Facilities Impact	245,756	(322)		-	245,434	(322)
417	Water Impact Fee	202,229	(292)	209,660	-	(7,723)	(209,952)
418	Sewer Impact Fee	(187,990)	(377)		-	(188,367)	(377)
421	General Fund Capital	546,416	(351)		-	546,065	(351)
422	Landfill Capital	224,796	(164)	3,848	-	220,784	(4,012)
424	Parks and Recreation Capit	8,395	13		-	8,408	13
427	Equipment Replacement Fund	373,230	620		-	373,850	620
429	Service Reserve Fund	500,777	65		-	500,842	65
481	General Plan 1992	(575,909)			-	(575,909)	
482	Flood Control Study	(123,720)	2		-	(123,718)	2
492	RAJA Storm Drain	28,407	57		-	28,464	57
494	CARF	39,564	6,445		-	46,009	6,445
496	Storm Drain Non-Flood	231			-	231	
501	General Debt Service	55,474	84		-	55,558	84
502	General LTD	(32,687)			-	(32,687)	
611	Water O & M	3,377,057	555,324	502,435	-	3,416,671	52,889
612	Water Reserve	78,361	3,899		-	82,260	3,899
615	2007 Water Bonds	1,022,997		600,407	-	422,590	(600,407)
616	Water Conservation	9,549	14	304	-	9,259	(290)
617	Water Meter Fund	29,415	19,518	51,337	-	(2,404)	(31,819)
619	Water Debt Service Fund	(3,130,487)			-	(3,130,487)	
621	Sewer O & M	4,508,183	664,871	492,234	-	4,680,820	172,637
626	2007 Sewer Bonds	2,197,028		4,330	-	2,192,698	(4,330)
629	Sewer Debt Service	(3,669,422)			-	(3,669,422)	
651	Central Service Overhead	1,433			-	1,433	
701	Community Redevelopment	(223,375)	20,901	833,758	42,268	(993,964)	(770,589)
703	2007 Bond Project Fund	7,217,242	(3,797)	2,499,161	-	4,714,284	(2,502,958)
711	Community Redevelopment LI	288,251	1,000	319,859	-	(30,608)	(318,859)
712	RDA Housing Project Area	57,887	236	57,887	-	236	(57,651)
713	2007 LIH Bond Projects	1,520,272	(152)	242,113	-	1,278,007	(242,265)
751	Community Redevelopment LT	1,022,700	34,282		(42,268)	1,014,714	(7,986)
821	Winters Library	103,141	155		-	103,296	155
831	Winters Library	68,878	44,083	28,755	-	84,206	15,328
832	Master Swim Program	(190)		3,058	-	(3,248)	(3,058)
833	Festival de La Comunidad	1,229	6,560	6,308	-	1,481	252
845	Historical Photo Fund	725		725	-		(725)
846	Quilt Festival	291	423	24	-	690	399
911	General Fixed Assets	15,795,393			-	15,795,393	
Totals		\$ 36,034,042	\$ 2,419,230	\$ 8,084,854	\$ -	\$ 30,297,350	\$ (5,677,537)



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: February 15, 2011
THROUGH: John W. Donlevy, Jr., City Manager *JD*
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: December 2010 Investment Report

RECOMMENDATION:

Staff recommends that the City Council receive and file the City of Winters monthly investment for December 2010.

BACKGROUND:

The City of Winters financial policy requires, at a minimum, quarterly investment earnings reports. The attached report shows the earnings for December 2010. The City of Winters is invested in the Local Agency Investment Funds (LAIF), a savings account at our local First Northern Bank, a Guaranteed Investment Contract (GIC) for the 2004 Tax Allocation Bond Reserve, and receives interest payments on the various CDBG and EDBG funded loans made to residents and businesses within the City of Winters.

The investment report for the month of December reflects interest received from only the payments on the CDBG and EDBG loans. The negative earnings are due to the reversal of the Fair Value of the funds invested in LAIF as of June 30, 2010, these amounts were higher than the actual interest rate earned for the quarter ended 9/30/10, as more interest is earned on these funds throughout the year, the earnings should become positive.

FISCAL IMPACT:

None

City of Winters
Investment Earnings Report
Investment Earnings as of December 31, 2010

Fund	Description	December Investment Earnings	Year to Date Investment Earnings
101	GENERAL FUND		\$ 267
103	Community Center and Pool Fund		31
201	FIRE PREVENTION FUND		3
208	FIRST TIME HOMEBUYER		126
212	FLOOD ASSESSMENT DISTRICT		6
251	TRAFFIC SAFTEY		(291)
252	ASSET FORFEITURE		20
254	VEHICLE THEFT DETERRENT		73
291	BEVERAGE RECYCLE GRANT		27
294	TRANSPORTATION/BUS		138
299	AFTER SHCOOL PROGRAM		102
313	STBG 96-1043	25	148
321	EDBG 99-688		4,173
351	RLF HOUSING REHAB		12
355	RLF SMALL BUSINESS		118
356	RLF HOME PROGRAM		113
411	STREET IMPACT FEE		(855)
412	STORM IMPACT FEE		223
413	PARKS & REC IMPACT FEE		(524)
416	GENERAL FACILITY IMPACT FEE		(322)
417	WATER IMPACT FEE		(292)
418	SEWER IMPACT FEE		(377)
421	GENERAL FUND CAPITAL		(351)
422	LANDFILL CAPITAL		(164)
424	PARKS & REC CAPITAL		13
427	EQUIPMENT REPLACEMENT FUND		74
429	SERVICE RESERVE		65
482	FLOOD CONTROL STUDY		2
492	RAJA STORM DRAIN		57
494	CARF		59
501	GENERAL DEBT SERVICE		84
611	WATER O & M		(624)
612	WATER RESERVE		104
616	WATER CONSERVATION		14
617	WATER METER FUND		40
621	SEWER O & M		(804)
703	2007 BOND PROJECT FUND		(3,797)
712	RDA LIH PROJECT AREA		236
713	2007 LIH BOND PROJECT		(152)
751	REDEVELOPMENT LTD		34,282
821	WINTERS LIBRARY		155
831	SWIM TEAM		19
Total Investement Earnings		\$ 25	\$ 32,231



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: February 15, 2011
FROM: John W. Donlevy, Jr., City Manager 
SUBJECT: Community Development Projects Update

RECOMMENDATION:

That the City Council receive and file this report.

BACKGROUND:

This is an information item being provided for the City Council.

The attachment provides a status update of projects which have been processed through the City's Community Development Department since 2003.

In total, 36 projects are included on the list with 31 having been approved and 5 not completing the appropriate planning process. Of the projects, 5 are active, 15 have been completed and 16 are listed as not active.

FISCAL IMPACT:

None by this action.

STATUS OF COMMUNITY DEVELOPMENT PROJECTS
February 9, 2011

PROJECT	DESCRIPTION & PROCESS	LAST ACTION	NEXT ACTION	Approval	Status
(11) Winters Commercial, Granite Bay Holdings, LLC, Tyler Wade (916) 580-1855	Proposal to develop 4.52 acres on south side of Grant Avenue directly west of Round Table Pizza complex for 49,500 square feet of commercial and office uses. Site Plan. Application submitted on August 17, 2007 and deemed complete on October 22, 2007.	Per COW Municipal Code, Chapters 17.20 (Use Permits) and 17.36 (Design Review), Community Development Director approved an extension for both permits on December 5, 2008. Community Development Agency purchased the subject site in Summer 2009. CDA issued RFP for development of site in October 2009.	Community Development Agency (CDA) approved an extension of an Exclusive Negotiating Rights Agreement By and Between the CDA and Yackzan Group, Inc. for the Development of the Grant Avenue Commercial Property.	Active Project	Active
(13) Orchard Village, CVCAH/Pacific West Communities, Shellan Miller (208) 461-0022 Ext. 3033	Proposal to construct 74 multifamily (workforce housing) units on 10.6 acres between Railroad Ave. and Dutton Street extension, north of East Grant Ave. To include 1-, 2-, 3-, and 4 bedroom units + a community center.	Planning Commission approved Site Plan (Design Review) and adopted MND and MMP on January 27, 2009. Appeal of PC's decision was filed on February 4, 2009 by Catherine Jimenez. City Council denied the appeal at the March 3, 2009 City Council Meeting. Applicant submitted improvement and building plans in October 2009.	Under Construction	Active Project	Active
(24) Main Street Cellars Wine Café, 9 East Main Street, Suite J (209) 304-7953	Application for a Conditional Use Permit to operate a wine bar at 9 East Main Street, Suite J	Application was filed on October 30, 2009. Public hearing scheduled for November 24, 2009. Planning Commission approved Conditional Use Permit on November 24, 2009	Building Permit issued/ under construction	Active Project	Active
(25) Burger King/Union 76 at East Grant Avenue and County Road 90, (530) 755-4700	Application for a Design Review/Site Plan and Sign Permit to construct a co-brand fuel station, convenience store and fast food restaurant at East Grant Avenue and CR 90. A sign permit is required for the proposed freeway sign.	Application was filed on December 7, 2009. The application was deemed "incomplete" by staff on January 4, 2010. Public Hearing and Informational Item scheduled for January 26, 2010. A public hearing was scheduled for a special Planning Commission meeting on August 10, 2010. The Planning Commission approved the application. On August 20, 2010, the City received a notice of appeal of the Planning Commission's Action. Appeal Hearing was scheduled for a special City Council meeting on Wednesday, September 29, 2010. City Council denied the appeal and upheld the Planning Commission's decision at the special City Council meeting held on September 29, 2010.	Applicant submittal of improvement and building plans	Active Project	Active

STATUS OF COMMUNITY DEVELOPMENT PROJECTS
February 9, 2011

PROJECT	DESCRIPTION & PROCESS	LAST ACTION	NEXT ACTION	Approval	Status
Public Safety Facility	Application for Site Plan Review and Design Review, CUP and Variance for the construction of the City's public safety facility on 2.78 acres of the Ogando-Hudson Subdivision (Grant Ave @West Main Street)	PC hearing on 7/22/08 – PC approved project subject to COAs presented in staff report.	Under Construction	Active Project	Active
(15) 115 E. Grant Avenue Fueling Canopy, David Lorenzo (530) 795-3214	Proposal to construct a fueling canopy and install 4 new fueling dispensers at 115 E. Grant Avenue.	Planning Commission approved the Design Review (Site Plan) on February 24, 2009.	Complete	Approved	Completed
(16) Turkovich Family Wines, 304 Railroad Avenue, (530) 795-2767	Application for a Conditional Use Permit to operate a wine tasting room at 304 Railroad Avenue	Application was filed on January 29, 2009. Planning Commission approved the Conditional Use Permit for the project on March 24, 2009.	Complete	Approved	Completed
(17) The Tree House Children's Center, 418 Haven Street, (530) 304-8248	Application for a Conditional Use Permit to operate a children's center at 418 Haven Street	Application was filed on March 19, 2009. Planning Commission approved the Conditional Use Permit for the project on April 28, 2009.	Complete	Approved	Completed
(18) Winters Community Church, 113 Main Street, (530) 795-5530	Application for a Conditional Use Permit to operate a religious institution at 113 Main Street	Application was filed on April 6, 2009. Planning Commission approved the Conditional Use Permit on May 26, 2009.	Complete	Approved	Completed
(19) Turkovich Family Winery, 22-A Main Street, (530) 795-2767	Application for a Conditional Use Permit to operate a winery at 22-A Main Street	Application was filed on June 6, 2009. Planning Commission approved the Conditional Use Permit on July 14, 2009.	Complete	Approved	Completed
(20) Winters Healthcare Foundation Administrative Offices, 310 Main Street, (530) 795-5200	Application for a Conditional Use Permit to conduct an office use in a residential zone	Application was filed on July 8, 2009. Planning Commission approved the Conditional Use Permit on August 25, 2009.	Complete	Approved	Completed
(21) AT&T Cell Tower Co-location at Rd 88 & Rd 32A, (916)601-1123	Application for a Conditional Use Permit to co-locate additional antennas on an existing tower at Rd 88 & 32A. The existing cell tower is located on City property	Application was filed on July 17, 2009. Planning Commission approved the Conditional Use Permit on August 25, 2009.	Complete	Approved	Completed
(27) Kristensen Drywall and Pearce Heating & Air Conditioning, 27990 CR 90, (530) 795-8800	Application for a Conditional Use Permit (CUP) to operate light general manufacturing uses in a Light Industrial (M-1) zone at 27990 CR 90.	Application was filed on February 18, 2010. A public hearing for the application was scheduled for the March 23, 2010 Planning Commission Meeting. The Commission approved the CUP at the March 23, 2010 meeting.	Active Business	Approved	Completed

STATUS OF COMMUNITY DEVELOPMENT PROJECTS
February 9, 2011

PROJECT	DESCRIPTION & PROCESS	LAST ACTION	NEXT ACTION	Approval	Status
(29) Preserve, Inc., 200 and 202 Railroad Avenue, (530) 795-3816	Application for a Conditional Use Permit (CUP) to amend an existing conditional use permit for on-site sale and consumption of alcoholic beverages at 200 and 202 Railroad Avenue to include the space at 3 Russell Street	Application was filed on March 4, 2010. A public hearing for the application was scheduled for the March 23, 2010 Planning Commission (PC) Meeting. The public hearing was continued to a special PC meeting on April 5, 2010. PC approved the CUP at the meeting on April 5, 2010.	Building Permit issued/Under construction	Approved	Completed
(30) Main Street Plaza, 111 Main Street, (530) 795-3214	Application for a Sign Permit and Variance to modify a nonconforming sign location at 111 Main Street	Application was filed on March 4, 2010. A public hearing for the application was scheduled for the March 23, 2010 Planning Commission (PC) Meeting. PC approved the variance at the meeting on March 23, 2010.	Complete	Approved	Completed
(31) New Single Family Home, 415 First Street, (916) 600-5401	Application for a Site Plan (Design Review) application for the construction of a new single-family, single-story house at 415 First Street	Application was filed on April 2, 2010. A public hearing for the application was scheduled for the April 27, 2010 Planning Commission (PC) Meeting. PC approved the Design Review application at the meeting on April 27, 2010.	Complete	Approved	Completed
(32) Addition to Existing Single-Family Residence, 455 Russell Street, (530) 867-6444	Application for a Site Plan (Design Review) application for the construction of a 1,500 square-foot addition to an existing single family residence at 455 Russell Street	Application was filed on April 9, 2010. A public hearing for the application was scheduled for the April 27, 2010 Planning Commission (PC) Meeting. PC approved the Design Review application at the meeting on April 27, 2010.	Building Permit issued/ Under Construction	Approved	Completed
(33) Parcel Map for 101 East Grant Avenue, (530) 668-5883	Application for the dedication of right-of-way for the Walnut Lane Re-Alignment Project and splitting one lot into two new lots at 101 East Grant Avenue (APN 003-350-06)	Application was filed on June 1, 2010. A public hearing for the application was scheduled for the June 22, 2010 Planning Commission Meeting. It has been continued to a special meeting in July due to the need for additional time to process the preliminary map with Yolo County. A public hearing was scheduled for the August 24, 2010 Planning Commission. Parcel map was approved at the Planning Commission meeting on August 24, 2010.		Approved	Completed

STATUS OF COMMUNITY DEVELOPMENT PROJECTS
February 9, 2011

PROJECT	DESCRIPTION & PROCESS	LAST ACTION	NEXT ACTION	Approval	Status
(34) 22 Main Street, (530) 795-2060	Application for a Conditional Use Permit (CUP) to operate a wine tasting room at a proposed boutique/gift shop to be located at 22 Main Street	Application was filed on June 10, 2010. Staff could not process the project until ordinance relevant to the project was amended. A public hearing for the project was held on October 26, 2010. The Planning Commission approved the issuance of the CUP.	Active Business	Approved	Completed
(35) 113 Main Street, CUP for Anytime Fitness, (650) 483-2201	Application for a Conditional Use Permit (CUP) to operate a 24-hour gym at 113 and 115 Main Street	Application was filed on September 14, 2010. A public hearing for the project was held on October 12, 2010. The Planning Commission approved the issuance of the CUP.	Construction completed/Active Business	Approved	Completed
(1) Winters Highlands, Meyer Crest, Bert Meyer (530) 242-2010	Application filed to develop 413 single-family and 30 multi-family residential units in northwestern part of city.	City Council approved the Second Amendment to the Development Agreement on January 6, 2009.	Applicant submittal of Final Map and Improvement Plans.	Approved	Not Active
(2) Winters Village, Bob Thompson (West project) (707) 372-9355	Proposal to develop 10 attached single-family residences on the southwest corner of East Main and East Baker Streets.	Applicant in October 2007 decided to defer construction of the project.	Project not active.	Approved	Not Active
(3) Callahan Estates, Winters Investors LLC, John Peterson (925) 682-4830	Proposal to develop 120 single-family residential lots in northwest part of city.	City Council approved the First Amendment to the Development Agreement on January 20, 2009	Applicant submittal of Final Map and Improvement Plans.	Approved	Not Active
(4) Creekside Estates, Jim Wirth (916) 617-4248	Proposal to develop 40 single-family residential lots at southwest part of city.	City Council approved Tentative Subdivision Map on April 19, 2005.	Project not active.	Approved	Not Active
(5) Hudson-Ogando, Winters Investors LLC, John Peterson (925) 682-4830	Proposal to develop 72 single-family residential lots in northwest part of city.	City Council approved the First Amendment to the Development Agreement on January 20, 2009	Applicant submittal of Final Map and Improvement Plans.	Approved	Not Active
(6) Cottages at Carter Ranch Phase 2, Sacramento Pacific Development, Mark Wiese (916) 653-9800	Proposal to develop 6 single-family residential affordable lots (moderate-income households) north of Rancho Arroyo Detention Facility.	Planning Commission approved Tentative Subdivision Map on November 23, 2004. City Council approved the applicant's request for infrastructure funding on November 3, 2009.	Applicant submittal of Final Map and Improvement Plans.	Approved	Not Active
(7) Casitas at Winters, Napa Canyon LLC, Mark Power (707) 253-1339	Proposal for 5-unit tentative subdivision map at a site on West Grant Avenue east of Tomat's restaurant. Tentative Subdivision Map, Planned Development Overlay, and PD Permit.	City Council at its January 15, 2008 meeting took final action by approving the Rezone Ordinance.	Applicant submittal of Final Map and Improvement Plans.	Approved	Not Active

STATUS OF COMMUNITY DEVELOPMENT PROJECTS
February 9, 2011

PROJECT	DESCRIPTION & PROCESS	LAST ACTION	NEXT ACTION	Approval	Status
(8) Mary Rose Gardens, DAS Homes, Inc., Dave Snow (530) 666-0506	Proposal to develop 26 single-family homes and one duplex unit on the north side of West Grant Avenue west of Cemetery Lane. Tentative Subdivision Map, Planned Development Overlay, PD Permit, Rezone, Inclusionary Housing Agreement, and Development Agreement.	Applicant declined option to purchase project property.	Project not active.	Not Active	Not Active
(9) Anderson Place, Eva Brzeski (415) 887-9300	Proposal to develop up to 28 mostly attached single-family residences and 9 commercial spaces at 723 Railroad Avenue. Interim use of C2 portion of the site for boat and RV storage, sales and repair.	First Amendment to Development Agreement adopted by City Council on June 3, 2008 CUP for boat & RV storage, sale & repair approved by Planning Commission on May 27, 2008.	Applicant to demo building and establish interim boat & RV storage, sales and repair. Applicant submittal of Final Map and Improvement Plans.	Other	Not Active
(10) Pearce Parcel Map, Thomas Pearce (530) 795-5901	Proposal for 4-unit parcel map at the south end of Third Street.	Planning Commission on October 9, 2007 approved project.	Applicant submittal of Final Map and Improvement Plans.	Approved	Not Active
(12) Winters Estates Annexation, Winters Estates LLC, Helmut Sommer 707-678-9000	Proposal to annex 80 acres (APNs 030-210-05 & 08) adjacent to County Road 88 and within the City's General Plan Area.	City issuance of incomplete application letter on February 1, 2008.	Project Inactive/Closed out	Applications	Not Active
(14) St. Anthony's Catholic Church Parish & Rectory, Roman Catholic Church of Sacramento/McCandless & Associates (530) 662-9146	Proposal to construct a new Catholic Church and associated site work at the corner of Main & Grant Streets.	On April 21, 2009, the City Council approved the ordinance to rezone the property, adding a PD overlay. Applicant submitted improvement and building plans in December 2009.	Issuance of Building Permit(s)	Approved	Not Active
(22) City Parking Lot at Abbey and First Streets, (530) 795-4910	Design Review Application for the temporary renovation of the City's parking lot at First and Abbey Streets	Planning Commission approved the Site Plan on October 27, 2009	Submittal of improvement plans.	Approved	Not Active
(23) 111-115 Main Street Facade Improvement Project (530) 795-3506	Design Review application for the facade improvement of 111-115 Main Street.	Application was filed on October 10, 2009. Planning Commission approved the Design review Application on October 27, 2009.	Applicant submittal of improvement and building plans.	Approved	Not Active

STATUS OF COMMUNITY DEVELOPMENT PROJECTS
February 9, 2011

PROJECT	DESCRIPTION & PROCESS	LAST ACTION	NEXT ACTION	Approval	Status
(26) Tentative Parcel Map for Jordan Family, (530)662-1755	Application for Tentative Parcel Map for property located southwest of I-505/SR 128 to realign the proposed Gateway Drive street alignment and reconfigure the lots to match the new alignment.	Application was filed on December 16, 2009. The application was deemed "incomplete" by staff on January 12, 2010. The application was deemed complete on March 10, 2010. A public hearing was scheduled for the May 25, 2010 Planning Commission Meeting. The Planning Commission recommended approval of the Tentative Parcel Map to the City Council. The City Council held a public hearing and approved the tentative parcel map on June 5, 2010.		Approved	Not Active
Monticello Mixed-Use Project	Application for Site Plan Review and Design Review, and CUP for the construction of a mixed-use project (commercial/retail, office and residential) on 0.42 acre on the east side of Railroad Ave. between Abbey St. and Main St. in downtown Winters CBD.	CDA at its September 2, 2008 meeting approved the DDA for the project	Not active/DDA expired	Other: DDA Expired	Not Active
(28) Briggs & Co., 820 Railroad Avenue, (530) 795-9505	Application for a Conditional Use Permit (CUP) for extension of a non-conforming use at 820 Railroad Avenue.	Application was filed on March 1, 2010. A public hearing for the application was scheduled for the March 23, 2010 Planning Commission meeting. The public hearing was continued off calendar. Another public hearing was scheduled for the August 24, 2010 Planning Commission meeting. The public hearing was continued off calendar by staff.	No activity: staff will follow-up	Other	



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: February 15, 2011
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Nelia C. Dyer, Community Development Director 
Nick Ponticello, City Engineer
Dawn Van Dyke, Management Analyst
SUBJECT: Public Hearing and Consideration by the City Council of the City of Winters of the Adoption of Resolution 2011-07 to Adopt the *City of Winters Grant Avenue/SR 128/Russell Boulevard Complete Streets Concept Plan*

RECOMMENDATION: Staff recommends that the City Council: 1) Receive the staff report; 2) Conduct a public hearing; and 3) Adopt Resolution 2011-07 to adopt the *City of Winters Grant Avenue/SR 128/Russell Boulevard Complete Streets Concept Plan*.

BACKGROUND: In the fall of 2009, representatives from the California Department of Transportation ("Caltrans") contacted City Engineer Nick Ponticello and city staff, regarding participation in a Planning Public Engagement ("PPEC") Grant for community outreach regarding the Complete Streets Policy Act of 2008. This Caltrans policy (DD-64-R1) states that planning for transportation shall include vehicles, buses, bicycles and pedestrians, with a focus on including all modes of transportation rather than just vehicles. Caltrans funded consultant services from Moore Iacofano Goltsman, Inc. ("MIG") through the PPEC grant to develop a community-based plan that identifies the preferred conceptual pedestrian, bike and roadway improvements for the Grant Avenue Corridor from Railroad Avenue east across the I-505 interchange to Yolo County Housing.

The plan was developed through extensive community outreach including a series of stakeholder interviews and community workshops. Two public workshops were held at the Winters Community Center and one workshop was held at Yolo County Housing, which was conducted in both Spanish and English. There was ample public noticing for these workshops, including articles in the newspaper and on the City website, with postcard invitations sent to property

owners, residents and stakeholders in the farming, trucking and recreation sectors.

In addition to the community outreach, the plan was built on a series of previously completed studies along the corridor and their findings. These studies include the *City of Winters General Plan* (1992), *Grant Avenue Access Study* (2006), *Plan to Improve Transportation Connections and Safety in Winters*, *Walkable Communities* (2007), *The Downtown Master Plan* (2006), *Bikeway System Master Plan* (2002), and the *Caltrans Transportation Corridor Concept Report* (2010). Due to the fact that technical analysis has only been done on the segment of the corridor between Railroad Avenue and East Main Street in the *Grant Avenue Access Study*, the primary focus was intended to be on that segment. However, City Staff, MIG representatives and Caltrans staff were cognizant of the desire of the community to include the entire corridor in the discussions. It should be noted that further technical analysis would have to be done before final recommendations can be made for the remaining segments of the corridor.

On July 13, 2010, representatives from MIG, Inc. presented the preliminary concepts to the City Council and the Planning Commission in a joint study session. At the study session, Council and Commission members voiced strong interest in and support for the concepts, which form the basis of the plan.

The Concept Plan was presented to the Planning Commission on January 25, 2011. A public hearing was held, and all of the community members who spoke voiced their support for the Concept Plan. After some discussion, the Planning Commission unanimously recommended the Concept Plan for approval to the City Council.

PLAN OVERVIEW: *The City of Winters Grant Avenue/SR 128/Russell Boulevard Complete Streets Concept Plan* is Attachment B of this report. The report is organized into five main sections:

- Community Outreach Process
- Complete Streets
- Corridor Conditions
- Preferred Complete Streets Concepts
- Next Steps

The Preferred Complete Streets Concepts are described in Chapter Five (See Page 27). Based on the feedback provided at the stakeholder meetings and public workshops, the community members have a vision of the Grant Avenue/SR 128/Russell Boulevard corridor for the future, that is:

- A safe and inviting gateway to town;
- A walkable and bikeable corridor for families and children;
- A clean and attractive corridor that reflects the rural/agricultural character of the area; and
- A complete street that supports all modes of travel.

To achieve this vision, there are a number of improvements that can be applied throughout the corridor. These improvements include:

- Contiguous sidewalks separated from the roadway by landscaped planting strips;
- Contiguous Bicycle Facilities (Class I and II);
- Lighting

- Gateway and wayfinding signage;
- Landscaped medians;
- Well-defined crosswalks marked with colored pavement;
- Roundabouts at key intersections;
- Adequate travel lanes and widths to support the needs of different uses, including vehicles and bicycles.

