



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, September 6, 2011

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

6:00 p.m. - Executive Session

AGENDA

Pursuant to Government Code Section 54956.8 - 318 Railroad Avenue,
Winters, CA Real Property Negotiator City Manager John W. Donlevy, Jr.

6:30 p.m. - Regular Meeting

AGENDA

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

Roll Call

Pledge of Allegiance

Approval of Agenda

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS

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

CONSENT CALENDAR

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

- A. Minutes of the Regular Meeting of the Winters City Council Held on August 16, 2011 (pp.1-10)
- B. Minutes of the Special Meeting of the Winters Community Development Agency Held on August 26, 2011 (pp. 11-12)
- C. Accept Recommendations from Staff to Purchase and Install Automatic Gate Opener for Well 7, on Grant Ave. from Arrow Fence Co. in the amount of \$11,240 (pp. 13-22)
- E. Community Design Grant Application Authorization (pp. 23-36)
- F. Street Closure Request - Winters Healthcare Foundation Fall Harvest Festival – October 28, 2011 (pp. 37-39)
- G. Approval for City Manager to Execute Contract with EnviroCare International to Provide Control Center for the I-505/Gateway Utilities Phase 2 Project, Total Requested is \$75,775. (pp. 40-45)
- H. A Resolution 2011-44 of the City Council of the City of Winters Changing the Name of a City Street in the City Limits from County Road 90 to Chapman Lane (pp. 46-56)
- I. Lease at 318 Railroad Ave. – Approval of Settlement (pp. 54-55)
- J. Parkland Purchase from Central Valley Coalition for Affordable Housing (CVCAH) - Authority to Close Escrow(pp. 56-57)
- K. Medical Leave Approval – Tom McMasters Stone (p. 58)

PRESENTATIONS

Presentation of Appreciation of Service Plaques for Planning Commission Members Corinne Martinez and Glenn DeVries

DISCUSSION ITEMS

1. Second Reading and Possible Adoption of Ordinance 2011-06, An Ordinance of the City Council of the City of Winters, Amending Chapter 17.36 of the Winters Municipal Code Pertaining to Design Review (pp. 59-64)
2. Fire Board- Appointment of Members (p. 65)
3. Waive the Second Reading, Read by Title Only, and Adopt Ordinance 2011-05, An Ordinance of the City Council of the City of Winters, Amending Title 17 of the Winters Municipal Code to Prohibit the Establishment and Operation of Businesses and Uses Prohibited by State and/or Federal Law (pp. 66-67)
4. Award Bid for Construction of I-505/Gateway Utilities Phase 2, Project No. 021-09.02 (pp. 68-71)

COMMUNITY DEVELOPMENT AGENCY

- 1.
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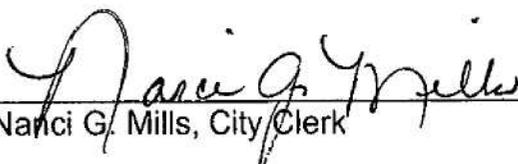
CITY MANAGER REPORT

INFORMATION ONLY

1. Winters Healthcare Foundation & Anytime Fitness 5K Fun Run - September 24, 2011 (pp. 72-74)

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the September 6, 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 August 31, 2011, and made available to the public during normal business hours.


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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During Council meetings – Right side as you enter the Council Chambers

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Wednesday at 10:00 a.m.

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



Minutes of the Regular Meeting of the Winters City Council
Held on Tuesday, August 16, 2011

5:30 p.m. - Executive Session

Council convened at 5:30 p.m. to discuss the two agenda items listed below.

Present: Council Members Cecilia Aguiar-Curry, Harold Anderson, Michael Martin and Mayor Woody Fridae.
Absent: Council Member Tom Stone
Staff: City Manager John Donlevy, City Clerk Nanci Mills, and Housing Programs Manager Dan Maguire.

Pursuant to Government Code Section 54956.8 - 314 and 318 Railroad Avenue, Winters, CA Real Property Negotiator City Manager John W. Donlevy, Jr.

Pursuant to Government Code Section 54957 - Administrative Personnel- Police & Fire

6:30 p.m. – Regular Meeting

Mayor Fridae called the regular meeting of the City Council to order at 6:30 p.m.

Present: Council Members Cecilia Aguiar-Curry, Harold Anderson, Michael Martin, and Mayor Woody Fridae
Absent: Council Member Tom Stone
Staff: City Manager John Donlevy, City Attorney John Wallace, City Clerk Nanci Mills, Community Development Director Nellie Dyer, Environmental Services Manager Carol Scianna, Housing Programs Manager Dan Maguire, Grant Writer Dawn Van Dyke, Fire Chief Scott Dozier, Police Lieutenant Sergio Gutierrez, Associate Elliot Landes, Pool Manager Justin Hyer, and Administrative Assistant Tracy Jensen.

David Rangel led the Pledge of Allegiance.

Approval of Agenda: City Manager Donlevy requested that Discussion Item #6 be moved to Discussion Item #1, where a report on the closed session can be given simultaneously. Motion by Council Member Aguiar-Curry, second by Council Member Martin to approve agenda with said change. Motion carried unanimously, with one absent.

COUNCIL/STAFF COMMENTS: Council Member Aguiar-Curry recently attended a Water Resource Association meeting and a Hispanic Advisory Committee meeting. The Earthquake Festival is scheduled for 8/26, the Festival de la Comunidad is scheduled for 9/24, where volunteers are needed and donations are desired, and the Winters Criterium Bike Race is scheduled for 9/18. Ms. Aguiar-Curry reminded residents that truck parking in residential areas is not allowed. Thank you to Wade & Kathy Cowan and Laura Mariani for their hard work and organizing a committee to repair and clean up City Park on 8/6 and to Justin Hyer and the entire lifeguard staff for doing such a great job this season, as she has received a lot of positive comments from community members. PG&E Energy will be going door-to-door offering free lighting and insulation evaluations and to sign residents up for these upgrades. Congratulations to Dr. Mazza for being voted Dentist of the Year in Sacramento magazine.

Council Member Anderson attended a Sacramento Area Council of Governments (SACOG) Land Use and Air Quality meeting in Sacramento on 8/4, a Yolo County Transportation District (YCTD) meeting in Woodland on 8/8, and a Lower Putah Creek Coordinating Committee (LPCCC) meeting in Vacaville on 8/11.

Council Member Martin reminded residents of the Solano Community College meeting and interactive forum to be held in Winters on Thursday, August 18th from 4:30 p.m. to 6:00 p.m. at the Winters School District office. The future of Solano College in Winters will be discussed.

Mayor Fridae thanked Council Member Martin for keeping the dialog with Solano College open. Solano College has scheduled a computer skills class to be held at WHS beginning on 8/17. The recent Farms-to-School Kick-Off event held at the swimming pool was a big success. Mayor Fridae confirmed Council Member Aguiar-Curry as a voting delegate at the upcoming League of California Cities annual conference being held in San Francisco on 9/21-9/23/11.

PUBLIC COMMENTS: Al Aldrete, Chamber of Commerce Executive Director, thanked Fire Chief Scott Dozier and Fire Captain Art Mendoza for hanging the banner across Main Street to advertise for the Earthquake Festival on 8/26.

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on August 2, 2011
- B. Street Closure Requested by Winters Education Foundation for the Winters Criterium Bike Race (***Moved to Discussion Item #2***)
- C. Authorization to Sign Contract Change Order No. 112 for the Public Safety Facility
- D. Contract for Legal Services – AT&T UUT Refund Litigation
- E. Update on Local Government Commission (LGC) Grant to the City of Winters for Development of an Alley Activation Plan for the Alley Between the First Block of Abbey and Main Streets, known as “Newt’s Expressway”

Mayor Fridae requested that Consent Item B be moved to Discussion Item #2. City Manager Donlevy gave an overview of the remaining items. Council Members Anderson and Aguiar-Curry noted corrections to the 8/2/11 minutes. City Manager Donlevy stated Contract Change Order No. 112 for the Public Safety Facility is an upgrade of costs for the overall scope of wiring for the communication system. The increased cost of copper and the work delay on the project has attributed to this increased cost. Motion by Council Member Martin, second by Council Member Aguiar-Curry to approve the consent calendar as corrected. Motion carried unanimously, with one absent.

PRESENTATIONS

Michele Clark, Executive Director of Yolo Land Trust, invited Council members and Winters residents to “A Day in the Country”, which is being held on Sunday, September 11, 2011 from 3-6pm @ Park Winters, 27850 Co. Rd. 26, Winters. The Yolo Land Trust is a nonprofit corporation founded in 1988 by an innovative group of farmers, community leaders and conservationists dedicated to preserving Yolo County’s land resources. “A Day in the Country” celebrates the Yolo Land Trust’s 23 years of farmland conservation. The Yolo Land Trust has worked with willing landowners to permanently conserve nearly 9,000 acres of agricultural land, riparian corridors and Swainson’s hawk habitat in Yolo County, all of which remain in private ownership and on Yolo County’s tax rolls. For more information on the Yolo Land Trust, visit: www.yololandtrust.org.

DISCUSSION ITEMS

1. Update and Disposition of City Property Leases- 318 and 314 Railroad Avenue and Response to City RFP – 318 Railroad Avenue (***Moved from Discussion Item #6 and to Include a Report of the Direction Received from Council in Closed Session***)

Council Member Anderson recused himself due to a possible conflict of interest.

City Manager Donlevy gave an overview. In closed session, Council gave the following directives: authorize City Attorney to meet privately with leaseholder to negotiate the settlement of the lease agreements regarding 318 Railroad Avenue, which will come back to Council for final approval on 9/6/11; City Attorney to serve as Real Estate Negotiator for the lease at 314 Railroad; and staff will be given instructions by Council regarding an RFP (Request for Proposal) for 318 Railroad Avenue. City Manager Donlevy said there was no final decided action on either item in closed session.

Motion by Council Member Aguiar-Curry, second by Council Member Martin, confirming the action taken in closed session as described. Motion carried unanimously, with two absent.

Shaunie Briggs, 820 Railroad Avenue, said she wants to negotiate and have closure.

Council Member Anderson returned to the dais.

2. Street Closure Requested by Winters Education Foundation for the Winters Criterium Bike Race (***Moved from Consent Item B***)

Council Member Anderson returned to the dais at this time. City Manager Donlevy gave an overview and said staff is recommending the street closures as requested. Kurt Balasek, Winters Education Foundation (WEF) President, said this will be the 2nd annual Winters Criterium Bike Race. Last year \$6,000 was raised for local schools and they expect to have a better turn out this year. The race has been moved to Sunday to better accommodate businesses and minimize the impact, and most businesses are supportive of the race. Council Member Martin asked if there were provisions for the handicapped and asked about the residents who did not sign the form. Mr. Balasek said the WEF will coordinate with the Fire department regarding emergency response and the race marshalls will stop the race if needed. Mayor Fridae said early signage would be good. Council Member Aguiar-Curry asked if those on the race route will have a second chance to sign the form. Mr. Balasek said an attempt would be made to get these missing signatures. Council Member Aguiar-Curry wanted to clarify that business owners were the ones signing the form on behalf of the businesses that are on the race route. Mr. Balasek affirmed.

David Rangel, 105 Abbey St., requested an alteration of the route for business reasons. Mr. Rangel is an emergency response member regarding railroad issues. During the race last year, he had an emergency call and was delayed 40-45 minutes, resulting in an estimated delay cost of \$40,000 as per CalTrans. If the route will not be altered, he requested that WEF put a mechanism in place to enable him to get out of town, if needed. Mr. Balasek apologized and said he will have a conversation with the race marshalls to ensure that Mr. Rangel can get out of town quickly, if needed.

Motion by Council Member Aguiar-Curry, second by Council Member Martin to approve the street closure request by the WEF and to work with the residents and businesses as needed. Motion carried unanimously, with one absent.

3. Public Hearing on the Adoption of a Resolution for the Grant Avenue Design Guidelines ***(Moved from Discussion Item #1)***

Community Development Director Dyer gave an overview of the staff report, gave a power point presentation and thanked the Economic Development Advisory Committee (EDAC) and staff for their time and hard work, which included thirteen meetings, two of which were public workshops. EDAC member Bill Hailey recommended an additional step be added to the approval process, which would require a conceptual design review go before the Planning Commission as an informational item with public hearing at the discretion of the Community Development Director while the project is under evaluation.

Council Member Martin asked if having these guidelines in place would make it easier for developers to come to Winters and help stimulate the economy, which was confirmed by Ms. Dyer. Council Member Martin asked if this would be an added cost for the developer. Ms. Dyer said some of the guidelines are already required by the State, but if these costs are known from the beginning, we have done our part. Council Member Anderson asked if there were parking lot requirements regarding trees, shade and lighting. Ms. Dyer said there are and these requirements can be found in the City's zoning code, which also meets the requirements under the California Green Building Code. City Manager Donlevy confirmed the City of Winters wants projects that are good for the environment.

Council Member Aguiar-Curry asked if a conceptual design review by the Planning Commission might prolong the process. Ms. Dyer said typically staff, including Police and Fire, will review a project and provide comments before it goes to the Planning Commission as an informational item. Ms. Dyer said she didn't think this would hold up a project. By not presenting it to the Planning Commission and bringing it to them cold, it forces the Planning Commission to make a decision. The guidelines will give an applicant the chance to present his project.

Mayor Fridae opened the public hearing at 7:44 p.m. and closed the public hearing at 7:44 p.m. with no public input.

Council Member Anderson asked if there were provisions for electric vehicles. City Manager Donlevy said although the parking will follow the Green Building Code, there will be no provisions for electric vehicles. Council Member Anderson said adding this provision should be considered and Council Member Aguiar-Curry agreed.

Mayor Fridae asked if there were any shaded parking lots planned, and if not, can they be added? Ms. Dyer said a guideline to address this could be added.

Wade Cowan said "blanket" requirements for every project, whether they are large or small, could become a problem. He asked Council to consider adding this to the guidelines, and Ms. Dyer said it would be added as requested.

Motion by Council Member Aguiar-Curry, second by Council Member Martin to adopt Resolution 2011-42, adopting the City of Winters Grant Avenue Design Guidelines as modified. Motion carried with the following vote:

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

4. Public Hearing, Waive First Reading, Read by Title Only and Introduce Ordinance 2011-06, Amending the Text of the Winters Municipal Code, Chapter 17.36 (Design Review) *(Moved from Discussion Item #2)*

Community Development Director Nellie Dyer gave an overview of the staff report, reiterating that Chapter 17.36 of the Winters Municipal Code (WMC) should be amended to specifically mention the Grant Avenue Design Guidelines, recommends that Form Based Code also be listed in the same section, and any reference to the economic development commission be removed from WMC section 17.36.030 since the commission is not active at this time. The ordinance with these amendments will come back to Council for adoption.

Council Member Martin asked Ms. Dyer if she has seen an economic development commission in larger cities. Ms. Dyer said no, but she has experienced a design review committee. Mayor Fridae confirmed the process involving a design review committee would be an informal review process to help the applicant prepare their proposals for submittal.

Mayor Fridae opened the public hearing at 7:56 p.m. and closed the public hearing at 7:56 p.m. with no public input.

Motion by Council Member Aguiar-Curry, second by Council Member Anderson to adopt Ordinance 2011-06 with the amendments as suggested by Community Development Director Nellie Dyer. Motion carried with the following vote:

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

5. Public Hearing, Second Reading and Adoption of Ordinance 2011-04, An Ordinance of the City Council of the City of Winters, Determining That It Will Comply With The Voluntary Alternative Redevelopment Program Pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in Order To Permit The Continued Existence and Operation of the Community Development Agency of the City of Winters (**Moved from Discussion Item #3**)

City Manager Donlevy gave an overview and said the adoption of Ordinance 2011-04 complies with State requirements and will keep redevelopment alive and the City's options open. The Supreme Court has put on a stay until they hear the lawsuit filed by the League of California Cities and the California Redevelopment Association, which will be prior to 1/15/12, as the City's "community remittance" payment to the State is not due until after January 15, 2012. The penalty for non-payment would be the Community Development Agency would be declared dead.

Mayor Fridae opened the public hearing at 8:01 p.m. and closed the public hearing at 8:01 p.m. with no public input.

Motion by Council Member Martin, second by Council Member Aguiar-Curry, to approve the adoption of Ordinance 2011-04 determining that it will comply with the Voluntary Alternative Redevelopment Program pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in order to permit the continued existence and operation of the Community Development Agency of the City of Winters. Motion carried with the following vote:

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

6. Public Hearing and Waive First Reading, Read by Title Only and Introduce Ordinance to Amend Title 17 of the Winters Municipal Code to Prohibit the Establishment and Operation of Businesses and Uses Prohibited by State and/or Federal Law (**Moved from Discussion Item #4**)

City Attorney John Wallace gave an overview regarding the prohibiting of the licensing or operation of a medical marijuana dispensary (MMD) in the City of Winters and in its' zoning code. The City lacks the resources to regulate or respond appropriately to the anticipated increase in illegal activity, which has been problematic in areas that have allowed MMD's and referred to a rash of armed robberies in the San Jose area. Lieutenant Sergio Gutierrez confirmed the criminal activity associated with MMD's would dramatically impact the Winters Police Department.

Mayor Fridae opened the public hearing at 8:07 p.m. and closed the public hearing at 8:07 p.m. with no public input.

