



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, March 6, 2012

6:00 p.m. - Executive Session

AGENDA

Personnel – Management Analyst – Advice from Legal Counsel – Pursuant to
Government Code Section 54956.9 (b) – EEOC Charge No. 550-2011-01815

6:30 p.m. – Regular Meeting

AGENDA

Members of the City Council

*Woody Fridae, Mayor
Cecilia Aguiar-Curry, Mayor Pro-Tempore
Harold Anderson
Michael Martin
Tom Stone*

*John W. Donlevy, Jr., City Manager
John Wallace, City Attorney
Nanci Mills, City Clerk*

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

Roll Call

Pledge of Allegiance

Approval of Agenda

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS

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

CONSENT CALENDAR

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

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, February 21, 2012 (pp 1-7)
- B. Resolution 2012-13, a Resolution of the City Council of the City of Winters Receiving from the Successor Housing Agency the Annual Housing Element Progress Report to Legislative Body, Governor's Office of Planning and Research and State Department of Housing and Community Development for the Calendar Year Ending December 31, 2011 and Authorizing its Transmittal to the State Department of Housing and Community Development and the Governor's Office of Planning and Research (pp 8-21)
- C. Approve Extension of Service Agreement No. 011-09 with Wallace-Kuhl & Associates to continue Landfill Monitoring Services for 2012 in the amount not to Exceed \$7,000 (pp 22-24)
- D. Resolution 2012-14, A Resolution of the City Council of the City of Winters Approving the Public Utility Easement Across the Trestle Bridge, Authorizing the Mayor to Sign a Grant of Easement on the City's Behalf, and Authorizes the City Clerk to File the Grant of Easement with the County Recorder (pp 25-30)

PRESENTATIONS

Proclamation Honoring the 25th Anniversary of the Yolo County Women's History Month Committee and Recognizing March as Women's History Month Presented to BJ Ford (pp 31)

Proclamation Recognizing "National Agriculture Week" (pp 32)

Proclamation Recognizing March 7, 2012 as California Arbor Day (pp 33)

DISCUSSION ITEMS

1. Grant Avenue Sidewalk Connectivity Project-Legal Service Payment to Winters Joint Unified School District as per MOU (pp 34-38)
2. Crossing Guard Services – Winters Joint Unified School District (pp 39-45)

CITY OF WINTERS AS SUCCESSOR AGENCY TO THE WINTERS
COMMUNITY DEVELOPMENT AGENCY

1. Selection of Appointment to Oversight Board - Representative of Former Employees of Winters Community Development Agency (pp 46-47)
2. Selection of Mayors Appointment to Oversight Board (pp 48-49)

CITY MANAGER REPORT

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the December 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 March 1, 2012, and made available to the public during normal business hours.



Nanci G. Mills, City Clerk

Questions about this agenda – Please call the City Clerk's Office (530) 795-4910 ext. 101. Agendas and staff reports are available on the city web page www.cityofwinters.org/administrative/admin_council.htm

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

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

The city does not transcribe its proceedings. Anyone who desires a verbatim record of this meeting should arrange for attendance by a court reporter or for other acceptable means of recordation. Such arrangements will be at the sole expense of the individual requesting the recordation.

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View on the internet: www.cityofwinters.org/administrative/admin_council.htm
Any attachments to the agenda that are not available online may be viewed at the City Clerk's Office or locations where the hard copy packet is available.

Email Subscription: You may contact the City Clerk's Office to be placed on the list. An agenda summary is printed in the Winters Express newspaper.

City Council agenda packets are available for review or copying at the following locations:

Winters Library – 708 Railroad Avenue

City Clerk's Office – City Hall – 318 First Street

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

City Council meetings are televised live on City of Winters Government Channel 20 (available to those who subscribe to cable television) and replayed following the meeting.

Wednesday at 10:00 a.m.

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



Minutes of the Winters City Council Meeting
Held on February 21, 2012

5:30 p.m. - Executive Session

AGENDA

Personnel – Management Analyst – Advice from Legal Counsel – Pursuant to Government Code Section 54956.9 (b) – EEOC Charge No. 550-2011-01815

No action was taken in Executive Session.

6:30 p.m. – Regular Meeting

AGENDA

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

Present: Council Members Cecilia Aguiar-Curry, Harold Anderson, Michael Martin, and Mayor Fridae.
Absent: Council Member Stone
Staff: City Manager John Donlevy, City Attorney John Wallace, City Clerk Nanci Mills, Director of Financial Management Shelly Gunby, Housing Programs Manager Dan Maguire, and Administrative Assistant Tracy Jensen.

Chloe Bruhn led the Pledge of Allegiance.

Approval of Agenda: City Manager Donlevy requested Discussion Item #4, Update and Discussion of City Property Lease @ 318 Railroad Avenue, Winters, be removed from the agenda. Motion by Council Member Aguiar-Curry, second by Council Member Anderson to approve the agenda with said change. Motion carried unanimously, with one absent.

COUNCIL/STAFF COMMENTS: Mayor Fridae gave kudos to Council Member Aguiar-Curry for pulling together an informal meeting with several members of the Wintun Tribal Council, including Chairman Marshall McKay and their Chief Financial Officers. The results were amazing and we received some great feedback regarding future projects.

Council Member Aguiar-Curry said there will be a Job Faire at UCD's Student Center on 3/6; a Yolo Leaders meeting for Council members, school district representatives, police and fire will be held at the W. Sacramento Community Center on 3/14, where Mr. Steinberg & a representative from the Dept. of Finance will be present and City Manager Donlevy will be sitting on a panel to talk about redevelopment; on 2/8, Ms. Aguiar-Curry attended a Berryessa Snow Mountain National Conservation Area meeting and will attend a second such meeting on 2/23 in Clear Lake; attended a League of California Cities Board of Directors meeting on 2/9 and 2/10 in Mountain View, where redevelopment was the topic of discussion; Assembly Member Mariko Yamada will sponsor a forum for Veterans at the Davis Veterans Center on 3/31 from 9am-3pm; attended a 2-1-1 call center meeting on behalf of the Hispanic Advisory Committee, who would like a representative from the 2-1-1 call center to attend a future Hispanic Advisory Committee meeting.

Council Member Anderson attended a Lower Putah Creek Coordinating Committee (LPCCC) meeting in Vacaville on 2/9; attended a regular meeting of the Yolo County Transportation District (YCTD) in Woodland on 2/13; attended a SACOG Board Meeting in Sacramento on 2/16, where redevelopment strategies were discussed; and will attend an Energy meeting in Woodland on 2/22.

Council Member Martin confirmed that ground has been broken on the ARCO/Burger King project. It has been a long process, but we're finally moving forward and the project is slated to be completed in 5-6 months.

PUBLIC COMMENTS: None

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, February 7, 2012
- B. Parade Permit and Amplified Sound Permit Requests for St. Anthony Parish for Good Friday Celebration
- C. Claim Against the City of Winters – Raymond V. Lopez

City Manager Donlevy gave an overview. Motion by Council Member Aguiar-Curry, second by Council Member Anderson to approve the Consent Calendar. Motion carried unanimously, with one absent.