Based on existing conditions, land uses and the needs of corridor users, the corridor was divided into three distinct sub-areas:

- Railroad Avenue to East Main Street
- East Main Street to I-505 Interchange
- I-505 Interchange to El Rio Villa

The descriptions as well as the plan and section views of the preferred Complete Streets concepts by sub-area are depicted on pages 29 through 31 of the plan.

NEXT STEPS: The implementation of the community-supported concepts presented in the plan is described in Chapter Six (See Page 35). The implementation of these concepts depends on a variety of factors including funding availability and traffic analysis.

Funding for the identified improvements will come from many sources, including development impact fees, private developer funding, bond financing and grants. Timing of implementation of the identified improvements are dependent on the rate of development, the availability of development impact fee funding, and the City's ability to obtain other sources of funding.

Here are the short-term, long-term, and technical considerations:

Short-Term

- Caltrans and the City will work together to look at interim traffic calming solutions for improving the safety of the Grant Avenue/Morgan Street intersection, especially for seniors and people with mobility issues.
- Caltrans and the City will work together to improve the existing two-lane roadway between Railroad Avenue and East Main Street with the identified Complete Streets Concept.
- Caltrans and the City will analyze the General Plan's proposed development goals and traffic implications for the corridor from Railroad Avenue to the I-505 Interchange.

Technical Considerations

- Conduct a traffic analysis on the impact of lane reductions east of East Main Street to the I-505 interchange, including Level of Service (LOS) changes.

Long Term

- Improve two lane roadway east of East Main Street until a project or development triggers the need for four lanes as described in the General Plan.

RECOMMENDATION: Staff recommends that the City Council adopt the proposed Resolution by making the affirmative motion as follows:

I MOVE THAT THE WINTERS CITY COUNCIL ADOPT RESOLUTION 2011-07, A RESOLUTION TO ADOPT *THE CITY OF WINTERS GRANT AVENUE/SR 128/RUSSELL BOULEVARD COMPLETE STREETS CONCEPT PLAN.*

PROJECT NOTIFICATION: Public notice for the public hearing on this plan was prepared by the Community Development Department in accordance with notification procedures set forth in the City of Winters Municipal Code and State Planning Law. A legal notice was published in the *Winters Express* on Thursday, February 3, 2011, and a public notice was mailed to Yolo County Public Works and Planning Department, Yolo Housing Authority, Caltrans, and all property owners within 300 feet of the study area. Copies of the staff report and all attachments for the plan have been available for public review since Thursday, February 10, 2011.

ENVIRONMENTAL DETERMINATION: A Notice of Exemption has been prepared for this plan in accordance with the California Environmental Quality Act (CEQA). Staff has concluded that General Rule Exemption provided in Section 15061(b)(3) is applicable to the subject plan. Section 15061(b)(3) establishes that CEQA only applies to projects which have the potential to have a significant adverse effect on the environment. The subject plan is only conceptual in nature and, therefore, this plan does not have the potential to have a significant adverse effect on the environment. When a project comes forward that proposes to build some or all of the concepts described in the plan, CEQA review will be required at that time.

ATTACHMENTS: There are two (2) attachments to this report:

- A. Resolution 2011-07 - A Resolution of the Winters City Council to Adopt the City of *Winters Grant Avenue/SR 128/Russell Boulevard Complete Streets Concept Plan*
- B. *City of Winters Grant Avenue/SR 128/Russell Boulevard Complete Streets Concept Plan*

RESOLUTION NO. 2011-07

A RESOLUTION OF THE WINTERS CITY COUNCIL TO ADOPT THE CITY OF WINTERS GRANT AVENUE/SR 128/RUSSELL BOULEVARD COMPLETE STREETS CONCEPT PLAN

WHEREAS, the California Department of Transportation (Caltrans) Deputy Directive DD-64-R1 effective in October 2008 states that Caltrans views all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in California and recognizes bicycle, pedestrian, and transit modes as integral elements of the transportation system;

WHEREAS, State Route 128 is a two-lane conventional highway that is owned, operated and maintained by Caltrans and connects the Napa Valley across the Coast Range, through the City of Winters, to Interstate 505;

WHEREAS, in the fall of 2009, representatives from Caltrans District 3 contacted City Staff regarding participation in a Planning Public Engagement ("PPEC") Grant for community outreach related to Caltrans' Deputy Directive DD-64-R1, specifically for the study area;

WHEREAS, the study area is Grant Avenue/State Route 128/Russell Boulevard from Railroad Avenue east across I-505 to the El Rio Villa Housing Development;

WHEREAS, the overall goal of the community outreach was to conduct a community planning process that effectively captures community input and results in a shared understanding and City Council approval on what improvements should move forward in the study area;

WHEREAS, during the winter and spring of 2010, Caltrans District 3, the City of Winters, and Yolo County, with assistance from consultants at MIG, Inc. developed a community-based Complete Concept Plan for Grant Avenue/State Route 128/Russell Boulevard ("Concept Plan");

WHEREAS, the Concept Plan was built on a series of previously completed studies along the corridor and their key findings, including: *City of Winters General Plan (1992)*, *Grant Avenue Access Study (2006)*, *Plan to Improve Transportation Connections and Safety in Winters, Walkable Communities (2007)*, *The Downtown Master Plan (2006)*, *Bikeway System Master Plan (2002)*, and the *Caltrans Transportation Corridor Concept Report (2010)*.

WHEREAS, in addition to the use of previously completed studies, the Concept Plan was informed by extensive community outreach including a series of stakeholder interviews with the City of Winters City Council Members, the Yolo County Planning Department, Yolo County Housing Authority, Winters Joint Unified School District, and agricultural, business, and property owners along the corridor;

WHEREAS, the community outreach also included two rounds of community workshops that were held at the Winters Community Center on February 4, 2010 and May 6, 2010 and at the El Rio Villa Community Center on February 25, 2010;

WHEREAS, extensive outreach activities were conducted to inform the community about the workshops, including mailing invitations to residents and submitting articles to the *Winters Express* regarding the workshops and the development of the Concept Plan;

WHEREAS, preliminary concepts for the study area that were developed from the stakeholder interviews, community workshops and previously completed studies along the corridor were presented to the City Council and the Planning Commission in a joint study session on July 13, 2010;

WHEREAS, through the stakeholder interviews, community workshops, and the use of previously completed studies along the corridor, an overall community vision, the community-supported corridor-wide Complete Street concepts, and the community-supported Complete Streets Concepts for three sub-areas of Grant Avenue/State Route 128/Russell Boulevard were developed and are depicted and described on Pages 27-33 of Exhibit A;

WHEREAS, implementation of the community supported concepts presented in Exhibit A, including near-term, long-term, and technical considerations are described on Page 35 of Exhibit A;

WHEREAS, the approved Concept Plan shall be used by the City of Winters as a basis for future project phase prioritization and included as an addendum to the Caltrans Transportation Corridor Concept Report for State Route 128;

WHEREAS, the City of Winters Community Development Department has evaluated the Concept Plan and has prepared a CEQA Notice of Exemption per Section 15061(b)(3) (general rule exemption);

WHEREAS, the Planning Commission conducted a duly Noticed Public Hearing on the Concept Plan on January 25, 2011, at which time, all those desiring to be heard were heard;

WHEREAS, following the receipt of all oral and written testimony, the Planning Commission closed the public hearing and recommended to the Winters City Council the adoption of Resolution No. 2011-07, adopting the Concept Plan;

WHEREAS, the City Council conducted a duly Noticed Public Hearing on the Concept Plan on February 15, 2011, at which time all those desiring to be heard were heard;

WHEREAS, following the receipt of all oral and written testimony, the City Council closed the public hearing on the Concept Plan on February 15, 2011;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winters, California, as follows:

1. That the City Council finds the above recitations are true and correct.
2. The City Council incorporates by reference all exhibits and attachments cited in this Resolution.

3. Pursuant to the requirements of the California Environmental Quality Act (CEQA), the City Council finds the Concept Plan to be exempt from the provisions of CEQA under Section 15061(b)(3) and approves the filing of the CEQA Exemption with the Yolo County Recorder's Office.

PASSED AND ADOPTED by the City Council of the City of Winters, California, this 15th day of February 2011, by the following vote:

AYES:

NOES:

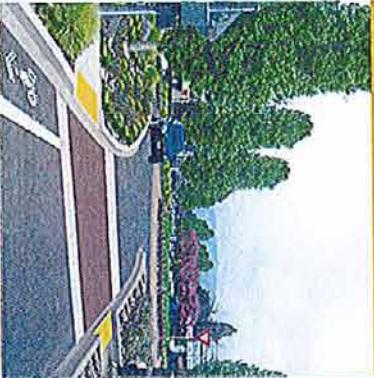
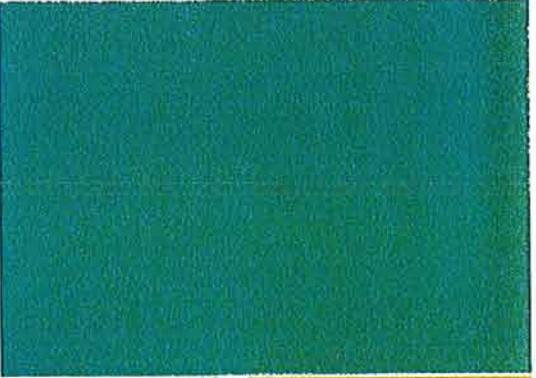
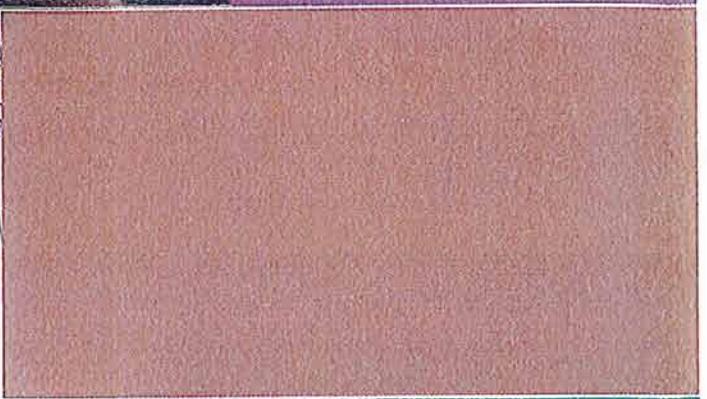
ABSTAIN:

ABSENT:

Woody Fridae, Mayor

ATTEST:

Nanci G. Mills, City Clerk



Grant Avenue/SR128/Russell Blvd.

COMPLETE STREETS CONCEPT PLAN

CITY OF WINTERS

CITY OF WINTERS

GRANT AVENUE/STATE ROUTE 128/RUSSELL BOULEVARD

Complete Streets Concept Plan

DECEMBER 2010

PREPARED FOR:



PREPARED BY:



acknowledgments

This plan would not have been possible without the dedicated support of the following individuals:

City of Winters

John Donlevy, City Manager
Nick Ponticello, City Engineer
Nelita Dyer, Community Development Director
Dawn Van Dyke, Management Analyst

Caltrans

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Jose Leal, Urban Designer, MIG
Mukul Malhotra, Principal and Director of Urban Design, MIG
Paul Rosenbloom, Project Associate, MIG

Special thanks to the many residents and community members who participated in the meetings and workshops.

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Executive Summary

Preferred Complete Streets Concepts

The preferred Complete Streets Concepts present a community-supported vision for a more pedestrian- and bicycle-friendly corridor that continues to support smooth automobile traffic flow. Concept elements by segment include:

- **Railroad Avenue to East Main**
 - Two travel lanes;
 - Class I and II Bicycle Facilities;
 - Pedestrian Facilities;
 - Expanded landscape buffer between travel lanes and pedestrian facilities; and
 - Roundabout intersections at Dutton and Morgan Streets and Walnut Lane.

East Main to I-505 Interchange

- Four travel lanes (pending development, two lanes until that point);
- Class I and II Bicycle Facilities;
- Pedestrian Facilities;
- Landscape buffer between travel lanes and pedestrian facilities; and
- Signalized intersections at East Main Street and Timber Crest Road (pending development).

I-505 Interchange to El Rio Villa

- Two travel lanes;
- Class II Bicycle Facilities; and
- Pedestrian Facilities along the south side of the corridor.

Next Steps

Potential next steps for improving the corridor and achieving the Complete Streets vision identified in the Concept Plan include:

Short-Term

- Focus on potential improvements between Railroad Avenue and East Main Street, especially the Morgan Street intersection.

Long-Term

- Improve two lane roadway east of East Main Street until a project or development triggers the need for four lanes per the General Plan.

Technical Considerations

- Conduct a technical and traffic analysis on the impact of lane reductions east of East Main Street on the I-505 intersection, including potential Level of Service (LOS) changes.



*Top: Grant Avenue currently has limited areas for safe pedestrian crossings.
Bottom: A visual simulation of proposed Complete Streets improvements at Morgan Street.*





Introduction

PROJECT AREA

During the winter and spring of 2010, Caltrans District 3, the City of Winters, and Yolo County, with assistance from consultants at M/G, Inc., developed a community-based Complete Streets Concept Plan for Grant Avenue/State Route 128/Russell Boulevard.

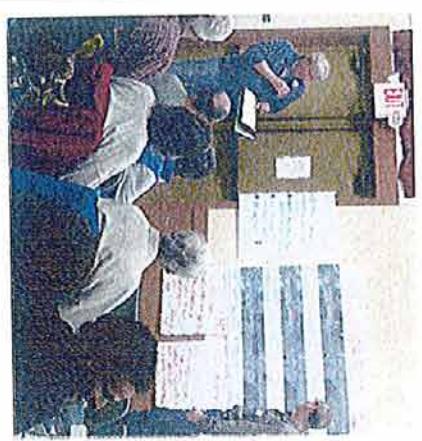
The study area runs from Railroad Avenue across I-505 to the El Rio Villa housing development. Grant Avenue/SR 128 is the principal east-west arterial traversing the City of Winters. Winters is in Yolo County, approximately 13 miles west of Davis and 15 miles north of Vacaville. Agriculture is the main land use along the eastern edge of the corridor. The road changes names from "Grant Avenue/SR 128" to "Russell Boulevard/County Road 32" when it crosses I-505 to the east of Winters.

Project Purpose

The Grant Avenue/State Route 128/Russell Boulevard Complete Streets project built upon previous planning efforts to improve safety, character, access and mobility along the corridor for all modes of travel.

The overall goal of the Grant Avenue/SR 128/Russell Boulevard Complete Streets project was to engage the community in a discussion about potential design improvements that would have the following outcomes:

- Improve the overall safety and usability of the Grant Avenue/SR 128 corridor for pedestrians and bicyclists;
- Reduce the number of travel lanes where possible;
- Enhance connectivity along the corridor for all modes of travel;
- Calm automobile traffic along the corridor;
- Preserve and enhance Winters' small town character and identity; and
- Develop one community-supported conceptual plan for the corridor.



Top: Participants share small group discussion results at the February 4, 2010 workshop.

Above: El Rio Villa, a housing development on the east side of the corridor.

Left: Existing City of Winters welcome signage along SR 128.





FIGURE I-1: AERIAL IMAGE OF THE CORRIDOR

Document Overview

This summary report is organized into five main sections:

Community Outreach Process

The project was informed by extensive community outreach including a series of stakeholder interviews with key decision-makers and business owners along the corridor. Two rounds of public workshops provided opportunity for input and comment.

Complete Streets

The project represents an opportunity for implementing one of Caltrans' newest policies as described in DD-64-R1, the Complete Streets Policy Act of 2008. The Act explains that:

“Streets aren’t just for cars, they’re for people, and with the Complete Streets Act local governments will plan for and build roadways that are safe and convenient for everyone — young or old, riding a bike or on foot, in a car or on a bus.”

Corridor Conditions

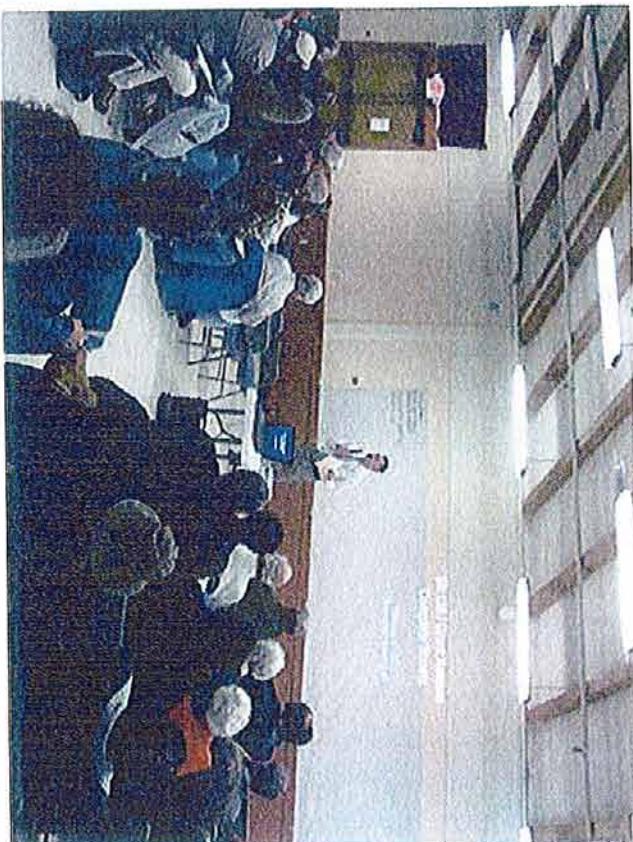
This section describes existing corridor conditions and the previously completed planning studies that this effort was based on. This section also details Corridor Assets, Opportunities and Challenges as identified in previous studies and the community outreach process.

Preferred Complete Streets Concept

The preferred Complete Streets Concept presents a community-supported vision for a more pedestrian- and bicycle-friendly corridor that continues to support smooth automobile traffic flows.

Next Steps

Describes short- and long-term steps for improving the corridor and achieving the Complete Streets vision identified in the Concept Plan.



Above: Lou Hexter, MTG Project Manager, welcomes community members to the February 4, 2010 workshop.



Community Outreach

PLANNING PROCESS

The planning process began in early 2010 when the Project Team, comprised of representatives of MIG, Inc., Caltrans, the City of Winters and Yolo County, met to review existing corridor conditions and discuss previous studies and planning efforts. These early meetings were critical for developing a shared vision for the project and fostering a collaborative approach to project design and implementation. Following these early meetings, MIG developed a Public Involvement Plan that called for a variety of outreach efforts including Stakeholder Interviews and Community Workshops.

Stakeholder Interviews

The Project Team identified a series of stakeholders to be interviewed about key issues facing the project. Interviews were conducted in advance of the public workshops to inform the project team about the corridor history and background and issues to be addressed during the public workshops. Interviews were held with City of Winters City Council Members, the Yolo County Planning Department, Yolo County Housing Authority, Winters School District, and agricultural, business and property owners along the corridor. Interviews also generated input on critical design concerns, including the needs of agricultural trucks and recreational vehicles along the corridor, such as turning radii. In addition, a presentation was made to the Winters Hispanic Advisory Committee to introduce the project and ask for input.

Community Workshops

Outreach:

The Project Team conducted extensive outreach activities to inform the community about workshops including mailing invitations to residents and submitting stories to the local newspaper, the Winters Express.

Round 1: February, 2010

A first round of community workshops was held in February, 2010. Workshops were held at both the Winters Community Center (February 4, 2010) and the El Rio Villa Community Center (February 25,



Top: Community workshop invitations sent to local residents. Above: A small group discussing potential corridor improvements at the February 4, 2010 workshop. Left: A local resident sharing the results of a small group discussion at the February 4, 2010 workshop.





Above and Below: Small group participants at the February 4, 2010 workshop share ideas about the future of the corridor.



2010). The workshop at the Winters Community Center was attended by 60 people while the workshop at El Rio Villa, conducted in English and Spanish, was attended by approximately 18 individuals.

The overall goal of these workshops was to present an overview of existing corridor conditions (including previously completed studies), discuss corridor issues, assets and opportunities and potential design concepts. The resulting input from these discussions formed the basis of preliminary concept designs that were refined and presented at future workshops.

At the February 4, 2010 workshop, held at the Winters Community Center, participants were asked to share their thoughts about the corridor in both large and small groups. Six small groups were convened around tables with aerial maps of the study area to discuss their vision for the corridor and potential improvement locations and types.

Following these discussions, the larger group was reconvened for a review of breakout group findings and for closing remarks.

Comments were collected at both meetings through facilitated conversations and written comment cards. Meeting materials were translated into Spanish, and Spanish interpreters were present at all workshops.

Round 2: May 6, 2010

A follow-up workshop was held on May 6, 2010 and was attended by 25 community members. Preliminary concepts, based on input from the February workshops, were presented for input. Following a presentation of these preliminary concepts, community members provided feedback and input by corridor segment.

Joint City Council/Planning Commission Workshop

There was strong support for the proposed improvement concepts between Railroad Avenue and East Main Street, including the following elements:

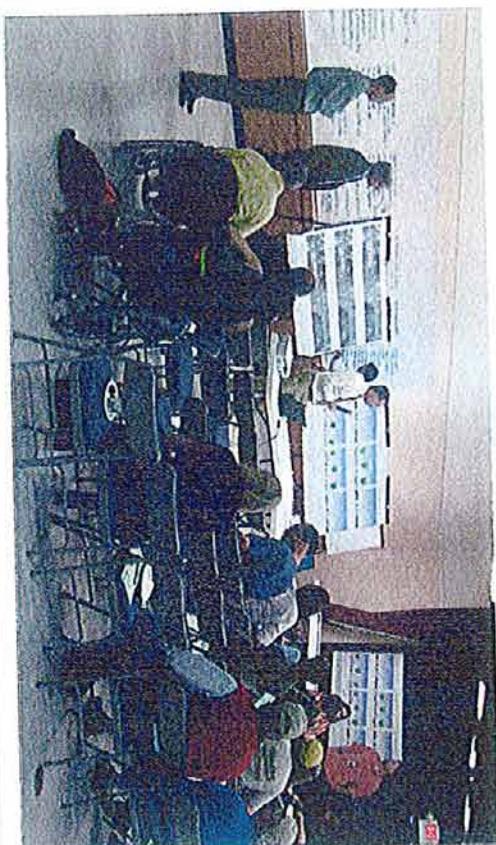
- Travel lanes for each mode of travel (pedestrians, bicyclists, and automobiles);
- Traffic calming;
- Landscape improvements; and
- Roundabouts.

There was mixed support for proposed improvement between East Main Street and I-505. Some participants wanted to maintain the number of lanes in this portion of the corridor while adding additional roundabouts. Others wanted to increase the capacity of the existing corridor and explained that having fewer lanes or roundabouts may cause unintended future travel delays.

This review provided critical input to the Project Team regarding improvement concepts, needs and priorities. Based on the input generated at the May workshop, the Project Team further refined the Complete Streets Concepts for presentation to the City Council and Planning Commission.

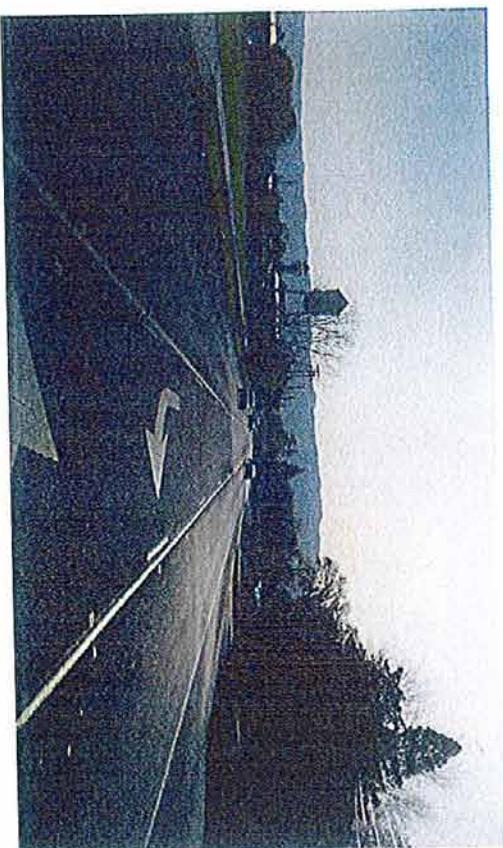
The Project Team presented the preliminary concepts to the City Council and the Planning Commission in a joint study session on July 13, 2010. Several City Council and Planning Commission members were active participants in the community workshops and were familiar with the concepts that were presented.

Council and Commission members voiced strong interest in and support for the concepts which form the basis of this plan document.



Above: May 6, 2010 community workshop.

Below: Looking west along the corridor







Complete Streets

THE COMPLETE STREETS CONCEPT

Developing and implementing Complete Streets is an exciting development in transportation planning. Caltrans has developed supporting policy language in DD-64-R1, the Complete Streets Policy Act of 2008, and is exploring this concept in a number of locations across the state.

Complete Streets are designed to be safe and attractive while providing comfortable access and travel for all users. Pedestrians, bicyclists, motorists and public transportation users of all ages and abilities are able to safely and comfortably move along and across a complete street.

Why Complete Streets?

As local, county and state-wide jurisdictions continue to implement

Complete Streets legislation and requirements, many studies are available that document the benefits of these design strategies.

They include:

Improving Safety

- Pedestrian crashes are more than twice as likely to occur in places without sidewalks; streets with sidewalks on both sides have the fewest crashes.¹
- One study found that redesigning streets for pedestrian travel with raised medians and sidewalks reduced pedestrian risk by 28 percent.²

Increasing Health and Activity

- Complete Streets provide opportunities for kids to walk to school safely. Pedestrian injury is a leading cause of unintentional, injury-related death among 5-14 year olds.³

- Obesity rates among kids have increased significantly in the last 30 years. A recent survey found that while 71% of adults walked or rode a bicycle to school a generation ago, only 17% of children do so today.⁴

Generating Environmental and Economic Benefits

- Transit investments and improvements to bicycling and walking infrastructure in Portland, Oregon have generated a 12.5% reduction in per capita CO₂ emissions.⁵ The City's Complete Streets and related land use policies yield carbon savings worth between \$28-\$70 million annually.⁶



Top: An example of a well-marked bicycle and pedestrian crossing with a landscaped median.

Bottom: Art and plantings are key design features of Complete Streets.

¹ L.J. Campbell and others, A Review of Pedestrian Safety Research in the United States and Abroad, "Federal Highway Administration Publication #FHWA-50-00-001" (Lynch) 2004.

² V.S. King, J.A. Cairney, and R. Wang, "Pedestrian Safety Through a System Median and Redesigned Intersections," Transportation Research Board, 188 (2003) 55-64.

³ Bureau of Transportation Policy Project 0204, Mean Streets.

⁴ Scovel, "Low-Cost Streets for School Children," NCSW Forum.