Council Member Aguiar-Curry wanted to clarify that this ordinance would prohibit all things prohibited by state or federal law, and not limited to medical marijuana.

Mayor Fridae said he may have previously approached this issue a little naively, thinking the City of Winters could initiate and handle this. Upon further review of the costs and impacts involved, Mayor Fridae said it would probably not be wise to permit use of medical marijuana with our limited resources. Mayor Fridae also said the ability to come forward and speak publicly about their opinion should not be broached for doing so. We all have the freedom and right to express our opinions. Mayor Fridae said his previous comments had nothing to do with the promotion and use of marijuana and is supporting this ordinance to prohibit the sale of medical marijuana.

Motion by Council Member Martin, second by Council Member Anderson to approve Ordinance 2011-05, to amend Title 17 of the Winters Municipal Code to prohibit the establishment and operation of businesses and uses prohibited by State and/or Federal Law. Motion carried with the following vote:

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

7. Pool Update (*Moved from Discussion Item #5*)

Pool Manager Justin Hyer gave an overview of the power point presentation and said the Parent Review System that was put into place by pool staff this year was 99% positive, with a 1% adjustment. The masters program took a hiatus this year and transitioned to adult lap swim, which was extended to 90 minutes. Justin was pleased to report there were no pool closures this year. Mayor Fridae commended Justin for doing such a great job this year and praised him for the creative presentation.

Council Member Aguiar-Curry asked if Adult Lap Swim could be extended for 3-4 weeks and Recreation Swim be extended on weekends through the Labor Day weekend. Director of Administrative Services Nanci Mills yes, and that a Facilities Use Application to cover the extended period of time would be forwarded to the Winters Unified School District as required.

8. Downtown Hotel Project - Authorization to Proceed with Project Development Process – RFP to Follow (**Moved from Discussion Item #7**)

Council Member Anderson recused himself due to a possible conflict of interest.

City Manager Donlevy gave an overview and asked Council to approve the conceptual draft for the proposed Downtown Winters Hotel, specifically 1 acre between Newt's Expressway, Railroad Avenue, Abbey Street and First Street. The proposed 3-story hotel is a mixed use project containing 150 rooms, a conference center and retail along Railroad Avenue. This project is specifically called for and would have a direct correlation with the Downtown Master Plan. Staff is proposing the appointment of an advisory review panel consisting of one Council member, one Planning Commission member, and key business and property owners to develop a project timeline for approval by Council. Staff will bring this item back to Council on 9/20/11 with a solid proposal. City Manager Donlevy said Dan Maguire will be the City contact for more information regarding this project.

Council Member Aguiar-Curry suggested additional marketing to get the RFP out to a broader area, or as far out as we can, which would do it justice. Council Member Martin was surprised by the proposed size, 150 rooms and was concerned about the parking. City Manager Donlevy said a subterranean parking lot could hold 100 cars and added these people have a product and they have the contacts. There are people who are investing in Western Yolo County. Council Member Aguiar-Curry said a timeline is something we really need in order to build trust. Mayor Fridae said he is very excited about this project and requested the RFP work very closely with the tenants and property owners regarding relocating during construction, being respectful and removing all questions. Mayor Fridae asked if 150 rooms is correct. City Manager Donlevy said there would be between 100-150 rooms and wants to shoot for the big numbers. Mayor Fridae agreed to be the Council representative on a subcommittee who will work with staff on the project.

Motion by Council Member Martin, second by Council Member Aguiar-Curry to approve staff recommendation, which includes approval of the conceptual draft for the Downtown Winters Hotel RFP. Motion carried unanimously (Fridae, Martin, Aguiar-Curry), with two absent (Anderson and Stone.)

Council Member Anderson returned to the dais.

COMMUNITY DEVELOPMENT AGENCY

1. Approval of Sublease By and Between the City of Winters Community Development Agency and the Winters Chamber of Commerce for the period of January 1, 2012 through December 31, 2013 and the Winters Visitors Center Concept Plan and Performance Expectations

Community Development Agency Chairman Aguiar-Curry opened the meeting of the Community Development Agency at 8:55 p.m.

Council Member Anderson recused himself due to a possible conflict of interest. As a result, there was not a quorum present and this item was not addressed.

Community Development Agency Chairman Aguiar-Curry closed the meeting of the Community Development Agency at 8:58 p.m.

CITY MANAGER REPORT: City Manager Donlevy said staff met at Lake Solano Conference Area on 8/10 to discuss City goals and priorities. A workshop with Council members will be scheduled at the Public Safety Facility to discuss the outlined recommendations. Council Member Aguiar-Curry asked if the workshop could include training on the Brown Act. City Manager Donlevy said updates on the Downtown Streetscape Improvement, Phase 2 project can be found on Facebook at: <http://www.facebook.com/pages/City-of-Winters-CA/106291445827>. Council Member Aguiar-Curry asked if there was going to be a flashing light at the mid-block crosswalk. City Manager Donlevy said no. Council Member Aguiar-Curry thanked Lieutenant Gutierrez for providing the juvenile statistics information item and asked if it could be made available on the City's website. City Manager Donlevy gave kudos to the Police Department staff, Karla Ferguson and Gail Jimenez for their assistance in the power point presentation.

INFORMATION ONLY

Winters Police Department 2010 Juvenile Statistics

ADJOURNMENT: Mayor Fridae adjourned the regular meeting of the Winters City Council at 9:03 p.m.

Woody Fridae, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



Minutes of the Special Meeting of the
Winters Community Development Agency
Held on August 26, 2011

Agency Chairman Cecilia Aguiar-Curry called the meeting to order at 7:00 a.m.

Present: Agency Members Harold Anderson, Woody Fridae, Michael Martin
and Agency Chairman Cecilia Aguiar-Curry
Absent: Agency Member Tom Stone
Staff: City Manager/Executive Director John Donlevy, City Attorney John
Wallace and Administrative Assistant Tracy Jensen.

Agency Chairman Aguiar-Curry led the Pledge of Allegiance.

COUNCIL/STAFF COMMENTS: None

PUBLIC COMMENTS: None

COMMUNITY DEVELOPMENT AGENCY

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

CDA Executive Director John Donlevy gave an overview. The adoption of this resolution is a requirement of AB1X26, which is part of a two bill package and must be filed with the State Department of Finance and the State Controller.

The City has received tax increments to finance the CDA and the CDA has incurred obligations through bonded indebtedness, various agreements, and business transactions.

The Enforceable Obligation Payment Schedule is retrospective and prospective as far as the overall obligations of the Agency. The total outstanding debt or obligation of nearly \$61 million dollars has been incurred over a 40 year period of

business schedule of transactions, including obligations created since 1992 that have not been fulfilled, as well as obligations incurred through 2031 or 2032.

As per the Enforceable Obligation Payment Schedule, lines 1-4 represent the bonded indebtedness payments to be made, lines 5-7 represent loans due to the City, lines 8-11 represent pass through agreements, which are obligations that are paid to other governmental agencies, and lines 12-30 represent a variety of short term obligations.

The Winters CDA is making this payment under protest. The Winters CDA has filed a Statement of Indebtedness with the Yolo County Assessor each year that includes bonded indebtedness and City loans, lines 1-6 of the payment schedule.

A motion was made by Agency Member Anderson that the adoption of an Enforceable Obligation Payment Schedule is an urgency matter, which was seconded by Agency Member Fridae and passed unanimously.

Agency Chairman Aguiar-Curry opened the public hearing at 7:13 a.m. and closed the public hearing at 7:13 a.m. with no public input.

Motion by Agency Member Fridae, second by Agency Member Martin, to approve Resolution 2011-43, adopting an Enforceable Obligation Payment Schedule Pursuant to Health and Safety Code Section 34169. Motion carried with the following vote:

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

CITY MANAGER REPORT: None

INFORMATION ONLY: None

EXECUTIVE SESSION: None

ADJOURNMENT: Agency Chairman Aguiar-Curry adjourned the meeting at 7:14 a.m.

Cecilia Aguiar-Curry, Agency Chairman

ATTEST:

Nanci G. Mills, City Clerk



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: September 6, 2011
THROUGH: John W. Donlevy, Jr., City Manager *JW*
FROM: Carol Scianna, Environmental Services Manager *CS*
SUBJECT: Accept Recommendations from Staff to purchase and install Automatic Gate Opener for Well 7 , on Grant Ave, from Arrow Fence Co. in the amount of \$11,240 plus taxes.

RECOMMENDATION: Accept Recommendations from Staff to purchase and install Automatic Gate Opener for Well 7 , on Grant Ave, from Arrow Fence Co. in the amount of \$11,240 plus Taxes.

BACKGROUND: Generally Public Works and Southwest Water Staff will be accessing the Well 7 and Lift Station areas through the front gate on Main Street. However if the Fire Department is using this area and the Main Street gate is not accessible, staff will need to enter through the Grant Ave. gate. To enable safe and efficient an automatic opener for the gate is recommended by staff. Three bids were solicited for this purchase and staff recommends Council accept the low bid from Morgan Fence in the amount of \$11,240 plus taxes. There are sufficient funds remaining from the Well 7 project to purchase and install the opener.

FISCAL IMPACT: \$11,240 plus taxes



Arrow Fence Co.

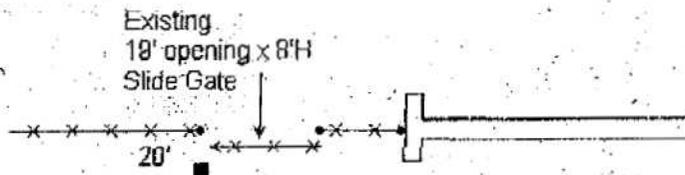
A Subsidiary of Rowar Corporation
 4025 Cincinnati Avenue • Rocklin, CA 95765
 Phone (916) 626-3030 • FAX (916) 626-3037
 Contractors License #436008

WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES FOR:

BK

SUBMITTED Jim Fletter		DATE April 27, 2011 <i>6/2/11</i>		CONTRACT NO. 5994			
STREET 1216 Fortna Ave.		JOB NAME		JOB PHONE Cell 916/867-5090			
CITY, STATE, AND ZIP CODE Woodland, CA 95776		JOB LOCATION Corner of Main St. & Grant Ave. Winters, CA					
PHONE 530/668-5883 x 208	FAX/E-MAIL 530/668-5893	SALESMAN Buck Kwong					
CHAIN LINK		ORNAMENTAL IRON					
WIRE FABRIC GAUGE	DIAMETER TERMINAL POST	POST SIZE	PANEL STYLE / COLOR	DIAMETER POST	RAIL	OVERALL LENGTH	OVERALL HEIGHT
						39'	8'
DIAMETER LINE POST	DIAMETER TOP RAIL	PICKET SIZE & SPACING	TOP & BOTTOM RAIL	LINE POST SPACING FT.		WALK GATE SIZE	DRIVE GATE SIZE
							(E) 19'
LINE POST SPACING FT.		POST SPACING					

INSTRUCTIONS:



OPTION: Add 8' High expanded metal to existing gate and panels. \$ 2,980.00

QUOTE GOOD FOR 15 DAYS

CONTRACT PRICE \$ 2980.00

TERMS AND CONDITIONS OF CONTRACT

The above referenced Proposal and Contract is subject to the following terms and conditions:

1. **OFFER & ACCEPTANCE** This Proposal and Contract constitutes an offer, including these Terms and Conditions, which may be accepted by Customer to form a contract only upon Customer's execution hereof by an authorized person on behalf of Customer and return to Arrow Fence within 10 days of the Proposal Date. Any alteration of this Proposal shall constitute a rejection of the offer and a counter offer to Arrow Fence for its consideration. Notice of Acceptance after 10 days is subject to rejection by Arrow Fence in its discretion. Except in the event Customer requires execution of separate agreement provided by Customer, this contract constitutes the entire agreement of Arrow Fence and Customer for the Work described above. Acceptance of this Proposal constitutes acceptance of all terms and conditions herein. In the event Customer requires execution of a separate agreement these Terms and Conditions shall be incorporated into and supersede any conflicting term of an agreement prepared by Customer.
2. **PRICE AND PAYMENT.** This Contract with Arrow Fence for labor and materials is made at the prices shown above at Rocklin. All sums are due and payable at Arrow Fence's offices in Rocklin, California. Payment is deemed made as of the date of actual receipt by Arrow Fence. All sums due Arrow Fence shall bear interest at the rate of 1 1/2% per month from the date due. All payments shall be applied first to interest and then to the principal amounts due Arrow Fence.
3. **TIME OF PERFORMANCE.** The Estimated number of days to perform the Work is conditioned upon the site being ready as of the scheduled start and free of any interference by others, including Customer. The Scheduled Start and estimated time to complete the Work is an estimate only and may vary depending upon availability of materials and conditions of the property. Arrow Fence shall use its best efforts to begin and complete the Work on schedule but shall not be responsible for damages for delay, whether direct or consequential, including loss of use of the property.
4. **CHANGES IN THE WORK** Arrow Fence agrees to make any and all changes within the scope of the Work as directed by Customer in writing. Customer agrees to pay for all additional materials in advance. Unless otherwise agreed in advance of performance of the changes, Customer shall compensate Arrow Fence for actual costs incurred for additional labor and/or materials to perform the changes plus an amount equal to 20% thereof to compensate as reasonable overhead and profit for the additional work. The time to perform the Work shall be adjusted to allow adequate additional time to complete the Work with the changes ordered by Customer. Customer may cancel any portion of the work upon 5 business days notice to Arrow Fence. Customer agrees to reimburse Arrow Fence all restocking charges for returned materials. In the event Customer provides less than 5 business days notice the Customer agrees to reimburse Arrow Fence all costs of labor and materials incurred by Arrow Fence plus 20% thereof for overhead.
5. **INSPECTION** Customer shall inspect all Products for non-conformance within 48 hours after delivery and shall notify Arrow Fence within 3 days after delivery by fax or Federal Express of any non-conformance.
6. **RISK OF LOSS** Risk of loss and title to Products (Materials) shall pass from Arrow Fence to Customer upon Delivery.
7. **CUSTOMER DEFAULT** In the event Customer defaults in any provision of this Agreement all sums owing by Customer shall become immediately due and payable in full and Arrow Fence shall have the right to suspend performance of this or any other outstanding Contracts and prevent the further delivery of materials to Customer, without affecting any other right or remedy Arrow Fence may have under this agreement or at law. Customer shall be default in the event any amount continues delinquent more than 5 days. Failure of Arrow Fence to exercise any rights of enforcement of rights for Customer's default of this agreement shall not operate as a waiver of any future default. Customer agrees to pay all costs of enforcement of this Proposal and Contract, including attorney fees, travel expenses, expert fees, and arbitration fees incurred by Arrow Fence.
8. **CUSTOMER REMEDIES** In the event Arrow Fence fails to Deliver materials within 15 days after the Scheduled Start Date, Customer shall have the right, prior to actual delivery of materials, as Customer's sole and exclusive remedy, to cancel this Proposal and Contract by written notice to Arrow Fence for a full credit of the contract price. Arrow Fence shall not be liable for any other cost or expense or damage, including but not limited to, increased material or labor costs, delay, loss of profits, liquidated damages, indemnities, good-will, fines, fees, penalties, or other charges of any kind whatsoever, or any direct, incidental, or consequential damages.
9. **CANCELLATION** Customer may cancel or postpone Delivery of Products by written notice to Arrow Fence not later than 7 days prior to Scheduled Start Date. Any work postponed more than 30 days shall be subject to cancellation by Arrow Fence. Any rescheduling of the work shall be subject to approval by Arrow Fence and payment of all costs incurred by Arrow Fence by reason of the postponement or cancellation. All sums due hereunder shall be payable as shown on this Proposal and Contract.
10. **LIMITED WARRANTY** Arrow Fence warrants the work to be free from defects in workmanship and materials, for a period of one year from the date of installation. This is the only warranty made by Arrow Fence with respect to the labor and materials supplied under this contract. Customer's sole and exclusive remedy under this warranty shall be, at Arrow Fence's option, to repair, replace, or refund the contract price of any defective Work. **THE WARRANTIES OF ARROW FENCE ARE IN LIEU OF, AND CUSTOMER HEREBY WAIVES, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE AND ALL OTHER WARRANTIES; EXPRESS, STATUTORY OR IMPLIED.**
11. **INSURANCE & INDEMNITY** Arrow Fence maintains policies of General Liability, Property Damage, and Workers Compensation Insurance and the liability of Arrow Fence for any injury or loss shall be limited to the types and amounts of claims covered by said policies of insurance. Arrow Fence agrees to indemnify Customer for all settlements, awards or judgments for personal injuries and/or damage to property of anyone, to the extent caused by the negligent act or omission of Arrow Fence or its employees, to the extent such claims are covered by insurance carried by Arrow Fence and limited to an amount equal to the lesser of the insurance policy coverage and limits under such policies maintained by Arrow Fence or the special damages proximately caused by the acts or omissions of Arrow Fence or its employees.
12. **GOVERNING LAW.** This Agreement constitutes the entire agreement of the parties. This Agreement shall be governed and construed under the laws of the State of California. Venue for any action on this Agreement shall be in Placer County California. Contractors are required by law to be licensed and regulated by the Contractors State License Board located at 9821 Business Park Dr., Sacramento, Ca. 95827/P.O. Box 26000, Sacramento, Ca. 95826

Initials _____

Notice to Owner:

- (1) Upon satisfactory payment being made for any portion of the work performed, the contractor shall, prior to any further payment being made, furnish to the person contracting for the home improvement a full and unconditional release from any claim or mechanic's lien pursuant to Section 3114 of the Civil Code for that portion of the work for which payment has been made. (B&P Code '7159f)
- (2) Owner may require Arrow Fence Co. to obtain a performance and/or payment bond, at the Owner's expense. (B&P Code '7159g)
- (3) Failure by Contractor without lawful excuse to substantially commence work within 20 days from the approximate date specified herein when work will begin is a violation of the Contractors' State License Law. (B&P Code '7159I)

NOTICE TO OWNER

Under the California Mechanics' Lien Law, any contractor, subcontractor, laborer, supplier, or other person or entity who helps to improve your property, but is not paid for his or her work or supplies, has a right to place a lien on your home, land, or property where the work was performed and to sue you in court to obtain payment.