PRESENTATIONS

Mayor Fridae presented a Proclamation of the City Council of the City of Winters to retired Fire Chief Scott Dozier for his outstanding service to the City of Winters. Mayor Fridae thanked Scott for his role as Co-Project Manager for the Public Safety Facility, which saved the City a large sum of money. Mayor Fridae also thanked him for seeing the project through and for postponing his retirement until the project was completed. Mayor Fridae thanked the Dozier family for coming to honor Scott's accomplishments.

DISCUSSION ITEMS

1. Resolution 2012-11, A Resolution of the City Council of the City of Winters Amending the 2010-2012 City of Winters Operating Budget

Director of Financial Management Gunby gave an overview. Council Member Aguiar-Curry asked if solar power was being generated at the sewer plant since the majority of the Sewer Fund increased expenditures were due to electricity costs. Ms. Gunby said that although the solar power is currently over-generating, the City is responsible for paying for all electricity generated. But due to overlapping fiscal years, we have not received our first statement yet. At the end of the 15-month cycle, our account will be trued up and we will receive money back, impacting the fiscal year in which the refund is received.

Council Member Martin asked about the budget increases for the Community Center and Swim Pool. Ms. Gunby said she took the expenditures to date and subtracted them from the budget before the excess expenditures by department were determined. Overall, we ended up where we budgeted.

Motion by Council Member Aguiar-Curry, second by Council Member Martin to adopt Resolution 2012-11 amending the 2010-2012 City of Winters Operating Budget. Motion carried with the following vote:

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

2. Comprehensive Annual Financial Report (CAFR) for Year Ended 6/30/11

Director of Financial Management Gunby gave an overview. City Manager Donlevy asked Council to focus on pages 45-61, Management's Discussion and Analysis, which is well-written and summarizes the City's finances. Of the 40 +/- different funds the City operates, the analysis provides the financial position of each fund. This information can also be found on the City's website at www.cityofwinters.org.

Council Member Aguiar-Curry recognized all the work that was put into the CAFR and thanked staff for all their hard work. Mayor Fridae said Council is pleased with the results and said it's a miracle that we've been able to keep our heads above water. He also thanked City Manager Donlevy and Director of Financial Management Gunby for their leadership.

Motion by Council Member Martin, second by Council Member Anderson to approve the Comprehensive Annual Financial Report (CAFR) for Year Ending 6/30/11. Motion carried unanimously with one absent.

3. Downtown Hotel RFP – Responses Received

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

City Manager Donlevy said the City received two proposals for a downtown hotel on January 31st. The proposals, which containing proprietary information, will be reviewed by an advisory committee comprised of business owners and Chamber members. The committee will review the proposals, call for interviews and work toward a recommendation for an exclusive negotiation agreement.

Council Member Martin asked if the formation of a committee will raise any Brown Act issues. City Attorney Wallace said a committee appointed by the City Manager doesn't trigger the Brown Act. Mayor Fridae was nominated by Council to serve as a committee member and will be the only Council member on the committee, as the addition of a second Council member would create a majority body. Council Member Aguiar-Curry asked if Mayor Fridae would be able to vote on this subject at a future City Council meeting. City Attorney Wallace replied yes.

City Manager Donlevy said staff will bring this item back to Council at the 3/20/12 City Council meeting for an update.

4. Update and Discussion of City Property Lease -- 318 Railroad Avenue, Winters

This item was removed from the agenda.

CITY OF WINTERS AS SUCCESSOR AGENCY TO THE WINTERS
COMMUNITY DEVELOPMENT AGENCY

It was determined that Mayor Pro Tem Aguiar-Curry would chair these and all future agenda items listed under the City of Winters as Successor Agency to the Winters Community Development Agency. Mayor Pro Tem Aguiar-Curry called to order the meeting of the City of Winters as Successor Agency to the Winters Community Development Agency at 7:08 p.m.

DISCUSSION ITEMS

1. Resolution 2012-10, A Resolution of the City Council as Successor Agency to the City of Winters Community Development Agency Adopting a Draft Recognized Obligation Payment Schedule for 1/1/12 through 6/30/12

Director of Financial Management Gunby gave an overview and said the Recognized Obligation Payment Schedule (pp 220) is basically telling the assessor how much money is needed for the debt obligations listed.

Motion by Council Member Anderson, second by Council Member Martin to approve Resolution 2012-10 adopting a Draft Recognized Obligation Payment Schedule for 1/1/12 through 6/30/12 in compliance with AB1X 26. Motion carried with the following vote:

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

2. Resolution 2012-12, A Resolution of the City Council as Successor Agency to the City of Winters Community Development Agency Adopting a Successor Agency Budget for 2/1/12 through 6/30/12

Director of Financial Management Gunby gave an overview.

Motion by Council Member Anderson, second by Council Member Martin to approve Resolution 2012-12, approving a successor agency budget for the period February 1 – June 30, 2012 for the City of Winters as Successor Agency to the Winters Community Development Agency. Motion carried with the following vote:

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

Mayor Pro Tem Aguiar-Curry closed the meeting of the City of Winters as Successor Agency to the Winters Community Development Agency at 7:22 p.m.

CITY MANAGER REPORT: City Manager Donlevy reported there were a couple of issues to be worked through on the North Bank Improvement Project. Last week the City funded an escrow account in the amount of \$136,000 to be managed by the Fish and Wildlife Services regarding two elderberry bushes. Staff will work to keep Council up to date, but at this point it doesn't look good. The project consultants are scrambling to save the project.

City Manager Donlevy reported Community Development Director Nelia Dyer would not be returning following maternity leave. City Manager Donlevy met with the City of West Sacramento regarding shared services, where an agency shares personnel with other agencies, and said the City of Dixon is a good example. City Manager Donlevy, Mary Jo Rodolfa and Gene Ashdown have limped through in Nelia's absence, but there has not been much building going on. The hiring of a new Community Development Director has not been ruled out and the Council will be kept up to date on developments in this area.

The successor agency received its' first letter from another successor agency that is on the oversight board, which began "pursuant to Health and Safety Code Section etc." and cites statutes was most likely written by an attorney.

INFORMATION ONLY:

1. November 2011 Treasurer Report
2. November 2011 Investment Report
3. December 2011 Treasurer Report
4. December 2011 Investment Report
5. January 2012 Treasurer Report
6. January 2012 Investment Report

ADJOURNMENT: Mayor Fridae adjourned the meeting at 7:30 p.m.

Woody Fridae, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council members
DATE: March 6, 2012
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Dan Maguire, Housing Programs Manager *DM*
SUBJECT: Resolution 2012-13 of the City Council of the City of the City of Winters Receiving from the Successor Housing Agency the Annual Housing Element Progress Report to Legislative Body, Governor's Office of Planning and Research and State Department of Housing and Community Development Department for the Calendar Year Ending December 31, 2011 and Authorizing its Submittal

RECOMMENDATIONS:

Approve Resolution 2012-13 authorizing submittal of the Annual Housing Element Progress Report for the Calendar Year ending December 31, 2011 to Legislative Body and direct staff to submit the Annual Report to the State Department of Housing and Community Development and the Governor's Office of Planning and Research.