⁵ City of Portland Office of Sustainable Development, Local Action Plan on Global Warming, 2008 Progress Report.

⁶ Corbett, Joe, "Portland's Green Dividend," CECA for Cities, July, 2007.

Creating Cost Savings

A project in Brown County, Wisconsin converted a four-lane roadway with traffic signals into a three-lane street with bike lanes and roundabouts.⁷ The project came in 16.5% under budget and costs the County less money to maintain than the original design.⁸

Benefits of Complete Streets

Other benefits of Complete Streets include:

- Creating a sense of place and identity
- Increased social interaction
- Improved ADA Access
- Increased Transit Usage
- Desirable walkable and bikeable environment
- Better health and air quality
- Community life and ownership
- Cost effectiveness
- Lower transportation costs
- Economic revitalization
- Social and cultural needs and values
- Community vision and engagement

Factors to Consider

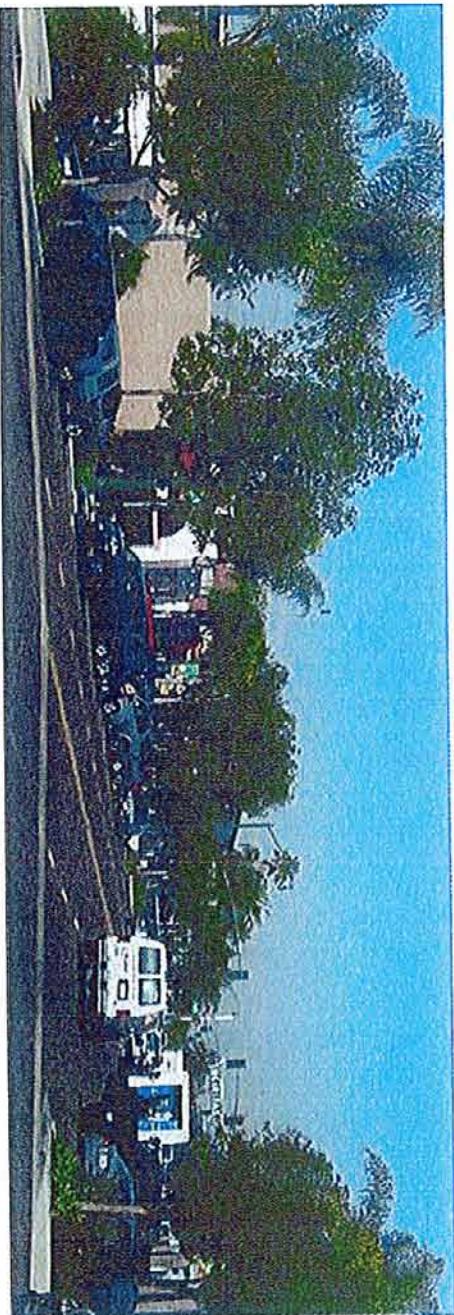
Complete Streets are more than engineering projects. They are community-building activities that acknowledge and integrate a variety of social factors in order to be successful, including:

- Economic and political realities
- Contextual planning and design principles.

Designing Complete Streets along the State Routes that Caltrans maintains is a unique process, as many of the Complete Streets concepts are not currently integrated into Caltrans Design Guidelines. In order to achieve success, the project teams working on developing Complete Streets must invest in ongoing communication and dialogue to address these issues.

Potential design issues related to travel speeds and barriers between bicyclists, pedestrians and automobiles must be identified and addressed during the design stages of the project.

Projects like this are an exciting step forward and are supported by related Caltrans planning documents, including the Complete Streets Implementation Action Plan,(2010) and Main Streets: Flexibility in Design and Operations, (2005).



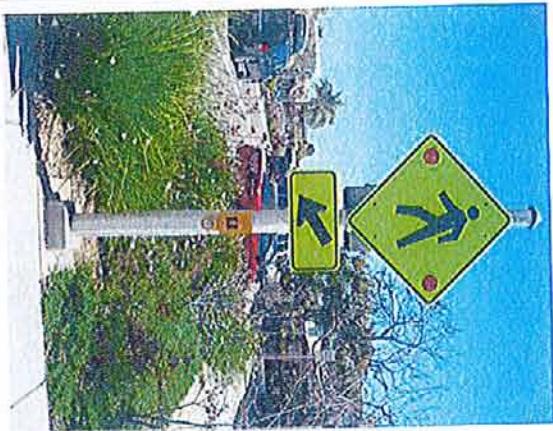
Below: Roundabouts are a potential traffic calming intersection treatment. Left: Coast Highway 101, Encinitas.

⁷ 2002-2006 Transportation Improvement Program for the Green Bay Urbanized Area
 Construction cost estimated from the Brown County Highway Department (November 30,2004).
⁸ 10 | **TRANSIT** | **WALKABLE** | **GRANT AVENUE/STATE ROUTE 126/RUSSELL BOULEVARD**

Key Design Characteristics

The key design characteristics to be considered when developing Complete Streets include developing a facility that is:

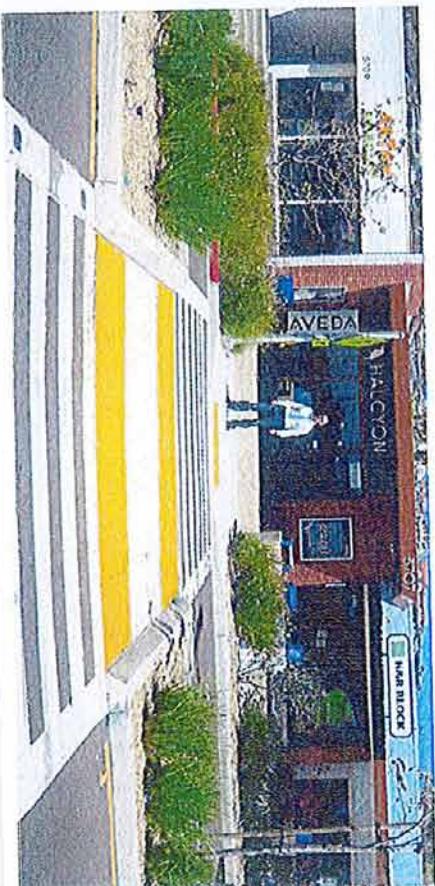
- **Functional: Safe and Calm**
The street provides space for all users.
- **Context Sensitive**
The designs pay attention to the local environment and culture and the street fits with the adjoining area.
- **Human Scale**
The street is for people.
- **Memorable**
The street is a place to which people want return.



COMPLETE STREET ELEMENT

Pedestrian Facilities

- Continuous, safe and comfortable pedestrian facilities
- Safe, visible and well-marked crosswalks



Top left: Clear and highly visible pedestrian signage.

Bottom Left: A separated bicycle and pedestrian trail along Russell Boulevard connects Davis and Winters.

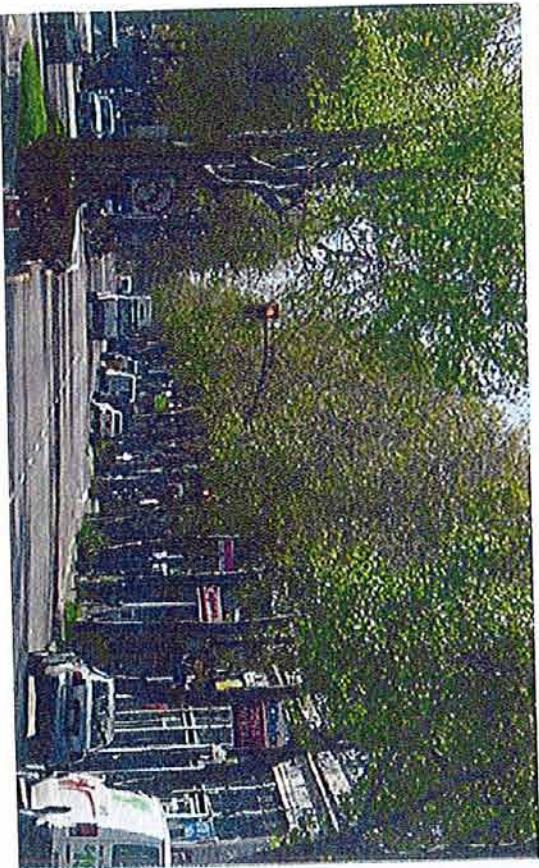
Above: A well-marked pedestrian crossing.



Top: Roundabouts can be designed to accommodate the turning needs of the heavy truck, RV and trailer traffic common on SR 128.

Right: Complete Streets may include median landscape while providing adequate space for safe automobile and bicycle traffic.

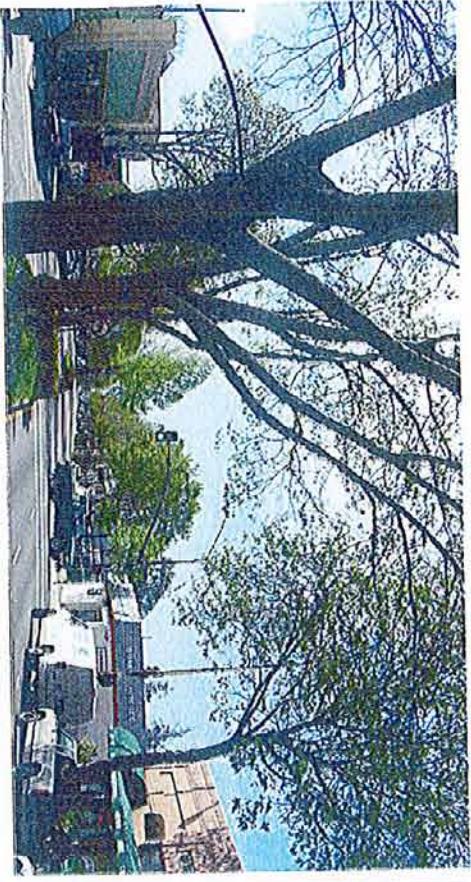
Bottom: left: San Pablo Avenue, (State Route 123), traverses Oakland, Berkeley, El Cerrito and Albany along the East Bay. Many miles of this busy state route have landscaped medians and heavy tree plantings.



COMPLETE STREET ELEMENT

Space for vehicles and bicycles

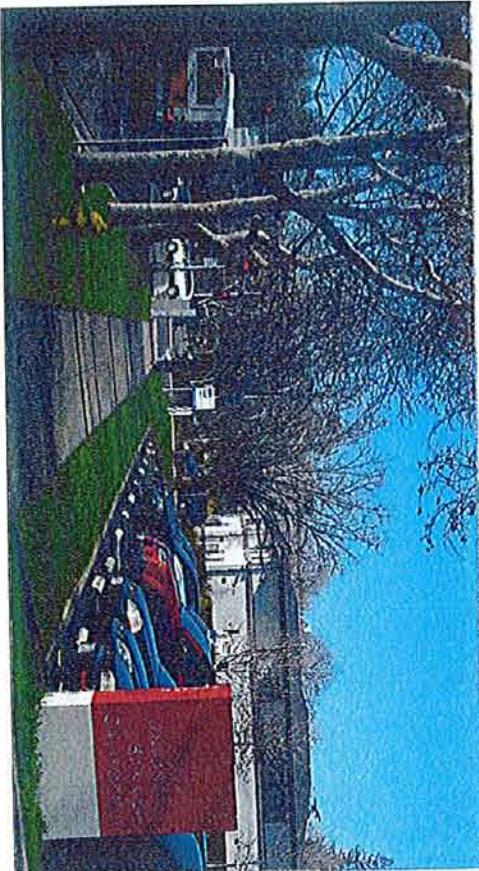
- Adequate width for automobile travel lanes
- Adequate turning radii
- Well-signed intersections



Top left: A landscaped median along San Pablo Avenue, SR 123, in Berkeley, CA.

Bottom right: Places to sit along former US-101, Monterey Road, in Morgan Hill, CA.

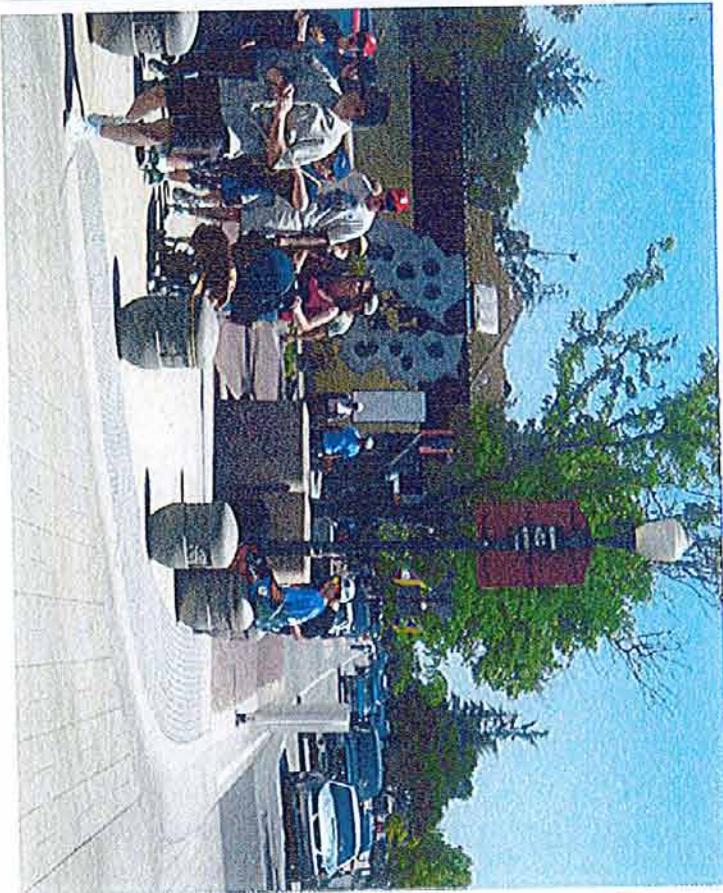
Bottom left: A sidewalk buffer along El Camino Real, SR 82, in San Jose, CA.

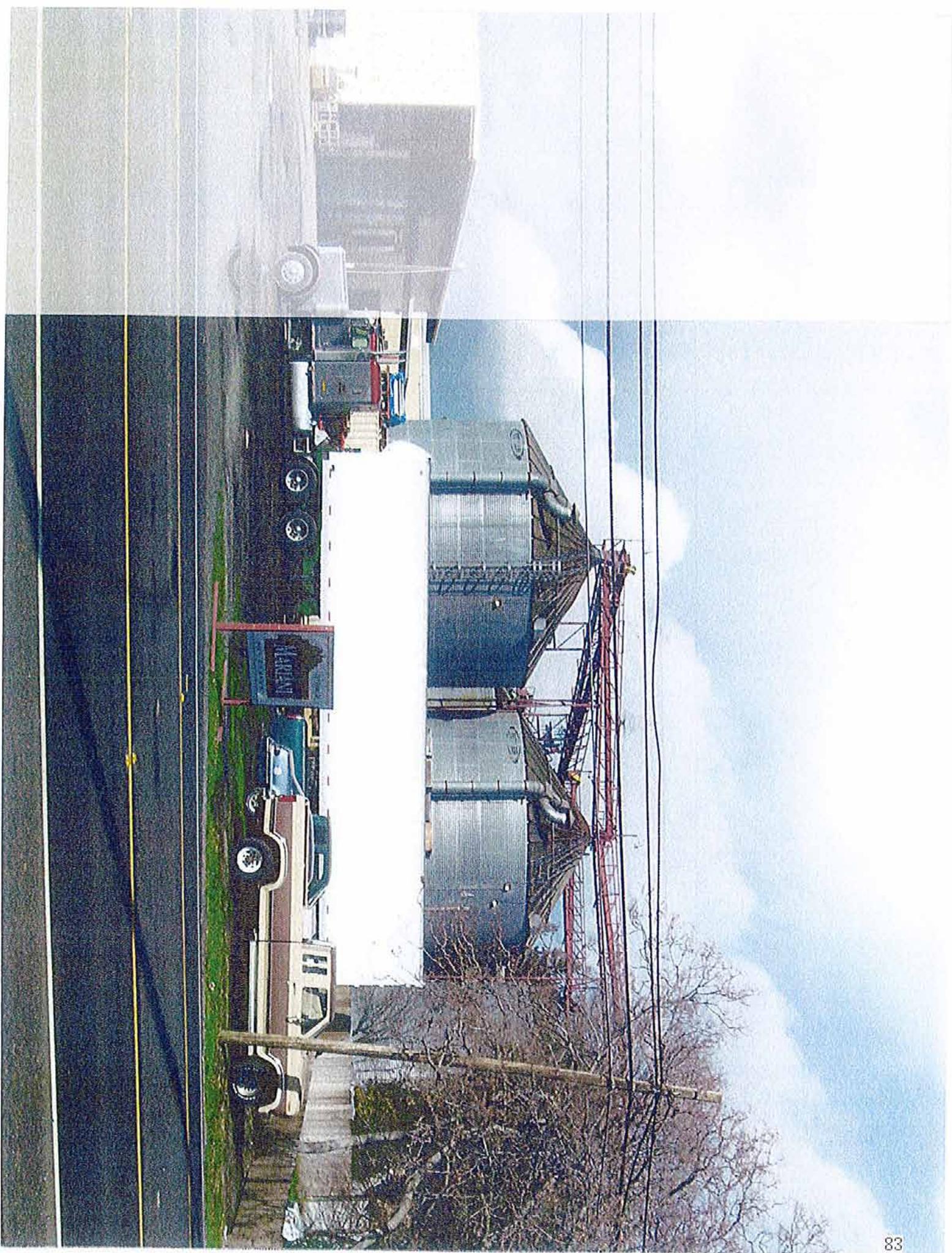


COMPLETE STREET ELEMENT

Amenities

- Appropriate landscape
- Benches and places to sit
- Other amenities, such as signage and lighting





Corridor Conditions

CORRIDOR DESCRIPTION

Grant Avenue/SR 128 changes to “Russell Boulevard/County Road 32” when it crosses I-505 to the east of Winters. It also changes jurisdiction from a Caltrans transportation facility to a Yolo County facility when it crosses I-505 to the east of Winters. Taken together, this corridor is the primary access to the City of Winters, supporting local, residential and business traffic as well as interregional truck and tourism travel. The corridor provides a connection from El Rio Villa, a housing development on the east side of the I-505 interchange, to Winters.

Previous Studies and Plans

The Complete Streets project was built on a series of previously completed studies along the corridor and their key findings, including:

- **City of Winters General Plan, 1992**
 - Encourages the City of Winters to maintain a Level of Service “C” or better on all streets and intersections within the city.
 - Encourages interjurisdictional coordination to develop and implement projects.
 - Encourages the development of additional bicycle and pedestrian facilities through the city.
 - Calls for the realignment of County Road 90.
 - Envisions the corridor as a four-lane facility with traffic signals at all major existing and future intersections.

Bikeway System Master Plan, 2002

- Reported bicycle accidents at the SR 128/Morgan Street intersection.
- Proposed bike lane on SR 128.

Downtown Master Plan, 2006

- Includes corridor between Railroad Avenue and Dutton Street as part of Downtown Master Plan Area.
- Designates SR 128/Railroad Avenue as Downtown entrance.
- Identifies need for gateway/landmark signage, crosswalks, intersection amenities, and streetscape improvements along the corridor.



Top: Grant Avenue currently has limited areas for safe pedestrian crossings.

Bottom: The Parah Creek Bridge is a popular connection for bicyclists and pedestrians.

Grant Avenue Access Study, 2006

The Grant Avenue Access Study, completed by Fehr and Peers in May 2006, identified seven improvement options that included a variety of potential configurations for signalized intersections, roundabouts and numbers of lanes. The extent of technical analysis in the study was from Railroad Avenue to East Main Street. All of the alternatives were reviewed for potential impacts on:

- Level of Service (LOS)
 - Queuing
 - Local Access
 - Vehicle Safety
 - Pedestrian Environment
 - Right-of-Way Requirements
 - Aesthetics
- Options V and VII were brought forward for this Complete Streets Plan based on their technical feasibility and the strong level of public support and interest in these options.

Plan to Improve Transportation Connections and Safety in Winters, Walkable Communities, 2007

Recommendations for development of roundabouts and sidewalks.

- 2030 Yolo County General Plan, 2009
- Identifies corridor as an evacuation route into Napa County.
- Indicates that LOS D through the corridor is acceptable.

Caltrans Transportation Corridor Concept Report-SR 128, 2010

- Identifies concept LOS E for the Corridor, however, the standard is LOS D. In order to attain the LOS D standard over the planning period, operational improvements and possible targeted capacity expansions should be studied.
- Concept Facility and Ultimate Concept Facility identified as two-lane conventional highway.
- Identifies bike route, shoulder widening (to eight feet) and sidewalk improvements as conceptual projects.



FIGURE 4-1: 2006 GRANT AVENUE ACCESS STUDY OPTION V



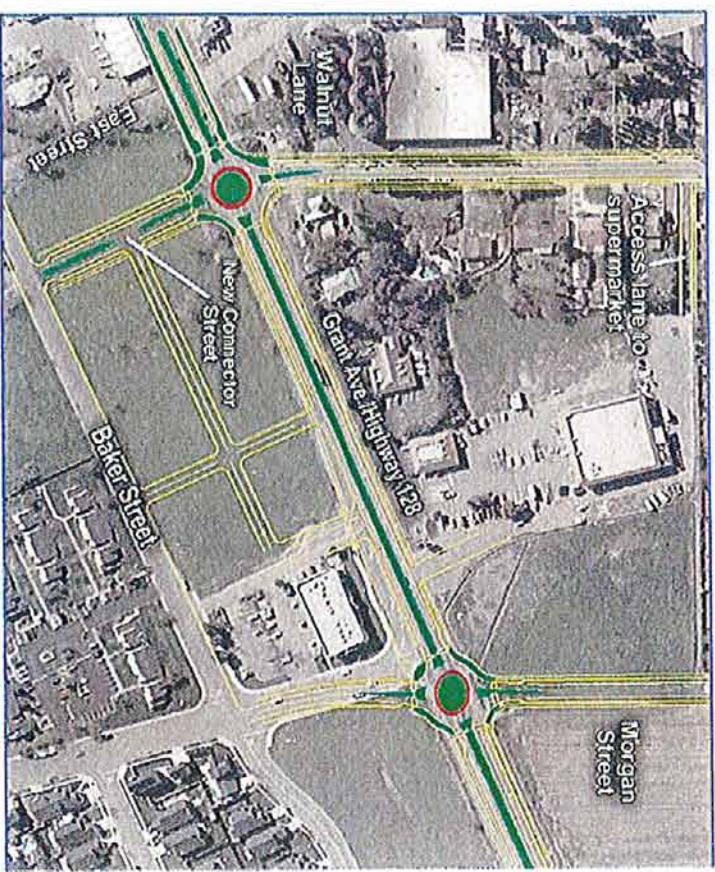
FIGURE 4-2: 2006 GRANT AVENUE ACCESS STUDY OPTION VII

Existing Conditions

The existing corridor conditions are depicted in the map on pages 18 and 19. The corridor includes:

- Two travel lanes throughout the corridor.
- Paved sidewalk on south side between Railroad Avenue and Morgan Street.
- A 5' sidewalk on the south side of the I-505 overcrossing.
- A signalized intersection at the northbound I-505 off-ramp.

The corridor supports a variety of traffic types, including residential, commercial and recreational travel. The Railroad Avenue intersection was recently signalized and is the western terminus of the project corridor. The Morgan Street intersection is a critical intersection that provides pedestrian access for community members of all ages in the residential area south of Grant Avenue to Lorenzo's Market and other community amenities to the north. Walnut Lane has been realigned to create a non-perpendicular intersection with the SR 128 corridor.



Opposite Page Top: Option V, the Three Roundabout Option, identified potential roundabout locations at Darion Street, Walnut Lane and Morgan Street.

Opposite Page Bottom: Option VII, the Two Roundabout Option, identified potential roundabout locations at Darion Street and Walnut Lane only.

Right: An improvement concept from the 2007 Walkable Communities Plan.

Right: A cross section of the existing corridor east of the I-505 interchange.
 Below: A plan view of the existing Grant Avenue/SR 128 corridor from Railroad Avenue to County Road 90.

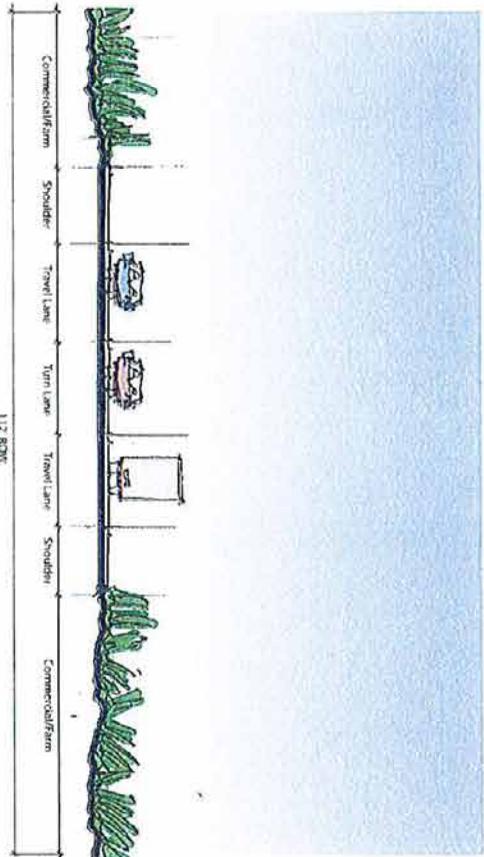


FIGURE 4-3: CROSS SECTION OF EXISTING CORRIDOR



FIGURE 4-4: PLAN VIEW OF EXISTING CORRIDOR

Right: A cross section of the existing Grant Avenue/SR 128 corridor from Railroad Avenue to County Road 90
Below: A plan view of the existing corridor east of the I-505 interchange.