This means that after a court hearing, your home, land, and property could be sold by a court officer and the proceeds of the sale used to satisfy what you owe. This can happen even if you have paid your contractor in full if the contractor's subcontractors, laborers, or suppliers remain unpaid.

To preserve their rights to file a claim or lien against your property, certain claimants such as subcontractors or material suppliers are each required to provide you with a document called a "Preliminary Notice." Contractors and laborers who contract with owners directly do not have to provide such notice since you are aware of their existence as an owner. A preliminary notice is not a lien against your property. Its purpose is to notify you of persons or entities that may have a right to file a lien against your property if they are not paid. In order to perfect their lien rights, a contractor, subcontractor, supplier, or laborer must file a mechanics' lien with the county recorder which then becomes a recorded lien against your property. Generally, the maximum time allowed for filing a mechanics' lien against your property is 90 days after substantial completion of your project.

TO INSURE EXTRA PROTECTION FOR YOURSELF AND YOUR PROPERTY, YOU MAY WISH TO TAKE ONE OR MORE OF THE FOLLOWING STEPS:

- (1) Require that your contractor supply you with a payment and performance bond (not a license bond), which provides that the bonding company will either complete the project or pay damages up to the amount of the bond. This payment and performance bond as well as a copy of the construction contract should be filed with the county recorder for your further protection. The payment and performance bond will usually cost from 1 to 5 percent of the contract amount depending on the contractor's bonding ability. If a contractor cannot obtain such bonding, it may indicate his or her financial incapacity.
- (2) Require that payments be made directly to subcontractors and material suppliers through a joint control. Funding services may be available, for a fee, in your area which will establish voucher or other means of payment to your contractor. These services may also provide you with lien waivers and other forms of protection. Any joint control agreement should include the addendum approved by the registrar.
- (3) Issue joint checks for payment, made out to both your contractor and subcontractors or material suppliers involved in the project. The joint checks should be made payable to the persons or entities which send preliminary notices to you. Those persons or entities have indicated that they may have lien rights on your property, therefore you need to protect yourself. This will help to insure that all persons due payment are actually paid.
- (4) Upon making payment on any completed phase of the project, and before making any further payments, require your contractor to provide you with unconditional "Waiver and Release" forms signed by each material supplier, subcontractor, and laborer involved in that portion of the work for which payment was made. The statutory lien releases are set forth in exact language in Section 3262 of the Civil Code. Most stationery stores will sell the "Waiver and Release" forms if your contractor does not have them. The material suppliers, subcontractors, and laborers that you obtain releases from are those persons or entities who have filed preliminary notices with you. If you are not certain of the material suppliers, subcontractors, and laborers working on your project, you may obtain a list from your contractor. On projects involving improvements to a single-family residence or a duplex owned by the individuals, the persons signing these releases lose the right to file a mechanics' lien claim against your property. In other types of construction, this protection may still be important, but may not be as complete.

To protect yourself under this option, you must be certain that all material suppliers, subcontractors, and laborers have signed the "Waiver and Release" form. If a mechanics' lien has been filed against your property, it can only be voluntarily released by a recorded "Release of Mechanics' Lien" signed by the person or entity that filed the mechanics' lien against your property unless the lawsuit to enforce the lien was not timely filed. You should not make any final payments until any and all such liens are removed. You should consult an attorney if a lien is filed against your property."

Initials _____

Notice of Cancellation

You may cancel this transaction, without any penalty or obligation, within three business days from the above date of this Agreement (___ / ___ / 20___).

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be canceled. If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale, or you may, if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation.

If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice, or any other written notice, or send a telegram to **ARROW FENCE CO., 4025 Cincinnati Avenue, Rocklin, California 95765**

not later than midnight of (___ / ___ / 20___).

I hereby cancel this transaction.

(Date) _____, 20___

Buyer's (Owner's) signature: _____



Arrow Fence Co.

A Subsidiary of Rowan Corporation
 4025 Cincinnati Avenue • Rocklin, CA 95765
 Phone (916) 626-3030 • FAX (916) 626-3037
 Contractors License #436008

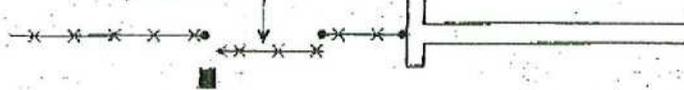
WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES FOR:

BK

SUBMITTED Jim Fletter,		DATE April 27, 2011 <i>6/2/11</i>		CONTRACT NO. 5993			
STREET 1216 Fortna Ave.		JOB NAME		JOB PHONE Cell 916/867-5090			
CITY, STATE, AND ZIP CODE Woodland, CA 95776		JOB LOCATION Corner of Main St. & Grant Ave. Winters, CA					
PHONE 530/668-5883 x 208		FAX/E-MAIL 530/668-5893		SALESMAN Buck Kwong			
CHAIN LINK		ORNAMENTAL IRON					
WIRE FABRIC GAUGE	DIAMETER TERMINAL POST	POST SIZE	PANEL STYLE / COLOR	DIAMETER POST	RAIL	OVERALL LENGTH	OVERALL HEIGHT
DIAMETER LINE POST	DIAMETER TOP RAIL	PICKET SIZE & SPACING	TOP & BOTTOM RAIL	LINE POST SPACING FT.		WALK GATE SIZE	DRIVE GATE SIZE
LINE POST SPACING FT.		POST SPACING					

INSTRUCTIONS:

Existing
 19' opening x 8'H
 Slide Gate



- ENTRY SYSTEM SPECIFICATIONS:**
- (1) DoorKing # 9150 Slide Gate Operator
 - (1) Liftmaster # 312HM Receiver
 - (10) Liftmaster # 371LM Transmitters
 - (1) DoorKing # 203 Gate End Retainer
 - (2) Automatic Gate Caution Signs
 - (1) Linear High Gain Antenna
 - (2) Miller Safety Edges - 6'
 - (2) Edge Transmitters
 - (1) Dual Channel Receiver for Edges
- Saw cut concrete for electrical.
 Use existing electrical.
 Weld tail to existing gate for operator.
 Weld custom wheel boxes on side for UL 325 codes.
BID AT PREVAILING WAGE.

*Most responsive
 complete job
 11,240*

QUOTE GOOD FOR 15 DAYS

CONTRACT PRICE \$ 8260.00

Automatic Gates by Morgan

4898 Westlake Parkway
 Sacramento CA 95835
 License #887843



Estimate

Date	Estimate #
8/24/2011	407

Name / Billing Address
City of Winters 318 First Street Winters, CA 95694

Install Address
Pump Station at new Fire Dept Eric Lucero - 530-902-3855 cell eric.lucero@cityofwinters.org

P.O. No.	Terms	Project	Other
	Due on receipt		

Description	Qty	Item Price	Amount	Discount	Total
Viking H-10 - 1 hp slide gate operator - Up to 100 cycles on battery back up	1	1,826.84	1,826.84		1,826.84T
Linear MegaCode Receiver to match existing fire dept gates	1	39.35	39.35		39.35T
2 button MegaCode transmitters - they will work for both gates	12	17.89	214.68		214.68T
Knox Fire Key Switch	1	200.00	200.00		200.00T
6" Power Wheels	4	58.81	235.24		235.24T
6" Wheel Cover	4	40.01	160.04		160.04T
Sawcut concrete and run power from pull box to gate operator, run power from gate operator to electrical panel. City has verified there is a conduit from panel to pull box.	1	1,000.00	1,000.00		1,000.00
Reflective Photo Eye Safety Sensor	1	157.03	157.03		157.03T
Labor to install above items	1	1,500.00	1,500.00		1,500.00
Option to add two sawcut loops into the concrete will add \$1000.00 to total price		0.00	0.00		0.00
Install 25' of 4' tall square perf metal powder coated black to gate. Double price to add to fence behind gate. this will add \$1650.00 to total price			0.00		0.00
Customer to bring power to outside of building on South Side near gate. Location TBD.					

Thank you for considering Automatic Gates by Morgan!	Subtotal
	Sales Tax (7.375%)
	Total

Phone #	Fax #	E-mail	Web Site
707-718-0053	866-710-0899	ryan@automaticgatesbymorgan.com	www.automaticgatesbymorgan.com

Automatic Gates by Morgan

4898 Westlake Parkway
 Sacramento CA 95835
 License #887843



Estimate

Date	Estimate #
8/24/2011	407

Name / Billing Address
City of Winters 318 First Street Winters, CA 95694

Install Address
Pump Station at new Fire Dept Eric Lucero - 530-902-3855 cell eric.lucero@cityofwinters.org

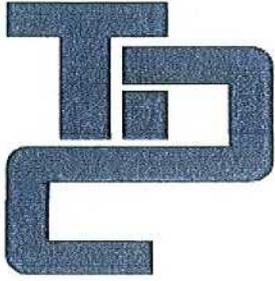
P.O. No.	Terms	Project	Other
	Due on receipt		

Description	Qty	Item Price	Amount	Discount	Total
Payment Schedule: 10% down with signed copy of estimate, \$2000.00 on start date, balance Net 30 Sign Here to accept proposal and payment terms: <hr/>					

Thank you for considering Automatic Gates by Morgan!	Subtotal	\$5,333.18
	Sales Tax (7.375%)	\$208.95
	Total	\$5,542.13

Phone #	Fax #	E-mail	Web Site
707-718-0053	866-710-0899	ryan@automaticgatesbymorgan.com	www.automaticgatesbymorgan.com

per metal +6600
 12142.13



The Door Company

GATE AUTOMATION & ACCESS SYSTEMS DIVISION

6-22-2011

Rev. Proposal No. 110622C

Central Valley Office
Gate and Access Div.
CA Lic. #496225

Contact:
Larry A. Abrey
P. 916-212-1490
F. 209-825-1161

City of Winters California
318 First Street
Winters, CA 95694
P. 530-795-4727
Attn: Eric Lucero

- Automatic Gate Systems
- Access Controls and Telephone Entry Systems
- Folding Gate and Door Systems
- Crash Rated Barriers and Gates
- Commercial Coiling & Sectional Doors
- Rubber Doors
- Impact Doors
- Dock Equipment
- Residential Garage Doors
- Turnstiles

Quality Door and Gate Systems
since 1986

Design
Installation
Service
Sales

Industrial
Commercial
Residential

www.thedoorco.net

Re: Automation of one existing vehicle access slide gate located at 700 W. Main Street.

The Door Company is pleased to have the opportunity to submit our proposal for your review and consideration. TDC is proposing to automate the one existing vehicle access slide gate by providing and installing the following:

(1) Linear model SLC slide gate operator with ½ HP motor with 115 VAC single phase motor and full feature APEX control board. Operator is rated for a gate up to a 37' in length and weighing 1000 pounds at continuous duty. Gate operator will be installed onto concrete mounting pad that will be provided and installed by TDC.

(3) Obstruction sensing edges to be installed onto the leading edge, rear edge and support post for entrapment protection

(1) Linear two button transmitters will be provided that will program directly into the APEX built in radio receiver.

(4) Elite 6" solid steel machined v-groove wheels with sealed bearings will be installed to replace the existing cast wheels.

(1) Installation of electrical conduit and wire from the existing junction box to the gate motor location. This will include saw cutting the existing concrete and patch back with new concrete.

Please note that the gate will operate as command open and close with use of transmitter.

Total base bid price including materials, labor and tax is \$6,508.00.

Options/recommendations

A-Please note that TDC has not included any access devices for the Fire Department. Should you desire to have TDC furnish and install one (1) Knox 3502 key switch than please add \$449.00 to the base bid price.

B-TDC will furnish and install the Linear SLC 1 HP slide gate operator in substitution of the ½ HP for an additional \$438.00.

C-Recommended for Safety Compliance: TDC recommends the installation of expanded metal mesh on the gate and stacking fence that will be installed from bottom rail to top rail and guarding the wheels and rollers for compliance with current safety standards. The additional cost for this scope of work is \$3 633 00

Conditions

- Permits, plans and related fees to be obtained and paid for by others.
- Electrical conduits and wire are to be provided and installed to required locations by others.
- Low voltage conduits with pull strings are to be provided and installed to locations by others.
- Any access controls other than listed in our proposal are to be furnished and installed by others or TDC may provide at an additional cost.
- Submittal and O&M manuals will be provided for TDC scope of work.
- The Door Company is an open shop company and this project is bid on the bases of TDC adhering to the prevailing wage requirements for this project.
- Should payment and performance bonds be required add 2.75% to total bid price.
- Some traffic interruptions should be anticipated during the performance of some aspects of our work.

Warranty: Door System Design, Inc. dba The Door Company (Gate Division) certifies that all material and labor provided shall carry a one-year warranty. Service personnel will be provided for warranty items during normal business hours (8 a.m. to 4 p.m., Monday thru Friday excluding holidays). Warranty excludes damage to equipment or materials caused by negligence, misuse, vandalism, or acts of God. **Please note that our warranty will not apply to any existing or relocated materials or equipment.**

Terms: 10% deposit upon acceptance of proposal, progressive invoicing during the project due upon receipt. Bid prices are valid for 60 days from date of proposal.

Contractors are required by law to be properly licensed and regulated by the Contractors State License Board. Any questions concerning a contractor may be referred to the register of the board whose address is: Contractors State License Board, 5152 Bradshaw Road, Sacramento, CA 95827.

The Door Company has been installing quality door, gate and access control systems for more than 24 years. The extensive experience of our staff ensures that your project will be properly designed, installed and maintained.

Should you have any questions, please feel free to contact me directly at 916-212-1490.

Sincerely,

Larry A. Abrey
 The Door Company
 Gate Automation & Access Systems Division
larrya@thedorco.net

\$11,028
 Bid in complete
 no electrical hook up.



2251 IVY ST.
 1623 BELTLINE RD.
 301-C BURNS DR. UNIT 1

• P.O. BOX 3313
 • P.O. BOX 994452

• CHICO, CA 95927-3313
 • REDDING, CA 96099-4452
 • YUBA CITY, CA 95991

• PHONE (530) 345-5555
 • PHONE (530) 222-5555
 • PHONE (530) 673-7778

• FAX (530) 345-3242
 • FAX (530) 243-5556
 • FAX (530) 673-7779



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: September 6, 2011
FROM: John W. Donlevy, Jr., City Manager 
SUBJECT: Community Design Grant Application

RECOMMENDATION:

That the City Council:

1. Approve submittal of a SACOG Community Design Category 3 Funding Application for design and planning for a roundabout at Walnut Lane and Grant Ave; and
2. Approve a matching amount of \$12, 957 which would come from City Gas Tax revenues.

BACKGROUND:

On June 17, 2011, SACOG released their Round 5 Category 3 Community Design Guidelines and Funding announcement for 2011-13. This funding program provides opportunities for communities to advance capital projects with specific emphasis on transportation/circulation improvements.

The program provides support funding for improvements to public right-of-ways that promote smart growth and sponsored by an eligible public agency. Because federal transportation funds are used for this program, awarded projects must be "federal aid eligible". This means that projects must have a significant element involving transportation – the construction of infrastructure, environmental review, design or right-of-way purchase are general tasks that are eligible for these funds.

The program is a \$100,000 funding program and provides up to up to \$87,043 with a \$12,597 match.

DISCUSSION:

With the adoption of the Grant Ave. "Complete Streets Plan", the City now has a qualified program for implementing projects which will qualify under this funding opportunity.

Staff is proposing the Walnut Lane/Grant Ave. Roundabout as the project application, because it represents the most capable project to be designed and implemented within the corridor. A combination of the past widening projects and the prospect of moving forward on the Grant Ave. Commercial Project make this project ready to go.

The funding will go toward design, engineering, permitting and environmental review for the project. Staff is also pursuing another grant through Caltrans for the actual construction of the project.

The application deadline was August 17, 2011. The application was submitted based on encouragement from SACOG for Staff to develop the project. This report is coming to City Council after the fact based on a combination of the encouragement, the need to rapidly develop the project and the submittal deadline.

Staff is asking for approval to keep the application submitted with SACOG.

FISCAL IMPACT:

This action will require a match of \$12,957 which will be allocated from the City's Gas Tax Fund. The action will allocate the funds and the correction in the budget will occur at the mid year.