BACKGROUND:

Government Code Section 65400 establishes the requirement that each city, county, or city and county planning agency prepare an annual report on the housing element of the general plan and progress in its implementation using forms and definitions adopted by the Department of Housing and Community Development. The forms are to be used for reporting on the status of the housing element and implements Sections 6200, 6201, and 6203 of the Department of Housing and Community Development California Code of Regulations, Title 25, Division 1, Chapter 6.5.

FISCAL IMPACTS:

None by this action

ATTACHMENTS:

Resolution 2012-13
2011 Housing Element Progress Report

A RESOLUTION OF THE SUCCESSOR HOUSING AGENCY OF THE CITY OF WINTERS SUBMITTING THE ANNUAL HOUSING ELEMENT PROGRESS REPORT FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2011 TO THE CITY COUNCIL OF WINTERS

WHEREAS, Section 65400 of Government Code of the State of California requires that each city within the State of California present an annual report to its legislative body; and

WHEREAS, the Successor Housing Agency of the City of Winters has prepared the 2011 Annual Report containing performance implementation and goal progress information and has submitted it to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the Successor Housing Agency of the City of Winters that it has submitted the Annual Housing Element Progress Report for the Calendar Year ending December 31, 2011 to the City Council of the City of Winters.

PASSED AND ADOPTED THIS 6th DAY OF MARCH, 2012, BY THE FOLLOWING VOTE:

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

Woody Fridae, MAYOR

ATTEST:

Nanci G. Mills, CITY CLERK

**Department of Housing and
Community Development**

ANNUAL HOUSING ELEMENT PROGRESS REPORT

City or County Name: Winters

Mailing Address: 318 First Street
Winters CA 95694

Contact Person: DAN Maguire Title: Housing Programs Manager

Phone: 530 795 4910 FAX: 530 795 4935 E-mail: daniel.maguire@cityofwinters.org

Reporting Period by Calendar Year: from January 1, 2011 to December 31, 2011

These forms and tables, (see sample – next page) must be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1, of each year for the prior calendar year; submit separate reports directly to both HCD and OPR (Government Code Section 65400) at the addresses listed below:

Department of Housing and Community Development
Division of Housing Policy Development
P.O. Box 952053
Sacramento, CA 94252-2053

-and-

Governor's Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction Winters, CA
Reporting Period 1/1/2011 - 12/31/2011

Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low Income	Very Low Income	Low Income	TOTAL UNITS	
(1) Rehabilitation Activity				0	
(2) Preservation of Units At-Risk				0	Almondwood Apartments - Acquisition and Rehabilitation of an At-Risk multi-family
(3) Acquisition of Units				0	
(5) Total Units by Income	0	0	0	0	

* Note: This field is voluntary

Table A3
Annual building Activity Report Summary for Above Moderate-Income Units (not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate						0	
No. of Units Permitted for Above Moderate						0	

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction Winters, CA
 Reporting Period 1/1/2011 - 12/31/2011

Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.		2006	2007	2008	2009	2010	2011	2012	2013		Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level	RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9		
Very Low	Deed	96	34	0	0	0	38	0			72	24
	Restricted Non-deed restricted		0	0	0	0	0	0				
Low	Deed	64	0	0	0	0	35	0			35	29
	Restricted Non-deed restricted		0	0	0	0	0	0				
Moderate	Deed	68	0	0	0	0	0	0			1	67
	Restricted Non-deed restricted		0	0	0	1	0					
Above Moderate		175	2	3	0	0	0	0			5	170
Total RHNA by COG. Enter allocation number:		403										
Total Units ▶ ▶ ▶			36	3	0	0	74	0			113	290
Remaining Need for RHNA Period ▶ ▶ ▶ ▶ ▶												

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

ANNUAL ELEMENT PROGRESS REPORT

Jurisdiction Winters, CA
Reporting Period 1/1/2011 - 12/31/2011

Table C

Name of Program	Objective	Timeframe in HE	Status of Program Implementation
II.1 Affordable Housing Steering	maintain committee	ongoing	committee is active
II.2 Inclusionary Housing Ordinance	continue implementation	ongoing	no development triggering inclusionary requirement
II.3 Zoning Ordinance	revise re: density bonus	Jun-09	not completed - revised goal to complete in 2012
II.4 Zoning Ordinance	revise re: secondary units	Dec-09	completed - Ordinance 2011-10 adopted on December 6, 2011
II.5 Zoning Ordinance	revise re: manufactured & factory built houses	Jun-09	completed - Ordinance 2011-09 adopted on December 6, 2011
II.6 Duplex Construction	promote construction of	ongoing	N/A - no development
II.7 Zoning Ordinance	revise to permit year round emergency shelters	Jun-09	completed - Ordinance 2011-08 adopted on December 6, 2011
II.8 Encourage development in upper density range	provide non financial & non financial incentives	ongoing	Orchard Village development was in the upper density range

ANNUAL ELEMENT PROGRESS REPORT

Jurisdiction Winters, CA
Reporting Period 1/1/2011 - 12/31/2011

Table C - Page 2

Name of Program	Objective	Timeframe in HE	Status of Program Implementation
II.9 State and Federal Funding to support new affordable housing	assist developers with funds and pursue state & federal	ongoing	Redevelopment Agency submitted HOME and CDBG applications in support of Orchard Village development
II.10 Housing Rehabilitation	continue implementation of housing rehab program & revise as needed	ongoing	Program on hold due to lack of funding (lack of loanable Redevelopment funds), goal to revise guidelines in 2012
II.12 Affordable Housing Production	Update AHPP	Sep-08	in compliance - no development
II.13 Energy Conservation & Solar Use	promote energy conservation		
II.14 Housing Voucher rental assistance	continue to cooperate with Yolo Housing on voucher program	ongoing	achieved
II.15 Homeless Services	Continue agreement with Yolo HPAC to provide homeless services	ongoing	approved Homeless Services Coordination Project Agreement on August 4th, 2009

ANNUAL ELEMENT PROGRESS REPORT

Jurisdiction Winters, CA
Reporting Period 1/1/2011 - 12/31/2011

Table C - Page 3

Name of Program	Objective	Timeframe in HE	Status of Program Implementation
II.16 Equal Opportunity	promote Equal Opportunity	ongoing	achieved
II.17 Local Builders	require 10% of lots to be marketed to local builders	ongoing	no building activity
II.18 At Risk Developments	assist non profit developers on at risk developments	ongoing	achieved creation of database, Agency authorized funding for Almondwood apartments (39 unit acquisition rehab)
II.19 Development Review Committee ("DRC")	Convene DRC to expedite processing and approval of projects	ongoing	committee convened to assist on Orchard Village residential project
II.20 In Lieu Fee Ordinance	Revise In Lieu Fee	Dec-08	not completed - revised goal to complete in 2012
II.21 Universal Design Features	Require new residential subdivisions to incorporate	Dec-08	achieved - included in all existing Development agreements

ANNUAL ELEMENT PROGRESS REPORT

Jurisdiction

Winters, CA

Reporting Period

1/1/2011 - 12/31/2011

Table C - Page 4

Name of Program	Objective	Timeframe in HE	Status of Program Implementation
II.22 Homeowner Counseling	Provide pre- & post-purchase counseling	Jun-09	achieved - in contract with NeighborWorks Sacramento to provide services
II.23 Zoning Ordinance	Revise re: transitional and supportive housing	Jun-09	not completed - revised goal to complete in 2012
II.24 Zoning Ordinance	Revise re: SRO's	Jun-09	completed - Ordinance 2011-07 adopted on December 6, 2011
II.25 Zoning Ordinance	Revise re: Farmworker Housing by Right	Ongoing	not completed - revised goal to complete in 2012

