



Winters Community Development Agency
Special Meeting
City Council Chambers
318 First Street
Friday, August 26, 2011
7:00 a.m.
AGENDA

Members of the Community Development Agency

*Cecilia Aguiar-Curry, Chairman
Woody Fridae, Vice Chairman
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.

PRESENTATIONS

DISCUSSION ITEMS

1.

COMMUNITY DEVELOPMENT AGENCY

1. Public Hearing and Adoption of Resolution 2011-43, a Resolution of the Community Development Agency of the City of Winters, to Adopt an Enforceable Obligation Payment Schedule (EOPS) Pursuant to Health and Safety Code Section 31469 (pp 1-5)

CITY MANAGER REPORT

INFORMATION ONLY

EXECUTIVE SESSION

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the August 26, 2011 special meeting of the Winters Community Development Agency 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 August 23, 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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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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Wednesday at 10:00 a.m.

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WINTERS COMMUNITY DEVELOPMENT AGENCY
STAFF REPORT

TO: Honorable Chair and Boardmembers
DATE: August 27, 2011
THROUGH: John W. Donlevy, Jr., City Manager *John*
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Resolution 2011-43 Adopting an Enforceable Obligation Payment Schedule Pursuant to Health and Safety Code Section 34169

RECOMMENDATION:

Staff recommends that the Board approve Resolution 2011- 43 A Resolution of the Winters Community Development Agency Adopting an Enforceable Obligation Payment Schedule Pursuant to Health and Safety Code Section 34169.

BACKGROUND:

As part of the recently approved State Budget, the Winters Community Development Agency (Agency) powers were effectively suspended. The City adopted an Opt In Ordinance on August 16, 2011. (First Reading on August 2, 2011, second reading and adoption on August 16, 2011), which allows the Agency to continue its operations.

Due to the actions of the California Supreme Court, it has been determined that Agencies that are "opting in" are required to submit a completed enforceable obligation payments schedule (EOPS) by August 27, 2011. This was previously thought to apply only to Agencies that did no opt in. Staff has prepared the EOPS which is to be adopted at a public meeting, posted on the agency or it's sponsoring jurisdiction's website, and sent to the County and the State.

Currently, AB1X26 and AB1X27 are being challenged in court. Under a legal stay, Redevelopment Agencies are currently prohibited from taking actions that create or amend contracts, or that establish new or increased indebtedness. One of the provisions of AB 26 that was not stayed by the Supreme Court expressly requires the Agency to adopt the EOPS prior to 8/27/11; therefore, the Agency has the authority to take this particular action.

FISCAL IMPACT:

None

ATTACHMENTS:

Enforceable Obligations Payment Schedule (EOPS)
Resolution 2011-43

**COMMUNITY DEVELOPMENT AGENCY
RESOLUTION 2011-43**

**A RESOLUTION OF THE WINTERS COMMUNITY DEVELOPMENT
AGENCY ADOPTING AN ENFORCEABLE OBLIGATION PAYMENT
SCHEDULE PURSUANT TO HEALTH AND SAFETY CODE SECTION 34169**

WHEREAS, the Winters Community Development Agency (“Agency”) is a redevelopment agency formed, existing and exercising its powers pursuant to California Redevelopment Law, Health and Safety Code Section 33000 *et seq.* (“CRL”); and

WHEREAS, pursuant to subdivision (g) of Section 34169(g) of the CRL (enacted pursuant to Assembly Bill x1 26), the Agency is required to adopt an Enforceable Obligation Payment Schedule that lists all of the obligations that are “enforceable obligations” within the meaning of subdivision (d) of Section 34167 of the CRL and which includes the following information about each such obligation:

- (A) The project name associated with the obligation
- (B) The payee
- (C) A short description of the nature of the work, product, service, facility, or other thing of value for which payment is to be made.
- (D) The amount of payments obligated to be made, by month, through December 2011; and

WHEREAS, an Enforceable Obligation Payment Schedule, a copy of which is attached, has been presented to the Agency, the Agency is familiar with the contents thereof, and the Executive Director has recommended approval of said Schedule subject to the contingencies and reservation of rights set forth in this Resolution: and

WHEREAS, the Agency understands and believes that an action challenging the constitutionality of Assembly Bill x1 26 and Assembly Bill x1 27 has been filed on behalf of cities, counties and redevelopment agencies; and