Aug. 16, 2011

Sacramento Area Council of Governments
ATT: Gregory Chew
Community Design Funding Program Manager
1415 L Street, Suite 300
Sacramento, CA 95814
Re: Community Design Category 3 (\$100,000) funding program

Dear Mr. Chew:

On behalf of the City of Winters, I am pleased to authorize submittal of an application for funding through SACOG's 2011-2013 Community Design Funding Program. The proposed project is entitled "Walnut Lane Roundabout."

Funding will be utilized for the preliminary phase of the Walnut Lane Roundabout project. This project is the first step in the implementation of the adopted City of Winters Complete Streets Concept Plan, which was created through an extensive public outreach process funded by a Caltrans grant. Partners included Caltrans, the City of Winters, Yolo County, Yolo County Housing and MIG. This plan is the community-supported vision for a more pedestrian and bicycle friendly Grant Avenue (State Route 128) corridor that continues to support smooth automobile traffic flow.

Alan Mitchell is the Project Manager for the City's Contract Engineer, Ponticello Enterprises. He is trained in managing federally funded projects and will manage this project if funded. His contact information follows:

Alan Mitchell
Ponticello Enterprises
1216 Fortna Avenue
Woodland, CA 95776
(530) 668-5883
alan.mitchell@ponticelloinc.com

318 First Street
Winters, CA 95694
Phone: 530.795.4910
Fax: 530.795.4935

COUNCIL MEMBERS
Harold Anderson
Mike Martin
Tom Stone

MAYOR
Woody Fridae
MAYOR PRO TEM
Cecilia Aguiar-Curry

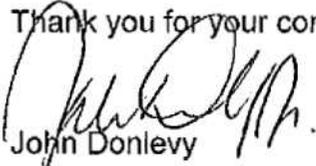
CITY CLERK
Nanci Mills
TREASURER
Michael Sebastian

CITY MANAGER
John W. Donlevy, Jr.

City of Winters Management Analyst/Grant Writer Dawn Van Dyke is the alternate contact person for all matters pertaining to this application. Her contact information follows:

Dawn Van Dyke, City of Winters
318 First St.
Winters, CA 95694
(530) 795-4910 ext. 108
dawn.vandyke@cityofwinters.org

Thank you for your consideration of this worthwhile project.



John Donlevy
City Manager
City of Winters

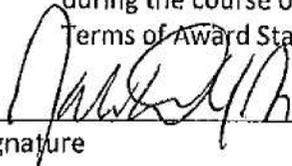
Understanding Terms of Award Statement (Required -- all grant categories)

The following is a summary of the terms that all recipients must acknowledge as their applications are submitted. The applicant may photocopy this page, and then have the authorized official who signs the application cover letter sign this as well and include it as part of the application. This is a required element of the application.

Upon receiving funding through the SACOG Community Design Program for the application in this packet, I, as the authorized signatory for City of Winters (name of sponsoring jurisdiction) understand the following:

- The funding for the awarded project is for federal aid projects and the jurisdiction that I represent accepts the responsibility of undertaking federal aid funding.
- The staff person who is knowledgeable of federal aid requirements has reviewed the contents in this application and will be assigned as the lead person overseeing federal aid requirements throughout the delivery of this project. The jurisdiction acknowledges that if it does not have a qualified staff person or consultant to manage federal transportation funds, SACOG maintains the right to retract committed funding for this project.
- Delivery of the project as conveyed in the application in terms of scope, timeline and deliverables will be used to evaluate the success of this project. If the project is not delivered or completed within three years of receiving authorization by the funding source, this jurisdiction acknowledges that it may be penalized in future funding cycles of SACOG's four regional funding programs, and in particular the Community Design Program. This will likely mean this project will be de-programmed of any of its unused grant funding, plus this jurisdiction will be prohibited from applying in the next round of funding in this program.
- All awarded projects, regardless of funding source, are required to submit to the SACOG Community Design Program Manager a quarterly update on the status of the project. The responsibility of submitting the 1 or 2 paragraph email to SACOG lies solely with the award recipient. Failure to do so may result in penalties to this jurisdiction in future funding cycles of SACOG's four regional funding programs, and in particular the Community Design Program. If the awarded jurisdiction's project manager changes during the course of the project, it is the responsibility of the jurisdiction to convey this Terms of Award Statement to the new project manager.

Signature



Title, Jurisdiction

City Manager - City of Winters

Print Name

John W. Donlevy, Jr.

Date

9-17-2011

Project Summary Table #1

Project Title	Grant Avenue Roundabout
Sponsoring Agency	City of Winters
Lead Person and contact information	Lead contact person:Dawn Van Dyke, Management Analyst/Grant Writer 318 First St. Winters, CA 95694 (530) 795-4910 ext. 108 (530) 795-4935 dawn.vandyke@cityofwinters.org
Partner organizations	N/A
Grant Category	Category #3 (\$100,000.00)
Community Design Funds requested	\$88530.00
Overall committed total project costs	\$11,470.00 Local Match Gas Tax
Minimum amount to conduct project	\$100,000.00
Project Description	The project is the Grant Avenue (SR128) Roundabout. The roundabout is one of at least two that are included in the City of Winters adopted Complete Streets Concept Plan, developed in partnership with Caltrans, Yolo County and MIG. The Complete Streets concept includes roundabouts for traffic calming, bicycle and pedestrian improvements, and landscaping. Community Design 11-13 funding in the Category 3 (\$100,000) category will be used in the first phase of implementation, including pre-design and utility coordination, design, environmental, construction documents.

City of Winters Walnut Lane Roundabout

Project Narrative

Complete Streets Concept Plan

In 2010, the City of Winters embarked on an extensive public outreach project to develop a Concept Plan from which to implement Caltrans Deputy Directive DD-64-R1 "Complete Streets – Integrating the Transportation System." The result was an adopted Complete Streets Concept Plan that includes the community's preferred vision for the Grant Avenue (State Route 128) corridor.

DD-64-R1

The Directive policy states: "The Directive provides for the needs of travelers of all ages and abilities in all planning, programming, design, construction, operations, and maintenance activities and products on the State highway system. The Department 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."

"Complete Street: A transportation facility that is planned, designed, operated and maintained to provide safe mobility for all users, including bicyclists, pedestrians, transit riders, and motorists appropriate to function and context of the facility."

"The intent of this directive is to ensure that travelers of all ages and abilities can move safely and efficiently along and across a network of "complete streets." (Caltrans, DD-64-R1)

Process

The City of Winters, in partnership with Caltrans, Yolo County and planning and design consultants MIG, held three public outreach workshops to seek input from the community on a vision for a more pedestrian and bicycle friendly Grant Avenue (State Route 128) corridor. The process was funded through a grant obtained by Caltrans. The project also included stakeholder interviews with property owners and other key members of the community including the Winters Joint Unified School District, Winters City Council and Winters Hispanic Advisory Committee.

A public meeting was held in February of 2010, another community meeting, in which the primary information was presented in Spanish, was held at Yolo County Housing in February 2010. A third meeting to allow the community to review the early concept plan was held in May 2010. The draft Complete Streets Concept Plan was presented at

a Joint City Council/Planning Commission workshop in July. The final plan was adopted in December, 2010.

Preferred concept

The Preferred Complete Streets Concept divides the Grant Avenue (State Route 128) corridor into three segments: Railroad Avenue to East Main Street, East Main to Interstate 505 Interchange and Interstate 505 Interchange to El Rio Villa (Yolo County Housing) housing development.

Railroad Avenue to East Main Street plans 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 at Walnut Lane (Attachment A shows Morgan Street roundabout simulation).

East Main Street to Interstate 505 Interchange plans include:

- Four travel lanes (pending development, two lanes until that point)
- Class I and II Bicycle Facilities;
- Pedestrian Facilities
- Landscape bugger between travel lanes and pedestrian facilities; and
- Signalized intersection at East Main Street and Timber Crest Road (pending development
(Attachment B shows preferred option for two segments of corridor)

Interstate 505 Interchange to El Rio Villa plans include:

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

Phase One-Walnut Lane Roundabout

Discussion included phasing the project, developing the first roundabout at Walnut Lane, where the City of Winters has already obtained right-of-way. This roundabout would also be adjacent to a proposed commercial development that is located on the southeast side of the intersection. Associated pedestrian improvements will be included in the project.

Implementing a phased approach is believed to provide the community with time to adjust to having a roundabout on Grant Avenue (State Route 128). It is expected that the second roundabout will be constructed at Morgan Street. If necessary and deemed appropriate, a third will be constructed at Dutton Street.

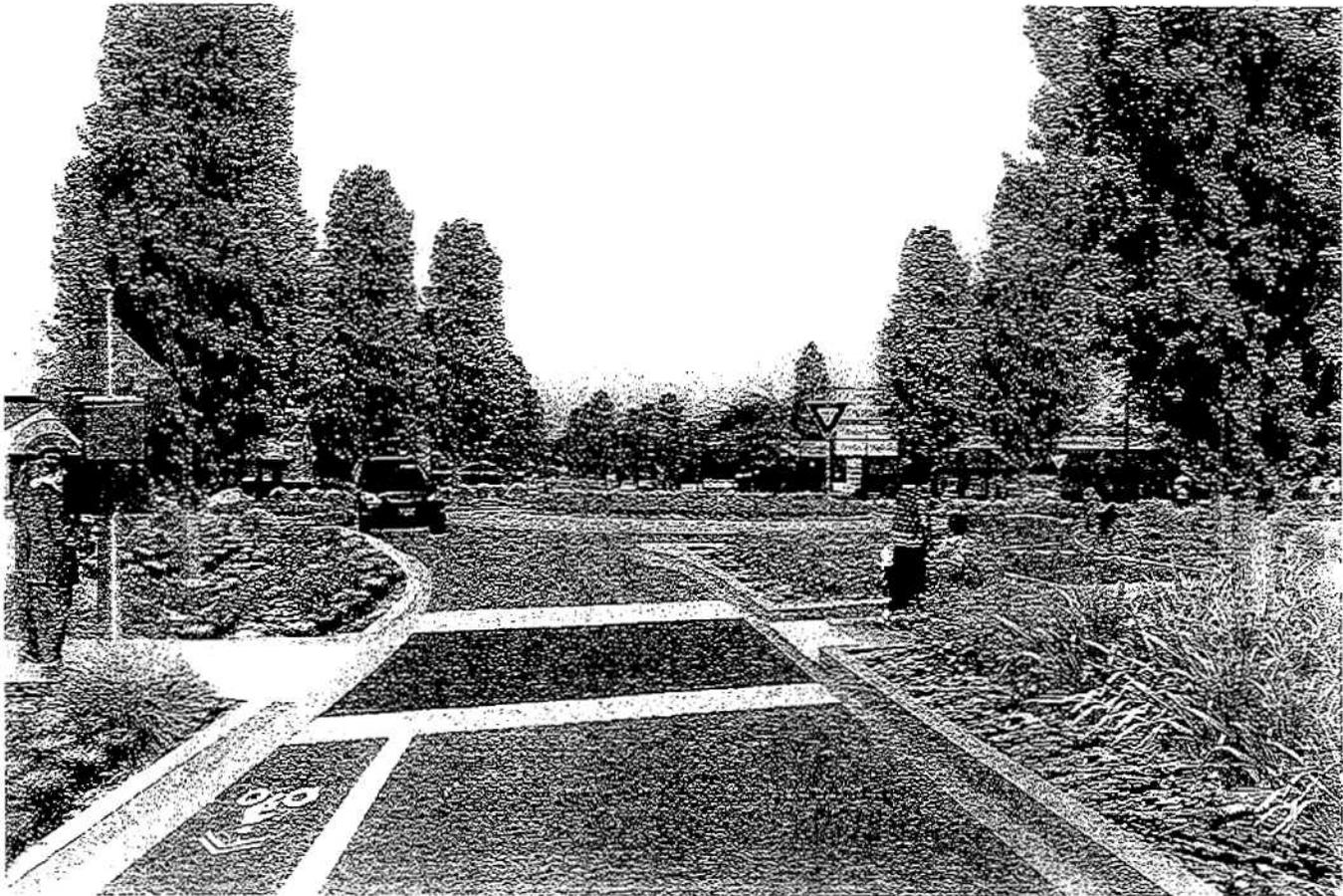
Blueprint Principles

This project implements overall Blueprint Principles by implementing the first phase of the Complete Streets Concept Plan. The concept plan lays out the vision for the Grant Avenue (State Route 128) corridor, that will maintain the small town atmosphere residents in Winters prize. Blueprint principles embodied in the project include:

- Bicycle and pedestrian paths, tunnels and bridges
- On-street bike lanes
- Pedestrian street crossings
- Streetscaping such as median landscaping, street trees and lighting
- Traffic calming

Community Design Category 3 Funding

The City of Winters proposes to apply for Community Design Funding in Category 3: \$100,000 for planning, environmental, pre-design and utility coordination, design, permitting and construction documents for the Walnut Lane roundabout. The ability to obtain funding for the preliminary phase of the project will ensure that it stays on track for future construction funding opportunities.



VISUAL SIMULATION

Complete Street Concept
Refined Design
by East West Project

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.

FIGURE 2-11. VISION OF ARCADE: A "TODAY DAY" WITH A REPLICATED "TODAY" LANE, BUT IMPROVEMENTS

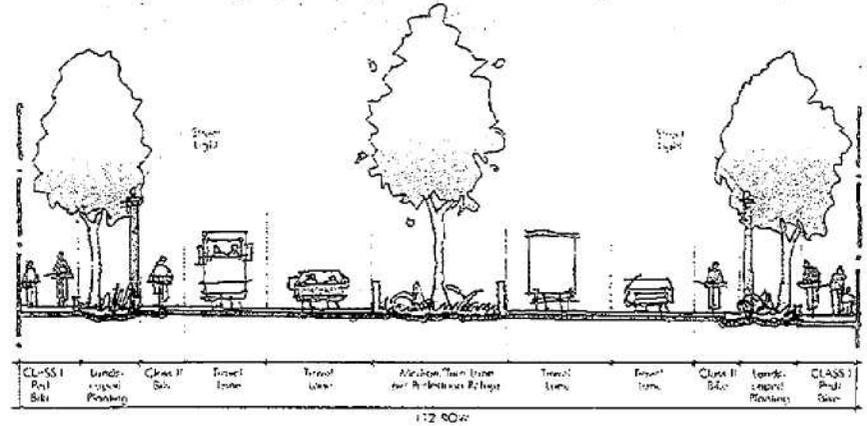
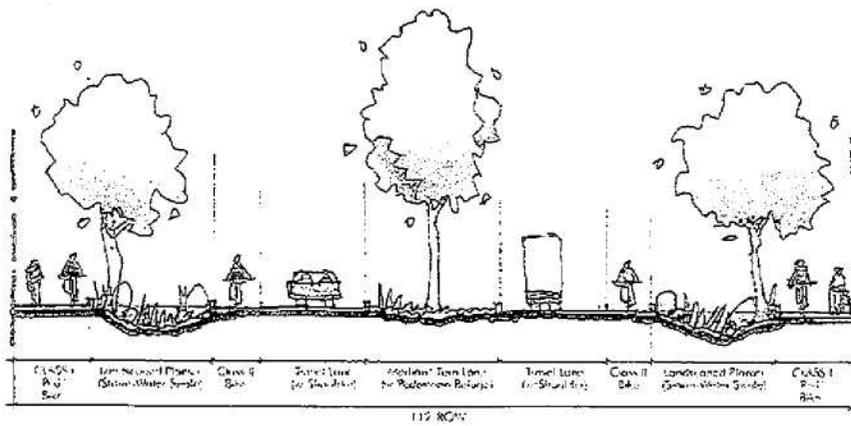


FIGURE 14. CROSS SECTION OF ROADWAY WITH LANDSCAPING BUFFER AND CLASS I BIKE LANE

FIGURE 15. CROSS SECTION OF ROADWAY WITH LANDSCAPING BUFFER AND CLASS I BIKE LANE

Legend

- Existing Roadway
- Existing Signalized Intersection
- Proposed Class I Bicycle & Pedestrian Facilities
- Proposed Class II Bicycle & Pedestrian Facilities
- Proposed Future Roadway
- Proposed Landscaping Buffer
- Caltrans/City of Winters Right of Way
- Proposed Roundabout
- Proposed Signalized Intersection (City of Winters)
- 2 2 Travel Lanes with Turn Lanes
- 4 4 Travel Lanes with Turn Lanes

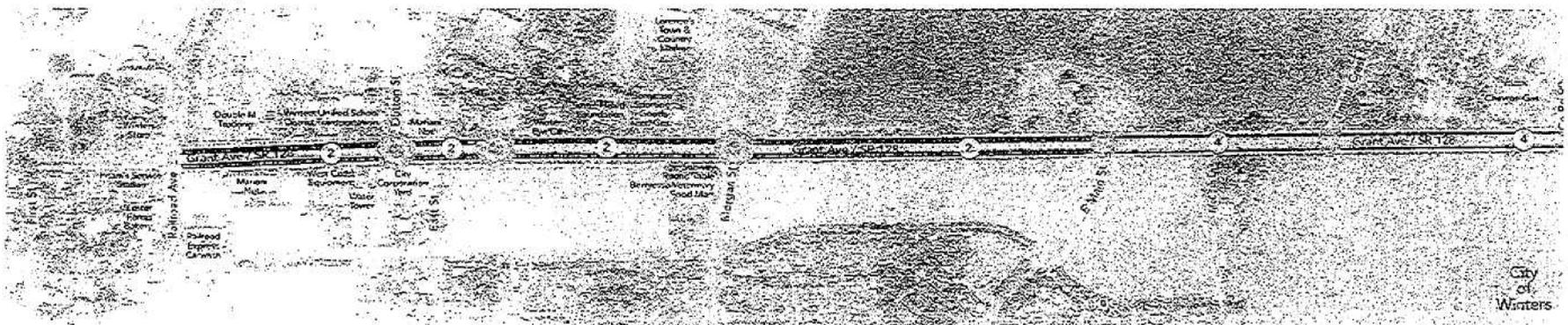


FIGURE 17. LAYOUT OF GRAND AVENUE

Project Budget Summary Table #2

	Phase	Cost Estimate	Amount requested	Month/Year Funding Requested	SACOG Use	SACOG use
Non-Capital	Planning Studies	0.0	0.0	N/A		
Non-Capital	Non-capital staff activities	0.00	0.0	N/A		
Non-Capital	Non-capital materials	0.0	0.0	N/A		
Non-Capital	Miscellaneous (permitting/cost estimates)	10,000.00	4,400.00	09/12		
Capital	Pre-design and utility coordination	15,000.00	15,000.00	09/12		
Capital	Environmental	10,000.00	10,000.00	09/12		
Capital	Design	5,000.00	5,000.00	09/12		
Capital	Right-of-Way	complete	0.0	N/A		
Capital	Construction documents	50,000.00	44,130.00	09/12		
Capital	Contingency	10,000.00	10,000.00	09/12		
	TOTAL	100,000.00	88,530.00			

DEPARTMENT OF TRANSPORTATION

DISTRICT 3
703 B STREET
MARYSVILLE, CA 95901-0911
PHONE (530) 741-4233
FAX (530) 741-4245
TTY 711

AUG 11 2011



*Flex your power!
Be energy efficient!*

August 9, 2011

Mr. Gregory Chew
Community Design Program Manager
Sacramento Area Council of Governments
1415 L Street, Suite 300
Sacramento, CA 95814

Dear Mr. Chew:

Re: Support Letter for the Walnut Lane Roundabout Project

The California Department of Transportation (Department) is pleased to support the application from the City of Winters to the Sacramento Area Council of Governments (SACOG) Community Design Funding Program for a planned roundabout at State Route (SR) 128/Grant Avenue and Walnut Lane in the City of Winters. The Department's mission, to improve mobility across California, means we provide safe mobility for all users of the State highway system through a variety of transportation projects. As a stakeholder, the Department supports this application.