ANNUAL ELEMENT PROGRESS REPORT

Jurisdiction

Winters, CA

Reporting Period

1/1/2011 - 12/31/2011

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ANNUAL ELEMENT PROGRESS REPORT

Jurisdiction

Winters, CA

Reporting Period

1/1/2011 - 12/31/2011

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II.10 Housing Rehabilitation	continue implementation of housing rehab program & revise as needed	ongoing	Program on hold due to lack of funding (lack of loanable Redevelopment funds) goal to revise guidelines in 2012
II.12 Affordable Housing Production	Update AHPP	Sep-08	in compliance - no development
II.13 Energy Conservation & Solar Use	promote energy conservation	ongoing	City promoted availability of Energy Upgrade California Program
II.14 Housing Voucher rental assistance	continue to cooperate with Yolo Housing on voucher program	ongoing	achieved
II.15 Homeless Services	Continue agreement with Yolo HPAC to provide homeless services	ongoing	approved Homeless Services Coordination Project Agreement on August 4th, 2009

ANNUAL ELEMENT PROGRESS REPORT

Jurisdiction Winters, CA

Reporting Period 1/1/2011 - 12/31/2011

Table C - Page 3

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ANNUAL ELEMENT PROGRESS REPORT

Jurisdiction

Winters, CA

Reporting Period

1/1/2011 - 12/31/2011

Table C - Page 4

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CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: March 6, 2012
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Carol Scianna, Environmental Services Manager 
SUBJECT: Approve Extension of Service Agreement No. 011-09 with Wallace-Kuhl & Associates to continue Landfill Monitoring Services for 2012 in the amount not to Exceed \$7000.

RECOMMENDATION: Approve Extension of Service Agreement No. 011-09 with Wallace-Kuhl & Associates (WKA) to continue Landfill Monitoring Services for 2012 in the amount not to Exceed \$7000.

BACKGROUND: The City currently has a service agreement with Wallace- Kuhl & Associates to perform the required semi-annual groundwater monitoring at the former Winters Landfill. Staff recommends the extension of the contract with WKA for 2012. Services will be provided on a time and expense reimbursement basis. Sampling and subsequent reports will be done by June and December 2012. There are three monitoring wells at the site. WKA has continued to provide reliable and thorough monitoring services for the City.

Ongoing monitoring of the ground water is required by the RWQCB. It is not unusual for the RWQCB to require groundwater monitoring for closed landfills and other sites indefinitely. The findings from the monitoring over the last few years have shown that the site does appear to be influenced by water migrating from the landfill materials. However, the only constituents that exceeded the EPA -MCL(maximum contaminant level) was for Total Dissolved Solids (TDS) found in monitoring well 4 (MW4) , these results were 630 mg/l which exceeds the Secondary MCL of 500mg/k.

There were also elevated concentrations relative to background groundwater conditions of chemicals associated with landfill leachates detected in MW1 And MW4 including bicarbonate, chloride, sulfate, magnesium and sodium.

FISCAL IMPACT: The monitoring fees are estimated at \$7,000.00 annually and will be funded through the Landfill Fund.

February 7, 2012

Ms. Carol Scianna
City of Winters Department of Public Works
318 First Street
Winters, CA 95694-1923

Proposal for Semi-Annual and Annual Groundwater Monitoring
WINTERS FORMER LANDFILL – 2012 MONITORING PROGRAM
County Road 33 and County Road 88
Winters, California
WKA Proposal No. 3PR12021

Dear Ms. Scianna:

Wallace-Kuhl & Associates, Inc. (WKA) is pleased to provide the City of Winters an estimated budget for two semi-annual groundwater sampling events of three shallow groundwater monitoring wells that are in the vicinity of the former landfill referenced above. WKA performed these services in 2009, 2010, and 2011. The purpose of this proposal is to establish a scope, fee and agreement for required work in the 2012 calendar year.

Scope of Services

WKA suggests a scope of services that is comprised of the activities that are listed below:

- Collection and laboratory analyses of groundwater samples according to the CVRWQCB's semi-annual schedule for groundwater monitoring.
- Collection and laboratory analyses of groundwater samples according to the CVRWQCBs annual schedule for groundwater monitoring.
- Preparation of a semi-annual groundwater monitoring report.
- Preparation of an annual groundwater monitoring report.

Schedule

WKA will collect groundwater samples from the three monitoring wells (MW01, MW-2, and MW-4) during June and December 2012. WKA will provide draft reports for the City's consideration at least two weeks prior to the deadline for submitting the reports to the CVRWQCB. WKA will submit the Semi-Annual monitoring report to the CVRWQCB by July 15, 2012. WKA will submit the Annual monitoring report to the CVRWQCB by January 31, 2013.

Compensation

WKA requests its compensation be a fee of \$7,000, which is summarized in the following table.

Activity	Budget
Perform 2012 Semi-Annual Monitoring Event	\$3,000
Perform 2012 Annual Monitoring Event	\$4,000
Total	\$7,000

Closing

If this proposal is acceptable, please issue a City of Winters Consultant Services Agreement referencing this letter.

WKA appreciates receiving this opportunity to assist the City of Winters in monitoring conditions at the former landfill. WKA looks forward to providing the City with environmental, geotechnical, and materials testing services for its future projects.

Please call either me if you have any questions regarding this proposal.

Wallace-Kuhl & Associates



Christopher J. Kadi, G.I.T.
Staff Geologist





TO: Honorable Mayor and Council Members
DATE: March 6, 2012
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Alan L. Mitchell, City Engineer
SUBJECT: **Public Utility Easement - Resolution and Grant of Easement, for Putah Creek Bridge Replacement**

RECOMMENDATION: Staff recommends that City Council: approve the Public Utility Easement (PUE) across the Trestle Bridge, and approve Resolution No. 2012-14, authorizing the Mayor to sign the Grant of Easement on the City's behalf and the City Clerk to file the Easement with the County Recorder.

BACKGROUND: The Putah Creek Bridge (Bridge No. 23C-234) on the south end of Railroad Avenue was put on the State's list of bridges eligible for replacement or upgrade. The City and County entered into an Agreement to implement a project, which includes replacement of the existing structurally deficient and functionally obsolete structure. MGE Engineering out of Sacramento was selected to perform design and environmental services associated with the project. An alignment for the new bridge was approved in 2006. Last year, the NEPA environmental Categorical Exclusion was approved and the CEQA Notice of Determination was filed on July 8, 2010. With NEPA and CEQA completed the County has received the required permits from the regulatory agencies. Authorization was granted earlier this year to complete design, procure necessary right of way, and coordinate with affected utilities to facilitate relocation.