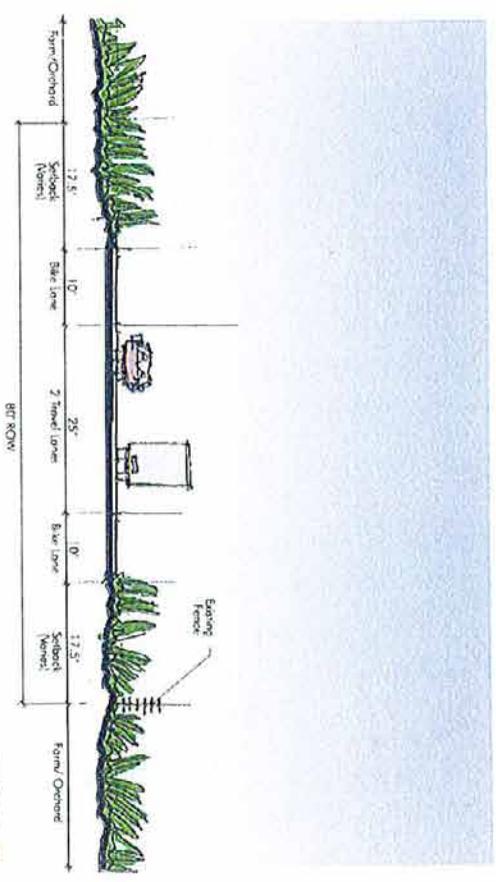


FIGURE 4-5: CROSS SECTION OF EXISTING CORRIDOR (COUNTY ROAD)



FIGURE 4-4: PLAN VIEW OF EXISTING CORRIDOR



FIGURE 4-8: EXISTING VIEW OF CORRIDOR



FIGURE 4-9: VIEW OF CORRIDOR WITH GENERAL PLAN IMPROVEMENTS

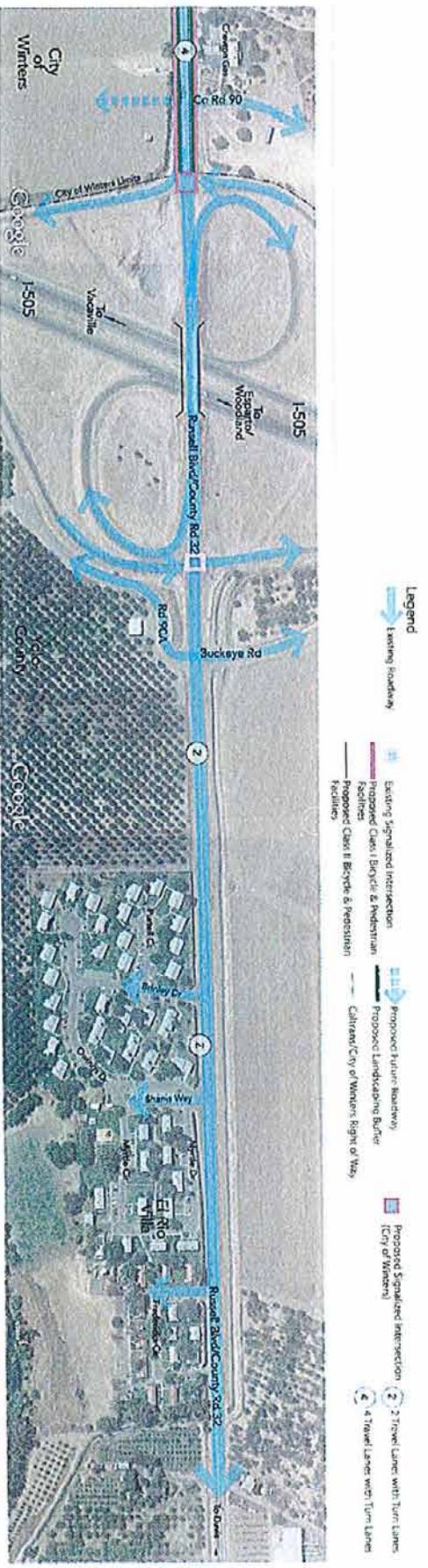


FIGURE 4-7: PLAN VIEW OF CORRIDOR WITH GENERAL PLAN IMPROVEMENTS

Corridor Assets

The corridor has many assets identified during the planning process that residents would like to see maintained and improved upon, including:

- Hosting a diverse mix of uses and amenities including a variety of businesses, residences and public spaces;
- Providing connections within the City of Winters and to the greater region, including Lake Berryessa to the west and the City of Davis to the east;
- Serving as a gateway to downtown and Putah Creek, and
- Embodying the rural character of Winters.

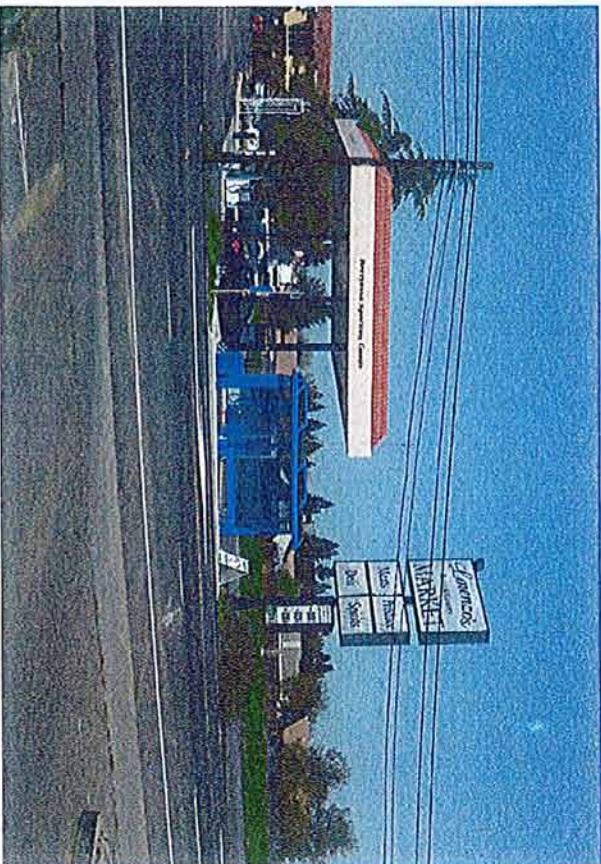
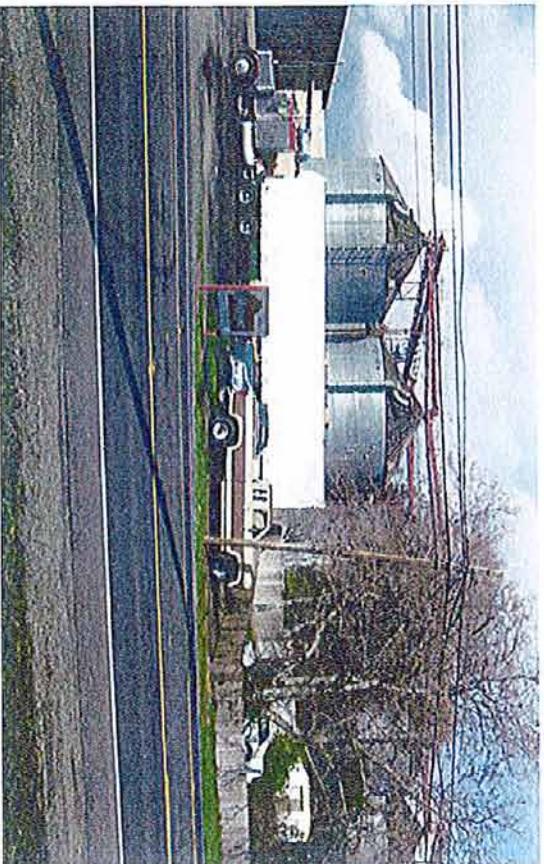
*Right: Downtown Winters.
Bottom: The view of Winters
heading west along the corridor.*



Right: Local businesses including Mariani Nat Company have specific needs that must be considered in any corridor improvement concepts.

Bottom left: Recent commercial development along the corridor.

Bottom right: Lorenzo's Market is a popular destination in the corridor.

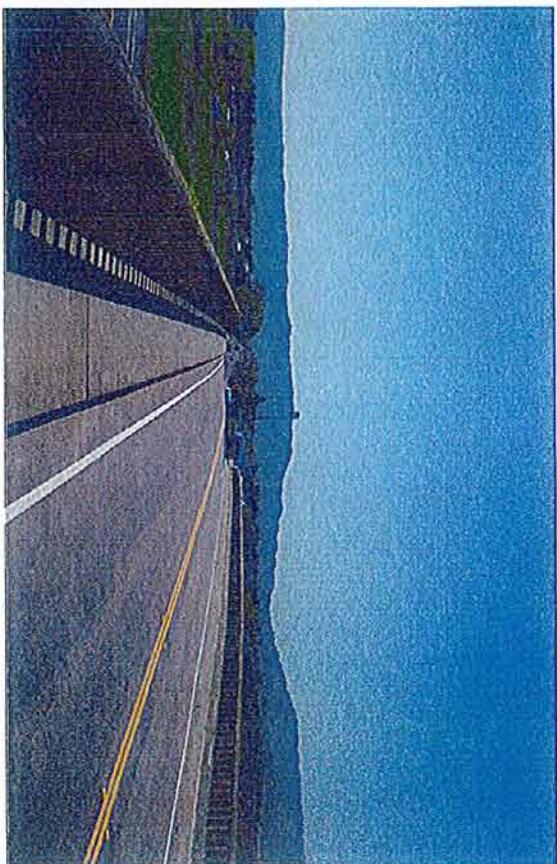
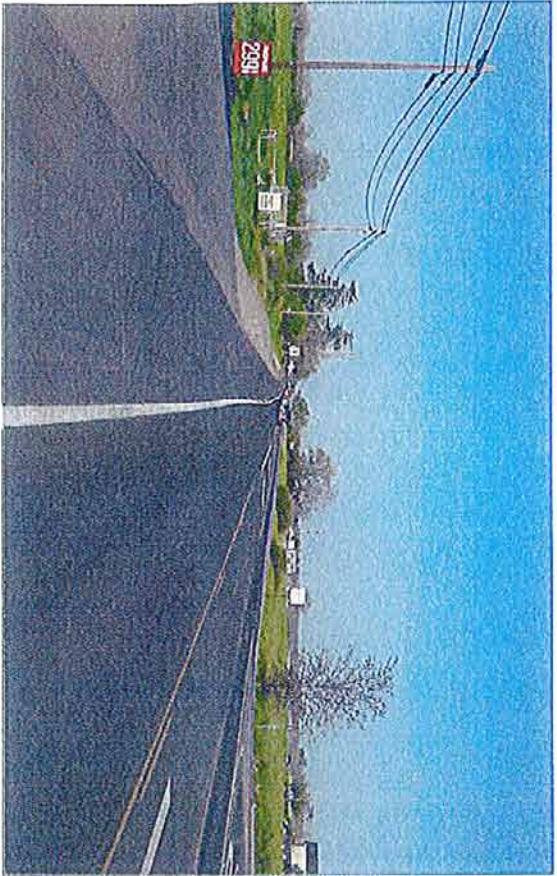


Corridor Issues and Opportunities

The primary issues and opportunities in the corridor are related to:

- Improving safety at key intersections and crossings, especially Morgan Street. School-age children and seniors need to be able to cross the corridor safely to get to school or go shopping at Lorenzo's Market.
- Addressing the needs of different users such as bicyclists, pedestrians and drivers of a variety of vehicles, including commercial and agricultural trucks and recreational vehicles and equipment. Trucks from Mariani Nut Company and other trucking operators require adequate space for turning. Recreational vehicles and trailers with boats destined for Lake Berryessa have distinct needs, and cars making local trips need to be able to safely enter and exit the corridor.
- Enhancing identity and wayfinding to direct locals and travelers into the downtown area, as well as providing a gateway entrance into the City of Winters.
- Reducing the number of travel lanes in the corridor to calm traffic.





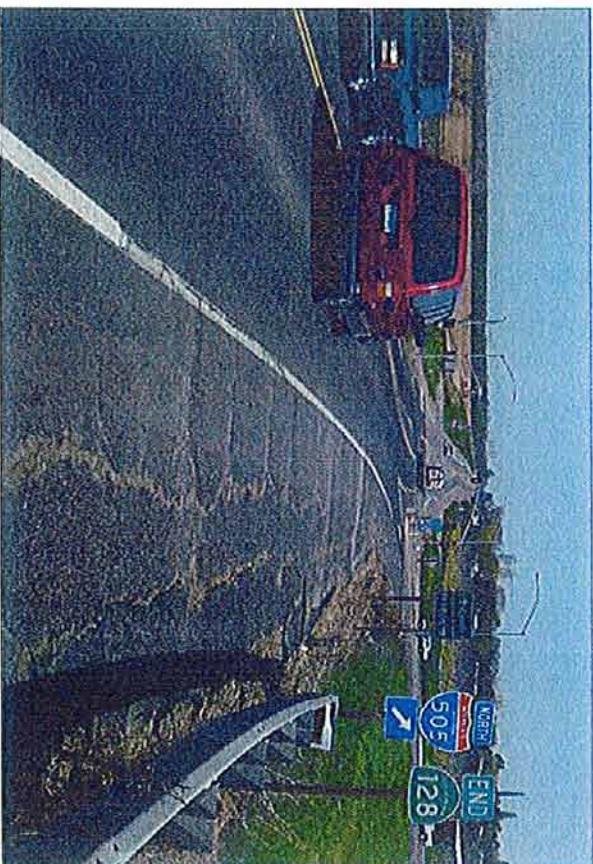
Opposite page bottom: El Rio Villa residents walking into Winters have a narrow crossing over the I-505 interchange and no sidewalk.

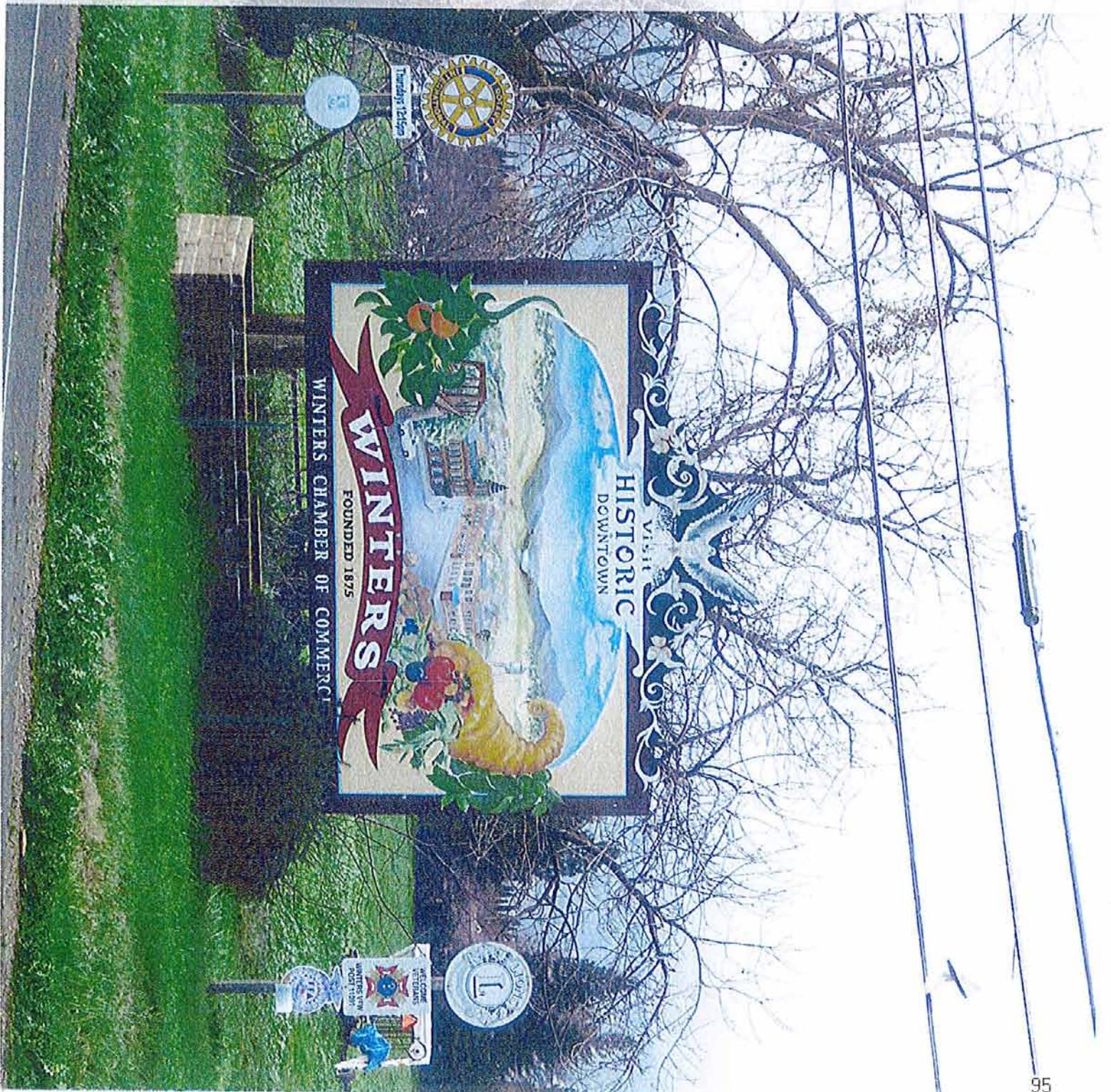
Opposite page top: Designated pedestrian access points improve the overall safety of the corridor.

Above left: There are many opportunities for additional signage along the corridor.

Above right: Looking west towards Winters on the I-505 crossing.

Right: Looking east towards El Rio Villa on the I-505 crossing.







Preferred Complete Streets Concepts

OVERALL COMMUNITY VISION

Community members have a vision of the Grant Avenue/SR 128/Russell Boulevard corridor for the future, that is:

- A safe and inviting gateway to town;
- A walkable and bikeable corridor for families and children;
- A clean and attractive corridor that reflects the rural/agricultural character of the area; and
- A complete street that supports all modes of travel.

Corridor-Wide Complete Streets Concepts

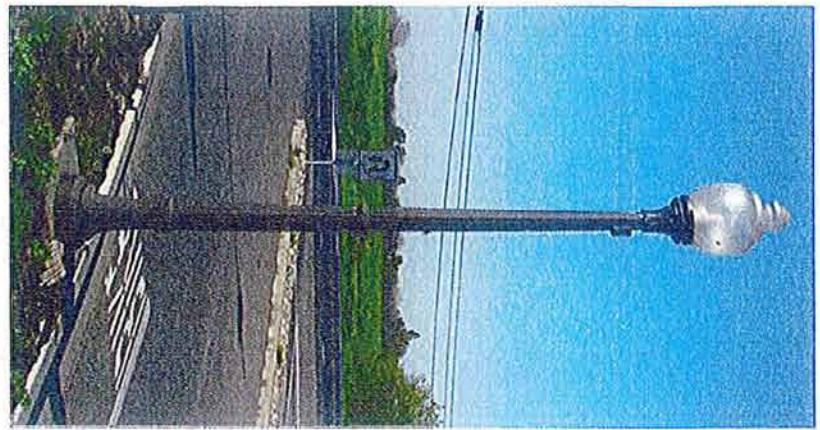
There are a number of improvements that can be applied throughout the corridor to achieve this vision. These improvements include:

- Contiguous sidewalks separated from the roadway by landscaped planting strips
- Contiguous Bicycle Facilities (Class I and II)
- Lighting
- Gateway and wayfinding signage
- Landscaped medians
- Well-defined crosswalks marked with colored pavement
- Roundabouts at key intersections
- Adequate travel lanes and widths to support the needs of different users, including vehicles and bicycles



The Project Team prepared plan and section views of the preferred Complete Streets concept. Based on existing conditions, land uses and the needs of corridor users, the corridor was divided into three distinct sub-areas:

- Railroad Avenue to East Main Street
- East Main to I-505 interchange
- I-505 Interchange to El Rio Villa



Left: A recently installed sidewalk on the south side of the corridor. Above: Distinctive lighting along the corridor.

OVERALL COMMUNITY VISION ELEMENTS

The elements of the overall community vision are displayed in the images on this page including:

- Enhanced bicycle and pedestrian safety;
- Lighting;
- Context-sensitive, drought-tolerant vegetation; and
- Smooth vehicle travel, including agricultural, freight and recreational vehicles.



Complete Streets Concepts by Sub-Area

Railroad Avenue to East Main Street

The Railroad Avenue to East Main Street portion of the corridor contains the greatest mix of land uses in the corridor and is the area where pedestrians are most likely to be making north-south crossings. Suggested improvements are

designed to enhance the overall safety of the corridor and include:

- Two travel lanes;
- Class I and II Bicycle Facilities;
- Pedestrian Facilities;
- Expanded landscape buffer between travel lanes and pedestrian facilities; and
- Roundabout intersections at Dutton and Morgan Streets and Walnut Lane.

East Main Street to I-505 Interchange

The East Main Street to the I-505 portion of the corridor is a potential growth area that supports traffic accessing and crossing I-505. Pedestrian and bicycle facilities are

most needed along the southern portion of this section. Suggested improvements include:

- Four travel lanes (the need for additional lanes is dependent on potential future growth in this portion of the corridor that may trigger additional traffic impacts and the need for increased corridor capacity. Until future growth requires additional lanes, two travel lanes are adequate in this portion of the corridor.);
- Class I and II Bicycle Facilities;
- Pedestrian Facilities;
- Landscape buffer between travel lanes and pedestrian facilities; and
- Signalized intersections at East Main Street, Timber Crest Road and at southbound I-505 off-ramp.

I-505 Interchange to El Rio Villa

The I-505 Interchange to El Rio Villa portion of the corridor is currently made up of primarily agricultural uses. Identified improvements along the southern portion of the corridor are designed to improve the experience for pedestrians traveling from the housing development

to the City of Winters. Suggested improvements include:

- Two travel lanes;
- Class II Bicycle Facilities; and
- Pedestrian Facilities along the south side of the corridor.



Top: Workshop participants talk about ideas for the corridor.

Above: Winters City Engineer, Nick Ponticella, discusses potential corridor improvements at the May 6, 2010 workshop.

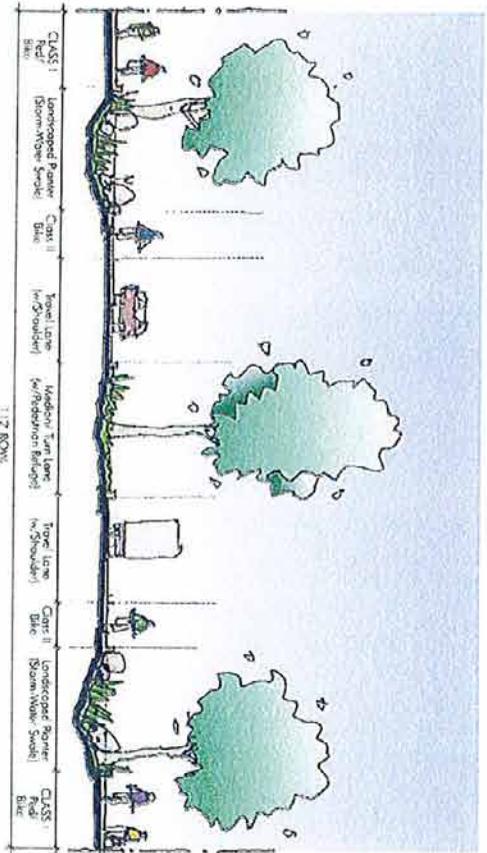


FIGURE 5-1: CROSS SECTION OF COMPLETE STREETS CONCEPT A (RAILROAD AVENUE TO EAST MAIN STREET)

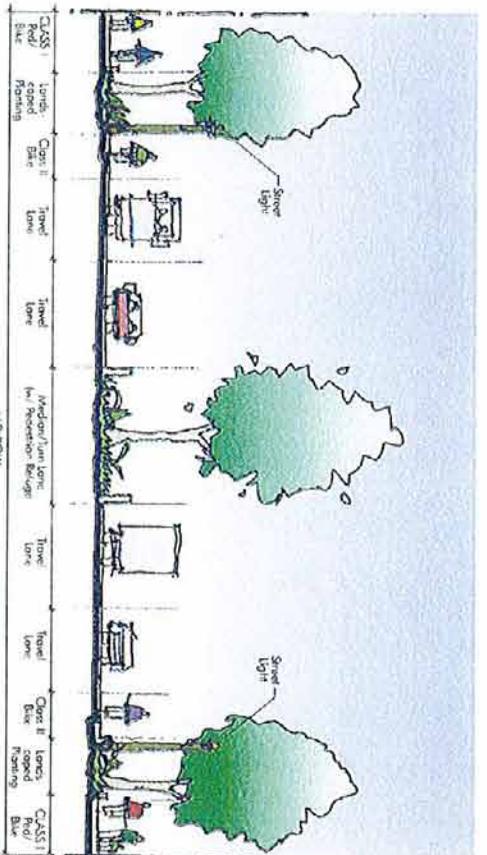


FIGURE 5-2: CROSS SECTION OF COMPLETE STREETS CONCEPT B (EAST MAIN STREET TO I-505 INTERCHANGE)

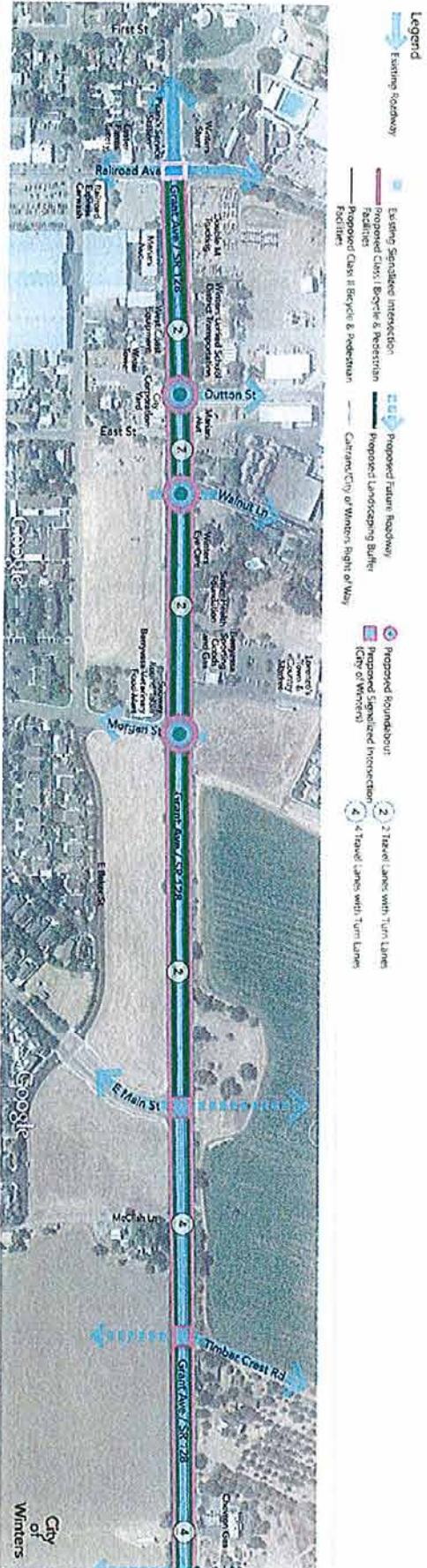


FIGURE 5-3: PLAN VIEW OF COMPLETE STREETS CONCEPT

Opposite page left: Cross section of the preferred Complete Streets Corridor Concept between Railroad Avenue and East Main Street.

Opposite page right: Cross section of the preferred Complete Streets Corridor Concept between East Main Street and the I-505 interchanges.

Right: Cross section of the preferred Complete Streets Corridor Concept east of the I-505 interchange.