The Walnut Lane Roundabout Project is consistent with both the SACOG Blueprint Principles concerning Transportation Choices, and the Department's Complete Streets Deputy Directive 64 (DD-64). The Walnut Lane Roundabout Project is focused on providing a safer alternative for pedestrians, bicyclists, and motorists, and an overall enhancement of the SR 128/Grant Avenue corridor by achieving a Complete Streets community driven vision.

In early 2008, the Department and the City of Winters engaged the community in identifying safety improvement concepts along the SR 128/Grant Avenue corridor. The extensive public outreach from this effort led to the creation of a Complete Streets Concept Plan (Plan). The Plan proposes to transform the corridor into a safer place for pedestrians and bicyclists while maintaining mobility for vehicle travel and access to mixed-use developments along the corridor. The Plan also called for phasing improvements with the Walnut Lane Roundabout Project as one of the higher implementation priorities. The Winters City Council unanimously approved the Plan in February 2011 after receiving support from the Winters Planning Commission, its constituents, Yolo County Officials, the Department, and others.

The Department sees the Plan as a strong project foundation. Funds from the SACOG Community Design Funding Program will help move the Walnut Lane Roundabout Project forward from community-based planning into the technical design phase. The Department will continue to cooperate with the City of Winters through further review of potential technical design alternatives for the Walnut Lane roundabout on SR 128/Grant Avenue.

Mr. Gregory Chew
August 9, 2011
Page 2

The Department is pleased to offer support for the Walnut Lane Roundabout Project for SACOG's Community Design Funding Program.

Please contact Arthur Murray, Associate Transportation Planner, District 3, Office of Transportation Planning -- South at (916) 274-0616 if you have any questions regarding this letter of support.

Sincerely,

A handwritten signature in cursive script that reads "Jody Jones".

JODY JONES
District Director

c: Nelia Dyer, Community Development Director, City of Winters



STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: September 6, 2011
THROUGH: John W. Donlevy, Jr., City Manager *JW*
FROM: Dan Maguire, Housing Programs Manager *DM*
SUBJECT: Street Closure Request by Winters Healthcare Foundation for Fall Harvest Festival to be held on October 28, 2011

RECOMMENDATION:

Approve the closure of East Main Street between Railroad Avenue and Elliot Street to allow for the Winters Healthcare Foundation Fall Harvest Festival.

BACKGROUND:

The Winters Healthcare Foundation has requested the closure of East Main Street between Railroad Avenue and Elliot Street from 4:00 p.m. to 9:00 p.m. and have requested that barricades be placed at these intersections.

If approved, closure notification will be posted on all affected streets a minimum of 48 hours prior to the scheduled closures.

Per the City's Street Closure Ordinance, it requires Council approval on identified streets on the attached request form.

FISCAL IMPACT:

To be Determined (Police staff overtime, signage, barricade placement).



City of Winters Request for Street Closure

This application is for citizens or groups that have occasion to request that streets be temporarily closed for such things as bicycle races, running contests, block parties and other such events requiring the re-routing of traffic. For a parade or amplified sound an additional permit is required.

A request to close streets shall be filed with the Police and Public Works Departments at least ten (10) business days prior to the date the street would be closed.

There shall be no closure of the following streets without Council approval:

1. Main Street
2. Railroad Street
3. Grant Avenue
4. Valley Oak Drive
5. Abbey Street

Request to close these streets shall be processed in much the same manner except that the request shall be submitted to the City Council by the Police Department. Requests to close the streets herein listed shall be submitted at least thirty (30) business days prior to the street closure.

Requests for street closures that are not submitted by the minimum time lines may be granted only by the Winters City Council.

Name: Ana KORMOS Organization: Winters Healthcare

Address: 310 Main St. Mailing Address: 310 Main St.

Telephone: (530) 212-1040 Today's Date: _____

Streets Requested: First Block of East Main St. (btwn Railroad & ~~East~~ Elliott St.)

Date of Street Closure: 10/28 Time of Street Closure: 4-9 pm

Description of Activity: Fall Harvest Festival. Local farmers/producers and arts & crafts people invited to sell product.

Services Requested of City: ~~None~~ Signage to note closure

APPROVED: [Signature] Police Department CS Public Works Department

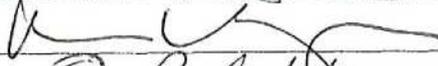
City of Winters Request for Street Closure

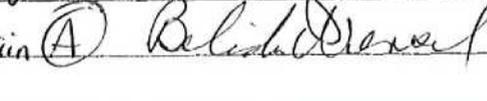
Please provide a listing of the names and signatures of people living on the street (s) to be closed and acknowledging that they know why the closure is requested and that they agree to the closure. Attach additional sheets if necessary.

The Clay ground 7E Mainst # 7B ~~REBA~~
Rebecca Holmes

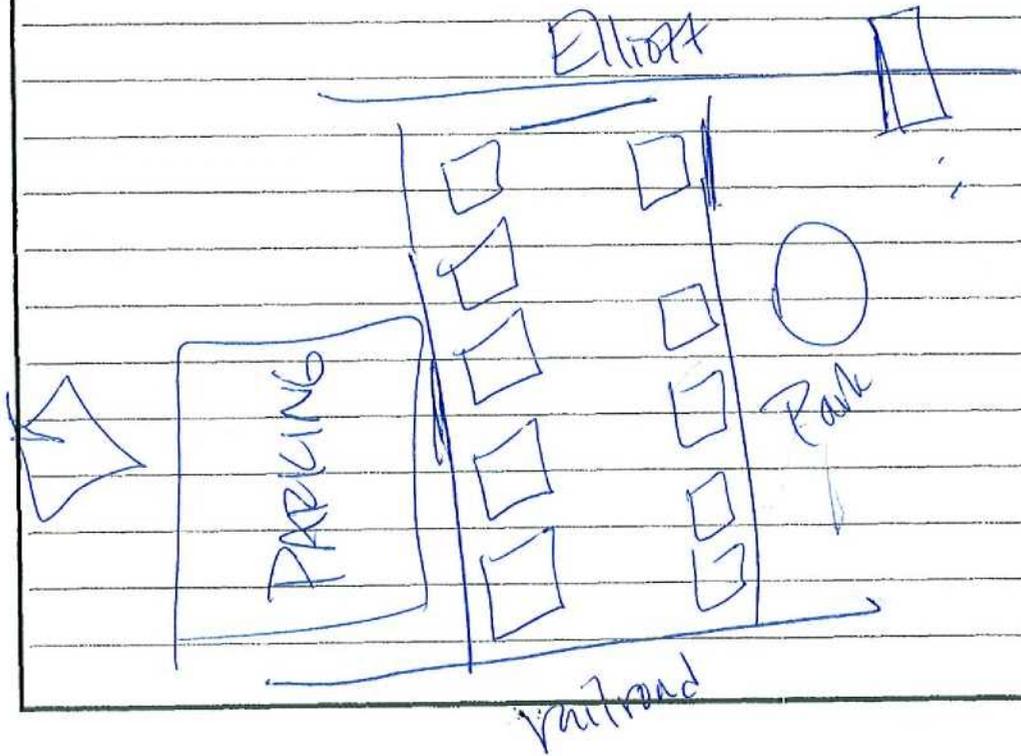
MAIN STREET CELLARS 9 EAST MAIN SUITE J.

MICHAEL PETERSEN 

Ficelle 50E. Main 

Steady Eddie's coffee 5E. Main (A) Belinda Wanser 

Marianne Washburn
Belinda Wanser





CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: September 6, 2011
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Carol Scianna, Environmental Services Manager *CS*
SUBJECT: Approval for City Manager to execute Contract with EnviroCare International to provide control center for the I-505/Gateway Utilities Phase 2 Project, in the amount of \$67,500 plus sales tax and contingency with total estimated at \$75,775

RECOMMENDATION: Approval for City Manager to execute Contract with EnviroCare International to provide a control center for the I-505/Gateway Utilities Phase 2 Project, in the amount of \$67,500, plus sales taxes estimated at \$4900 and a 5% contingency of \$3,375 for a total approved purchase price of \$75,775.

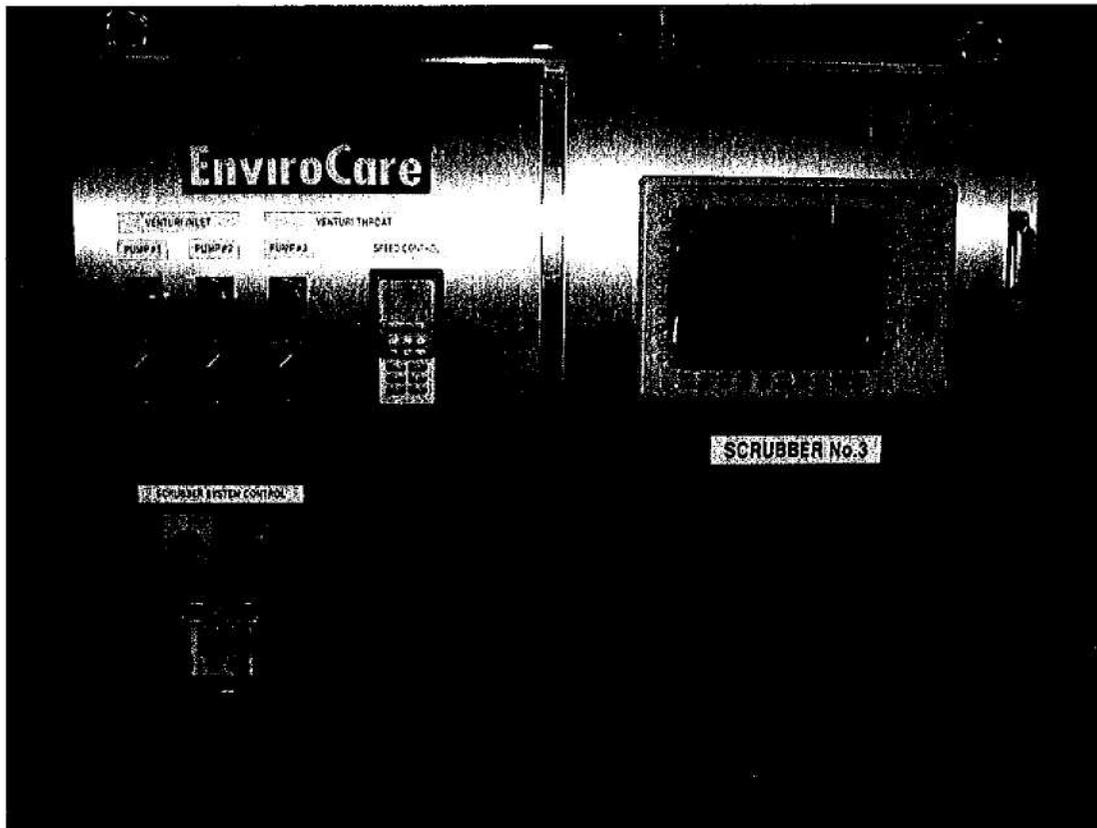
BACKGROUND: The City opened construction bids for the I-505/Gateway Utilities Phase 2 Project. Excluded from the bid package was the supply of the control center since it was determined by Staff that purchase of the control center separately could save around 25% on the costs of the unit. The City's SCADA consultant prepared an RFQ for the control center. Three bids were received and the recommendation from staff is to accept the low bid from EnviroCare International in the amount of \$67,500. With sales tax and the requested contingency, the total requested approval amount is \$75,775.

FISCAL IMPACT: Total cost of panel and taxes, excluding contingency, is estimated at \$72,400.00

EnviroCare International

Proposal To:

**ZSI, Inc.
Sonoma, CA**



for

SCADA/RTU Panel

**Proposal # 3581P99 R. 1
Submitted March 21, 2011**

Customer: Bidding Contractor
Proposal: 3581P99 R. 1
Date: March 21, 2011

PROPOSED EQUIPMENT DESCRIPTION

ITEM 1. CONTROL PANEL

This quotation is based upon ZSI's drawings E-1 through E-9 of Z0750, SPS5 provided on February 3, 2011. The major components of the panel will include:

Enclosure	Nema 4, 48"W x 60"H x 18"D with white painted steel back panel and white painted steel dead fron
PLC	Allen Bradley Compact Logix, P/N 1769-L32E
Power Supply	Allen Bradley, 120 VAC, P/N 1769-PA2
D/I Module	Allen Bradley, isolated, 120 VAC, P/N 1769-IA8I
D/O Module	Allen Bradley, Isolated, 120 VAC, P/N 1769-OW8I
A/I Module	Allen Bradley, isolated, 4-20 mA/1-5 VDC, P/N 1769-IF4I
Right End Cap	Allen Bradley, P/N 1769-ECR
Touch Screen	Allen Bradley Panelview Plus 600, ethernet
Remote IP/Ethernet Bridge	MDS iNet 900, 512 kbps, 902-928 Mhz, frequency hopping spread spectrum
Ethernet hub	Ntron 4 port 10/100 Base TX Indus. Ethernet Sw, DIN-Rail, P/N 304TX
Level Transmitter	Siemens Multi Ranger with remote sensor for waste water application. 50' of sensor cable

EnviroCare will provide all terminal blocks, fuses, disconnects, wire and phenolic tags. PLC and HMI programming and panel inspection will be provided by others.

The control panel will be UL labeled.

Customer: Bidding Contractor
Proposal: 3581P99 R. 1
Date: March 21, 2011

EQUIPMENT AND SERVICES NOT INCLUDED

- Field Testing and Start Up
- Drawings
- Programming
- All items not specifically mentioned in this proposal

DELIVERY SCHEDULE

SHIPMENT: 6-7 WEEKS AFTER RECEIPT OF CERTIFIED DRAWINGS

FIELD SERVICE DAILY RATES

Travel time and work performed	\$1,200.00 plus expenses
Saturday and Sunday work.....	\$1,800.00 plus expenses
Holiday work	\$2,000.00 plus expenses
Layover Time (No work).....	\$900.00 plus expenses

NOTES:

- Terms of payment on all field service invoices are net cash.
- One day (8 hours) minimum charge.
- Partial work days will be invoiced at full day rates.
- Overtime days will be invoiced at one and one-half daily rates.
- All rates are portal to portal.
- All travel expenses such as airfare, car rental, hotels, meals, etc. will be invoiced at full cost plus 10%.
- The above rates do not include any taxes, licenses, or other fees. Rates are on a Net basis.

Customer: Bidding Contractor
Proposal: 3581P99 R. 1
Date: March 21, 2011

PRICING SCHEDULE

ITEM 1. BASE EQUIPMENT PRICE

The BASE PRICE for the proposed equipment shown below is for equipment manufactured and/or services stated, but exclusive of options, local, state or federal taxes.