Utility Relocation

Relocation of PG&E (electric, gas), AT&T (telephone/data), and City water facilities is required. PG&E and AT&T originally requested from the City permission to use the Trestle Bridge for permanent relocations. As their Engineers performed their due diligence, PG&E determined that it was better to underground their electrical and cross the Creek at a location upstream. PG&E is still proposing to place a 2-inch gas main across the Trestle Bridge. AT&T is proposing to place two 4-inch conduits across the Trestle Bridge, and the City's 1-inch water line will be relocated to the Trestle Bridge. Staff is working with the Engineers to determine the best way to accommodate the placement of conduits across the bottom of the Bridge, with minimal visual impact.

Staff has prepared the attached Grant of Easement, which includes the legal description and plat, which were prepared by Solano County's Surveyor. The Grant of Easement will be recorded, to establish an 18-foot wide Public Utility Easement (PUE), for placement of the gas, phone/data, and water lines up to and across the Trestle Bridge. A PUE is a strip of land used by utility companies to construct and maintain utility infrastructure. The property owner (City) owns all of the land including the utility easements. However, utilities have a right to access that portion of land which has been designated a PUE.

Staff recommends that City Council approve the PUE across the Trestle Bridge, and approve attached Resolution No. 2012-14.

FISCAL IMPACT: No funding impacts are associated with the PUE. Project funds will pay for relocation costs.

Attachment: Grant of Easement with Exhibits
Resolution No. 2012-14

RECORDING REQUESTED BY:
CITY OF WINTERS,
CITY ENGINEER

SPACE ABOVE THIS LINE FOR
RECORDER'S USE

WHEN RECORDED MAIL

TO:
City Clerk
City of Winters
318 First Street
Winters, CA 95694

DOCUMENT TRANSFER TAX \$ _____

Signature of declarant determining tax

G R A N T O F E A S E M E N T

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

The CITY OF WINTERS (Grantor) hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, PACIFIC BELL TELEPHONE COMPANY, a California corporation, doing business as AT&T CALIFORNIA, AND WAVE BROADBAND, an easement over under and across all of that real property situate in the County of Yolo, State of California, described as follows:

A permanent Public Utility Easement in and to that portion of the real property situate, lying and being in the City of Winters, County of Yolo, County of Solano State of California, such easement being more particularly described in Exhibits A and B attached hereto and made a part hereof, and;

The purpose of the easement is for construction, installation, removal, repair, replacement, reconstruction, maintenance and operation, and use for utilities such as electrical, gas, telecommunications, and data, and associated appurtenances. All utilities shall be hung on the bottom of the Railroad Bridge or placed underground, within the easement.

Grantor maintains the right to:

1. Grant said easement or a portion thereof to other public utilities or public agencies;
2. Review and control of the use and maintenance of the Railroad Bridge and approaches within said Easement;
3. Review and control all signage and other appurtenances on said easement; and
4. Review and control all vehicle access across said property

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

The person or persons signing below represent that he/she/they is/are the party/parties with an interest in the property described herein.

By: _____
Woody Fridae, Mayor

Dated this _____ day of _____, 2012

State of California
County of Yolo ss:

On _____, 2012, before me, _____, a notary public in and for said state personally appeared _____, personally known to me (or proved to me based upon satisfactory evidence) to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged that(s) he/they executed the same in his/her/their signature on the instrument the person(s) or entity on behalf of which they acted, executed the instrument.

Signature of Notary

NOTARY SEAL

EXHIBIT A
LEGAL DESCRIPTION
WINTERS RAILROAD BRIDGE
PUBLIC UTILITY EASEMENT

A public utility easement over, under and across that certain real property situate in the Counties of Solano and Yolo, City of Winters, State of California; being more particularly described as follows:

A strip of land, 18.00 feet in width, lying 9.00 feet on both sides of the following described centerline. BEGINNING at the intersection of the northerly right of way line of Putah Creek Road (County Road No. 476) with the southerly prolongation of the centerline of the Winters Railroad bridge; thence from said Point of Beginning, N 24°43'00" W, 372.92 feet; thence along a tangent curve to the left having a radius of 50.00 feet through a central angle of 60°43'43", an arc distance of 53.00 feet; thence along a tangent curve to the right having a radius of 50.00 feet through a central angle of 60°43'43", an arc distance of 53.00 feet; thence parallel with and contiguous to the easterly right of way line of Winters Road, N 24°43'00" W, 81.84 feet to the end of this description.

The southerly sidelines of the above described strip of land to be lengthened or shortened so as to terminate at the northerly right of way line of Putah Creek Road (County Road No. 476).

Any and all utilities to be located on the Winters Railroad Bridge spanning Putah Creek shall be attached beneath the bridge so as to be shielded from normal view. In other areas not under the bridge utilities shall be undergrounded.

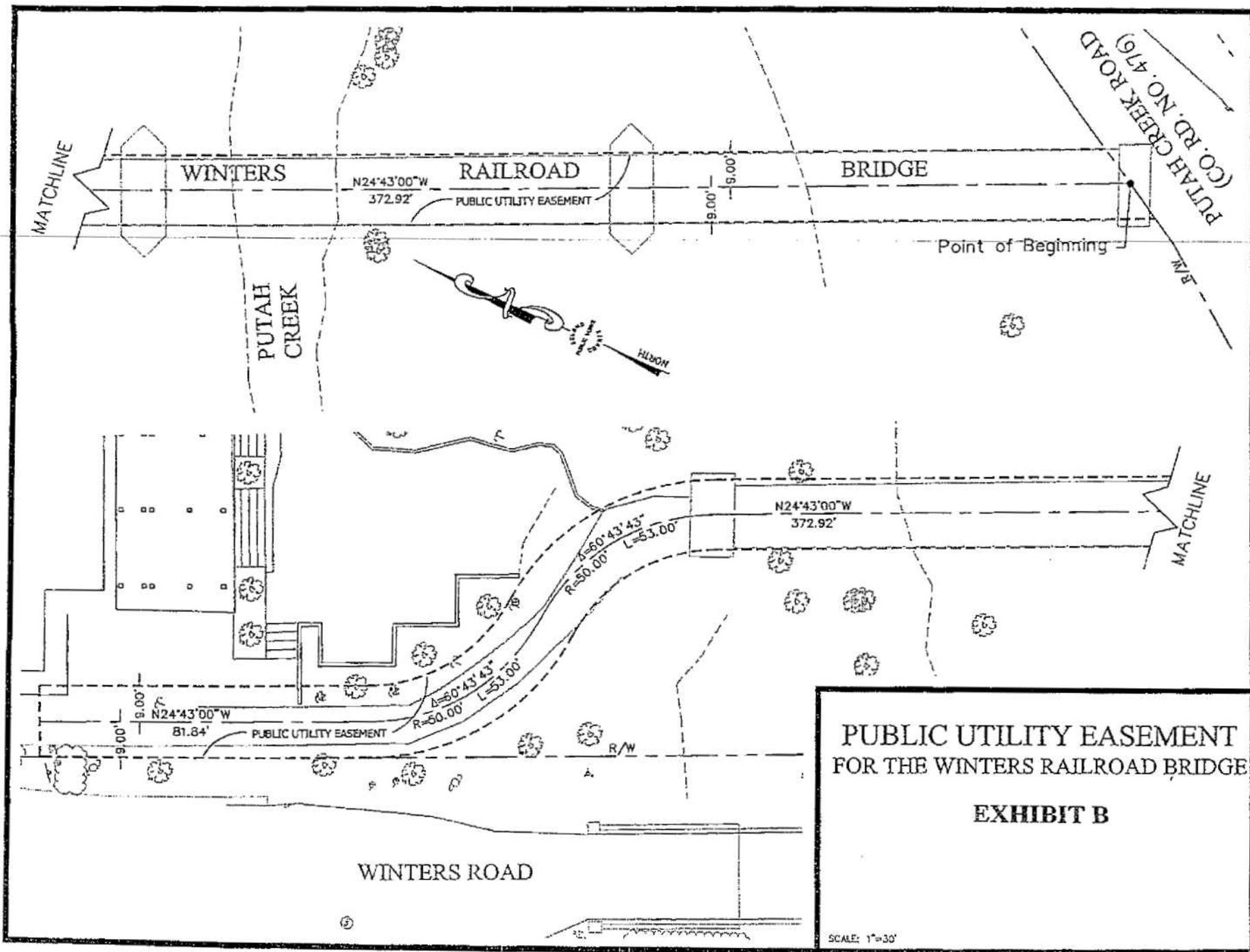
Containing 10,093 +/- sq. ft.