WHEREAS, the Agency reserves the right to challenge the legality of Assembly Bill x126 and Assembly Bill x1 27; and

WHEREAS, the Agency reserves the right to amend the Enforceable Obligation Payments Schedule; and

WHEREAS, in adopting the Enforceable Obligations Payment Schedule, the Agency does not intend to waive, nor shall the Agency be deemed to have waived any rights the Agency or its successor may have pursuant to or in connection with any obligation listed on such Schedule, including without limitation, the right to modify, amend, terminate or challenge any obligation listed on such Schedule;

**NOW, THEREFORE BE IT RESOLVED BY THE WINTERS
COMMUNITY DEVELOPMENT AGENCY** that it hereby:

1. Finds that the Recitals set forth are true and correct, and are incorporated herein by reference.
2. Adopts the Enforceable Obligation Payment Schedule attached hereto, subject to all reservations of rights and contingencies set forth above.
3. Authorizes the Agency's Executive Director or designee to take all actions necessary to implement this Resolution, including, without limitation, the posting of this Resolution and the Enforceable Obligation Payment Schedule to the Agency's (or City's) website, and the provision of the notice of adoption of this Resolution and such Schedule to the County Auditor-Controller, the State Controller and the State Department of Finance.
4. Declares that if any provision, sentence, clause, section, or part of this Resolution is found to be unconstitutional, illegal, or invalid, such finding shall affect only such provision, sentence, clause, section, part, and shall not affect or impair any of the remaining parts.

PASSED AND ADOPTED by the City of Winters Community Development Agency this 26th day of August, 2011 by the following vote:

AYES;
NOES;
ABSTAIN;
ABSENT;

Cecilia Aguiar-Curry, Chairman

ATTEST:

Nanci G. Mills, City Clerk

Project Area(s)