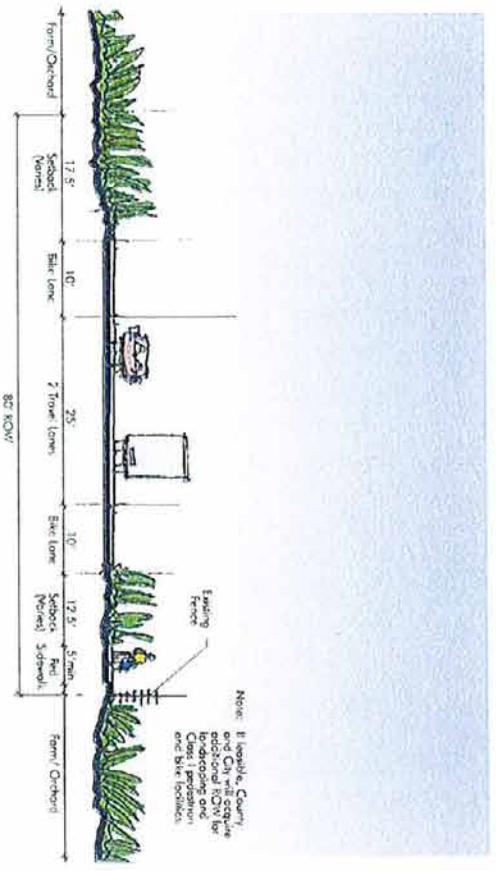


FIGURE 5-4: CROSS SECTION OF COMPLETE STREETS CONCEPT (COUNTY ROAD)

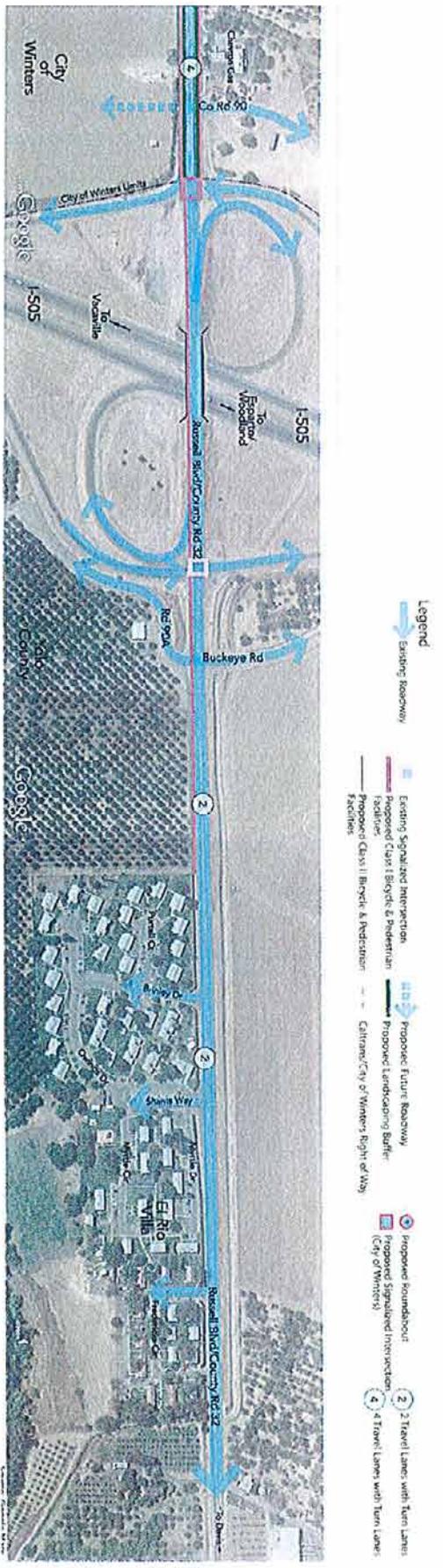


FIGURE 5-3: PLAN VIEW OF COMPLETE STREETS CONCEPT

EXISTING CONDITIONS

The Corridor Today

The key streetscape elements to be considered to address these issues include:

- Continuous, safe and comfortable pedestrian facilities;
- Adequate automobile travel lanes;
- Safe, visible and well-marked crosswalks;
- Well-signed intersections;
- Appropriate landscape; and
- Other appropriate amenities, such as signage and lighting.



FIGURE 5-5: EXISTING VIEW OF MORGAN STREET INTERSECTION



FIGURE 5-6: VIEW OF MORGAN STREET INTERSECTION WITH COMPLETE STREETS CONCEPT IMPROVEMENTS

VISUAL SIMULATION

Complete Streets Concept: Railroad Avenue to East Main Street

The visual simulation at left depicts the corridor with a variety of improvements that comprise the preferred Complete Street Concept, including:

- Roundabout intersection;
- Two travel lanes;
- Class I and II Bicycle and Pedestrian Facilities;
- Expanded landscape buffer between travel lanes and Pedestrian Facilities; and
- Improved signage.



Next Steps

IMPLEMENTATION

The implementation of the community-supported concepts presented in this plan depend on a variety of factors including funding availability and traffic analysis.

Near-term and technical

considerations have been identified below. Identified long-term actions can only be implemented after the technical considerations have been addressed. These pertain primarily to the area between East Main Street and the I-505 interchange.

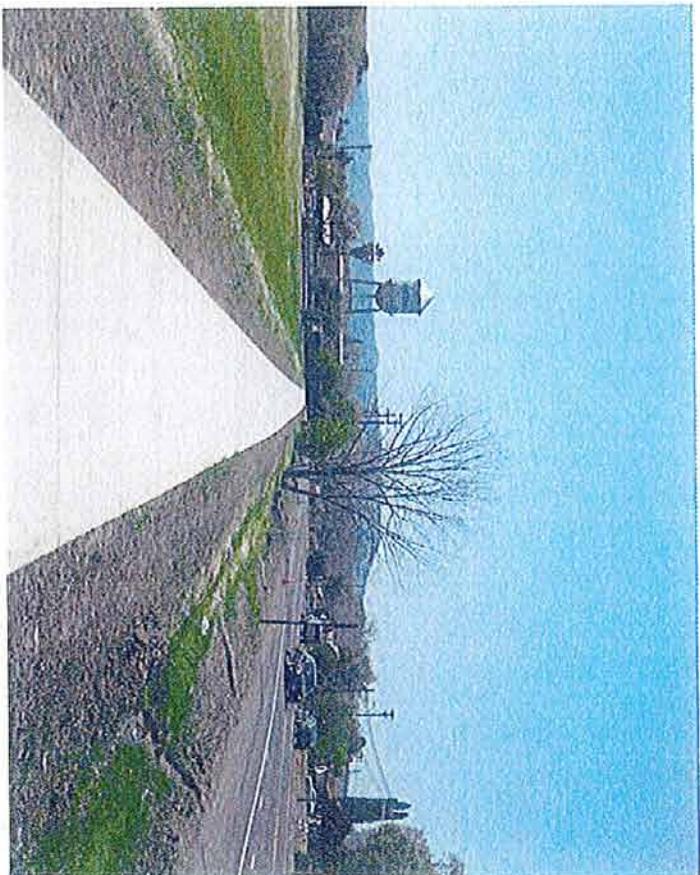
Funding for the identified improvements will come from many sources, including development impact fees, private developer funding, bond financing and grants. Timing of implementation of identified improvements will be based on the rate of development, the availability of development impact fee funding, and the City's ability to obtain other sources of funding.

Short-Term

- Caltrans and the City will work together to look at interim traffic calming solutions for improving the safety of the Grant Avenue/Morgan Street intersection, especially for seniors and people with mobility issues.
- Caltrans and the City will work together to improve the existing two-lane roadway between Railroad Avenue and East Main Street with the identified Complete Streets Concept.
- Caltrans and the City will analyze the General Plan's proposed development goals and traffic implications for the corridor from Railroad Avenue to the I-505 interchange.

Technical Considerations

- Conduct a traffic analysis on the impact of lane reductions east of East Main Street on the I-505 intersection, including potential Level of Service (LOS) changes.



Long-Term

- Improve two lane roadway east of East Main Street until a project or development triggers the need for four lanes as described in the General Plan.



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council members
DATE: February 15, 2011
THROUGH: John W. Donlevy, Jr., City Manager *JW*
FROM: Dan Maguire, Housing Programs Manager *DM*
SUBJECT: Update on the Winters Farmers Market and Winters Community Garden

RECOMMENDATION:

Staff recommends that the City Council receive the staff report on: 1) the future of the Winters Farmers Market; and 2) an update on the community garden.

BACKGROUND:

In the first quarter of 2008, the Winters Healthcare Foundation (WHF), in collaboration with the Davis Farmers Market Association (DFMA) and the City of Winters, successfully applied for a grant from the TIDES Foundation under the Networking for Community Health. The grant established start up funding for the development of a farmers market and formation of a community garden.

The first year of operation (May through October, 2009) of the Winters Farmers market was deemed a success. Market sales declined significantly in the second year of the market (May through September 2010) with a 36.5% decline in sales over the previous year on a same period measurement. While the sales declines increased with the switch from a Sunday morning market to a Thursday evening market, it should be noted that the market was down 32.5% versus the previous year for the first two months of the 2010 market season when the market operated on Sundays.

Staff met with representatives from WHF and the DFMA at the end of the second year of the market to analyze the sustainability of the market for next year. Based on projections that next year's market would have income and expenses similar to that of the second year of the market, it is anticipated the market would not be self sustaining. Inasmuch as the grant expired at the end of June 2010, the project partners agreed the farmers market is not viable at this time.

At the May 19, 2009 City Council meeting, Council approved locating the community garden on City-Owned property directly west of the East Street Lift Station Facility. Along with approval of the plans for the garden, City Council requested that they receive a report to update them at the end of the first year of the garden. Subsequently, the site's garden plots were established, irrigation was installed, and the fencing for the garden was constructed. Additional site improvements included the addition of an ADA path in the garden, a composting area, and the construction of a garden tool shed. The first season of the community garden saw all of the general garden plots subscribed to, with the only unsubscribed plots being the raised ADA beds. These beds were planted and maintained by the community garden group as a whole. In the opinion of staff and the other community garden project partners, the first year of the garden was a resounding success.

Included with this report is copy of the Rules and Procedures for the Winters Community Garden. There was discussion at the initial City Council meeting authorizing the use of City owned property for a garden as to whether those who had garden plots during the first year of the garden would be allowed to continue subscribing to those plots or if those plots should be reassigned annually, with a lottery system utilized should the requests for plots exceed the supply. Staff requests direction from City Council regarding those rules and procedures.

FISCAL IMPACT:

None by this action

ATTACHMENTS:

Farmers market sales comparison and financial reports
Rules and Procedures for the Winters Community Garden

10/09 WEEKLY SALES COMPARISON

Winters MARKET

Wk	Year	SUN		Year	Sun Running Total	
		10	09		09	09
1	5/2/10	6,495	8,648	5/3/09	6,495	8,648
2	5/9/10	4,654	9,124	5/10/09	11,148	17,772
3	5/16/10	4,617	6,976	5/17/09	15,765	24,748
4	5/23/10	4,508	6,399	5/24/09	20,272	31,148
5	5/30/10	4,628	7,158	5/31/09	24,900	38,305
6	6/6/10	4,671	7,440	6/7/09	29,571	45,745
7	6/13/10	3,490	5,222	6/14/09	33,061	50,967
8	6/20/10	4,751	6,423	6/21/09	37,812	57,390
9	6/27/10	3,692	4,074	6/28/09	41,504	61,464
10	7/4/10	2,708	3,534	7/5/09	44,212	64,998
13	7/8/10	2,607	4,398	7/12/09	46,819	69,396
14	7/15/10	2,142	4,289	7/19/09	48,960	73,685
15	7/22/10	2,427	3,840	7/26/09	51,387	77,525
16	7/29/10	2,506	4,560	8/2/09	53,893	82,085
17	8/5/10	2,279	3,661	8/9/09	56,172	85,746
18	8/12/10	2,446	3,241	8/16/09	58,617	88,986
19	8/19/10	2,238	3,355	8/23/09	60,855	92,341
20	8/26/10	1,763	3,529	8/30/09	62,618	95,870
21	9/2/10	1,765	2,565	9/6/09	64,383	98,435
22	9/9/10	1,697	3,471	9/13/09	66,080	101,906
23	9/16/10	1,582	2,987	9/27/09	67,662	104,893
99	9/23/10	1,135	2,612	10/4/09	68,797	107,504
99	9/30/10	1,157	2,575	10/11/09	69,954	110,079
99			2,504	10/18/09	69,954	112,583
99			2,989	10/25/09	69,954	115,572
99					69,954	115,572

1/4/11

10/09 WEEKLY SALES COMPARISON

Winters MARKET

Wk	Year	SUN		Year	Sun Running Total	
		10	09		10	09
1	5/2/10	6,495	8,648	5/3/09	6,495	8,648
2	5/9/10	4,654	9,124	5/10/09	11,148	17,772
3	5/16/10	4,617	6,976	5/17/09	15,765	24,748
4	5/23/10	4,508	6,399	5/24/09	20,272	31,148
5	5/30/10	4,628	7,158	5/31/09	24,900	38,305
6	6/6/10	4,671	7,440	6/7/09	29,571	45,745
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10	7/4/10	2,708	3,534	7/5/09	44,212	64,998
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18	8/12/10	2,446	3,241	8/16/09	58,617	88,986
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20	8/26/10	1,763	3,529	8/30/09	62,618	95,870
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23	9/16/10	1,582	2,987	9/27/09	67,662	104,893
99	9/23/10	1,135	2,612	10/4/09	68,797	107,504
99	9/30/10	1,157	2,575	10/11/09	69,954	110,079
99			2,504	10/18/09	69,954	112,583
99			2,989	10/25/09	69,954	115,572
99					69,954	115,572

<19960 > <32.5 >

<40125 > <36.5% >

1/4/11

Davis Farmers Market Assoc.
Profit and Loss
 January through December 2010

	<u>Jan - Dec '10</u>
Ordinary Income/Expense	
Income	
Miscellaneous Income	
Sunday T-Shirts	1,687.00
Winters Sponsorship	<u>1,490.00</u>
Total Miscellaneous Income	3,177.00
Stall Fees	
Winters Mkt	7,026.00
Winters Crafts	<u>1,560.00</u>
Total Stall Fees	8,586.00
State Ag Fee	<u>351.00</u>
Total Income	<u>12,114.00</u>
Gross Profit	12,114.00
Expense	
Advertising	1,407.73
Licenses and Permits	85.00
Market Supplies	155.90
Miscellaneous	
Exp Misc	24.00
Winters Musicians	<u>990.00</u>
Total Miscellaneous	1,014.00
Office Supplies	70.00
Payroll Taxes	781.30
Salaries	6,823.70
Shortage/Overage	6.00
State Ag Fee Exp	<u>151.20</u>
Total Expense	<u>10,494.83</u>
Net Ordinary Income	<u>1,619.17</u>
Net Income	<u>1,619.17</u>

Winters Farmers Market
Profit and Loss
2009

Revenues

Stall Fees	\$9,213
Craft Fair	740
Merchandise Sales	7,076
Voucher Donations	4,077
Gift Certificate Donations	65
Fundraising	<u>3,340</u>
TOTAL REVENUES	\$24,510

Expenses

Market Help - Davis	\$2,296
Marketing & Promo Staff	750
Merchandise	4,687
Vouchers used	1,880
Music	2,080
Gift Certificates	595
Other market expenses	<u>3,042</u>
TOTAL EXPENSES	<u>\$15,330</u>
NET REVENUE	<u><u>\$9,181</u></u>

Rules and Procedures for the Winters Community Garden – Rev. Jan. 2010

RULES

1. Garden plots are available for the personal use of Winters residents. Plots may not be used to grow crops for sale. Sharing or trading produce is allowed.
2. Plots are limited to one (1) per house address, and must be used by the gardeners that the plot was assigned to. There will be no absentee gardeners; plots will not be assigned to persons in name only.
3. Invasive plants, poisonous plants, trees, bamboo, and illegal plants may not be planted.
4. In consideration of food grown in the garden and of children who visit, gardeners shall not use chemical fertilizers, pesticides, or herbicides. Organic methods will be used.
5. Organic seeds are not required to be used at the garden. Plants or seedlings are not required to be organic to be planted in the garden. GMO seeds or plants are not allowed.
6. Fresh manures are not allowed as it may contain *ecoli*. All manures must be aged for at least 6 months. Manures shall not be infested with ants or other insects. Dog, cats, bird or human manures shall NOT be used.
7. Gardening and watering is restricted to gardener's assigned plot. Gardeners can water other plots if directed by the registered plot owner. Gardeners must be present while watering. Water conservation must be observed while gardening; the use of mulches, soaker hoses and drip irrigation are encouraged to help to conserve water. The use of water timers will be reviewed each year for allowance, so as not to create an absentee garden.
8. Garden plots must be kept clear of weeds and debris at all times throughout the year. Gardeners must be careful not to drag hoses and tools over other plots.
9. Gardeners of poorly maintained plots will be given written notification to their address on record. A seven day grace period from the date of the notice will be given to allow correction of problems. Agreements for garden plots that are not adequately maintained will be terminated and reassigned at the discretion of the Garden Committee. Decisions of the Committee may be appealed for reconsideration.
10. Each plot holder is responsible for maintaining the pathways around their plot and keeping them clear of weeds. Plots shall not be widened to encroach on pathways or common areas.
11. Children must be accompanied by an adult and well supervised while on site for their safety and to prevent damage to anyone's plot. Adults will be responsible for any damage.
12. Pets are not allowed in the garden under any circumstances, with the exception of service dogs. Dog and cat wastes are not to be used as a fertilizer.
13. Tools must be put away when you are finished with them. Turn off water faucets, lock the tool shed, and lock the gates if you are last one to leave.
14. No cars are allowed to drive into the garden. Access may be granted by the Garden Committee during construction or for special events or as needed for deliveries.
15. Gardening hours are dawn to dusk.

16. Gardeners shall advise the Garden Committee of animals in the garden including snakes, raccoons, possums, coyotes or other potentially dangerous animals. No animals shall be buried in the garden.
17. Each gardener agrees to participate as a member of the garden community. This includes assisting in caring for equipment, contributing time toward general maintenance of the common areas, and participating in group workdays. Gardeners are expected to cooperate in respect for all members of the garden and the security of all garden plots. Gardeners will attend at least two (2) meetings per year and contribute two (2) hours per month on the common areas of the garden.
18. Gardeners will not pick produce from other plots; or prune others' plants or crops. Pruning of all trees, roses, grapes and shrubs in the common areas of the community garden shall be approved by the Garden Committee or pruning sub-committee.
19. Common area plantings are for the use of all gardeners; please pick limited quantities as they are maturing so that all gardeners can sample the crops.
20. All personal items are there at your own risk. Report any thefts in the garden to the Garden Committee.
21. No household furniture may be used in the garden.
22. Loud radios, CD players or other electronic devices must not be heard from over 20 feet away.
23. Items or materials over 50 pounds shall be approved by the Garden Committee before purchase, donation or delivery to the garden.
24. Livestock shall not be kept at the garden (chickens, goats, cows, rabbits, horses).
25. Common sense and decency will guide other issues on the garden. Gardeners will abide by all rules of the garden. Not following the rules or not participating in work days may lead to loss of the plot.
26. Be aware of heights of plants that you grow and place them in places that will not shade adjacent plots. Plants causing problems for other gardens may be subject to topping by the Garden Committee.
27. Gardeners shall compost the waste from their plots as much as possible. A composting orientation will be required with plot sign up. Compost bins are not allowed in individual plots.
28. Gardeners ending their agreement or leaving the garden shall clear their plot and leave it in an acceptable condition for re-assignment.
29. The Community Garden Committee shall be made up of an odd number of garden members with the least amount of members being three (3). Positions on the committee may include chairperson, vice-chair, secretary, and past chairperson. A treasurer can be added if funds are held by this group. Garden Committee members may be elected or appointed. All sub-committee chairpersons will be placed on the Garden Committee for as long as they head up a committee.

30. The Community Garden Committee is responsible for:

Assigning plots – and gardener orientation

Collection of registration forms each year

Collection of waiver forms each year

Holding garden meetings – setting date, time and location

Setting a yearly budget and goals for the year

Setting workdays in the garden on common spaces

Approving non-gardening events at the community garden

Reviewing the garden plots quarterly for compliance

Review of gardener disputes and concerns

Soliciting donations for the garden

Coordinating expansion of the garden to completion

Approve all trees and plants that are planted in the common areas of the garden

Review of all business relating to the garden

31. All persons doing work in the garden MUST sign a waiver form. This includes one time, and short term volunteers, as well as registered gardeners. Forms can be obtained from the Garden Committee or at a location designated in the garden.

32. Revisions to these rules may occur and updates made on a yearly basis at renewal time each year (based on the calendar year).

33. Contact information for the Winters Community Garden Committee:

Ana Kormos, (530) 212-1040, 310 Main St. Winters CA. 95694

References:

American Community Gardening Association, www.communitygarden.org

Sacramento Area Community Garden Coalition, www.SacCommunityGardens.org 916 508-6025

UC Master Gardeners of Yolo County,

Registration and Plot Sign Up Form

Winters Community Garden

Read carefully the rules and procedures before signing. Understand that failure to follow the rules may result in termination of this agreement and forfeiture of any payments that have been made.

Payment is due with this form. **Make check or money order payable to: Winters Healthcare Foundation**

Gardener(s) must attend workshops / orientation on the garden procedures. safety, composting, organic gardening before working in the garden and receiving the gate combinations/key.

Gardener(s) Names: _____
List all family members that will be gardening

Residence Address in Winters: _____

Mailing Address (if different): _____

Daytime Phone: _____ Evening Phone: _____ Other: _____

E-mail Address: _____

Emergency Contact: Name: _____ Phone: _____

Information on this form will be used by the garden committee for communication with the gardeners.
 I give permission to include information on this registration form in the gardeners directory.
 I do not give permission to include information on this registration form in the gardeners directory.

The undersigned, in consideration of participation in the Winters Community Garden, agree to indemnify and hold the City of Winters, Winters Healthcare Foundation, and its developers, designers, owners, partners or agencies harmless, and release them from any and all liability for all injury which may be suffered by the above registered persons, and their guests, arising out of, or in any way connected with participation in the garden. I have read and signed the Winters Community Garden Waiver and Liability of Release.

I HAVE READ THE ABOVE APPLICATION AND AGREEMENT AND FULLY UNDERSTAND THAT I (WE – for Families) ASSUME ALL RISKS FOR ANY INJURIES RECEIVED. I have also read the Rules and Procedures and agree to abide by them.

Gardener(s) Signature(s) (Date)

Gardener(s) Signature(s) (Date)

Assigned Plot(s) Number: _____ Amount Paid: _____ For Year: _____

Plot Fee: _____

WAIVER AND RELEASE OF LIABILITY

Plot Maintenance at the Community Garden

Name(s): _____

Address: _____

Phone: _____

Zip Code: _____

For Participant(s):

I, the undersigned, understand that the Community Garden, sponsored by the Winters Healthcare Foundation and the City of Winters, involves physical activity. I further understand that accidents can occur during unsupervised gardening activities and that participants can occasionally suffer serious injury and / or death. **I HEREBY ASSUME THESE RISKS OF PARTICIPATING at the WINTERS COMMUNITY GARDEN**

In return for allowing me to participate, I hereby waive, release, and discharge any and all claims for damages of death, personal injury, disability or property damage or vandalism of any kind which may hereafter accrue to me as a result of my participation in this activity. This release is expressly intended to discharge in advance all liability arising out of, or connected in any way, my participation in this activity. **THIS RELEASE WILL APPLY EVEN THOUGH LIABILITY MAY ARISE OUT OF NEGLIGENCE OR CARELESSNESS ON THE PART OF THOSE DISCHARGED INCLUDING THEIR EMPLOYEES, AGENTS AND VOLUNTEERS.**

I further agree to indemnify and hold harmless the entities and person-herein released from any and all claims made by other individuals or entities as a result of any of my actions during my participation in this activity / event.

This Waiver and Liability Release, shall apply to me, as well as anyone assisting me in this activity, my family, my heirs, executors, or administrators.

By my signature below, I hereby certify and acknowledge that I have read this document and understand its content. I am aware that it is a full release of liability on behalf of the City of Winters, and the Winters Healthcare Foundation and its owners, partners and agencies, as described above, and sign it on my own free will.

Signature

Date

Signature

Date



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: February 15, 2011
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: John C. Wallace, City Attorney
SUBJECT: Adoption of Resolution No. 2011-14, A Resolution of the City Council of the City of Winters Adopting the Informal Bidding Procedures Authorized by the State of California Uniform Public Construction Cost Accounting Act; and Introduction of Ordinance 2011-01, An Ordinance of the City Council of the City of Winters Adding Chapter 3.36 to Title 3 of the Winters Municipal Code to Establish Informal Bidding Procedures Pursuant to the Uniform Public Construction Cost Accounting Act (UPCCAA)

RECOMMENDATION: Adoption of Resolution, Introduction of Ordinance and schedule March 1, 2011 for a public hearing and second reading to adopt the Ordinance.

BACKGROUND: The California Public Contract Code, and the California Government Code, generally require public bid procedures for public projects of over \$5,000. The words "Public Projects" have been broadly interpreted to apply to purchases of items as well as formal construction projects. California law, specifically the Uniform Public Construction Cost Accounting Act (UPCCAA - "the Act"), allows cities of less than 75,000 in population to register with the State Controller by Resolution and to adopt an ordinance allowing for a more informal bidding procedure. Under the Act, The City of Winters can get bids on construction projects of less than \$30,000 without publication of bid notices, and can proceed by negotiated purchase orders or contracts. Between \$30,000 and \$125,000, mailed notice is sufficient, together with mailed notice to specified trade journals, in as short a period as 10 days. Under the Act, the City compiles a list of pre-qualified contractors and can basically negotiate for best price and terms. Most smaller

California cities have already registered with the state and adopted their ordinances. This is in bottom line terms reportedly a money-saver for cities, both in cost-savings and in results. Adoption of the Resolution comes first. Then the first reading of the ordinance is recommended. A public hearing notice will be published for the March 1, 2011 City Council meeting for adoption.

FISCAL IMPACT: Cost of publication of notice of public hearing, with expected savings in the future.

Resolution No. 2011-14

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
ADOPTING THE INFORMAL BIDDING PROCEDURES AUTHORIZED BY THE
STATE OF CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST
ACCOUNTING ACT
(California Public Contract Code Sections 22000 et seq.)**

WHEREAS, the City Council of the City of Winters believes that it is more economical and efficient to elect to adopt the informal bidding procedures authorized by the State of California Uniform Public Construction Cost Accounting Act ("the ACT"); and

WHEREAS, the City of Winters has a population of approximately 7,000 citizens and qualifies for the informal bidding procedures authorized by the ACT; and

WHEREAS, city staff has reported to the City Council that it supports the adoption of informal bidding procedures and believes them to be more economical and efficient for a City the size of Winters;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINTERS THAT THE CITY OF WINTERS ELECTS TO ADOPT THE INFORMAL BIDDING PROCEDURES AUTHORIZED BY THE ACT, Public Contract Code Sections 22000 et seq., AND DIRECTS THE CITY CLERK TO MAIL A COPY OF THIS RESOLUTION TO THE OFFICE OF THE STATE CONTROLLER OF THE STATE OF CALIFORNIA.