END OF DESCRIPTION

The above description was prepared by me or under my direction:


Stanley J. Schram P.L.S. 7409





**PUBLIC UTILITY EASEMENT
FOR THE WINTERS RAILROAD BRIDGE**

EXHIBIT B

SCALE: 1"=30'

Resolution No. 2012-14

A Resolution of the City Council of the City of Winters, approving the Public Utility Easement across the Trestle Bridge, authorizes the Mayor to sign the Grant of Easement on the City's behalf, and authorizes the City Clerk to file the Grant of Easement with the County Recorder.

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

WHEREAS, the Putah Creek Bridge (Bridge No. 23C-234) on the south end of Railroad Avenue was put on the State's list of bridges eligible for replacement or upgrade.; and

WHEREAS, the City and County entered into an Agreement to implement a project, which includes replacement of the existing structurally deficient and functionally obsolete structure.; and

WHEREAS, the bridge replacement project necessitates relocation of certain utility infrastructure; and

WHEREAS, the City agrees to establish a Public Utility Easement (PUE) across the Railroad Trestle Bridge, to allow utility companies to construct and maintain this utility infrastructure; and

WHEREAS, a Grant of Easement was prepared for the PUE.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winters that Council approves the PUE across the Trestle Bridge.

BE IT FURTHER RESOLVED by the City Council of the City of Winters that Council authorizes the Mayor to sign the Grant of Easement on the City's behalf.

BE IT FURTHER RESOLVED by the City Council of the City of Winters that Council authorizes the City Clerk to file the Grant Easement with the County Recorder.

PASSED AND ADOPTED this 6th day of March, 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

WOODY FRIDAE, MAYOR

ATTEST:

NANCI MILLS, CITY CLERK



**A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF WINTERS
HONORING THE YOLO COUNTY WOMEN'S HISTORY MONTH COMMITTEE
UPON ITS 25TH ANNIVERSARY AND DECLARING MARCH 2012 IN YOLO COUNTY AS
"WOMEN'S HISTORY MONTH"**

WHEREAS, women make up 52% of the population of Yolo County; and own 30.1% of all businesses in the County; and

WHEREAS, the women of Yolo County have made significant contributions to building strong families, a just society, and fair government; and

WHEREAS, American women have historically made significant contributions to every aspect of our culture and society; and

WHEREAS, the Congress of the United States proclaimed March as National Women's History Monday in 1987; and

WHEREAS, the first Yolo County Women's History Monty event was held in 1987; and

WHEREAS, Yolo County Women's History Month luncheons have raised over \$10,000 for the Woodland Public and Yolo County Libraries to purchase women's history materials; and

WHEREAS, the annual Yolo County Women's History Month luncheon and the work of its committee highlight the achievements of local women leaders; and

WHEREAS, the Yolo County Women's History Month Committee incorporated as a California non-profit corporation in 2011; and

WHEREAS, the Yolo County Women's History Month Committee has honored and celebrated the contributions of American women in general and Yolo County women in particular for 25 years;

NOW, THEREFORE, BE IT PROCLAIMED that the City Council of the City of Winters honors the Yolo County Women's History Month Committee upon its 25th Anniversary and proclaims the month of March 2012 in Yolo County as "Women's History Month."

PASSED AND ADOPTED this 6th day of March 2012:

Council Member Harold Anderson

Council Member Cecilia Aguiar-Curry

Council Member Michael Martin

Council Member Tom Stone

Mayor Woody Fridae

City Manager John W. Donlevy, Jr.

City Clerk Nanci G. Mills



**A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF WINTERS
RECOGNIZING "NATIONAL AGRICULTURE WEEK"**

WHEREAS, agriculture is the Nation's most basic industry and it's associated production, processing and marketing segments together provide more jobs than any other industry; and

WHEREAS, it is also very important to the local economy with Yolo County generating \$443,541,692 agricultural sales in 2010; and

WHEREAS, American agriculture deserves special recognition for its incredible achievements in feeding, clothing, and sheltering our country; and

WHEREAS, maintaining a healthy agriculture industry necessitates that all American consumers understand agriculture's effect on their lives and well-being; and

WHEREAS, Spring is an ideal time to recognize the contributions of the agriculture industry of the world.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WINTERS, do hereby proclaim March 4TH – March 10th, 2012, as "National Agriculture Week" in the City of Winters in recognition of the importance of agriculture in our community.

PASSED AND ADOPTED this 6th day of March, 2012, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Councilmember Cecilia Aguiar-Curry

Councilmember Michael Martin

Mayor Woody Fridae

Councilmember Harold Anderson

Councilmember Tom Stone

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



**A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF WINTERS
RECOGNIZING MARCH 7, 2012 AS CALIFORNIA ARBOR DAY**

WHEREAS, March 7, 2012 has been designated as California Arbor Day in honor of the vital role trees and the urban forest play in improving the livability and sustainability of our communities and to honor Luther Burbanks's horticultural legacy; and

WHEREAS, the City of Winters has embraced the goals of the Greenprint initiative to optimize the remarkable benefits of trees to create the best urban forest for the region; and

WHEREAS, the City of Winters recognizes the contributions tree canopies have to clean air and water, energy conservation, public health, habitat and the beauty of our neighborhoods and business districts; and

WHEREAS, California Arbor Day 2012 will be observed by schools, communities, civic organizations and countless citizens who will participate in tree planting activities; and

WHEREAS, the entire town of Winters benefits when any property owner, resident or volunteer gains awareness about trees, and improves their property and the community by planting and maintaining trees and landscapes, which promotes a healthy environment and demonstrates pride in Winters;

NOW THEREFORE, the Winters City Council on behalf of its citizens proclaim March 7, 2012 as California Arbor Day and encourages all residents and businesses to join together, plant trees, maintain their existing trees and celebrate Arbor Day

Councilmember Cecelia Aguiar-Curry

Councilmember Harold Anderson

Councilmember Michael Martin

Councilmember Tom Stone

Mayor Woody Fridae

City Manager John W. Donlevy, Jr.