The BASE PRICE is valid for NINETY (90) days from date of this proposal and is firm through shipment provided fabrication and shipment can be made within the delivery schedule listed herein.

BASE EQUIPMENT PRICE, FOB, point of manufacture, American Canyon, CA:

Item 1:US\$67,500.00

ITEM 2. TERMS OF PAYMENT

To be negotiated

Customer: Bidding Contractor
Proposal: 3581P99 R. 1
Date: March 21, 2011

EnviroCare International

Page 5

Standard Terms and Conditions of Sale

The following Terms and Conditions form part of each proposal submitted by EnviroCare International, (hereinafter called "Supplier") for the sale of equipment, construction, start-up, maintenance services and materials to a Client/Customer, (hereinafter called "Purchaser") and any contract by and between the parties, includes as a part thereof,

1. **Duration of Proposal** – The proposal is valid for 90 days from the issue date (or as stated in the proposal.)
2. **Terms of Payment** - Payment terms shall be net 30 days from date of shipment or declaration of readiness (or as stated in the proposal).
3. **Liability** – Supplier's liability shall be limited to the amount of the contract price. Supplier shall indemnify and hold harmless Purchaser against all losses, liabilities, claims or demands arising out of bodily injury or damage to property arising out of the performance of this contract, but only to the extent that the aforementioned is attributable to the negligence of the Supplier. Supplier shall only be liable for those activities under our direct control.
4. **Consequential Damages** -In no event shall the Supplier be liable for Incidental or Consequential Damages, however caused.
5. **Differing Conditions**– In the event activities or operations at the site by parties other than the Supplier interfere with the execution of the work; an equitable adjustment shall be made to the Contract Price and schedule.
6. **Force Majeure** - In the event of delays or damages due to conditions beyond the Supplier's reasonable control, including, but not limited to, Acts of God, Acts of the Purchaser or Purchaser's customer, etc., including fire, strikes, floods, war and civil uprising and delays in transportation and Supplier's inability to obtain necessary labor, materials or manufacturing facilities. In the event of such delays, the Contract dates shall be extended by an equitable period of time and the Supplier shall be entitled to an equitable adjustment in the Contract price.
7. **Warranty** – Supplier warrants to Purchaser that the work provided under this Contract is free from defects in material, workmanship and design, under normal use and service for a period of twelve (12) months after shipment or twelve (12) months after initial operation or use, whichever occurs first. Supplier's warranty obligations are, at Supplier's sole option, to repair or replace any work which is shown to Supplier's satisfaction to have been defective as to material, workmanship or design, provided that: written notice of such defect is given to Supplier within thirty calendar days of discovery, and the equipment/work has been used and operated in accordance with the Supplier's operating and maintenance instructions. In any event, Supplier's warranty obligation is limited to 25 (twenty-five) percent of the total contract value.
8. **Cancellation** – Purchaser's cancellation of the contract is subject to a cancellation charge of 10% of the total price of the contract, plus Supplier's actual expenses and expenses to which the Supplier has committed for fulfillment of the contract before notice of cancellation is received.
9. **Contract Interpretation** – If any of the provisions of these Standard Conditions of Sale (including statements made in the proposal) conflict with any provisions in the Purchaser's documents, the former shall govern unless Supplier expressly agrees to the contrary in writing. Any contract resulting from this proposal shall be construed, and the legal regulations of Supplier and Purchaser shall be determined, in accordance with the laws of the State of California, USA.
10. **Acceptance** – This Proposal is subject to acceptance by Purchaser within ninety (90) days and shall constitute a binding agreement with the Supplier only when thereafter approved by Supplier and signed by an authorized officer.
11. **Delivery** – Title to all materials shall pass to the Purchaser at point of Manufacture per EXW or FCA (per ICC Incoterms) and risk of loss will thereafter be borne by Purchaser.

EC/t&c/11/98-rev 1



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: September 6, 2011
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Nelia C. Dyer, Community Development Director 
SUBJECT: Resolution 2011-44 - A Resolution of the City Council of the City of Winters Changing the Name of a City Street in the Winters City Limits from County Road 90 to Chapman Lane

RECOMMENDATION: Staff recommends that the City Council take the following actions: 1) receive the staff report; and 2) approve Resolution 2011-44, A Resolution of the City Council of the City of Winters changing the name of a city street in the Winters city limits from County Road 90 to Chapman Lane.

BACKGROUND/DISCUSSION: On May 16, 2006, the Winters City Council adopted City of Winters Resolution No. 2006-18, A Resolution of the Winters City Council Adopting Policies and Procedures for Naming and Dedicating City Facilities (see Attachment A). Resolution No. 2006-18 states that a Street Naming Committee was appointed by the City Council and makes recommendations to the City Council on the names of streets. The Street Naming Committee at the time was comprised of Joanne Larkey, Newt Wallace, and Jack Graf. The committee established a list of names in order of priority for new streets in Winters in December 2005, with "Chapman" being the first name on the list (see Attachment B).

A new connection from Road 33/Industrial Road to Grant Avenue west of the proposed East Baker Street terminus is included as a key modification in the Winters General Plan, adopted in 1992. Therefore, County Road 90 is proposed to be closed to through traffic from Grant Avenue/State Route 128 to the new connection. The street or cul de sac will be used by patrons of the Chevron and approved Burger King/Arco Fuel Station. To remove conflict, duplication, or uncertainty among street names, staff recommends that the name of the street be changed from County Road 90 to Chapman Lane within the city limits. The term "lane" as opposed to "court" is suggested at this time since the timing of the future roadway modifications is unknown.

RECOMMENDATION: Staff recommends that the City Council make the affirmative motion as follows:

I MOVE THAT THE CITY COUNCIL OF THE CITY OF WINTERS APPROVE RESOLUTION 2011-44, A RESOLUTION CHANGING THE NAME OF A CITY STREET IN THE WINTERS CITY LIMITS FROM COUNTY ROAD 90 TO CHAPMAN LANE.

FISCAL IMPACT: If approved, the Public Works Department will place an order for and erect a new street sign. In addition, staff time will be required to transmit the resolution to the County Board of Supervisors.

ATTACHMENTS:

- A. City of Winters Resolution No. 2006-18, A Resolution of the Winters City Council Adopting Policies and Procedures for Naming and Dedicating City Facilities
- B. Memo from Community Development Director Dan Sokolow to Street Naming Committee Members, dated December 6, 2005
- C. Resolution 2011-44, A Resolution of the City Council of the City of Winters Changing the Name of a City Street in the Winters City Limits from County Road 90 to Chapman Lane

CITY OF WINTERS

RESOLUTION NO. 2006-18

A RESOLUTION OF THE WINTERS CITY COUNCIL ADOPTING POLICIES AND PROCEDURES FOR NAMING AND DEDICATING CITY FACILITIES

BE IT RESOLVED by the City Council of the City of Winters as follows:

SECTION 1: The City Council shall name municipal building/facilities in recognition of the following:

- A. Naming City buildings, streets, parks, and other facilities serves a public interest by recognizing important landmarks, locations, or persons. This assists the public not only in identifying and visiting these places, but also promotes civic pride.
- B. In order to facilitate that manner in which public facilities may be named, the City Council believes that it should set forth the guidelines for identifying facilities that should be named and the manner in which names may be selected.

SECTION 2: The public facilities affected by this Resolution are as follows:

- A. Buildings: City-owned facilities used for City administration or other City business. Such facilities include, without limitation, the Community Center, City Council Chambers, meeting rooms, Police and Fire Facility and any newly constructed buildings.
- B. Support Facilities: City-owned facilities that support field operations. Support facilities include, without limitation, the corporation yard and water and wastewater pump stations.
- C. Parks: City-owned facilities utilized as recreation or open space sites and trail areas. Park sites include developed and undeveloped park areas and designated open space areas.
- D. Recreation Facilities and Amenities: City-owned facilities used primarily for sports, recreation and leisure activities, including, without limitation, athletic fields, tennis/basketball/handball courts, community centers, gazebos and meeting rooms.
- E. Streets: A Street Naming Committee was appointed by the City Council and makes recommendations to the City Council on the names of new streets.

SECTION 3: City facilities will be named pursuant to the following guidelines:

- A. Names given to facilities will provide easy and recognizable references for City residents, corporate citizens and other visitors. Such names should generally reflect the facility's geographic location (such as a major street, location, neighborhood) or the City's name if the facility serves the entire population.

- B. In certain, unusual, circumstances, where names reflecting the geographical location or the City are unworkable, names may reflect topography, notable flora, or historical precedent.
- C. Under extraordinary circumstances, consideration may be given to naming facilities after significant personages who made prominent contributions to the City's community.
 - Individuals, living or deceased, who have made outstanding contributions to the City of Winters or Winters community
 - Individuals, living or deceased, who have made contributions of local, state, national or worldwide significance

SECTION 4: Facilities will be dedicated as follows:

- A. Groups or individuals may submit recommendations for a name in writing (Exhibit A). Recommendations may also come from other City boards and or commissions. All recommendations will be given the same consideration without regard to the nomination source.
- B. Following the City Council's action, the City Manager, or designee, will install a plaque on the facility which includes the following:
 - 1. Facility name;
 - 2. Dedication date;
 - 3. Additional information determined by City Council action at the time of naming the facility.
- C. If a plaque currently exists on a building or facility being named or dedicated, that plaque will be retained and appropriately displayed.

SECTION 5: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED AND ADOPTED this 16th day of May, 2006, at a regular meeting of the City Council by the following roll call vote:

AYES: Council Members Anderson, Fridae, Godden, Stone and Mayor Martinez
NOES: None
ABSTAIN: None
ABSENT: None

Dan Martinez, Mayor

ATTEST:

Nanci G. Mills, City Clerk

EXHIBIT A

CITY OF WINTERS

Naming and Dedicating City Facilities to recognize an Individual or Organization

NOMINATION FORM

Nomination for consideration in the naming of a City-owned facility. Please type or print clearly and submit to the office of:

**City Clerk
318 First Street, Winters, CA 95694
Telephone: 530-795-4910
Fax: 795-4935**

Date _____

I. Individual/organization submitting name: _____

Address: _____ Telephone: _____ Fax: _____

II. Nominee: (circle one) Individual Organization Club

1. Name: _____ Telephone: _____

2. Mailing Address: _____ Zip _____

Code: _____
Number of Years in Winters area _____

Recommended Name of Facility _____
Location of Facility _____

Explanation of why this individual / organization should be considered. (This information will be used by the Commission to determine the basis for their decision.) (Use additional paper if needed).

Reviewed by City Council on: Date _____



MEMORANDUM
December 6, 2005

TO: Street Naming Committee Members

FROM: Dan Sokolow – Community Development Director

SUBJECT: Potential Street Names

HISTORIC NAMES

Chapman
Ritchie
Humphrey
Morris
Martin
Ely
Briggs
Ireland
Wyatt
Young
Vasey
Hamakawa
Rubio
Rojo
Carbajal
Matsumoto
Dote
Miyamoto
Ramos
Bruhn
Tufts
Button

WINTERS RESIDENTS KILLED DURING FOREIGN WARS

World War II

Frederick C. Barker, Jr.
James D. Barnes
Billie Bishop
Kenneth L. Coleman
Ralph O. Emerton

H.S. Graber
Charles E. Hart
Huber Holland
Sherman Herold, Jr.
Laverne Leggett
Caleb G. Lewis
Manuel L. Martin
Keith Revelle
Senif C. Sheard
Albert Siranian
John T. Taylor
Weldon White

Korea

Gilbert Delgado
Thomas Potter

Vietnam (not declared)

Peter R. Carroll
John B. Causey
Roger D. Curtis
James D. Ozbun
Tierry Maxim
Kenneth D. Middleton
Ralph G. Williams

RESOLUTION No. 2011-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS CHANGING THE NAME OF A CITY STREET IN THE CITY LIMITS FROM COUNTY ROAD 90 TO CHAPMAN LANE

WHEREAS, the City Council of the City of Winters has considered the request of staff to change the name of County Road 90 within the Winters City Limits to Chapman Lane;

WHEREAS, City of Winters Resolution No. 2006-18, A Resolution of the Winters City Council Adopting Policies and Procedures for Naming and Dedicating City Facilities, states that a Street Naming Committee was appointed by the City Council and makes recommendations to the City Council on the names of new streets;

WHEREAS, the Street Naming Committee comprised of Joanne Larkey, Newt Wallace, and Jack Graf established a list of names in order of priority for new streets in Winters in December of 2005, with "Chapman" being the first name on the list;

WHEREAS, the City Council finds that the granting of this request will remove conflict, duplication, or uncertainty among street names.

NOW, THEREFORE BE IT RESOLVED as follows:

1. The City Council of the City of Winters approves the request and changes the street name within Winters City Limits of County Road 90 to Chapman Lane.
2. The City Clerk is directed to transmit a certified copy of the resolution to the Board of Supervisors.

PASSED AND ADOPTED by the City Council, City of Winters, the 6th day of September, 2011.

AYES:

NOES:

ABSTAIN:

ABSENT:

Woody Fridae, Mayor

ATTEST:

Nanci G. Mills, CITY CLERK



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: September 6, 2011
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: John C. Wallace, City Attorney
SUBJECT: 318 Railroad - JJ's Settlement

RECOMMENDATION: Approval of the settlement, and authorization for the Mayor to execute the release.

BACKGROUND: The City Community Development Agency (CDA) acquired 318 Railroad Avenue, subject to an existing lease. The issue of unpaid rent and utilities arose, and JJ's ultimately went out of business for financial reasons. The tenant passed away, and JJ's was operated by Eagle Station LLC, a Limited Liability Company. With limited assets, the City reached a proposed settlement with Eagle Station for one-half the back rent and unpaid utilities. The amount agreed upon in negotiations was \$4,420.90.

FISCAL IMPACT: \$4,420.90 payable to the City of Winters.

RECEIPT AND RELEASE

THIS RECEIPT AND RELEASE (this "Release"), made effective as of September 6, 2011, is between THE CITY OF WINTERS, a General Law City organized by and subject to the laws of the State of California ("Landlord"), and EAGLE STATION LK, LLC, a Utah limited liability company authorized to do business in the State of California ("Tenant").

RECITALS

- A. Landlord and Tenant have entered into an arrangement whereby Landlord has leased to Tenant that certain property and improvements thereon located at 318 Railroad Avenue at the intersection of Abbey Street, City of Winters, County of Yolo, California (the "Leased Property"). Tenant has heretofore conducted the business of operating a bar under the laws of California at the Leased Property. The foregoing bar has been commonly referred to as "JJ's".
- B. Landlord and Tenant desire to terminate this arrangement effective as of the date first written above, and to release each other from all rights, obligations and interests relating to the Leased Property and the conduct of Tenant's business thereon pursuant to the terms of this Release.

RECEIPT AND RELEASE

In consideration of the foregoing Recitals, and in consideration of the payment by Tenant to Landlord of \$4,420.90, the receipt and sufficiency of which is hereby acknowledged, Landlord and Tenant hereby unconditionally release each other from any and all obligations, rights, commitments, liabilities or otherwise arising out of or relating to the Leased Property and the conduct of Tenant's business thereon, and agree to hold each other harmless and indemnify each other from any loss, liability, expense or damage suffered or incurred by either of them arising from any claims of each other or third-parties arising under the arrangement for the Leased Property and the conduct of Tenant's business thereon.

IN WITNESS WHEREOF, Landlord and Tenant have executed this Release to be effective as of the date first written above.

EAGLE STATION LK, LLC

THE CITY OF WINTERS, CALIFORNIA

By: _____
Linda Kessimakis, manager

By: _____
W. Keith Fridae, Mayor



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: September 6, 2011
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: John C. Wallace, City Attorney
SUBJECT: City Purchase of Park Land from CVCAH

RECOMMENDATION: Approval, Authorization for Mayor to sign Escrow Documents, Certificate of Acceptance.

BACKGROUND: The City of Winters received a State of California Grant to acquire about 3 acres of park land from the Central Valley Coalition for Affordable Housing (CVCAH). Purchase price is \$255,620.00, including pro-rated escrow costs. The Estimated Closing Statement is attached. The State Grant people required additional paperwork, which has been provided, and the state funds to purchase property should be forthcoming. The land is part of the remainder parcel of APN 003-360-025, on Railroad/Dutton.

FISCAL IMPACT: Landscaping, installation, maintenance.