ALL

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month						
					Aug**	Sept	Oct	Nov	Dec	Total	
1) 2004 Tax Allocation Bonds	Bank of New York	Bond issue to fund non-housing projects	4,608,527.75	279,768.50	220,944.25						\$ 220,944.25
2) 2004 Tax Allocation Bonds	Bank of New York	Bond issue to fund housing projects	4,789,845.00	200,124.25	138,059.00						\$ 138,059.00
3) 2007 Tax Allocation Bonds	Bank of New York	Bond issue to fund non-housing projects	17,721,682.50	656,290.00	447,995.00						\$ 447,995.00
4) 2007 Tax Allocation Bonds	Bank of New York	Bond issue to fund housing projects	3,050,810.00	83,770.00	49,535.00						\$ 49,535.00
5) City Loan 5/10/10	City of Winters	Loan for 5/10/10 SERAF due State	789,448.00	160,313.50		160,313.50			0.00	0.00	\$ 160,313.50
6) City Loan 9/3/2002	City of Winters	Loan for RDA portion of General Plan update	1,193,080.52	224,482.97		224,482.97			0.00	0.00	\$ 224,482.97
7) Employee Costs	Employees of Agency	Payroll for Employees	234,826.00	234,826.00		23,056.84	23,056.84		23,056.84	23,056.84	\$ 92,227.36
8) Pass Through Agreement	Yolo County	Payments per former CRL 33401	12,308,774.00	262,428.00							\$ -
9) Pass Through Agreement	Solano Community College	Payments per former CRL 33401	1,233,574.00	26,599.94		26,599.94					\$ 26,599.94
10) Pass Through Agreement	Mosquito Vector District	Payments per former CRL 33401	260,428.00	7,485.24		7,485.24					\$ 7,485.24
11) Pass Through Agreement	Winters Cemetary District	Payments per former CRL 33401	783,348.00	602.00		602.00					\$ 602.00
12) Palms Playhouse Rent Subsidy	Winters Opera House	Contract for Rent for Space for Palms Playhouse	62,650.25	30,072.12		7,518.03				7,518.03	\$ 15,036.06
13) Rent for Visitor Center Space	Winters Opera House	Contract for Rent for Winters Visitor Center	29,000.00	11,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	\$ 5,000.00
14) Visitor Center Funding	Winters Chamber of Commerce	Contract for funding Operations of Visitor Center	69,600.00	28,800.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00	\$ 12,000.00
15) Construction Contract	Bobo Construction	Construction of Police/Fire Facility	727,499.40	727,499.40	66,046.00	46,016.88	615,436.52				\$ 727,499.40
16) Contract for Consulting Services	Rick Engineering	Project Administration	22,915.00	22,915.00	7,638.00	7,638.00	7,639.00				\$ 22,915.00
17) Contract for Services	Construction Testing	Construction testing at Police Fire Facility	23,635.00	23,635.00		23,635.00					\$ 23,635.00
18) Construction Contract	Comtech	Construction of Police/Fire Facility	44,452.44	44,452.44	0.00	44,452.44					\$ 44,452.44
19) Contract for Equip & Services	Packet Fusion	Equipment for Police/Fire Facility	9,309.69	9,309.69	0.00	9,309.69					\$ 9,309.69
20) Contract for Consulting Services	Ponticello Enterprises	Project Administration	4,502.02	3,697.00	0.00	805.02					\$ 805.02
21) Contract for Equip & Services	Western Furniture Contractors	Equipment for Police/Fire Facility	230,229.43	230,229.43	0.00	230,229.43					\$ 230,229.43
22) Agency Allocated Expenditures	City of Winters	Staff and Overhead Costs	296,577.00	296,577.00	24,714.75	33,714.75	33,714.75	33,714.75	33,714.75	33,714.75	\$ 159,573.75
23) Contract for Consulting Services	Bank of New York	Trustee Services for Bond 2004 Bond Issue	37,400.00	1,700.00		0.00			1,700.00		\$ 1,700.00
24) Contract for Consulting Services	Bank of New York	Trustee Services for Bond 2007 Bond Issue	42,500.00	1,700.00		0.00			1,700.00		\$ 1,700.00
25) Contract for Consulting Services	Urban Futures	Continuing Disclosure Reporting Services-04 Tab	38,500.00	1,750.00					1,750.00		\$ 1,750.00
26) Contract for Consulting Services	Urban Futures	Continuing Disclosure Reporting Services-07 Tab	43,750.00	1,750.00					1,750.00		\$ 1,750.00
27) Construction Contract	Don Jordan	426 Cottage Circle Affordable Rehab	22,208.00	22,208.00		22,208.00					\$ 22,208.00
28) Contract for Equip & Services	Spintar	AV Equipment for Police/Fire	56,687.00	56,687.00		56,687.00					\$ 56,687.00
29) Contract for Equip & Services	Home Depot	Refrigerators for Police/Fire	3,944.85	3,944.85		3,944.85					\$ 3,944.85
30) Contract for Equip & Services	Food Services Warehouse	Equipment for Police/Fire Facility	5,153.12	5,153.12		5,153.12					\$ 5,153.12
Totals - This Page			\$ 48,735,759.00	\$ 3,650,672.48	\$ 958,332.00	\$ 928,154.73	\$ 683,247.11	\$ 60,171.59	\$ 74,589.62	\$ 2,704,495.05	
Totals - Page 2			\$ 11,935,281.62	\$ 353,026.62	\$ -	\$ 4,794.62	\$ 2,000.00	\$ -	\$ -	\$ 6,794.62	
Totals - Page 3			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Totals - Page 4			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Totals - Other Obligations			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Grand total - All Pages			\$ 60,671,040.62	\$ 4,003,701.10	\$ 958,332.00	\$ 932,949.35	\$ 685,247.11	\$ 60,171.59	\$ 74,589.62	\$ 2,711,289.67	

* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.) If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.

Project Area(s) ALL

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34167 and 34169 (*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month						
					Aug**	Sept	Oct	Nov	Dec	Total	
1) Contract for Equip & Services	Pearson Appliance	Equipment for Police/Fire Facility	2,830.66	2,830.66		2,830.66					\$ 2,830.66
2) Contract for Equip & Services	Lowe's	Equipment for Police/Fire Facility	1,963.96	1,963.96		1,963.96					\$ 1,963.96
3) Contract for Services	Urban Futures	Consulting on Redevelopment Issues	2,000.00	2,000.00			2,000.00				\$ 2,000.00
4) LMIHF Set Aside	Winters Community Redevelopment Agency	20% Set Aside for Life of Agency	11,928,487.00	346,234.00							\$ -
5)											\$ -
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Totals - This Page			\$ 11,935,281.62	\$ 353,028.62	\$ -	\$ 4,794.62	\$ 2,000.00	\$ -	\$ -	\$ -	\$ 6,794.62

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