PASSED AND ADOPTED THIS 15th DAY OF FEBRUARY, 2011, BY THE FOLLOWING VOTE:

**AYES:
NOES:
ABSTAIN:
ABSENT:**

Woody Fridae, MAYOR

ATTEST:

Nanci G. Mills, CITY CLERK

CITY OF WINTERS ORDINANCE NO. 2011-01

AN ORDINANCE ADDING CHAPTER 3.36 TO TITLE 3, OF THE WINTERS MUNICIPAL CODE TO ESTABLISH INFORMAL BIDDING PROCEDURES PURSUANT TO THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT (California Public Contract Code Sections 22000 et seq.)

The City Council of the City of Winters, State of California does ordain as follows:

SECTION 1: PURPOSE

The purpose of this ordinance is to elect to become subject to the State of California Uniform Public Construction Cost Accounting Act (“The ACT”), as provided in California Public Contract Code Sections 22000 et seq., as part of the City Council’s continuing effort to provide economic efficiency in the City’s governmental operations.

The ACT allows cities under 75,000 in population to adopt informal bidding procedures as a fair, but less burdensome and costly, procedure to complete public construction projects.

SECTION 2: Chapter 3.36 is hereby added to Title 3 of the Winters Municipal Code to read as follows:

3.36.010 Purpose

The Uniform Public Construction Cost Accounting Act (the “Act”; California Public Contract Code Section 22000 et seq.) establishes uniform cost accounting standards. Local agencies that elect to become subject to the Act’s accounting standards are required to enact an informal bidding ordinance to govern the selection of contractors to perform public projects in accordance with the Act. The city of Winters has elected to become subject to the uniform construction accounting standards set forth in the Act and has established this chapter in accordance with California Public Contract Code Section 22034.

3.36.020 Informal bid procedures

Public projects, as defined by the Act, of one hundred and twenty-five thousand dollars or less may be let to contract by informal procedures as set forth in Section 22032, et seq., of the California Public Contract Code.

3.36.030 Contractors List

A list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission (“The Commission”). Relatives of city employees and/or city council members shall not be eligible for consideration to perform public projects pursuant to Section 3.36.020. Relatives shall include spouse, children, parents, brother, sister, grandparents, or any

person that maintains a significant relationship with the employee and like in-laws. Significant relationship shall be defined as one who has resided in the household of the employee and/or council member for a period of not less than six months.

3.36.040 Notice Inviting Bids

A. Where a public project is to be performed which is subject to the provisions of this chapter, a notice inviting informal bids shall be mailed not less than ten calendar days before bids are due to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 3.36.030, and to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code

B. The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids.

C. Additional contractors and/or construction trade journals may be notified at the discretion of the department or agency soliciting bids; provided, however:

1. If there is not a list of qualified contractors maintained by the city for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission.
2. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting bids may be sent exclusively to such contractor or contractors.

3.36.050 Award of Contract and Change Orders

A. The city purchasing agent is authorized to award informal contracts pursuant to this section, subject to City Manager approval, up to \$30,000. For bids received in excess of \$30,000 but less than \$125,000, awards are subject to the approval of the City Council. If all bids received are in excess of \$125,000, the City Council may, by a four-fifths vote, award the contract, at \$137,500 or less, to the lowest responsible bidder, if it determines the cost estimate of the City was reasonable.

B. Change orders related to informal contracts issued pursuant to this section can be submitted by the City Manager to the city council. A resolution of the city council is required for such change orders to take effect.

3.36.060 Adjustment of Amounts

Pursuant to the terms of the Act, the maximum dollar amounts authorized by the Act for informal bidding of public projects are periodically subject to change by the state of California. The dollar amounts in this chapter shall be read and interpreted to be whatever the maximum amounts authorized pursuant to the terms of the Act are, as it may be amended from time to time, or as such amounts have been adjusted by the State Controller in accordance with California Public Contract Code Section 22020. No amendment of this chapter shall be necessary for the city to utilize a higher amount if such amount has been authorized by the State of California in accordance with the ACT.

SECTION 3: Effective Date

This ordinance shall become effective April 1, 2011, provided it is published in full or in summary within fifteen (15) days after its adoption in a newspaper of general circulation.

This ordinance was introduced, and the title thereof read at the regular meeting of the City Council on February 15, 2011, and adopted, after the second reading and public hearing, at the regular meeting of the City Council on March 1, 2011.

On a motion by Council Member _____, seconded by Council Member _____, the foregoing ordinance was passed and adopted by the City Council of the City of Winters, State of California, this 1st day of March, 2011, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

MAYOR KEITH FRIDAE

ATTEST:

NANCI G. MILLS, CITY CLERK

CALIFORNIA CODES
PUBLIC CONTRACT CODE
SECTION 22030-22045

22030. This article applies only to a public agency whose governing board has by resolution elected to become subject to the uniform construction cost accounting procedures set forth in Article 2 (commencing with Section 22010) and which has notified the Controller of that election. In the event of a conflict with any other provision of law relative to bidding procedures, this article shall apply to any public agency which has adopted a resolution and so notified the Controller.

22031. Nothing in this article shall prohibit a board of supervisors or a county road commissioner from utilizing, as an alternative to the procedures set forth in this article, the procedures set forth in Article 25 (commencing with Section 20390) of Chapter 1.

22032. (a) Public projects of thirty thousand dollars (\$30,000) or less may be performed by the employees of a public agency by force account, by negotiated **contract**, or by purchase order.

(b) Public projects of one hundred twenty-five thousand dollars (\$125,000) or less may be let to **contract** by informal procedures as set forth in this article.

(c) Public projects of more than one hundred twenty-five thousand dollars (\$125,000) shall, except as otherwise provided in this article, be let to **contract** by formal bidding procedure.

22033. It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of this article requiring work to be done by **contract** after competitive bidding.

22034. Each public agency that elects to become subject to the uniform construction accounting procedures set forth in Article 2 (commencing with Section 22010) shall enact an informal bidding ordinance to govern the selection of contractors to perform public projects pursuant to subdivision (b) of Section 22032. The ordinance shall include all of the following:

(a) The public agency shall maintain a list of qualified contractors, identified according to categories of work. Minimum criteria for development and maintenance of the contractors list shall be determined by the commission.

(b) All contractors on the list for the category of work being bid or all construction trade journals specified in Section 22036, or both all contractors on the list for the category of work being bid and all construction trade journals specified in Section 22036, shall be mailed a notice inviting informal bids unless the product or service is proprietary.

(c) All mailing of notices to contractors and construction trade journals pursuant to subdivision (b) shall be completed not less than 10 calendar days before bids are due.

(d) The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids.

(e) The governing body of the public agency may delegate the authority to award informal contracts to the public works director, general manager, purchasing agent, or other appropriate person.

(f) If all bids received are in excess of one hundred twenty-five thousand dollars (\$125,000), the governing body of the public agency may, by adoption of a resolution by a four-fifths vote, award the **contract**, at one hundred thirty-seven thousand five hundred dollars (\$137,500) or less, to the lowest responsible bidder, if it

determines the cost estimate of the public agency was reasonable.

22035. (a) In cases of emergency when repair or replacements are necessary, the governing body may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the governing body, by contractor, or by a combination of the two.

(b) In case of an emergency, if notice for bids to let contracts will not be given, the public agency shall comply with Chapter 2.5 (commencing with Section 22050).

22035.5. In counties that are under court order to relieve justice facility overcrowding, the procedures and restrictions specified in Section 20134 shall apply to all contracts issued under this chapter.

22036. The commission shall determine, on a county-by-county basis, the appropriate construction trade journals which shall receive mailed notice of all informal and formal construction contracts being bid for work within the specified county.

22037. Notice inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly describe the project. The notice shall be published at least 14 calendar days before the date of opening the bids in a newspaper of general circulation, printed and published in the jurisdiction of the public agency; or, if there is no newspaper printed and published within the jurisdiction of the public agency, in a newspaper of general

circulation which is circulated within the jurisdiction of the public agency, or, if there is no newspaper which is circulated within the jurisdiction of the public agency, publication shall be by posting the notice in at least three places within the jurisdiction of the public agency as have been designated by ordinance or regulation of the public agency as places for the posting of its notices. The notice inviting formal bids shall also be sent electronically, if available, by either facsimile or electronic mail and mailed to all construction trade journals specified in Section 22036. The notice shall be sent at least 15 calendar days before the date of opening the bids. In addition to notice required by this section, the public agency may give such other notice as it deems proper.

22038. (a) In its discretion, the public agency may reject any bids presented, if the agency, prior to rejecting all bids and declaring that the project can be more economically performed by employees of the agency, furnishes a written notice to an apparent low bidder. The notice shall inform the bidder of the agency's intention to reject the bid and shall be mailed at least two business days prior to the hearing at which the agency intends to reject the bid. If after the first invitation of bids all bids are rejected, after reevaluating its cost estimates of the project, the public agency shall have the option of either of the following:

(1) Abandoning the project or re-advertising for bids in the manner described by this article.

(2) By passage of a resolution by a four-fifths vote of its governing body declaring that the project can be performed more economically by the employees of the public agency, may have the project done by force account without further complying with this article.

(b) If a contract is awarded, it shall be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the public agency may accept the one it chooses.

(c) If no bids are received through the formal or informal procedure, the project may be performed by the employees of the

public agency by force account, or negotiated **contract** without further complying with this article.

22039. The governing body of the public agency shall adopt plans, specifications, and working details for all public projects exceeding the amount specified in subdivision (c) of Section 22032.

22040. Any person may examine the plans, specifications, or working details, or all of these, adopted by the public agency for any project.

22041. This article does not apply to the construction of any public building used for facilities of juvenile forestry camps or juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions **Code**, if a major portion of the construction work is to be performed by wards of the juvenile court assigned to those camps, ranches, or homes.

22042. The commission shall review the accounting procedures of any participating public agency where an interested party presents evidence that the work undertaken by the public agency falls within any of the following categories:

(a) Is to be performed by a public agency after rejection of all bids, claiming work can be done less expensively by the public agency.

(b) Exceeded the force account limits.

(c) Has been improperly classified as maintenance.

22043. (a) In those circumstances set forth in subdivision (a) of Section 22042, a request for commission review shall be in writing, sent by certified or registered mail received by the commission postmarked not later than eight business days from the date the public agency has rejected all bids.

(b) In those circumstances set forth in subdivision (b) or (c) of Section 22042, a request for commission review shall be by letter received by the commission not later than eight days from the date an interested party formally complains to the public agency.

(c) The commission review shall commence immediately and conclude within the following number of days from the receipt of the request for commission review:

(1) Forty-five days for a review that falls within subdivision (a) of Section 22042.

(2) Ninety days for a review that falls within subdivision (b) or (c) of Section 22042.

(d) During the review of a project that falls within subdivision (a) of Section 22042, the agency shall not proceed on the project until a final decision is received by the commission.

22044. The commission shall prepare written findings. Should the commission find that the provisions of this chapter or of the uniform cost accounting procedures provided for in this chapter were not complied with by the public agency, the following steps shall be implemented by that agency:

(a) On those projects set forth in subdivision (a) of Section 22042, the public agency has the option of either (1) abandoning the project, or (2) awarding the project to the lowest responsible bidder.

(b) On those projects set forth in subdivision (b) or (c) of Section 22042, the public agency shall present the commission's findings to its governing body and that governing body shall conduct a public hearing with regard to the commission's findings within 30 days of receipt of the findings.

22044.5. If the commission makes a finding, in accordance with Section 22043, on three separate occasions within a 10-year period, that the work undertaken by a public agency falls within any of the categories described in Section 22042, the commission shall notify the public agency of that finding in writing by certified mail and the public agency shall not use the bidding procedures provided by this article for five years from the date of the commission's findings.

22045. (a) No later than January 1, 1985, the commission shall recommend, for adoption by the Controller, written procedures implementing the accounting procedures review provided for in this article.

(b) The Controller shall, upon receipt of the commission's recommendation, review and evaluate the recommended procedures and either formally adopt or reject the recommended procedures within 90 days of submission of the commission.



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: February 15, 2011
THROUGH: John W. Donlevy, Jr., City Manager. *JD*
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Resolution 2011-05 for Claim of Transportation Development Act Funding

RECOMMENDATION:

Approve Resolution 2011-05, A Resolution of the City Council of the City of Winters for the Claim of Transportation Development Act Funding from the Sacramento Area Council of Governments (SACOG).

BACKGROUND:

The City of Winters receives funding from SACOG for transportation needs each year. A portion of the Local Transportation Funds (LTF) received is used to fund the bus service for the citizens of the City of Winters. LTF funds not used for the bus service may be used for certain street and road expenditures. The total LTF allocation for 2010-2011 is \$226,060, of which \$90,115 will be expended for the Yolo Bus Service, \$6,782 will be expended for SACOG planning expenses and the balance of \$135,945 available to be used for street and road work.

In addition to the LTF funding, SACOG administers the State Transportation Assistance (STA) funding available to the City of Winters. The City has total STA funding of \$36,831 available for 2010-2011 and is requesting those funds to help with transportation planning activities.

The total claim for 2010-2011 including LTF and STA is \$262,891.

FISCAL IMPACT:

Continued funding of the Yolo Bus Service, transportation planning and street expenditures.

RESOLUTION 2011-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WINTERS FOR THE CLAIM OF TRANSPORTATION
DEVELOPMENT ACT FUNDING FROM THE SACRAMENTO
AREA COUNCIL OF GOVERNMENTS**

WHEREAS, Section 99260 of the Public Utilities Code requires a local agency to file an estimated claim of transportation needs for each fiscal year; and

WHEREAS, the Sacramento Area Council of Governments (SACOG) is designated as the Transportation Planning Agency for the City of Winters to receive such claims for approval pursuant to Rules and Regulations adopted by the Secretary of the Business Transportation Agency; and

WHEREAS, SACOG has adopted finding of apportionment of Local Transportation Funds and State Assistance Funds for Fiscal Year 2010-2011; and

WHEREAS, surplus funds may be used for certain street and road expenditures

NOW, THEREFORE BE IT RESOLVED that the attached Fiscal Year 2010-2011 Annual Project and Expenditure Plan and the Fiscal Year 2010-2011 Transportation Development Act Claim be hereby approved and that the City Manager and/or his designee be authorized to execute the attached claims and forward to SACOG.

PASSED AND ADOPTED by the City Council, City of Winters, the 15th day of February, 2011.

AYES:

NOES:

ABSTAIN:

ABSENT:

Woody Fridae, Mayor

ATTEST:

Nanci G. Mills, CITY CLERK

**TRANSPORTATION DEVELOPMENT ACT
CLAIM CHECKLIST**

Please check the following items as either included with the attached TDA claim package or on file at SACOG.

Item	Claimant	Attached	On File
TDA-1 Annual Transportation Development Claim	All Claimants		N/A
TDA-2 Project and Expenditure Plan (for the fiscal year of this claim and prior fiscal year)	All Claimants		N/A
TDA-3 Status of Previously Approved Projects	All Claimants		N/A
TDA-4 Statement of Conformance	All Claimants		N/A
TDA-5 TDA Claim Certification	All Claimants		N/A
Resolution by governing body that authorized the claim	All Claimants		N/A
CHP Safety Compliance Report (completed within the last 13 months)	Claimants for transit service		
Statement of projected or estimated revenues and expenditures for the prior fiscal year	Claimants for transit service		
Adopted or proposed budget for the fiscal year of the claim and the prior fiscal year	Claimants for transit service		
Signed copy of transit service contract	Claimants for transit service		
Areawide transfer agreement and resolution	Claimants for transit service		
Information establishing eligibility under efficiency criteria	Claimants for transit service		
Certification that claim is consistent with Capital Improvement Program	Claimants for transit service		
Compliance with PUC Sections 99155 and 99155.5	Claimants for transit service		
STA Operator Qualifying Criteria calculation based on Section 99314.6	Claimants for transit service		

TDA-1
TRANSPORTATION DEVELOPMENT ACT CLAIM

TO: Sacramento Area Council of Governments
 1415 L Street, Suite 300
 Sacramento, CA 95814

FROM:

Claimant	City of Winters
Address	318 First St
City	Winters, CA Zip Code 95694
Contact Person	Shelly A. Gunby, Director of Financial Management
Telephone	530-795-4910 ext 104
E-Mail	shelly.gunby@cityofwinters.org
Facsimile	530-795-4935

The above claimant hereby requests, in accordance with authority granted under the Transportation Development Act and applicable rules and regulations adopted by the Sacramento Area Council of Governments (SACOG), that its request for funding be approved as follows:

LTF:	
\$226,060	FY 2010-2011
	FY
	FY
	FY
	FY

STA:	
\$36,831	FY 2010-2011
	FY
	FY
	FY
	FY

Submitted by: **Shelly A. Gunby**

Title: **Director of Financial Management**

Date: **2/15/11**

TDA-2

ANNUAL PROJECTION AND EXPENDITURE PLAN

Claimant: City of Winters										Fiscal Year: 2010-2011	
Project Title and TDA Article Number	TDA LTF	TDA STA	Transit Fares	Measure A	Road Fund	Developer Fees/ Const. Tax	Federal/ State	Other	Total	Sources of Funding	
Winters Bus Service	\$90,115								\$90,115		
Article 4 Section 99260(a)											
Streets and Roads	\$135,945								\$135,945		
Article 8 Section 99400(a)											
Transportation Planning		\$36,831							\$36,831		
Article 4, Subchapter 2.5 Section 6731(d)											
SACOG Planning	\$ 6,782								\$ 6,782		
TOTAL REQUEST	\$226,060	\$36,831	\$	\$	\$	\$	\$	\$	\$282,891	\$	\$

TDA-3
STATUS OF PREVIOUSLY APPROVED PROJECTS

Instructions — Describe the status of all prior fiscal year TDA claim projects and any projects from previous years that are still active, as follows:

- Include both operating and capital budgets
- Approved amounts should be specified in TDA claims approved by SACOG
- Expenditures should be to date
- Project status should be either “Complete” or “Active”

Fiscal Year	Project Title	Amount Approved		Expenditures		Project Status
09-10	Bus Service	\$120,709		\$ 93,863		Active
06-07	Streets	\$242,957		\$242,957		Complete
07-08	Streets	\$105,374		\$105,374		Complete
08-09	Streets	\$128,517		\$ 38,282		Active
09-10	Streets	\$168,057				Active
TOTAL		\$756,614	\$	\$485,476	\$	

TDA-4
STATEMENT OF CONFORMANCE

Form TDA-4 must be completed and signed by the Administrative Office of the submitting claimant.

The City of Winters
hereby certifies that the Transportation Development Act claim for fiscal years 2010-2011
in the amount of \$ 226,060 (LTF) and \$ 36,831 (STA)
for a total of \$ 262,891 conforms with the requirements of the
Transportation Development Act and applicable rules and regulations (see Attachment A for listing of
conformance requirements).

Certified by Chief Financial Officer _____

Title Director of Financial Management

Date 2/15/11

TDA-5
TDA CLAIM CERTIFICATION FORM

I, Shelly A. Gunby Chief Financial Officer for the City of Winters

do hereby attest, as required under the California Code of Regulations, Title 21, Division 3, Chapter 2, Section 6632, to the reasonableness and accuracy of the following:

- (a) The attached budget or proposed budget for FY 2010-2011
- (b) The attached certification by the Department of the California Highway Patrol verifying that Not applicable is in compliance with Section 1808.1 of the Vehicle Code, as required in Public Utilities Code Section 99251.
- (c) The estimated amount of 2010-2011 maximum eligibility for moneys from the Local Transportation Fund and State Assistance Fund, as defined in Section 6634 is \$ 262,891.

Signature of Chief Financial Officer _____

Agency Name City of Winters

Date 2/15/11



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: February 15, 2011
THROUGH: John W. Donlevy, Jr., City Manager *JD*
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Status of Utility User Tax

RECOMMENDATION:

Staff recommends that the City Council receive this report regarding the status of the change in rate from 4.25% to 9.5% for the Utility User Tax.

BACKGROUND:

In June 2010, the Citizens of the City of Winters voted to increase the rate for the Utility User Tax (UUT) from 4.25% to 9.5%.

All vendors with the exception of PG& E had implemented the increased UUT rate as of September 1, 2010. Staff has been working with PG&E in an effort to resolve the issue of the delay in implementation of the increased rate by PG&E. On February 8, 2011, staff received the attached letter from PG&E in an effort to resolve the issue of the delayed implementation in the UUT rate change. PG&E has agreed to pay the City of Winters, on behalf of customers, the amount that represents the “shortfall” in tax revenue during the period of September 1, 2010 and January 31, 2011.

Staff estimates that this amount will be approximately \$108,000.00. PG&E proposes to remit this “shortfall” no later than April 15, 2011. Staff believes this is an acceptable remedy to the issue and will notify PG&E of such.

FISCAL IMPACT:

Resolution of this issue will provide the proper amount of funding from Measure W to be received by the City of Winters for funding services for our citizens.



77 Beale Street
San Francisco, CA 94105

February 7, 2011

Shelly Gunby
City of Winters, Finance Department
318 First Street
Winters, CA 95694

RE: Utility Users' Tax change request

Dear Ms Gunby:

I am writing to respond to the City's inquiry about the collection and remittance of Utility Users' Tax (UUT) at the increased 9.5% rate that was established in the ballot measure passed last June. Specifically, the City has raised concerns that Pacific Gas and Electric Company (PG&E) should have collected UUT at the increased rate by at least September 1, 2010. After considering the surrounding circumstances, PG&E would like to offer a proposal that I anticipate will allow us to informally resolve this matter.

As you will recall from my prior letter dated November 30, 2010, PG&E did not have any record of receiving the City's notice of the UUT rate change until it received the City's invoices on November 11, 2010. We treated the City's invoice as written notice of the increased UUT rate, and proceeded to make arrangements to implement this change in PG&E's billing system as of February 1, 2011. This letter confirms the increase in the City's UUT rate of 9.5% was implemented in PG&E's billing system as of February 1, 2011.

You provided us with information from the City Attorney that indicated the City provided written notice of the increase in the UUT rate in June. The notice was directed to a PG&E post office box in Sacramento. Although we have no record of receiving this notice, PG&E is prepared to accept the City's representation that the notice was sent to PG&E in June. This notice would have required that PG&E begin collection of the increased UUT rate effective September 1, 2010. In an effort to informally resolve this matter, PG&E will agree to pay the City, on behalf of customers, the amount that represents the "shortfall" in tax revenue during the period between September 1, 2010 and January 31, 2011. This shortfall amount represents the UUT rate increase of 4.75% (rate increase of 9.75% less the amount collected and remitted to the City at 4.75%) during this 5 month period. Once PG&E finalizes the January payment owed to the City of Winters on February 28th, PG&E will calculate the payment. Alisa Okelo-Odongo, PG&E's Governmental Relations Manager, will deliver the check to you no later than April 15th.

We make this proposal in the spirit of compromise and in good faith effort to fully resolve this matter with the City. This proposal is made even though PG&E does not believe it is at fault for the events that lead to the failure to collect the increased UUT in the earlier periods. Therefore, this proposal should be considered to be made without any admission of fault or liability on the part of PG&E.

In an effort to avoid any future miscommunication relating to any changes in the City's UUT ordinance, we request that the City direct all notices to the following address:

Attn: Utility Users' Tax Desk
77 Beale Street
San Francisco, CA 94105, B14L

Feel free to contact me at 415-973-1089 or Jaime McBroom at 415-973-0159 should you have any questions. Thank you for your assistance in the matter.

Sincerely,

Cecilia Guiman
Pacific Gas and Electric Company



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: February 15, 2011
FROM: John W. Donlevy, Jr., City Manager: 
SUBJECT: Economic Development Advisory Committee- Appointees and Schedule

RECOMMENDATION:

That the City Council:

1. Approve the members of the Economic Development Advisory Committee; and
2. Review the Syllabus of Topics and Meeting Schedule for the Committee

BACKGROUND:

At the February 1, 2011, Staff provided an update on the Economic Development Advisory Committee and the projected work program.

Currently, there are 7 members on the Committee. Past Mayor Dan Martinez who was previously appointed by Mayor Pro-tem Cecilia Aguiar-Curry has recused himself. This leaves one appointment still open. The current appointees are included on Exhibit A for your approval.

The Committee held its first organizational meeting on February 7 and has developed a Meeting Schedule which is included at Exhibit B. Under this schedule, the Planning/Design elements will be held firm on the dates indicated. The Economic Development topics may be moved pending the schedule of speakers and dates.

FISCAL IMPACT:

None by this action.