Chicago Title Company

801 W. Motion Avenue, Porterville, CA 93257
559 781-7370 • FAX 559 781-7148

DATE: July 26, 2011
ESCROW NO.: 11-42205162-AK
LOCATE NO.: CACTI7734-7754-4422-0031118596
ESCROW OFFICER: Ann A. Kay

TIME: 2:47 PM

CLOSING DATE: August 15, 2011

BUYER ESTIMATED CLOSING STATEMENT

SELLER: Central Valley Coalition for Affordable Housing
BUYER: The City of Winters, a municipal corporation and general law city
PROPERTY: APN: 003-360-025-000, Winters, CA

	\$ DEBITS	\$ CREDITS
FINANCIAL:		
Total Consideration	255,000.00	
ESCROW CHARGES:		
Escrow Fee to Chicago Title	575.00	
Draw Deed	25.00	
Overnight Delivery Fee	20.00	
<hr/>		
ESTIMATED BALANCE DUE ESCROW		\$255,620.00
ESTIMATED TOTALS	\$255,620.00	\$255,620.00

The Undersigned hereby instruct and authorize Escrow Holder to disburse proceeds/refund as follows:

- TRANSFER All Net Proceeds/Refund, or \$ _____
- TO: _____
- ATTN: _____
- ESCROW NUMBER: _____
- HOLD check for PICK UP
- CALL when check is ready for PICK UP, PHONE NUMBER: _____
- WIRE funds to (Bank Name): _____
- Bank Address: _____
- Account Holder Name: _____
- Routing Number: _____
- Account Number: _____

For further credit to: _____
Account Number: _____

- MAIL FEDERAL EXPRESS check to: _____

Date: _____

The City of Winters, a municipal corporation and general law city

By: _____
Name: W. Keith Fridae
Its: Mayor

**THE AMOUNT SHOWN ABOVE DOES NOT
INCLUDE PRORATION OF TAXES
PLEASE NOTIFY ESCROW
AS TO THE AMOUNT**



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: September 6, 2011
FROM: John W. Donlevy, Jr., City Manager 
SUBJECT: Medical Leave Approval- Tom McMasters-Stone

RECOMMENDATION:

That the City Council approve a medical leave of absence for Councilmember Tom McMasters Stone until October 4, 2011.

BACKGROUND:

Councilmember Tom Stone is on a medical leave and will miss the September 6 and 20 meetings. It is requested that the City Council approve a medical leave of absence to excuse the absences.

It is anticipated he will return no later than the October 4, 2011.

FISCAL IMPACT:

None by this action.



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: September 6, 2011
THROUGH: John W. Donlevy, Jr., City Manager *JD*
FROM: Nelia C. Dyer, Community Development Director *WCD*
SUBJECT: Second Reading and Possible Adoption of Ordinance 2011-06, An Ordinance of the City Council of the City of Winters, Amending Chapter 17.36 of the Winters Municipal Code Pertaining to Design Review

RECOMMENDATION: Staff recommends that the City Council take the following actions: 1) receive the staff report; and 2) waive Second Reading, read by title only and adopt Ordinance 2011-06, An Ordinance of the City Council of the City of Winters, Amending Chapter 17.36 of the Winters Municipal Code (WMC) Pertaining to Design Review.

PROPOSED AMENDMENTS TO WINTERS MUNICIPAL CODE: To ensure that the Grant Avenue Design Guidelines will be followed by developers and design professionals, staff is of the opinion that the Winters Municipal Code, Chapter 17.36 (Design Guidelines) should be amended to specifically mention the Grant Avenue Design Guidelines. In addition, staff recommends that Form Based Code also be listed in the same section.

Staff also recommends that consideration of site plan applications by the economic development commission be removed from WMC Section 17.36.030 (Design review procedures – Site plan submittal) and WMC Section 17.36.070 (Conceptual Design Review) since this commission is not active at this time and will not be until the City Council reestablishes this commission.

The proposed amendments are as follows:

17.36.030 Design review procedures—Site plan submittal.
Design review shall be accomplished pursuant to site plan review.

~~A. Site plan applications for design review involving commercial development shall first be considered by the economic development commission, who may make a recommendation on the project and any conditions of approval to the planning commission.~~

~~B. A. The planning commission shall also review the site plan application where site improvements involving landscaping or parking lots are proposed.~~

~~C. B. The planning commission shall consider any recommendations of the economic development commission prior to taking action on a site plan for design review. The planning commission may consider a site plan for design review concurrently with other applications for a project (such as a use permit) which requires planning commission action. A public hearing shall be held to consider the site plan, noticed pursuant to the requirements contained in Section 17.16.040. (Ord. 2001-04 (part): prior code § 8-1.4211 (C))~~

17.36.040 Criteria for review.

F. Achieve conformity with the Winters design guidelines, *Form Based Code for Downtown Winters (Chapter 17,58)*, and the *Grant Avenue Design Guidelines*, as applicable.

17.36.070 Conceptual design review.

~~Applicants have the option of filing conceptual (preliminary) site plans for design review in advance of formal site plan review. Conceptual design review allows for submittal of more basic site plan information (such as building elevation sketches) for an initial review by the planning commission. Conceptual design review shall be considered only as an informational item and is intended to provide informal feedback to an applicant, who could consider any comments received when preparing the formal site plans. Conceptual design review may, but is not required to, include informal review by the economic development commission, as may be requested by the applicant. Planning commission review and comments stemming from conceptual design review would be only advisory in nature. As such, and as no action would be taken by the planning commission at this stage, comments offered in conceptual design review would not affect or otherwise be binding upon a planning commissioner's vote on a subsequent application for formal design review. (Ord. 2001-04 (part): prior code § 8-1.4211 (G))~~

The proposed Ordinance was introduced to the City Council on August 16, 2011. A public hearing was also held. The City Council waived the first reading, read by title only, and introduced the proposed Ordinance.

PROJECT NOTIFICATION: Public notice for the public hearing on this project was prepared by the Community Development Director 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, August 4, 2011. At the August 16, 2011 City Council Meeting, the City Council scheduled the second reading of the Ordinance for the regularly scheduled City Council meeting on September 6, 2011.

ENVIRONMENTAL ASSESSMENT: The proposed ordinance is exempt from the CEQA under Section 15061(b)(3) and 15308 of the CEQA Guidelines.

RECOMMENDATION: Staff recommends that the City Council make the affirmative motion as follows:

I MOVE THAT THE CITY COUNCIL OF THE CITY OF WINTERS WAIVE THE SECOND READING, READ BY TITLE ONLY, AND ADOPT ORDINANCE 2011-06, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS, AMENDING CHAPTER 17.36 OF THE WINTERS MUNICIPAL CODE PERTAINING TO DESIGN REVIEW

ATTACHMENT:

Ordinance 2011-06 - An Ordinance of the City Council of the City of Winters, Amending Chapter 17.36 of the Winters Municipal Code Pertaining to Design Review

ORDINANCE No. 2011-06

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING CHAPTER 17.36 OF THE WINTERS MUNICIPAL CODE
PERTAINING TO DESIGN REVIEW**

WHEREAS, Chapter 17.36 of the Winters Municipal Code governs design review of residential and commercial site development plans in the City of Winters; and

WHEREAS, the Winters Municipal Code Section 17.36.030 (A) states that site plan application for design review involving commercial development shall first be considered by the economic development commission, who may make a recommendation on the project and any conditions of approval to the planning commission;

WHEREAS, the Winters Municipal Code Section 17.36.030 (C) states that the planning commission shall consider any recommendations of the economic development commission prior to taking action on a site plan for design review;

WHEREAS, the Winters Municipal Code Section 17.36.070 states that conceptual design review may, but is not required to, include informal review by the economic development commission, as may be requested by the applicant;

WHEREAS, City staff is of the opinion that these sections should be amended to omit these requirements since the economic development commission is not active at this time and will not be until the City Council reestablishes this commission;

WHEREAS, the Winters Municipal Code Section 17.36.040 (F) states that a site plan shall achieve conformity with the Winters design guidelines, as applicable;

WHEREAS, City staff is of the opinion that the Winters Municipal Code should be amended to include the Form Based Code for Downtown Winters (Chapter 17.58) and the City of Winters Grant Avenue Design Guidelines to ensure that the code and guidelines are followed;

WHEREAS, in accordance with the above, Chapter 17.36 of the Winters Municipal Code was revised by City staff and is hereby submitted to City Council for adoption as Ordinance No. 2011-06;

WHEREAS, the amendments to the Chapter 17.36 are exempt from the California Environmental Quality Act pursuant to Sections 15061 (b)(3) and 15308; and

WHEREAS, on July 26, 2011, the Planning Commission of the City of Winters held a noticed public hearing and recommended approval of Ordinance 2011-06 to the City Council; and

WHEREAS, the City Council of the City of Winters conducted a duly noticed public hearing on August 16, 2011 at City Hall, 318 1st Street, Winters, CA 95694. Notice of the time, place, and purpose of the aforementioned meeting was duly noticed in accordance with Government Code 65090.

THE CITY COUNCIL OF THE CITY OF WINTERS, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT.

- A. Chapter 17.36, Section 17.36.030 (Design review procedures—Site plan submittal) is amended to read as follows:

Design review shall be accomplished pursuant to site plan review.

~~A. Site plan applications for design review involving commercial development shall first be considered by the economic development commission, who may make a recommendation on the project and any conditions of approval to the planning commission.~~

~~B.~~ A. The planning commission shall also review the site plan application where site improvements involving landscaping or parking lots are proposed.

~~C. B. The planning commission shall consider any recommendations of the economic development commission prior to taking action on a site plan for design review.~~ The planning commission may consider a site plan for design review concurrently with other applications for a project (such as a use permit) which requires planning commission action. A public hearing shall be held to consider the site plan, noticed pursuant to the requirements contained in Section 17.16.040. (Ord. 2001-04 (part): prior code § 8-1.4211 (C))

- B. Chapter 17.36, Section 17.36.040 (F) is amended to read as follows:

F. Achieve conformity with the Winters design guidelines, *Form Based Code for Downtown Winters (Chapter 17.58)*, and the *Grant Avenue Design Guidelines*, as applicable.

- C. Chapter 17.36, Section 17.36.070 is amended to read as follows:

Applicants have the option of filing conceptual (preliminary) site plans for design review in advance of formal site plan review. Conceptual design review allows for submittal of more basic site plan information (such as building elevation sketches) for an initial review by the planning commission. Conceptual design review shall be considered only as an informational item and is intended to provide informal feedback to an applicant, who could consider any comments received when preparing the formal site plans. ~~Conceptual design review may, but is not required to, include informal review by the economic development commission, as may be requested by the applicant.~~ Planning commission review and comments stemming from conceptual design review would be only advisory in nature. As such, and as no action would be taken by the planning commission at this stage, comments offered in conceptual design review would not affect or otherwise be binding upon a planning commissioner's vote on a subsequent application for formal design review. (Ord. 2001-04 (part): prior code § 8-1.4211 (G))

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption it shall be posted in two (2) public places within the City of Winters and the ordinance, or a summary of the ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Winters prior to the effective date.

INTRODUCED on the 16th day of August, 2011.

PASSED AND ADOPTED as an ordinance of the City of Winters at a regular meeting of said Council on the 6th day of September, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Woody Fridae, MAYOR

ATTEST:

Nanci G. Mills, CITY CLERK



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: September 6, 2011
FROM: John W. Donlevy, Jr., City Manager 
SUBJECT: Winters Fire Board- Appointments

RECOMMENDATION:

That the City Council appoint two (2) members to serve on the Winters Fire Board.

BACKGROUND:

As part of the Cooperation Agreement with the Winters Fire District, the City is required to form an advisory "Fire Board" which will oversee and provide recommendations regarding fire operations issues.

Under the agreement, the Fire Board will consist of:

- Two (2) City Council Members
- Two (2) Winters Fire District Board Members
- City Manager

Staff is recommending that the City Council appoint two members to serve on the Board.

FISCAL IMPACT:

None by this action.



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: September 6, 2011
THROUGH: John W. Donlevy, Jr., City Manager *[Signature]*
FROM: John C. Wallace, City Attorney
SUBJECT: Agenda Item – Ordinance 2011-05

RECOMMENDATION: That the City Council approve a second reading and adoption of Ordinance 2011-05, An Ordinance Amending the Winters Municipal Code, including the zoning code to Prohibit The Establishment and Operation of Businesses and Uses Prohibited by State or Federal Law (this would include medical marijuana dispensaries). The City Council introduced the ordinance and held a public hearing on August 16, 2011.

BACKGROUND:

The City of Winters has received inquiries from individuals and organizations wanting to operate a Medical Marijuana Dispensary as allowed under California law. The City of Winters City Council has adopted interim ordinances temporarily prohibiting the operation or use of such dispensaries pending study by the Planning Commission and staff, and further action by the Winters City Council. Staff has studied the issue thoroughly. Staff has met with those interested in operating dispensaries in Winters, with law enforcement personnel both inside and outside the City, and has discussed the issue with other cities. Information and conclusions of staff are as follows:

Far more cities and counties in California prohibit dispensaries than allow them. Americans for Safe Access says 133 cities have banned dispensaries and 99 have moratoriums, while nine counties have bans and 15 have moratoriums. Only 38 cities and nine counties allow dispensaries. Based on discussions with other City Attorneys and law enforcement personnel (YONET), and review of neighboring cities represented (Sacramento, West Sacramento, Woodland, Davis, Galt, Rio Vista), and website contact with the status of various cities (Santa Barbara, San Jose, Corning, Rancho Mirage, San Diego, Alameda), these difficulties are present:

1. Difficulty in regulation. Please refer to the Legal Background which follows for specifics. Dispensaries are required to comply with a host of state laws to operate, the result of both Proposition 215 and the following state law (MMP). These include non-profit status, proximity to schools, restrictions on personal amounts, and medical clearance. Because

of the burden of constant monitoring and auditing, and because of the increase in criminal activity associated with dispensaries, most jurisdictions have opted out. This includes all of Yolo County.

2. Criminal use of Prop. 215. Marijuana dealers have used Prop 215 and state laws exempting personal use from criminal enforcement to use dispensaries as fronts for sales of marijuana to people other than the seriously ill. Even in this area, massive amounts of income and sales, including diversion of funds to offshore accounts in excess of one million dollars, have been found by YONET. Since dispensaries are known to have large amounts of cash, armed robberies have occurred all across California (6 in San Jose alone in I think a 1 year period).
3. Citizen abuse of Prop. 215. Both Prop. 215 and the MMP make it clear that the compassionate use act (CUA) is for the seriously ill. Medical Marijuana Cards are now a cottage industry, and cards can be obtained cheaply using almost any complaint. I think writer's cramp was included in one list. In the case of a Southern California TV station sending out staff to get card, a woman obtained a card because her heels hurt when she wore high heels. In a real sense Proposition 19 (making marijuana legal in California) is here. The State original intention was much different:

The state of California requires that an individual looking to use marijuana for medical purposes have a serious medical condition and a physician's recommendation for treatment. Qualifying medical conditions include AIDS, anorexia, arthritis, cachexia, cancer, glaucoma, migraine headaches, muscle spasms, multiple sclerosis, seizures, epilepsy and severe nausea. Individuals with chronic pain may also qualify for treatment.

With the marketing of these cards by clinics using the internet, "serious medical condition" has become a matter of subjective complaints. .

4. Dispensaries are not required. Citizens who have the serious illness or condition listed by state law can have 6-12 plants growing on their own residential property, without the fear of law enforcement action. No expensive purchases required, no traveling. That is the compassionate solution, and that is available. Further, Yolo County has issued 37 medical marijuana cards. A dispensary would attract users other than Winters citizenry.

On the City's website is documentation on which staff conclusions are based. The Winters Planning Commission has recommended adoption.

FISCAL IMPACT: If the ordinance is not adopted, the City of Winters may incur costs of thousands of dollars in either monitoring or regulating such dispensaries.

(REVISED)



STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: September 6, 2011
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Nick Ponticello, City Engineer
SUBJECT: Award for Construction of I-505/Gateway Utilities Phase 2, Project No. 021-09.02

RECOMMENDATION: Staff recommends the City Council (1) Deem the bid error of the low bidder, G.D. Nielson for the I-505/Gateway Utilities Phase 2, Project No. 021-09.02 as a minor irregularity; and, (2) Award a construction contract for the I-505/Gateway Utilities Phase 2, Project No. 021-09.02, to G.D. Nielson Construction Inc. for Two Hundred Seventy-Nine Thousand Twenty-Nine Dollars (\$279,029); and, (2) authorize a construction funding limit of Three Hundred Twenty Thousand Dollars (\$320,000) for the contract plus contingency; and (3) authorize the City Manager to execute the Contract on the City's behalf.

BACKGROUND: On May 19, 2009 City Council received and reviewed options for water and sewer infrastructure to the Grant Avenue and I-505 Interchange and further authorized staff to proceed with the design of "Option A" (attached). Due to time constraints for construction of the water and sewer through the "McClish" property at the east end of East Baker Street, the project was split into two phases. Phase 1 of the project, was completed in 2009 to install sewer and water mains and sewer manholes. This Phase 2 project will construct a sewer pump station on the "Jordan" property.

The pump station and utilities will become fully operational when the Winters Retail Center (a.k.a Burger King/Arco) development project is completed.

The bid opening for the I-505/Gateway Utilities Phase 2 project was August 18, 2011. Eight bids were received and the lowest bidder, G.D. Nielson Construction, for \$279,029 was deemed complete by Staff. The attached bid protest was received by the second lowest bidder, Sanco Pipelines Inc., on August 22, 2011 based up a mobilization cost restriction in the bid schedule. The City Attorney reviewed the protest and considers the bid error to be a minor irregularity. Staff recommends that Council deem the bid error a minor irregularity and award the contract to G.D. Nielson.

ALTERNATIVES: None recommended by staff.

FISCAL IMPACT: The cost of this project is being paid through 2007 Sewer Bond. A Zone of Benefit will be established to reimburse the City through the development of the properties..