City Clerk Nanci G. Mills

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

COUNCIL MEMBERS
Harold Anderson
Michael 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 COUNCIL
STAFF REPORT**

TO: Mayor and City Council
DATE: March 6, 2012
FROM: John W. Donlevy, Jr., City Manager *[Signature]*
SUBJECT: Grant Ave. Sidewalk Connectivity Project- Legal Services Payment to Winters Joint Unified School District as per MOU

RECOMMENDATION:

That the City Council receive a Staff Report regarding the payment of \$7,839.50 for legal services pursuant to a memorandum of understanding between the City of Winters and the Winters Joint Unified School District.

BACKGROUND:

In 2010, the City of Winters was awarded a \$180,000 Safe Routes to School grant for the construction of sidewalk improvements along Grant Ave. behind Waggoner School.

In 2011, Staff initiated the project with an estimated construction of summer 2011. In February, 2011 a grant deed and easement were submitted to the Winters Joint Unified School District for their approval so the project could proceed.

The grant deed provided for a 10' right of way dedication along the north side of Waggoner School. In exchange, the City, through the grant would construct sidewalk and driveways for the School.

The WJUSD insisted on the development of a Memorandum of Understanding for the grant deed and as part of the agreement, the City would agree to pay for the legal services for the agreement. The estimated cost provided in August, 2011 was \$2,500. In September, 2011, the City Council approved the MOU with the estimated legal fees.

The WJUSD adopted the agreement in December, 2011 and the agreement was received by the City in January, 2012.

Of concern upon the receipt of the MOU were the legal billing which amounted to \$7,839.50, which is \$5,339.50 higher than the estimate provided in August.

At the February 21, 2012 District/City 2X3 Meeting, this issue was discussed and the detail for the legal fees was provided. These are attached as Attachment A to this report.

On Monday, February 27, the City received an invoice from the WJUSD in the amount of \$7,839.50.

Staff scheduled a meeting and met with District Management to discuss the billing. The District Staff indicated that in order for the project to go forward, the City would be required to pay the legal fees as presented.

Under concern that the District would revoke the agreement and not allow the sidewalk to be constructed, City Staff made the payment and received a signed grant deed which has been recorded. A copy of a letter accompanying the payment is attached as Attachment B.

DISCUSSION:

Staff will be open to any questions or direction provided from the City Council regarding this item.

FISCAL IMPACT:

The City has paid the WJUSD \$7,839.50 in order to proceed with a \$180,000 Safe Route to School Improvement Project to Waggoner School.



Winters Joint Unified School District
 Fee Entries - 8131-004
 Related to City sidewalk and easement dedication matter

Date	Attorney Name	Description	Hours	Rate	Amount
03/10/11	Covert, P Addison	Commence review and research applicable law regarding sidewalk memorandum applicable to District property.	0.50	\$200.00	\$100.00
03/28/11	Russell, Meghan Covert	Review and analyze grant to easement to City of Winters for potential concerns to the District.	0.20	\$195.00	\$39.00
04/11/11	Russell, Meghan Covert	Draft letter to WJUSD re City of Winters' sidewalk easement and suggested additional language.	1.20	\$195.00	\$234.00
04/11/11	Covert, P Addison	Research for and draft correspondence regarding sidewalk easement agreement adjacent to district property; review related correspondence.	1.00	\$200.00	\$200.00
05/18/11	Covert, P Addison	Review and revise documentation applicable to proposed conveyance of property adjacent to school site.	0.50	\$200.00	\$100.00
05/23/11	Russell, Meghan Covert	Research Education Code provisions re sale of property (sidewalk to City) (.50); draft resolution and offer of dedication/grant of title (2.50); draft letter to Gary Castillo re Education Codes and steps to dedicate sidewalk (1.00).	4.00	\$195.00	\$780.00
05/28/11	Russell, Meghan Covert	Draft letter to Gary Castillo re dedication of sidewalk to City.	1.50	\$195.00	\$292.50
06/01/11	Russell, Meghan Covert	Draft and revise letter to G. Castillo re dedication of sidewalk to City; review and revise Offer of Dedication and Resolution.	2.00	\$195.00	\$390.00
06/02/11	Russell, Meghan Covert	Draft and revise letter to G. Castillo re dedication of sidewalk to City; review and revise Offer of Dedication and Resolution.	2.00	\$195.00	\$390.00
06/03/11	Russell, Meghan Covert	Review letter to G. Castillo re dedication of sidewalk to City; review Offer of Dedication and Resolution.	0.50	\$195.00	\$97.50
06/15/11	Russell, Meghan Covert	Review and finalize letter to G. Castillo re conveyance of sidewalk to City.	1.00	\$195.00	\$195.00
06/15/11	Covert, P Addison	Sidewalk dedication documents; finalize forms and correspondence.	0.50	\$200.00	\$100.00
06/29/11	Russell, Meghan Covert	Call from G. Castillo re drafting MOU between City and District re sidewalk dedication; review conceptual submittals.	1.00	\$195.00	\$195.00
07/13/11	Russell, Meghan Covert	Telephone call to Gary Castillo re MOU terms; review conceptual submittals.	0.50	\$195.00	\$97.50
07/26/11	Russell, Meghan Covert	Draft MOU re dedication of sidewalk to City.	3.00	\$195.00	\$585.00
08/04/11	Russell, Meghan Covert	Revise and send MOU re sidewalk; telephone call from G. Castillo re property transfer process.	1.50	\$195.00	\$292.50
08/17/11	Russell, Meghan Covert	Correspondence with G. Castillo re sidewalk easement.	0.50	\$195.00	\$97.50
08/18/11	Russell, Meghan Covert	Review grant deed and MOU documents re sidewalk in preparation for Board meeting (1.00); attend Board meeting (1.50).	2.50	\$195.00	\$487.50
08/18/11	Covert, P Addison	Prepare for and attend meeting of board of trustees regarding easement adjacent to School District property.	0.50	\$200.00	\$100.00
08/22/11	Russell, Meghan Covert	Correspondence with G. Castillo re sidewalk project.	0.50	\$195.00	\$97.50
08/23/11	Russell, Meghan Covert	Confer with A. Covert and draft next steps email memo to G. Castillo re sidewalk conveyance and easement retained by the District; correspondence with District re same.	1.50	\$195.00	\$292.50
09/20/11	Russell, Meghan Covert	Review correspondence, MOU, and resolution re next steps for sidewalk conveyance.	1.00	\$195.00	\$195.00
09/26/11	Russell, Meghan Covert	Revise MOU and resolution re sidewalk agreement; draft email memo to District; correspondence with District personnel.	2.00	\$195.00	\$390.00

\$1,400

2,732

\$977

\$3,709

Winters Joint Unified School District
 Fee Entries - 8131-004
 Related to City sidewalk and easement dedication matter