**Economic Development Advisory Committee
Contact Information**

Last Name	First Name	Address	City	State	Zip Code	Email
Baker	Lisa	508 Dorset Court	Winters	CA	95694	Lisa.baker508@gmail.com
Biasi	William	400 Edwards Street	Winters	CA	95694	wwbiasi@ucdavis.edu
Castro	Joseph	104 Third Street	Winters	CA	95694	jgc6@pge.com
Cowan	Wade	106 Third Street	Winters	CA	95694	wkmkcowan@sbcglobal.net
DeAngelo	Debra	220 White Oak Lane	Winters	CA	95694	debra@wintersexpress.com
Hailey	Bill	P. O. Box 648	Winters	CA	95694	shifra@gmgranchn.net
Vickrey	Sandra	37 Main Street	Winters	CA	95694	swickrey711@yahoo.com

Economic Development Advisory Committee Syllabus of Topics Meeting Schedule

<i>Meeting #</i>	<i>Date</i>	<i>Economic Development</i>	<i>Planning/Design</i>
1	Monday Feb. 7 th 6:30 p.m.- 8:30 p.m. Chambers	<ol style="list-style-type: none"> 1. Organization Meeting 2. City of Winters Economic Development Strategy- Information Item 	<ol style="list-style-type: none"> 1. Planning Issues- PC/BP and Zoning 2. Design Guidelines for I505 and Grant Ave. Corridor 3. Complete Streets Corridor Concept
2A	Thursday Feb. 17 th 6:30 p.m.- 8:30 p.m. Chambers	City of Winters Economic Primer	Design Primer- How the design of development and building is accomplished in planning
2B	Facilitated General Community Workshop #1 on Economic Development and Design Concepts <i>Tentative Date and Location: March 7th, 6:30 p.m. – 8:30 p.m. Winters Community Center</i>		
3	Monday Feb. 28 th 6:30p.m.- 8:30p.m. Chambers	Designing a Sustainable and Innovative Winters Economy- Community Workshop	No planning issues covered
4	Thursday, Mar. 17 th 6:30p.m.- 8:30p.m. Chambers	Municipal Economic Development Primer- What cities do to attract business and industry. Presentation and discussion with economic development professionals on how others improve their economy.	Section I –Connectivity (Street, Bike and Pedestrian Circulation On-Site/Offsite) <ul style="list-style-type: none"> - Vehicular Circulation/Parking - Passenger Drop-Off Areas - Service/Delivery, Emergency and Utility Access - Bicycle Circulation/Parking - Pedestrian Circulation

5	Tuesday, Mar. 29 th 6:30p.m.- 8:30p.m. Chambers	<u>The Regional Economy</u> - Yolo, Solano and Sacramento. Discussion with representatives of the regional economic development organizations on the main drivers of the area economy.	Section II – Site Planning Guidelines <ul style="list-style-type: none"> - Community Spaces and Special Features - Outdoor Storage and Service Areas - Building Siting and Orientation - Drainage and Water Quality (Low Impact Design) - Compatibility/Coordination with Surrounding Properties
6	Thursday, Apr. 14 th 6:30p.m.- 8:30p.m. Chambers	<u>Green Economic Development</u> - SARTA and Valley Vision Presentations. What the “green” jobs economy really means and the overall potential for bringing these types of jobs and industries to Winters.	Section III – Architectural Design <ul style="list-style-type: none"> - Form/Scale - Elevations, Entries, and Roof Forms - Materials - Colors - Energy Conservation - Winters Identifiers
7	Monday, Apr. 25 th 6:30p.m.- 8:30p.m. Chambers	Collaboration opportunities with UC Davis. What opportunities exist for us and what can we expect to gain from working with the university.	Section IV – Landscape Design <ul style="list-style-type: none"> - Parking Lot Landscape - Building Site Landscape - Fencing and Screen Walls
8	Tuesday, May 10 th 6:30p.m.- 8:30p.m. Chambers	Winters Economic Strategy Recommendations. Development of recommendations on improving the Winters economy.	Section V – Signage
9	Thursday May 12 th 6:30p.m.- 8:30p.m. Chambers	Same	Section VI – Lighting <ul style="list-style-type: none"> - Parking Area Lighting - Accent and Security Lighting
<p><i>Facilitated Workshop #2- Reporting of Drafted Recommendations by EDC May 31, 2011 – 6:30 p.m.-8:30 p.m.; Location to be determined</i></p>			

10	Monday, Jun. 6 th 6:30p.m.– 8:30p.m. Chambers	Recommendations Refinement Meeting	
11	Monday, Jun. 27 th 6:30p.m.– 8:30p.m. Chambers	Final Recommendations	Design Guidelines Booklet Completed



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: February 15, 2011
THROUGH: John W. Donlevy, Jr., City Manager *John*
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Resolution 2011-08, A Resolution Adopting the Repayment Schedule for the Loan Made by the City of Winters to the Winters Community Development Agency for payment of the 2009-2010 SERAF (Supplemental Education Revenue Augmentation Fund).

RECOMMENDATION:

Staff recommends that the City Council of the City of Winters adopt Resolution 2011-08, A Resolution Adopting the Repayment Schedule for the Loan made by the City of Winters to the Winters Community Development Agency for the payment of the 2009-2010 SERAF (Supplemental Education Revenue Augmentation Fund).

BACKGROUND:

As a part of the State of California's budget solution for 2009-2010, redevelopment agency's across the state were required to provide a payment of tax increment to provide funding for education spending in the state budget. Although a lawsuit was filed, the court found the required payment was lawful, and agency's were required to forward the payment on May 10, 2010. The Winters Community Development Agency was required to forward \$789,448, at that time, the Winters Community Development Agency did not have the funds available, so the City of Winters loaned the funds to the Agency. The loan was approved by Resolution 2010-30, 2010-32 and 2010-33. The Loan and Repayment Agreement has been executed and is on file.

As part of Governor Brown's 2011-2012 budget, he proposes to eliminate all Redevelopment Agencies and appoint successor agencies to administer the payment of debt service for those outstanding contracts of existing agencies. The loan of the funds from the City of Winters to the Community Development Agency is a legally adopted contract between the Community Development Agency and the City and staff is recommending adoption of Resolution 2011-08 to formally place the repayment schedule in the record.

FISCAL IMPACT:

None at this time.

RESOLUTION 2011-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS ADOPTING THE REPAYMENT SCHEDULE FOR THE LOAN FROM THE CITY OF WINTERS TO THE WINTERS COMMUNITY DEVELOPMENT AGENCY FOR THE PAYMENT OF THE 2009-2010 SERAF (SUPPLEMENTAL EDUCATION REVENUE AUGMENTATION FUND.

WHEREAS, On May 18, 2010 Resolutions 2010-32 and 2010-33 Approving and authorizing the execution of a Loan and Repayment Agreement between the City of Winters and the Winters Community Development Agency were adopted; and

WHEREAS, the City of Winters and the Winters Community Development Agency agree that a repayment schedule should be in place; and

WHEREAS, The City of Winters has prepared a repayment schedule, and the Winters Community Development Agency agrees with said schedule;

NOW, THEREFORE BE IT RESOLVED that the attached Repayment Schedule is adopted for the loan made by the City of Winters to the Winters Community Development Agency for the payment of the SERAF payment made May 10, 2010.

PASSED AND ADOPTED by the City Council, City of Winters, the 15th day of February, 2011.

AYES:

NOES:

ABSTAIN:

ABSENT:

Woody Fridae, Mayor

ATTEST:

Nanci G. Mills, CITY CLERK

Loan Amortization Schedule

Enter values:	
Loan amount	\$ 789,448.00
Annual interest rate	0.51 %
Loan period in years	5
Number of payments per year	1
Start date of loan	7/1/2010
Optional extra payments	\$ -

Loan summary	
Scheduled payment	\$ 160,313.50
Scheduled number of payments	5
Actual number of payments	5
Total early payments	\$ -
Total interest	\$ 12,119.52

Lender name: _____

Pmt No.	Payment Date	Beginning Balance	Scheduled Payment	Extra Payment	Total Payment	Principal	Interest	Ending Balance	Cumulative Interest
1	7/1/2011	\$ 789,448.00	\$ 160,313.50	-	\$ 160,313.50	\$ 156,287.32	\$ 4,026.18	\$ 633,160.68	\$ 4,026.18
2	7/1/2012	633,160.68	160,313.50	-	160,313.50	157,084.38	3,229.12	476,076.30	7,255.30
3	7/1/2013	476,076.30	160,313.50	-	160,313.50	157,885.51	2,427.99	318,190.78	9,683.29
4	7/1/2014	318,190.78	160,313.50	-	160,313.50	158,690.73	1,622.77	159,500.05	11,306.07
5	7/1/2015	159,500.05	160,313.50	-	159,500.05	158,686.60	813.45	0.00	12,119.52



CITY OF WINTERS
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: February 15, 2011
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Resolution 2011-09, A Resolution Adopting the Repayment Schedule for the Loan Made by the City of Winters to the Winters Community Development Agency for the Costs of the 1992 General Plan that can be attributed to the Redevelopment Project Area.

RECOMMENDATION:

Staff recommends that City Council adopt Resolution 2011-09, A Resolution Adopting the Repayment Schedule for the Loan made by the City of Winters to the Winters Community Development Agency for the Costs of the 1992 General Plan that can be attributed to the Redevelopment Project Area

BACKGROUND:

Resolution 2002-39 adopted on September 3, 2002 set up the amount of the cost of the 1992 General Plan Update that is attributable to the Winters Community Development Agency's redevelopment project area. At that time the amount due with interest through 2002 was \$1,075,510. Staff has calculated the interest through 9/30/10 and set up a payment plan that begins on 9/30/11.

As part of Governor Brown's 2011-2012 budget, he proposes to eliminate all Redevelopment Agencies and appoint successor agencies to administer the payment of debt service for those outstanding contracts of existing agencies. The loan of the funds from the City of Winters to the Community Development Agency is a legally adopted contract between the Community Development Agency and the City and staff is recommending adoption of Resolution 2011-09 to formally place the repayment schedule in the record.

FISCAL IMPACT:

None at this time.

RESOLUTION 2011-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS ADOPTING THE REPAYMENT SCHEDULE FOR THE LOAN FROM THE CITY OF WINTERS TO THE WINTERS COMMUNITY DEVELOPMENT AGENCY FOR COST OF THE 1992 GENERAL PLAN THAT CAN BE ATTRIBUTED TO THE WINTERS COMMUNITY DEVELOPMENT PROJECT AREA.

WHEREAS, On September 3, 2002 Resolution 2002-39, Making Findings on the costs of the 1992 General Plan that can be attributed to the Redevelopment District and approving a promissory note of the Community Development Agency for the reimbursement of these costs was adopted; and

WHEREAS, the City of Winters and the Winters Community Development Agency agree that a repayment schedule should be in place; and

WHEREAS, The City of Winters has prepared a repayment schedule, and the Winters Community Development Agency agrees with said schedule;

NOW, THEREFORE BE IT RESOLVED that the attached Repayment Schedule is adopted for the loan made by the City of Winters to the Winters Community Development Agency for the payment of the SERAF payment made May 10, 2010.

PASSED AND ADOPTED by the City Council, City of Winters, the 15th day of February, 2011.

AYES:

NOES:

ABSTAIN:

ABSENT:

Woody Fridae, Mayor

ATTEST:

Nanci G. Mills, CITY CLERK

Loan Amortization Schedule

Enter values	
Loan amount	\$1,075,510.00
Annual interest rate	1.44 %
Loan period in years	5
Number of payments per year	1
Start date of loan	9/30/2001
Optional extra payments	\$ -

Lender name:

Loan summary	
Scheduled payment	\$ 224,482.97
Scheduled number of payments	5
Actual number of payments	16
Total early payments	\$ -
Total interest	\$ 72,216.67

Pmt No.	Payment Date	Beginning Balance	Scheduled Payment	Extra Payment	Total Payment	Principal	Interest	Ending Balance	Cumulative Interest
1	9/30/2002	\$ 1,075,510.00	\$ 224,482.97	\$ -	\$ 224,482.97			\$1,090,997.34	\$ -
2	9/30/2003	1,090,997.34	224,482.97	-	224,482.97			1,106,707.70	0.00
3	9/30/2004	1,106,707.70	224,482.97	-	224,482.97			1,122,644.29	0.00
4	9/30/2005	1,122,644.29	224,482.97	-	224,482.97			1,151,945.30	0.00
5	9/30/2006	1,151,945.30	224,482.97	-	224,482.97			1,196,986.36	0.00
6	9/30/2007	1,196,986.36	224,482.97	-	224,482.97			1,258,152.36	0.00
7	9/30/2008	1,258,152.36	224,482.97	-	224,482.97			1,310,617.31	0.00
8	9/30/2009	1,310,617.31	224,482.97	-	224,482.97			1,339,188.76	0.00
9	9/30/2010	1,339,188.76	224,482.97	-	224,482.97			1,346,688.21	0.00
10	9/30/2011	1,346,688.21	224,482.97	-	224,482.97	205,090.66	19,392.31	1,141,597.55	19,392.31
11	9/30/2012	1,141,597.55	224,482.97	-	224,482.97	208,043.96	16,439.00	933,553.59	35,831.31
12	9/30/2013	933,553.59	224,482.97	-	224,482.97	211,039.80	13,443.17	722,513.79	49,274.49
13	9/30/2014	722,513.79	224,482.97	-	224,482.97	214,078.77	10,404.20	508,435.02	59,678.69
14	9/30/2015	508,435.02	224,482.97	-	224,482.97	217,161.51	7,321.46	291,273.51	67,000.15
15	9/30/2016	291,273.51	224,482.97	-	224,482.97	220,288.63	4,194.34	70,984.88	71,194.49
16	9/30/2017	70,984.88	224,482.97	-	70,984.88	69,962.70	1,022.18	0.00	72,216.67



CITY OF WINTERS
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: February 15, 2011
THROUGH: John W. Donlevy, Jr., City Manager *John*
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Resolution 2011-10, A Resolution Adopting the Reimbursement Schedule for the Advance of Funding by the City of Winters to the Winters Community Development Agency for Water Distribution Facility Improvements.

RECOMMENDATION:

Staff recommends that City Council adopt Resolution 2011-10, A Resolution Adopting the Reimbursement Schedule for the Advance of Funding by the City of Winters to the Winters Community Development Agency for Water Distribution Facility Improvements.

BACKGROUND:

On May 16, 1995 the City of Winters and the Winters Redevelopment Agency entered into a contract for payment from Tax Increment for the repayment to the City of Winters for the cost of improvements to the Water Distribution Facility within the Redevelopment Project Area. While some funds currently show as reserved in the Community Development Agency's fund, no money has transferred between the Community Development Agency and the City of Winters for this purpose. Water system improvements in the project area have been undertaken, financed with water revenue bonds. The agreement states that in the event the City secures funding in advance of receipt of this tax increment and constructs the improvements, the Agency may reimburse rather than advance funds for such construction.

As part of Governor Brown's 2011-2012 budget, he proposes to eliminate all Redevelopment Agencies and appoint successor agencies to administer the payment of debt service for those outstanding contracts of existing agencies. The advance of the funds from the City of Winters to the Community Development Agency is a legally adopted contract between the Community Development Agency and the City and staff is recommending adoption of Resolution 2011-10 to formally place the repayment schedule in the record.

FISCAL IMPACT:

None at this time.

RESOLUTION 2011-10

**A RESOLUTION OF CITY COUNCIL OF THE CITY OF WINTERS
ADOPTING THE REIMBURSEMENT SCHEDULE FOR THE
ADVANCE FUNDING BY THE CITY OF WINTERS TO THE
WINTERS COMMUNITY DEVELOPMENT AGENCY FOR WATER
FACILITY IMPROVEMENTS.**

WHEREAS, May 16, 1995 the City of Winters and the Winters Community Development Agency entered into an agreement for the advance and/or reimbursement from The Community Development Agency to the City of Winters for the construction of Water Distribution Facility Improvements ; and

WHEREAS, the City of Winters and the Winters Community Development Agency agree that a reimbursement schedule should be in place; and

WHEREAS, The City of Winters has prepared a reimbursement schedule, and the Winters Community Development Agency agrees with said schedule;

NOW, THEREFORE BE IT RESOLVED that the attached Reimbursement Schedule is adopted for the advance if funds from the City of Winters to the Winters Community Development Agency for construction of Water Facility Improvements within the Community Development Project Area.

PASSED AND ADOPTED by the City Council, City of Winters, the 15th day of February, 2011.

AYES:

NOES:

ABSTAIN:

ABSENT:

Woody Fridae, Mayor

ATTEST:

Nanci G. Mills, City Clerk

Loan Amortization Schedule

Enter values	
Loan amount:	\$ 1,500,000.00
Annual interest rate:	0.00 %
Loan period in years:	5
Number of payments per year:	1
Start date of loan:	9/30/2001
Optional extra payments:	\$ -

Lender name: _____

Loan summary	
Scheduled payment	\$ 300,000.09
Scheduled number of payments	5
Actual number of payments	14
Total early payments	\$ -
Total interest	\$ -

Pmt No.	Payment Date	Beginning Balance	Scheduled Payment	Extra Payment	Total Payment	Principal	Interest	Ending Balance	Cumulative Interest
1	9/30/2002	\$ 1,500,000.00	\$ 300,000.09	\$ -	\$ 300,000.09	\$ -	\$ -	\$ 1,500,000.00	\$ -
2	9/30/2003	1,500,000.00	300,000.09	-	300,000.09	0.00	0.00	1,500,000.00	0.00
3	9/30/2004	1,500,000.00	300,000.09	-	300,000.09	0.00	0.00	1,500,000.00	0.00
4	9/30/2005	1,500,000.00	300,000.09	-	300,000.09	0.00	0.00	1,500,000.00	0.00
5	9/30/2006	1,500,000.00	300,000.09	-	300,000.09	0.00	0.00	1,500,000.00	0.00
6	9/30/2007	1,500,000.00	300,000.09	-	300,000.09	0.00	0.00	1,500,000.00	0.00
7	9/30/2008	1,500,000.00	300,000.09	-	300,000.09	0.00	0.00	1,500,000.00	0.00
8	9/30/2009	1,500,000.00	300,000.09	-	300,000.09	0.00	0.00	1,500,000.00	0.00
9	9/30/2010	1,500,000.00	300,000.09	-	300,000.09	0.00	0.00	1,500,000.00	0.00
10	9/30/2011	1,500,000.00	300,000.09	-	300,000.09	0.00	0.00	1,500,000.00	0.00
11	9/30/2012	1,199,999.91	300,000.09	-	300,000.09	300,000.09	0.00	1,199,999.91	0.00
12	9/30/2013	899,999.82	300,000.09	-	300,000.09	300,000.09	0.00	899,999.82	0.00
13	9/30/2014	599,999.73	300,000.09	-	300,000.09	300,000.09	0.00	599,999.73	0.00
14	9/30/2015	299,999.64	300,000.09	-	299,999.64	299,999.64	0.00	299,999.64	0.00



WINTERS COMMUNITY DEVELOPMENT AGENCY
STAFF REPORT

TO: Honorable Chairman and Board Members
DATE: February 15, 2011
THROUGH: John W. Donlevy, Jr., City Manager *JD*
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Resolution 2011-11, A Resolution Adopting the Repayment Schedule for the Loan Made by the City of Winters to the Winters Community Development Agency for payment of the 2009-2010 SERAF (Supplemental Education Revenue Augmentation Fund).

RECOMMENDATION:

Staff recommends that the Board of the Winters Community Development Agency adopt Resolution 2011-11, A Resolution Adopting the Repayment Schedule for the Loan made by the City of Winters to the Winters Community Development Agency for the payment of the 2009-2010 SERAF (Supplemental Education Revenue Augmentation Fund).

BACKGROUND:

As a part of the State of California's budget solution for 2009-2010, redevelopment agency's across the state were required to provide a payment of tax increment to provide funding for education spending in the state budget. Although a lawsuit was filed, the court found the required payment was lawful, and agency's were required to forward the payment on May 10, 2010. The Winters Community Development Agency was required to forward \$789,448, at that time, the Winters Community Development Agency did not have the funds available, so the City of Winters loaned the funds to the Agency. The loan was approved by Resolution 2010-30, 2010-32 and 2010-33. The Loan and Repayment Agreement has been executed and is on file.

As part of Governor Brown's 2011-2012 budget, he proposes to eliminate all Redevelopment Agencies and appoint successor agencies to administer the payment of debt service for those outstanding contracts of existing agencies. The loan of the funds from the City of Winters to the Community Development Agency is a legally adopted contract between the Community Development Agency and the City and staff is recommending adoption of Resolution 2011-11 to formally place the repayment schedule in the record.

FISCAL IMPACT:

None at this time.

RESOLUTION 2011-11

**A RESOLUTION OF BOARD OF DIRECTIONS FO THE WINTERS
COMMUNITY DEVELOPMENT AGENCY ADOPTING THE
REPAYMENT SCHEDULE FOR THE LOAN FROM THE CITY OF
WINTERS TO THE WINTERS COMMUNITY DEVELOPMENT
AGENCY FOR THE PAYMENT OF THE 2009-2010 SERAF
(SUPPLEMENTAL EDUCATION REVENUE AUGMENTATION
FUND.**

WHEREAS, On May 18, 2010 Resolutions 2010-32 and 2010-33 Approving and authorizing the execution of a Loan and Repayment Agreement between the City of Winters and the Winters Community Development Agency were adopted; and

WHEREAS, the City of Winters and the Winters Community Development Agency agree that a repayment schedule should be in place; and

WHEREAS, The City of Winters has prepared a repayment schedule, and the Winters Community Development Agency agrees with said schedule;

NOW, THEREFORE BE IT RESOLVED that the attached Repayment Schedule is adopted for the loan made by the City of Winters to the Winters Community Development Agency for the payment of the SERAF payment made May 10, 2010.

PASSED AND ADOPTED by the Board of Directors, Winters Community Development Agency, the 15th day of February, 2011.

AYES:

NOES:

ABSTAIN:

ABSENT:

Cecilia Aguiar-Curry, Chair

ATTEST:

Nanci G. Mills, Secretary

Loan Amortization Schedule

Enter values	
Loan amount	\$ 789,448.00
Annual interest rate	0.51 %
Loan period in years	5
Number of payments per year	1
Start date of loan	7/1/2010
Optional extra payments	\$ -

Loan summary	
Scheduled payment	\$ 160,313.50
Scheduled number of payments	5
Actual number of payments	5
Total early payments	\$ -
Total interest	\$ 12,119.52

Lender name:

Pmt No.	Payment Date	Beginning Balance	Scheduled Payment	Extra Payment	Total Payment	Principal	Interest	Ending Balance	Cumulative Interest
1	7/1/2011	\$ 789,448.00	\$ 160,313.50	-	\$ 160,313.50	\$ 156,287.32	\$ 4,026.18	\$ 633,160.68	\$ 4,026.18
2	7/1/2012	633,160.68	160,313.50	-	160,313.50	157,084.38	3,229.12	476,076.30	7,255.30
3	7/1/2013	476,076.30	160,313.50	-	160,313.50	157,885.51	2,427.99	318,190.78	9,683.29
4	7/1/2014	318,190.78	160,313.50	-	160,313.50	158,690.73	1,622.77	159,500.05	11,306.07
5	7/1/2015	159,500.05	160,313.50	-	159,500.05	158,686.60	813.45	0.00	12,119.52



COMMUNITY DEVELOPMENT AGENCY
STAFF REPORT

TO: Honorable Chairman and Board Members
DATE: February 15, 2011
THROUGH: John W. Donlevy, Jr., City Manager *JD*
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Resolution 2011-12, A Resolution Adopting the Repayment Schedule for the Loan Made by the City of Winters to the Winters Community Development Agency for the Costs of the 1992 General Plan that can be attributed to the Redevelopment Project Area.

RECOMMENDATION:

Staff recommends that the Board of the Winters Community Development Agency adopt Resolution 2011-12, A Resolution Adopting the Repayment Schedule for the Loan made by the City of Winters to the Winters Community Development Agency for the Costs of the 1992 General Plan that can be attributed to the Redevelopment Project Area

BACKGROUND:

Resolution 2002-39 adopted on September 3, 2002 set up the amount of the cost of the 1992 General Plan Update that is attributable to the Winters Community Development Agency's redevelopment project area. At that time the amount due with interest through 2002 was \$1,075,510. . Staff has calculated the interest through 9/30/10 and set up a payment plan that begins on 9/30/11.

As part of Governor Brown's 2011-2012 budget, he proposes to eliminate all Redevelopment Agencies and appoint successor agencies to administer the payment of debt service for those outstanding contracts of existing agencies. The loan of the funds from the City of Winters to the Community Development Agency is a legally adopted contract between the Community Development Agency and the City and staff is recommending adoption of Resolution 2011-12 to formally place the repayment schedule in the record.

FISCAL IMPACT:

None at this time.

RESOLUTION 2011-12

**A RESOLUTION OF BOARD OF DIRECTIONS FO THE WINTERS
COMMUNITY DEVELOPMENT AGENCY ADOPTING THE
REPAYMENT SCHEDULE FOR THE LOAN FROM THE CITY OF
WINTERS TO THE WINTERS COMMUNITY DEVELOPMENT
AGENCY FOR THE COST OF THE 1992 GENERAL PLAN THAT
CAN BE ATTRIBUTED TO THE WINTERS COMMUNITY
DEVELOPMENT PROJECT AREA.**

WHEREAS, On September 3, 2002 Resolution 2002-39, Making Findings on the costs of the 1992 General Plan that can be attributed to the Redevelopment district and approving a promissory note of the Community Development Agency for the reimbursement of these costs was adopted; and

WHEREAS, the City of Winters and the Winters Community Development Agency agree that a repayment schedule should be in place; and

WHEREAS, The City of Winters has prepared a repayment schedule, and the Winters Community Development Agency agrees with said schedule;

NOW, THEREFORE BE IT RESOLVED that the attached Repayment Schedule is adopted for the loan made by the City of Winters to the Winters Community Development Agency for the payment the costs of the 1992 General Plan that can be attributed to the Redevelopment Project Area.

PASSED AND ADOPTED by the Board of Directors, Winters Community Development Agency, the 15th day of February, 2011.

AYES:

NOES:

ABSTAIN:

ABSENT:

Cecilia Aguiar-Curry, Chair

ATTEST:

Nanci G. Mills, Secretary

Loan Amortization Schedule

Enter values	
Loan amount:	\$ 1,075,510.00
Annual interest rate:	1.44 %
Loan period in years:	5
Number of payments per year:	1
Start date of loan:	9/30/2001
Optional extra payments:	\$ -

Loan summary	
Scheduled payment:	\$ 224,482.97
Scheduled number of payments:	5
Actual number of payments:	16
Total early payments:	\$ -
Total interest:	\$ 72,216.67

Lender name: _____

Pmt No.	Payment Date	Beginning Balance	Scheduled Payment	Extra Payment	Total Payment	Principal	Interest	Ending Balance	Cumulative Interest
1	9/30/2002	\$ 1,075,510.00	\$ 224,482.97	\$ -	\$ 224,482.97			\$ 1,090,997.34	\$ -
2	9/30/2003	1,090,997.34	224,482.97	-	224,482.97			1,106,707.70	0.00
3	9/30/2004	1,106,707.70	224,482.97	-	224,482.97			1,122,644.29	0.00
4	9/30/2005	1,122,644.29	224,482.97	-	224,482.97			1,151,945.30	0.00
5	9/30/2006	1,151,945.30	224,482.97	-	224,482.97			1,196,986.36	0.00
6	9/30/2007	1,196,986.36	224,482.97	-	224,482.97			1,258,152.36	0.00
7	9/30/2008	1,258,152.36	224,482.97	-	224,482.97			1,310,617.31	0.00
8	9/30/2009	1,310,617.31	224,482.97	-	224,482.97			1,339,188.76	0.00
9	9/30/2010	1,339,188.76	224,482.97	-	224,482.97			1,346,688.21	0.00
10	9/30/2011	1,346,688.21	224,482.97	-	224,482.97	205,090.66	19,392.31	1,141,597.55	19,392.31
11	9/30/2012	1,141,597.55	224,482.97	-	224,482.97	208,043.96	16,439.00	933,553.59	35,831.31
12	9/30/2013	933,553.59	224,482.97	-	224,482.97	211,039.80	13,443.17	722,513.79	49,274.49
13	9/30/2014	722,513.79	224,482.97	-	224,482.97	214,078.77	10,404.20	508,435.02	59,678.69
14	9/30/2015	508,435.02	224,482.97	-	224,482.97	217,161.51	7,321.46	291,273.51	67,000.15
15	9/30/2016	291,273.51	224,482.97	-	224,482.97	220,288.63	4,194.34	70,984.88	71,194.49
16	9/30/2017	70,984.88	224,482.97	-	70,984.88	69,962.70	1,022.18	0.00	72,216.67



COMMUNITY DEVELOPMENT AGENCY
STAFF REPORT

TO: Honorable Chairman and Board Members
DATE: February 15, 2011
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Resolution 2011-13, A Resolution Adopting the Reimbursement Schedule for the Advance of Funding by the City of Winters to the Winters Community Development Agency for Water Distribution Facility Improvements.