Attachment: Option A Cost Estimate
Detailed bid tabulation
Sanco Pipelines' bid protest

**Gateway Masterplan Utility Cost Estimate (Major Backbone)
(PRELIMINARY - NOT FOR CONSTRUCTION)**

Option A

<u>Item</u>	<u>Water Master Plan</u>	<u>Units</u>	<u>Unit Cost</u>	<u>Qty</u>	<u>Amount</u>
1	Gateway Area (14-Inch) Water Mains (Project 8) ¹	FT	\$100	1550	\$155,000
2	14" Water Valves	EA	\$5,000	1	\$5,000
3	Connect to existing 14" & remove blowoff	EA	\$3,000	1	\$3,000
4	Gateway Area (8-Inch) Water Mains (Project 8) ¹	FT	\$60	1750	\$107,500
5	8" Water Valves	EA	\$2,000	1	\$2,000
6	6" FH w/lateral & valve	EA	\$7,500	2	\$15,000
7	Connect to existing 8" & remove blowoff	EA	\$3,000	1	\$3,000
8	Traffic Control	LS	\$20,000	1	\$20,000
	Sub-Total				\$290,500
	<u>Sewer Master Plan</u>				
9	Future Pump Station B (Project 7) ^{2,3}	LS		1	\$250,000
10	Force Main for Future PS B (Project 8) ^{2,3}	LF	\$100	1230	\$123,000
12	8" Sewer Main (VCP)	LF	\$42	490	\$20,580
13	48" Manhole	EA	\$5,500	4	\$22,000
14	Connect FM to existing MH	EA	\$3,000	1	\$3,000
15	East Street Pump Station (Additional Pump) ²	LS	\$60,000	1	\$60,000
	Sub-Total				\$478,580
	TOTAL (excluding electrical, gas, & stormwater)				\$769,080
27	Contingency		20%		\$153,816
28	Design, CM, & Inspection		24%		\$184,579
	TOTAL				\$1,107,475

Notes:

- 1 Facility function or cost determined from Water Master Plan December 2006.
- 2 Facility function or cost determined from Sewer System Master Plan December 2006.
- 3 Facility structure/size determination based on entire 63 acre PC/PB area developed
- 4 All roadway development and improvements are not incorporated and assumed to be part of the development.
- 5 All dimensions and pipe sizes are estimates for project planning purposes.
- 6 CEQA costs are not included.
- 7 Fee for Drainage Zone Impact would be offset by construction of prominent Storm Drainage Master Plan facilities.
- 8 This cost estimate does not include Grant Avenue Improvements (minor storm drainage, curb, gutter, sidewalk, pavement, landscaping, etc.).
- 9 Land acquisition and easement cost are not included with this cost opinion.

No.	ITEM DESCRIPTION	Unit	Quantity	Engineer's Estimate		G.D. Nielson Construction, Inc.		Sanco Pipelines		Tidelands Construction Company		Lamon Construction Co., Inc.		Atlas Peak Construction		JJM Engineering Constructors, Inc.		Preston Pipelines, Inc.		Martin General Engineering, Inc.	
				Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
Lump Sum Items																					
1	Mobilization	LS	1	\$ 20,000.00	\$ 20,000.00	\$ 15,981.52	\$ 15,981.52	\$ 11,000.00	\$ 11,000.00	\$ 14,000.00	\$ 14,000.00	\$ 14,500.00	\$ 14,500.00	\$ 7,000.00	\$ 7,000.00	\$ 16,000.00	\$ 16,000.00	\$ 15,000.00	\$ 15,000.00	\$ 13,400.00	\$ 13,400.00
2	Construction Staking & Surveying	LS	1	\$ 5,500.00	\$ 5,500.00	\$ 3,190.00	\$ 3,190.00	\$ 5,500.00	\$ 5,500.00	\$ 3,500.00	\$ 3,500.00	\$ 2,900.00	\$ 2,900.00	\$ 3,900.00	\$ 3,900.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,200.00	\$ 3,200.00
3	Sheeting, Shoring and Bracing	LS	1	\$ 6,000.00	\$ 6,000.00	\$ 2,405.50	\$ 2,405.50	\$ 1,775.00	\$ 1,775.00	\$ 1,000.00	\$ 1,000.00	\$ 3,300.00	\$ 3,300.00	\$ 4,000.00	\$ 4,000.00	\$ 3,800.00	\$ 3,800.00	\$ 5,000.00	\$ 5,000.00	\$ 5,800.00	\$ 5,800.00
4	Prepare Water Pollution Control Plan (WPCP)	LS	1	\$ 2,500.00	\$ 2,500.00	\$ 2,520.00	\$ 2,520.00	\$ 1,800.00	\$ 1,800.00	\$ 2,000.00	\$ 2,000.00	\$ 1,200.00	\$ 1,200.00	\$ 2,000.00	\$ 2,000.00	\$ 3,500.00	\$ 3,500.00	\$ 2,000.00	\$ 2,000.00	\$ 2,200.00	\$ 2,200.00
5	Perform Water Pollution Control Measures	LS	1	\$ 2,500.00	\$ 2,500.00	\$ 11,276.85	\$ 11,276.85	\$ 7,500.00	\$ 7,500.00	\$ 4,000.00	\$ 4,000.00	\$ 3,000.00	\$ 3,000.00	\$ 12,000.00	\$ 12,000.00	\$ 7,890.00	\$ 7,890.00	\$ 5,000.00	\$ 5,000.00	\$ 12,250.00	\$ 12,250.00
6	Cleaning and Grubbing	LS	1	\$ 4,000.00	\$ 4,000.00	\$ 2,594.80	\$ 2,594.80	\$ 4,600.00	\$ 4,600.00	\$ 3,000.00	\$ 3,000.00	\$ 1,400.00	\$ 1,400.00	\$ 1,100.00	\$ 1,100.00	\$ 4,800.00	\$ 4,800.00	\$ 10,000.00	\$ 10,000.00	\$ 5,500.00	\$ 5,500.00
7	Earthwork	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 5,553.90	\$ 5,553.90	\$ 17,000.00	\$ 17,000.00	\$ 20,000.00	\$ 20,000.00	\$ 350.00	\$ 350.00	\$ 29,000.00	\$ 29,000.00	\$ 7,900.00	\$ 7,900.00	\$ 15,000.00	\$ 15,000.00	\$ 20,000.00	\$ 20,000.00
8	6-inch Concrete Slab	LS	1	\$ 13.50	\$ 1,096.50	\$ 60.54	\$ 4,814.25	\$ 43.00	\$ 3,297.00	\$ 100.00	\$ 7,900.00	\$ 30.00	\$ 2,370.00	\$ 183.00	\$ 14,427.00	\$ 31.00	\$ 2,607.00	\$ 80.00	\$ 6,310.00	\$ 100.00	\$ 7,900.00
9	12-inch AB for Pad	SF	840	\$ 3.00	\$ 2,520.00	\$ 6.51	\$ 5,466.40	\$ 11.00	\$ 9,210.00	\$ 5.00	\$ 4,200.00	\$ 5.00	\$ 4,200.00	\$ 5.00	\$ 4,200.00	\$ 5.00	\$ 4,200.00	\$ 6.50	\$ 5,466.40	\$ 16.00	\$ 13,440.00
10	1-inch Water Service	SF	27	\$ 40.00	\$ 1,080.00	\$ 112.96	\$ 3,049.92	\$ 900.00	\$ 24,300.00	\$ 190.00	\$ 5,130.00	\$ 24.00	\$ 648.00	\$ 85.00	\$ 2,325.00	\$ 44.00	\$ 1,188.00	\$ 50.00	\$ 1,350.00	\$ 210.00	\$ 5,670.00
11	Connect 1-inch Water Service to Existing 10-inch Water Main	LS	1	\$ 2,000.00	\$ 2,000.00	\$ 1,349.65	\$ 1,349.65	\$ 400.00	\$ 400.00	\$ 800.00	\$ 800.00	\$ 3,150.00	\$ 3,150.00	\$ 340.00	\$ 340.00	\$ 980.00	\$ 980.00	\$ 500.00	\$ 500.00	\$ 1,500.00	\$ 1,500.00
12	Domestic Water Service, Backflow Preventer, Water Main	EA	1	\$ 5,000.00	\$ 5,000.00	\$ 2,404.67	\$ 2,404.67	\$ 3,000.00	\$ 3,000.00	\$ 4,800.00	\$ 4,800.00	\$ 2,805.00	\$ 2,805.00	\$ 2,200.00	\$ 2,200.00	\$ 4,800.00	\$ 4,800.00	\$ 4,000.00	\$ 4,000.00	\$ 8,500.00	\$ 8,500.00
13	6-inch Sewer Man	LF	22	\$ 75.00	\$ 1,650.00	\$ 215.64	\$ 4,741.88	\$ 238.00	\$ 5,236.00	\$ 175.00	\$ 3,850.00	\$ 270.00	\$ 5,940.00	\$ 234.00	\$ 5,148.00	\$ 378.00	\$ 8,316.00	\$ 250.00	\$ 5,500.00	\$ 445.00	\$ 9,790.00
14	6-inch Sewer Man	LF	8	\$ 63.00	\$ 504.00	\$ 69.07	\$ 552.56	\$ 270.00	\$ 2,160.00	\$ 140.00	\$ 1,120.00	\$ 480.00	\$ 3,840.00	\$ 120.00	\$ 960.00	\$ 195.00	\$ 1,560.00	\$ 200.00	\$ 1,600.00	\$ 180.00	\$ 1,440.00
15	6-inch Sewer Force Man	LF	23	\$ 95.00	\$ 2,185.00	\$ 166.86	\$ 3,838.58	\$ 390.00	\$ 9,090.00	\$ 185.00	\$ 4,255.00	\$ 180.00	\$ 4,140.00	\$ 270.00	\$ 6,210.00	\$ 551.00	\$ 12,673.00	\$ 310.00	\$ 7,130.00	\$ 460.00	\$ 10,580.00
16	Sewer Lift Station, Electrical & Mechanical Equipment	LS	1	\$ 327,000.00	\$ 327,000.00	\$ 171,448.77	\$ 171,448.77	\$ 135,000.00	\$ 135,000.00	\$ 181,000.00	\$ 181,000.00	\$ 217,835.00	\$ 217,835.00	\$ 164,700.00	\$ 164,700.00	\$ 217,373.00	\$ 217,373.00	\$ 224,000.00	\$ 224,000.00	\$ 225,000.00	\$ 225,000.00
17	Seeds System	LS	1	\$ 15,000.00	\$ 15,000.00	\$ 4,829.00	\$ 4,829.00	\$ 13,000.00	\$ 13,000.00	\$ 1,200.00	\$ 1,200.00	\$ 2,100.00	\$ 2,100.00	\$ 11,000.00	\$ 11,000.00	\$ 3,500.00	\$ 3,500.00	\$ 1,000.00	\$ 1,000.00	\$ 15,500.00	\$ 15,500.00
18	Remove Bollards	EA	2	\$ 200.00	\$ 400.00	\$ 1,742.25	\$ 3,484.50	\$ 650.00	\$ 1,300.00	\$ 750.00	\$ 1,500.00	\$ 650.00	\$ 1,300.00	\$ 500.00	\$ 1,000.00	\$ 900.00	\$ 1,800.00	\$ 750.00	\$ 1,500.00	\$ 750.00	\$ 1,500.00
19	6-Foot Chain Link Fence	LF	116	\$ 60.00	\$ 6,960.00	\$ 130.29	\$ 15,113.64	\$ 30.00	\$ 3,480.00	\$ 90.00	\$ 10,440.00	\$ 62.00	\$ 7,192.00	\$ 150.00	\$ 17,400.00	\$ 72.00	\$ 8,352.00	\$ 100.00	\$ 11,600.00	\$ 100.00	\$ 11,600.00
20	15-Foot Sewer Easement Access Road	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 14,564.57	\$ 14,564.57	\$ 25,000.00	\$ 25,000.00	\$ 14,000.00	\$ 14,000.00	\$ 10,000.00	\$ 10,000.00	\$ 14,000.00	\$ 14,000.00	\$ 17,890.00	\$ 17,890.00	\$ 12,000.00	\$ 12,000.00	\$ 12,350.00	\$ 12,350.00
TOTAL BID (All Items)					\$ 414,945.50		\$ 279,029.00		\$ 285,858.00		\$ 288,355.00		\$ 298,086.00		\$ 298,946.00		\$ 321,779.00		\$ 326,968.00		\$ 386,486.30

Listed Subcontractors

Electrical	Bockman - Woody Electric	Con J. Franke Electric	Bockman & Woody	Fox	Zepo	Bockman & Woody Electric	Bockman & Woody	Con J Franke
Fence	Central Fence	Hansen	Central Fence	Crusader Fence	Central Fence	Crusader Fence	Central Fence Co.	
Paint/Protective Coating			Hansen	Hansen		Hansen Painting	Hansen	
Concrete					NorthCal Concrete			
Staking				Center Point			Norm Star Engineering	



GENERAL ENGINEERING CONTRACTORS

STATE CONTRACTORS LICENSE NO. 160382

368 E. CAMPBELL AVE. SUITE 200, CAMPBELL, CA 95008

PHONE: (408) 377-2793 - FAX: (408) 377-7405

August 22, 2011

Nanci G. Mills
City of Winters Clerk
318 First Street
Winters, CA 95694

RE: I 505 / Gateway Utilities, Phase 2. PR# 021-09.02

Dear Ms Mills,

Sanco Pipelines, Inc. is formally protesting the bid results attached stating that G.D. Nielson is the lowest responsive bidder. We at Sanco Pipelines had an opportunity to review the bid results provided by Ponticello Enterprises Consulting Engineers and has found that the apparent low bidder, G.D. Nielson Construction, has made an error in their bid and therefore should be considered non-responsive. Sanco Pipelines Inc., being the second place responsive bidder, should be awarded the contract for the I505/ Gateway Utilities Project.

Attention is brought to specification section 10-01025, Part number 1.03, "B" Description of Bid Schedule of Contract items. Sub contract Item No. 1 Mobilization, paragraph 3 which states;

"The cost for mobilization and demobilization shall not exceed five percent (5%) of the total bid price. The Engineer will pay up to seventy five percent (75%) of that amount for mobilization, and the remainder for demobilization. Payment of mobilization will be payable with the first progress payment and demobilization payable with the final progress payment."

G.D. Nielson has clearly violated this specification by placing the sum of \$15,981.52 in line item one, "Mobilization." This sum is clearly above the 5% specified in the bid documents. The 5% restriction is a very common in most public bid situations and the apparent low bidder should have been well aware of it.

There are not any directions in the bid documents about the formalities of this situation however, I contacted Ponticello Enterprises Consulting Engineers and they thought you

would be the person to contact. We are sending you this letter by registered mail tomorrow.

Sanco Pipelines has been in business for Fifty -- Five years and has worked all over Northern California. We look forward to providing you with a well built project that will last for years to come.

Sincerely,

A handwritten signature in black ink, appearing to read "Braden C. Schrader". The signature is fluid and cursive, with a long horizontal flourish at the end.

Braden Schrader
Vice President
Sanco Pipelines, Inc.

CC: Jim Fletter
Kari Loth
John Donlevy



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: September 6, 2011
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Dan Maguire, Housing Programs Manager *DM*
SUBJECT: Winters Healthcare Foundation (WHF) & Anytime Fitness (AF) 5K Fun Run

RECOMMENDATION:

Receive the report on the Winters Healthcare Foundation (WHF) & Anytime Fitness (AF) 5K Fun Run/Walk.

BACKGROUND:

WHF and AF will be holding the First 5K Fun Run/Walk in Saturday, September 24th as a fundraiser for the WHF. The race starts at Anytime Fitness with the race route taking participants through mostly residential areas. The race starts at 8 a.m. and it is expected the race will be finished by 10 a.m. Initially, the race organizers anticipated that they would need to request street closures approval from City Council; however, after consulting with public safety, they were advised street closures were not necessary for a "rules of the road" race. Nonetheless, they did substantial public outreach along the race route.

Staff has worked with the race organizers to put measures in place for the event to ensure the safety of the participants. As a result, the intersection with the most vehicle traffic conflict (Railroad & Russell) will be staffed with course marshals. All participants will receive instruction on race day on the requirements of participating in a "rules of the road" race. The organizers will also do additional public outreach (flyers to property owners/residents, press release) the week leading into the event.

FISCAL IMPACT:

None by this action

ATTACHMENTS:

Event Flyer
Race Course Diagram

Daniel J. Maguire

From: Winters Healthcare Foundation [akormos@wintershealth.org]
Sent: Tuesday, August 02, 2011 5:00 AM
To: Daniel J. Maguire
Subject: Family Fun, Fun, Fun!



EMAIL CONTENT

5K Fun Run / Walk

Farm to School Family Extravaganza!

2 Crop Swaps in August

August 2011



**Winters Healthcare & Anytime Fitness
First Annual 5K Fun Run/Walk
Saturday, September 24, 2011**

Check-In begins at 7:00 AM for 8:00 AM start
The Race starts at Anytime Fitness, 113 Main Street, Downtown Winters

Entry Fee = \$25 per person & includes a t-shirt with pre-registration.

All proceeds will benefit Winters Healthcare Foundation.

Register online at www.whfandanytimefitnessfunrun.eventbrite.com

For more information, or registration forms please contact:

Molly Jordan (530) 795-5200 ext. 116, mjordan@wintershealth.org

Gwen Pisani (530) 795-4444, wintersca@anytimefitness.com

[Click here to return to the main window when printing is complete](#)