RECOMMENDATION:

Staff recommends that the Board of the Winters Community Development Agency adopt Resolution 2011-13, A Resolution Adopting the Reimbursement Schedule for the Advance of Funding by the City of Winters to the Winters Community Development Agency for Water Distribution Facility Improvements.

BACKGROUND:

On May 16, 1995 the City of Winters and the Winters Redevelopment Agency entered into a contract for payment from Tax Increment for the repayment to the City of Winters for the cost of improvements to the Water Distribution Facility within the Redevelopment Project Area. While some funds currently show as reserved in the Community Development Agency's fund, no money has transferred between the Community Development Agency and the City of Winters for this purpose. Water system improvements in the project area have been undertaken, financed with water revenue bonds. The agreement states that in the event the City secures funding in advance of receipt of this tax increment and constructs the improvements, the Agency may reimburse rather than advance funds for such construction.

As part of Governor Brown's 2011-2012 budget, he proposes to eliminate all Redevelopment Agencies and appoint successor agencies to administer the payment of debt service for those outstanding contracts of existing agencies. The advance of the funds from the City of Winters to the Community Development Agency is a legally adopted contract between the Community Development Agency and the City and staff is recommending adoption of Resolution 2011-13 to formally place the repayment schedule in the record.

FISCAL IMPACT:

None at this time.

RESOLUTION 2011-13

**A RESOLUTION OF BOARD OF DIRECTIONS OF THE WINTERS
COMMUNITY DEVELOPMENT AGENCY ADOPTING THE
REIMBURSEMENT SCHEDULE FOR THE ADVANCE FUNDING BY
THE CITY OF WINTERS TO THE WINTERS COMMUNITY
DEVELOPMENT AGENCY FOR WATER FACILITY
IMPROVEMENTS.**

WHEREAS, May 16, 1995 the City of Winters and the Winters Community Development Agency entered into an agreement for the advance and/or reimbursement from The Community Development Agency to the City of Winters for the construction of Water Distribution Facility Improvements ; and

WHEREAS, the City of Winters and the Winters Community Development Agency agree that a reimbursement schedule should be in place; and

WHEREAS, The City of Winters has prepared a reimbursement schedule, and the Winters Community Development Agency agrees with said schedule;

NOW, THEREFORE BE IT RESOLVED that the attached Reimbursement Schedule is adopted for the advance if funds from the City of Winters to the Winters Community Development Agency for construction of Water Facility Improvements within the Community Development Project Area.

PASSED AND ADOPTED by the Board of Directors, Winters Community Development Agency, the 15th day of February, 2011.

AYES:

NOES:

ABSTAIN:

ABSENT:

Cecilia Aguiar-Curry, Chair

ATTEST:

Nanci G. Mills, Secretary

Loan Amortization Schedule

Enter values	
Loan amount	\$ 1,500,000.00
Annual interest rate	0.00 %
Loan period in years	5
Number of payments per year	1
Start date of loan	9/30/2001
Optional extra payments	\$ -

Lender name: _____

Loan summary	
Scheduled payment	\$ 300,000.09
Scheduled number of payments	5
Actual number of payments	14
Total early payments	\$ -
Total interest	\$ -

Pmt No.	Payment Date	Beginning Balance	Scheduled Payment	Extra Payment	Total Payment	Principal	Interest	Ending Balance	Cumulative Interest
1	9/30/2002	\$ 1,500,000.00	\$ 300,000.09	\$ -	\$ 300,000.09	\$ -	\$ -	\$ 1,500,000.00	\$ -
2	9/30/2003	1,500,000.00	300,000.09	-	300,000.09	0.00	0.00	1,500,000.00	0.00
3	9/30/2004	1,500,000.00	300,000.09	-	300,000.09	0.00	0.00	1,500,000.00	0.00
4	9/30/2005	1,500,000.00	300,000.09	-	300,000.09	0.00	0.00	1,500,000.00	0.00
5	9/30/2006	1,500,000.00	300,000.09	-	300,000.09	0.00	0.00	1,500,000.00	0.00
6	9/30/2007	1,500,000.00	300,000.09	-	300,000.09	0.00	0.00	1,500,000.00	0.00
7	9/30/2008	1,500,000.00	300,000.09	-	300,000.09	0.00	0.00	1,500,000.00	0.00
8	9/30/2009	1,500,000.00	300,000.09	-	300,000.09	0.00	0.00	1,500,000.00	0.00
9	9/30/2010	1,500,000.00	300,000.09	-	300,000.09	0.00	0.00	1,500,000.00	0.00
10	9/30/2011	1,500,000.00	300,000.09	-	300,000.09	0.00	0.00	1,500,000.00	0.00
11	9/30/2012	1,199,999.91	300,000.09	-	300,000.09	300,000.09	0.00	1,199,999.91	0.00
12	9/30/2013	899,999.82	300,000.09	-	300,000.09	300,000.09	0.00	899,999.82	0.00
13	9/30/2014	599,999.73	300,000.09	-	300,000.09	300,000.09	0.00	599,999.73	0.00
14	9/30/2015	299,999.64	300,000.09	-	299,999.64	299,999.64	0.00	299,999.64	0.00



**Winters Community Development Agency
STAFF REPORT**

TO: Honorable Chairman and Board Members
DATE: February 15, 2011
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Resolution 2011-06, Authorizing the City Manager to sign an Agreement with Richards, Watson and Gershon to provide Special Counsel Legal Services to the Winters Community Development Agency.

RECOMMENDATION:

Approve Resolution 2011-06, Authorizing the City Manager to sign an Agreement with Richards, Watson and Gershon to provide Special Counsel Legal Services to the Winters Community Development Agency.

BACKGROUND:

The Winters Community Development Agency is, along with all redevelopment agencies in the State of California facing elimination by the State of California. Staff has consulted with various attorneys, and seeks to engage Richards, Watson and Gershon to provide legal counsel in respect the potential elimination of the Winters Community Development Agency, and it particular, to provide counsel on the issue of the housing trust fund and housing bond proceeds of the Agency.

At the time of the issuance of this report, there is no specific language from the California legislature on the elimination of the redevelopment agencies, such as, what happens to the assets of the Agency, (including the bond proceeds). Included in the Governor's proposal, and the LAO (Legislative Analyst Office) the housing trust money (the 20% of tax increment set aside for housing activities) will be transferred to the local public housing authority. Staff would like to explore the option of setting up a public housing authority, but requires advice on the regulations and requirements that a housing authority operates under.

The staff at Richards, Watson and Gershon have provided legal services to the Community Development Agency in the past as the disclosure counsel for the 2007 Tax Allocation Bonds, and also provided services to the City of Winters as the Bond Counsel and Disclosure Counsel for the Water and Sewer Revenue Bonds, therefore, the staff at Richards, Watson and Gershon have a good understanding of the Winters Community Development Agency and the Agency staff.

Charges for the legal services would be based on an hourly rate, \$195.00 for

associates, and \$250.00 per hour for Senior attorneys. As a comparison, the fee charged by Meyers, Nave for attorney fees, is \$225.00 per hour.

FISCAL IMPACT:

Fees would be charged to the Community Development Agency as appropriate.

RESOLUTION 2011-06

**RESOLUTION OF THE WINTERS COMMUNITY DEVELOPMENT
AGENCY APPROVING A CONTRACT WITH RICHARDS
WATSON GERSHON TO PROVIDE SPECIAL LEGAL COUNSEL
TO THE WINTERS COMMUNITY DEVELOPMENT AGENCY**

WHEREAS, the Winters Community Development Agency finds it prudent to seek additional legal counsel regarding the potential abolishment of Redevelopment Agencies throughout the State of California; and

WHEREAS, Richards Watson Gershon, Attorneys at Law have provided legal counsel to the Agency in the past;

NOW, THEREFORE BE IT RESOLVED by Board of the Winters Community Development Agency, the Agency hereby approves the contract with Richards Watson Gershon to provide special legal counsel to the Agency and authorizes the Executive Director to execute the contract with Richards Watson Gershon.

PASSED AND ADOPTED by the Board of the Winters Community Development Agency, the 15th day of February 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Cecilia Aguiar-Curry, Chairman

ATTEST:

Nanci G. Mills, Secretary



CONSULTANT SERVICES AGREEMENT
AGREEMENT No. _____

Comment [ARI]: Click the Protect Form button (padlock icon) on the toolbar to activate Automatic Fill-In. If you do not have the icon, select Tools from the menu bar and then select Protect Document, click on OK

THIS AGREEMENT is made at Winters, California, as of February 15, 2011 by and between the Winters Community Development Agency ("the Agency") and Richards Watson Gershon, Attorney's At Law ("CONSULTANT"), who agree as follows:

1. SERVICES. Subject to the terms and conditions set forth in this Agreement, CONSULTANTS shall provide to the AGENCY the Services described in Exhibit "A", which is the CONSULTANT'S Proposal dated January 31, 2011. Consultant shall provide said services at the time, place, and in the manner specified by the Winters Community Development Agency and Exhibit "A".
2. PAYMENT. The Consultant shall be paid for the actual costs, for all time and materials expended, in accordance with the Fee Schedule included in Exhibit "B", but in no event shall total compensation exceed dollars (\$not applicable) without the AGENCY's prior written approval. Agency shall pay consultant for services rendered pursuant to the Agreement and described in Exhibit "A".
3. FACILITIES AND EQUIPMENT. CONSULTANT shall, at its sole cost and expense, furnish all facilities and equipment which may be required for furnishing services pursuant to this Agreement.
4. GENERAL PROVISIONS. The general provisions set forth in Exhibit "C" are part of this Agreement. In the event of any inconsistency between said general provisions and any other terms or conditions of this Agreement, the other term or condition shall control only insofar as it is inconsistent with general Provisions.
5. EXHIBITS. All exhibits referred to therein are attached hereto and are by this reference incorporated herein.

EXECUTED as of day first above-stated.

Winters Community Development Agency
a municipal corporation

By: _____
John W. Donlevy, Jr., Executive Director

CONSULTANT

By: _____

ATTEST:

By: _____
Nanci G. Mills, Secretary

RICHARDS | WATSON | GERSHON
ATTORNEYS AT LAW – A PROFESSIONAL CORPORATION

355 South Grand Avenue, 40th Floor, Los Angeles, California 90071-3101
Telephone 213.626.8484 Facsimile 213.626.0078

RICHARD RICHARDS
(1916-1988)

GLENN R. WATSON
(1917-2010)

HARRY L. GERSHON
(1922-2007)

STEVEN L. DORSEY
WILLIAM L. STRAUSS
MITCHELL E. ABBOTT
GREGORY W. STEPANICICH
ROCHELLE BROWN
QUINN M. BARROW
CAROL W. LYNCH
GREGORY M. KUNERT
THOMAS M. JIMBO
ROBERT C. CECCON
STEVEN H. KAUFMANN
KEVIN G. ENNIS
ROBIN D. HARRIS
MICHAEL ESTRADA
LAURENCE S. WIENER
STEVEN R. ORR
B. TILDEN KIM
SASKIA T. ASAMURA
KAYSER O. SUME
PETER M. THORSON
JAMES L. MARKMAN
CRAIG A. STEELE
T. PETER PERCE
TERENCE R. BOGA
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WILLIAM P. CURLEY III
MICHAEL F. YOSHIBA
REGINA N. DANNER
PAULA GUTIERREZ BAEZA
BRUCE W. GALLOWAY
DIANA K. CHUANG
PATRICK K. BOBKO
NORMAN A. DUPONT
DAVID M. SNOW
LOLLY A. ENRIQUEZ
KIRSTEN R. BOWMAN
BILLY D. DUNSMORE
AMY GREYSON
DEBORAH R. HAKMAN
D. CRAIG FOX
SUSAN E. RUSNAK
G. INDER KHALSA
GINETTA L. GIOVINCO
TRISHA ORTIZ
CANDICE K. LEE
DAVID G. ALDERSON
MARICELA E. MARROQUIN
CENA M. STINNETT
JENNIFER PETRUSIS
STEVEN L. FLOWER
CHRISTOPHER J. DIAZ
ERIN L. POWERS
TOUSSAINT S. BAILEY
SERITA R. YOUNG
VERONICA S. GUNDERSON
SHIRI KLIMA
DIANA H. VARAT
KATRINA C. GONZALES
CHRISTOPHER L. HENDRICKS
JULIE A. HAMILL
ANDREW BRADY
OF COUNSEL
MARK L. LAMKEN
SAYRE WEAVER
JIM R. KARPIAK
TERESA HO-URANO

88 CALIFORNIA STREET
TELEPHONE 415.421.8484
1700 WASHINGTON STREET
TELEPHONE 714.990.0901

January 31, 2011

VIA ELECTRONIC MAIL & U. S. MAIL

Shelly Gunby
Finance Director
Winters Community Development Agency
318 First Street
Winters, California 95694

Re: Proposal to Provide Redevelopment Agency Special Counsel Services

Dear Ms. Gunby:

Our firm is pleased to provide you with this proposal to provide special counsel legal services to the Winters Community Development Agency.

Richards, Watson & Gershon specializes in all aspects of redevelopment law and public law. Our firm has offices in Los Angeles, San Francisco and Orange County. We have served as special counsel to a number of redevelopment agencies throughout the State, including those in Agoura Hills, Artesia, Blythe, Brea, Buena Park, Calimesa, Coachella, Fairfield, Highland, Industry, La Mirada, Manteca, Morgan Hill, Norwalk, Palm Desert, Pasadena, Rancho Cucamonga, Rancho Palos Verdes, San Fernando, Seal Beach, Seaside, South El Monte, South Lake Tahoe, Temecula, Upland, West Hollywood, Whittier and Yucaipa. Our representation of public entities includes not only redevelopment agencies, but also cities, counties, school districts, community services districts, water districts, airports, other special districts, and joint powers authorities.

We have over 65 experienced lawyers, and are qualified to handle virtually all needs for redevelopment and public entity legal services. A large number of our lawyers practice exclusively in the field of public law. However, all lawyers in our environmental, real estate, public finance, litigation, labor and employment, and insurance coverage departments are also available to serve the Agency as needed. While each lawyer in our public law department is familiar with all areas of public law, our firm is large enough to enable each lawyer to become more specialized in unique practice areas such as redevelopment, affordable housing, public finance, land use, environmental law, elections, public works, construction, telecommunications,

Shelley Gunby
Winters Community Development Agency
January 31, 2011
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taxation, conflicts of interest, and water law. Some of the top legal experts in the State on these issues work at our firm. This broad expertise enables us to assign an expert to discrete assignments so that our clients do not pay for “learning curve” work.

Our redevelopment law practice group provides day-to-day advice and counsel to members of the governing board and staff of our many redevelopment agency clients. We have experience with the entire spectrum of redevelopment agency concerns, such as project implementation, acquiring and disposing of property, project financing, CEQA, Brownfields redevelopment and other hazardous materials issues, relocation, and affordable housing. Lawyers in our redevelopment practice group have drafted the necessary notices, resolutions and ordinances, and supervised the proceedings, step-by-step as taken, for the adoption of numerous redevelopment plans and significant amendments to redevelopment plans (such as adding territory, merging project areas, or increasing plan limits). From time to time, we are also called upon to review redevelopment agencies’ State mandated reports for legal compliance. In addition, we have provided advice on various Federal and State grant programs, including those projects and programs in which more than one public funding source was involved.

We have experience preparing, reviewing and documenting all types of transactions involving affordable housing, such as loan programs for financing low and moderate income housing, including acquisition, predevelopment, construction and permanent loans, assumption and subordination agreements, security instruments and other necessary documentation. We have participated in negotiating sessions regarding housing projects, preparing intercreditor agreements between various joint construction lenders regarding disbursements, inspections and other related issues and providing advice and document drafting with respect to funding restrictions on the low and moderate income housing fund, HOME Investment Partnerships Program, Community Development Block Grant funds, Urban Development Action Grants, Brownfields (Superfund Amendment and Reauthorization Act of 1986), the Polanco Act and grants, tax credits, economic development projects, government loan and grant programs with nonprofit and other entities as may be necessary in the acquisition, construction, or rehabilitation of affordable housing.

Our firm has been extremely successful in defending the decisions of redevelopment agencies and other public entities that we represent. Our litigation experience includes actions involving challenges to ordinances and administrative decisions, rent control, eminent domain, inverse condemnation, civil rights claims, employment

Shelley Gunby
Winters Community Development Agency
January 31, 2011
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discrimination, annexations, public finance, public employee labor problems, groundwater adjudications, municipal solid waste disposal, tort claims and misdemeanor prosecutions. We have obtained victories in numerous cases that have established important legal precedents for our clients.

Our litigators have established major precedents in the California Supreme Court in several areas. These cases include *Curtis v. Board of Supervisors* (equal voting representation); *Carson Mobilehome Park Owners Association v. City of Carson* (rent control); *Cawdrey v. City of Redondo Beach* (validity of term limits in charter cities); and *Roberts v. City of Palmdale* (attorney-client privilege as applied to public agencies and their legal counsel). Other court victories include *Clark v. City of Hermosa Beach* (due process issues in land use cases); *Wetlands Restoration Society v. City of Seal Beach* (validity of City's housing element); *Stark v. City of Seal Beach* (federal civil rights complaint); *Harrison v. City of South El Monte* (rejection of adult use); and *Friedman v. City of Beverly Hills* (affirming denial of constitutional challenge to City's residents-only preferential parking district).

Members of the firm's real estate department, in conjunction with members of the redevelopment practice group, play leading roles in negotiating and drafting development agreements, owner participation agreements and related contracts for a diverse group of public entity clients. Our real estate department consists of experienced real estate and corporate transactional lawyers with backgrounds in public entity and private client representation. This unique combination allows our lawyers to deliver advice and counsel that is informed by experience from both sides, with an emphasis on the regulatory and political framework governing public agency transactions.

Our firm also serves as bond counsel and disclosure counsel to public entities in a broad range of State law, tax and securities matters related to financing public projects. Such financings include not only traditional debt instruments but also innovations like variable rate bonds, capital appreciation bonds, certificates of participation, credit enhancement devices and investment agreements. The projects financed include redevelopment projects, housing, schools, police and fire protection facilities, streets, parks, and water and sewer facilities.

We had the pleasure of serving as disclosure counsel in connection with the Agency's tax allocation bonds in June 2007, and subsequently, as bond counsel and disclosure counsel for the Winters Public Finance Authority's water revenue bonds and sewer revenue bonds in September 2007. We will continue to be available to provide bond

Shelley Gunby
Winters Community Development Agency
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counsel and disclosure counsel services to the Agency for future financings and advise on any matters related to Agency bonds or other obligations post issuance.

For legal services to the Agency, other than bond counsel or disclosure counsel services for public finance transactions, we would charge \$250 per hour for work by shareholders and senior attorneys, and \$195 per hour for work by associates. For legal services as bond counsel or disclosure counsel, our fee would be a flat fee based upon the principal amount of the bonds and the complexity of the transaction, and would not exceed a fee that is customary for a similar sized, comparable transaction and acceptable to the Agency's Executive Director and Finance Director.

Our firm provides a monthly invoice of all services provided, except for services relating to bond counsel and disclosure counsel work (for which the invoice generally will be submitted at the closing of each transaction). Our monthly invoices indicate a description of the services being performed, the attorney performing the service and the time spent by the attorney in performing the service. With regard to travel time, we will strive to keep such charges minimal. We will not charge the Agency for any time during which we are performing work for other clients (for example, cellular telephone calls to other clients while traveling).

In addition to our fees, we expect to be reimbursed our out-of-pocket costs and expenses incurred in connection with providing our legal services, including telecommunication charges, duplication, messenger services, filing fees and travel. Such costs will be described on the monthly invoice provided by the firm.

You may terminate our services at any time. However, we would expect to be paid for time spent and costs and expenses incurred to the date of termination.

If you have any questions or comments regarding our services or our rates and charges, please do not hesitate to contact me or Bill Strausz.

Very truly yours,

Teresa Ho-Urano

Cc: William L. Strausz

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EXHIBIT "C"

GENERAL PROVISIONS

(1) INDEPENDENT CONTRACTOR. At all times during the term of this Agreement, CONSULTANT shall be an independent contractor and shall not be an employee of AGENCY. AGENCY shall have the right to control CONSULTANT only insofar as the results of CONSULTANT'S services rendered pursuant to this Agreement; however, AGENCY shall not have the right to control the means by which CONSULTANT accomplishes services rendered pursuant to this Agreement.

(2) LICENSES; PERMITS; ETC. CONSULTANT represents and warrants to AGENCY that CONSULTANT has all licenses, permits, qualifications, and approvals of whatsoever nature which are legally required for CONSULTANT to practice CONSULTANT'S profession. CONSULTANT represents and warrants to AGENCY that CONSULTANT shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement, any licenses, permits, and approvals which are legally required for CONSULTANT to practice his profession.

(3) TIME. CONSULTANT shall devote such services pursuant to this Agreement as may be reasonably necessary for satisfactory performance of CONSULTANT'S obligations pursuant to this Agreement.

(4) INSURANCE.

(a) WORKER'S COMPENSATION. During the term of this Agreement, CONSULTANT shall fully comply with the terms of the law of California concerning worker's compensation. Said compliance shall include, but not be limited to, maintaining in full force and effect one or more policies of insurance insuring against any liability CONSULTANT may have for worker's compensation.

(b) GENERAL LIABILITY AND AUTOMOBILE INSURANCE. CONSULTANT shall obtain at its sole cost and keep in full force and effect during the term of this agreement broad form property damage, personal injury, automobile, employer, and comprehensive form liability insurance in the amount of \$2,000,000 per occurrence; provided (1) that the AGENCY, its officers, agents, employees and volunteers shall be named as additional insured under the policy; and (2) that the policy shall stipulate that this insurance will operate as primary insurance; and that (3) no other insurance effected by the AGENCY or other names insured will be called upon to cover a loss covered there under; and (4) insurance shall be provided by an, at least, A-7 rated company.

(c) PROFESSIONAL LIABILITY INSURANCE. During the term of this Agreement, CONSULTANT shall maintain an Errors and Omissions Insurance policy in the amount of not less than \$1,000,000.

(d) CERTIFICATES OF INSURANCE. CONSULTANT shall file with AGENCY'S Secretary upon the execution of this agreement, certificates of insurance which shall provide that no cancellation, major change in coverage, expiration, or non-renewal will be made during the term of this agreement, without thirty (30) days written notice to the Secretary prior to the effective date of such cancellation, or change in coverage.

(5) CONSULTANT NOT AGENT. Except as AGENCY may specify in writing, CONSULTANT shall have no authority, express or implied, to act on behalf of AGENCY in any capacity whatsoever as an agent. CONSULTANT shall have no authority, express or implied, pursuant to this Agreement, to bind AGENCY to any obligation whatsoever.

(6) ASSIGNMENT PROHIBITED. No party to this Agreement may assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of any right or obligation pursuant to this Agreement shall be void and of no effect.

(7) PERSONNEL. CONSULTANT shall assign only competent personnel to perform services pursuant to this Agreement. In the event that AGENCY, at its sole discretion, at anytime during the term of this Agreement, desires the removal of any person or persons assigned by CONSULTANT to perform services pursuant to this Agreement, CONSULTANT shall remove any such person immediately upon receiving notice from AGENCY of the desire of AGENCY for the removal of such person or persons.

(8) STANDARD OF PERFORMANCE. CONSULTANT shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which CONSULTANT is engaged in the geographical area in which CONSULTANT practices his profession. AGENCY pursuant to this Agreement shall be prepared in a substantial, first-class, and workmanlike manner, and conform to the standards of quality normally observed by a person practicing in CONSULTANT'S profession. AGENCY shall be the sole judge as to whether the product of the CONSULTANT is satisfactory.

(9) CANCELLATION OF AGREEMENT. This Agreement may be canceled at any time by AGENCY for its convenience upon written notification to CONSULTANT. CONSULTANT shall be entitled to receive full payment for all services performed and all costs incurred to the date of receipt of written notice to cease work on the project. CONSULTANT shall be entitled to no further compensation for work performed after the date of receipt of written notice to cease work. All completed and uncompleted products up to the date of receipt of written notice to cease work shall become the property of the AGENCY.

(10) PRODUCTS OF CONSULTING. All products of the CONSULTANT resulting from this Agreement shall be the property of the AGENCY.

(11) INDEMNIFY AND HOLD HARMLESS. CONSULTANT shall indemnify, hold harmless the AGENCY, its officers, agents and employees from all claims, suits, or actions of every name, kind and description, brought forth on account of injuries to or death of any person or damage to property to the extent arising from or connected with the willful misconduct, negligent acts, errors or omissions, ultra-hazardous activities, activities giving rise to strict liability, or defects in design by the CONSULTANT or any person directly or indirectly employed by or acting as agent for CONSULTANT in the performance of this Agreement, including the concurrent or successive passive negligence of the AGENCY, its officers, agents or employees.

It is understood that the duty of CONSULTANT to indemnify and hold harmless includes the duty to defend as set forth in Section 2778 of the California Civil Code.

Acceptance of insurance certificates and endorsements required under this Agreement does not relieve CONSULTANT from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.

(12) PROHIBITED INTERESTS. No employee of the AGENCY shall have any direct financial interest in this agreement. This agreement shall be voidable at the option of the AGENCY if this provision is violated.

(13) LOCAL EMPLOYMENT POLICY. The Community Development Agency of Winters desires wherever possible, to hire qualified local residents to work on AGENCY projects. Local resident is defined as a person who resides in Yolo County.

The AGENCY encourages an active affirmative action program on the part of its contractors, consultants, and developers.

When local projects require, subcontractors, contractors, consultants, and developers will solicit proposals from qualified local firms where possible.

As a way of responding to the provisions of the Davis-Bacon Act and this program, contractor, consultants, and developers will be asked to provide no more frequently than monthly, a report which lists the employee's residence, and ethnic origin.

(14) CONSULTANT NOT PUBLIC OFFICIAL. CONSULTANT is not a "public official" for purposes of Government Code §87200 et seq. CONSULTANT conducts research and arrives at conclusions with respect to his or her rendition of information, advise, recommendation or counsel independent of the control and direction of the AGENCY or any AGENCY official, other than normal contract monitoring. In addition, CONSULTANT possesses no authority with respect to any AGENCY decision beyond the rendition of information, advice, recommendation or counsel.