Date	Attorney Name	Description	Hours	Rate	Amount
09/27/11	Russell, Meghan Covert	Conference call with G. Castillo and G. Hahn re conveyance re conveyance of sidewalk.	0.50	\$195.00	\$97.50
09/29/11	Russell, Meghan Covert	Draft and revise resolution, MOU, offer of dedication, and grant deed for conveyance of sidewalk to city; correspondence with District re legal description.	1.50	\$195.00	\$292.50
10/05/11	Russell, Meghan Covert	Telephone call to District personnel re easement v. conveyance of sidewalk to City.	0.30	\$195.00	\$58.50
10/08/11	Russell, Meghan Covert	Prepare for and attend school board meeting re sidewalk conveyance.	2.00	\$195.00	\$390.00
10/06/11	Covert, P Addison	Prepare for and attend meeting and consultation with Governing Board regarding property transaction.	1.00	\$200.00	\$200.00
10/07/11	Russell, Meghan Covert	Correspondence with G. Hahn and E. Simmons re sidewalk conveyance and next steps.	0.80	\$195.00	\$156.00
10/12/11	Russell, Meghan Covert	Correspondence with J. Fletter re revising sidewalk legal description.	0.30	\$195.00	\$58.50
10/14/11	Russell, Meghan Covert	Call from J. Fletter re legal description (.25); review legal description, correspondence (.75).	1.00	\$195.00	\$195.00
10/24/11	Russell, Meghan Covert	Correspondence with District re sidewalk legal description.	0.30	\$195.00	\$58.50
10/26/11	Russell, Meghan Covert	Review and revise resolution, MOU, offer of dedication, grant deed, and legal description; confer with A. Harrell re legal description; correspondence with District re documents for Board packet re sidewalk.	2.50	\$195.00	\$487.50
10/27/11	Russell, Meghan Covert	Correspondence with K. Colagrossi re sidewalk Board packet.	0.50	\$195.00	\$97.50
		Totals:	40.10		\$7,839.50

9745
 \$1701.5

February 28, 2012

Marilyn Corey, Interim Superintendent
Winters Joint Unified School District
909 West Grant Ave.
Winters, Ca 95694

RE: Grant Ave Sidewalk Connectivity Project

Dear Marilyn:

Pursuant to our conversation today, enclosed, please find a check in the amount of \$7,839.50 as a reimbursement of legal fees as required in the Memorandum of Understanding for this project.

Following the execution and notary of the applicable documents, this should serve as final remuneration for the project.

As mentioned in our meeting and in previous discussions, it is the City's position that the fees are excessive. The work required for this project was the equivalent to the review of a grant deed and the drafting of a simple memorandum of understanding. The City is disappointed that the District did not manage these expenses, causing excessive billing. The mistake of the City was not adequately establishing reasonable limits on this expenditure, thus creating an opening for this billing.

The project is expected to commence in the next few months and you can be assured that all elements of the agreement will be strictly adhered to.

Sincerely,

John W. Donlevy, Jr.
City Manager



**CITY COUNCIL
STAFF REPORT**

TO: Mayor and City Council
DATE: March 6, 2012
FROM: John W. Donlevy, Jr., City Manager 
SUBJECT: Crossing Guard Services- Winters Joint Unified School District

RECOMMENDATION:

That the City Council provide direction regarding a bill received from the Winters Joint Unified School District for Crossing Guard Services for FY 2010-11.

BACKGROUND:

At the February 21, 2012 City/WJUSD Meeting, the subject of the City and District working cooperatively to fund school crossing guards was raised by the District. The District asked that the City consider funding wages from the Traffic Safety Fund.

At the meeting, consensus was that this issue would be researched and that the City and District would consider ways to work together in the future on this issue.

The WJUSD has sent the City an invoice in the amount of \$22,589.88 for crossing guard services from FY 2010-11.

DISCUSSION:

The City and District have never had an agreement for the City to pay for crossing guard services. The first request on this subject was made on February 21, 2012. The billing is for FY 2010-11, which is a year old.

The City's Traffic Safety Fund is from revenues collected from traffic fine and tickets. The City has typically used the funds to finance police equipment purchases or to make necessary

roadway and traffic improvements. The most recent purchase under consideration is the in-car camera system (\$85,000) which will come before the City Council for funding in April.

While crossing guard wages are an allowable expense from this fund, the City typically saves these revenues for a number of years to fund major capital purchases due to the minimal amount of revenues received. The estimated revenues for the current fiscal year are \$10,500.

FISCAL IMPACT:

The estimated fund balance for the end of the current fiscal year is \$229,000. After the purchase of the in-car camera system, the balance will be approximately \$144,000.



WINTERS JOINT UNIFIED SCHOOL DISTRICT
 909 W. GRANT AVENUE WINTERS, CA 95694
 Ph. (530) 795-6100 Fax (530) 795-6114

INVOICE

Date	Number
2/22/2012	12027

TO: City of Winters
 Attention John Donlevy
 318 First Street
 Winters, CA 95694

Item No.	Quantity Ordered	Description	Unit Price	Extension
		Reimburse Crossing Guard Costs For 2010/2011 School Year (see attached general ledger of expenses)		\$22,589.88
			INVOICE TOTAL	\$22,589.88

ACCOUNT CLASSIFICATIONS

01 000 000 0000 0 0000 0000 8699 0030 \$22,589.88

Requisitioned By: Denise Draper

Approved By: 

 GLORIA S. HAHN, CHIEF BUSINESS OFFICER

Education Code

Education Code

School crossing guards

EC 45451

The governing board of any school district which employs school crossing guards pursuant to this article may be reimbursed from funds including, but not limited to, those collected pursuant to Sections 42200 and 42201 of the Vehicle Code.

(Added by Stats. 1978, Ch. 295.)

Reference:

Education Code 42200 (Repealed by Stats. 1987, Ch. 1452, Sect. 339.)

Education Code 42201 (Repealed by Stats. 1987, Ch. 1452, Sect. 339.)

Disposition by Cities and Other Local Entities

42200. (a) Of the total amount of fines and forfeitures received by a city under Section 1463 of the Penal Code that proportion which is represented by fines and forfeitures collected from any person charged with a misdemeanor under this code following arrest by an officer employed by a city, shall be paid into the treasury of the city and deposited in a special fund to be known as the "Traffic Safety Fund," and shall be used exclusively for official traffic control devices, the maintenance thereof, equipment and supplies for traffic law enforcement and traffic accident prevention, and for the maintenance, improvement, or construction of public streets, bridges, and culverts within the city, but the fund shall not be used to pay the compensation of traffic or other police officers. The fund may be used to pay the compensation of school crossing guards who are not regular full-time members of the police department of the city.

(b) For purposes of this section, "city" includes any city, city and county, district, including any enterprise special district, community service district, or county service area engaged in police protection activities as reported to the Controller for inclusion in the 1989-90 edition of the Financial Transactions Report Concerning Special Districts under the heading of Police Protection and Public Safety, authority, or other local agency (other than a county) which employs persons authorized to make arrests or to issue notices to appear or notices of violation which may be filed in court.

Amended Sec. 2, Ch. 285, Stats. 1995. Effective January 1, 1996.

Disposition by County

42201. (a) Of the total amount of fines and forfeitures received by a county under Section 1463.001 of the Penal Code, fines and forfeitures collected from any person charged with a misdemeanor under this code following arrest by any officer employed by the state or by the county shall be paid into the general fund of the county. However, the board of supervisors of the county may, by resolution, provide that a portion thereof be transferred into the road fund of the county.

(b) The board of supervisors of a county may enter into a contract with the Department of the California Highway Patrol for the purpose of providing adequate protection for school pupils who are required to cross heavily traveled streets, highways, and roadways in the unincorporated areas of the county. When requested, the Department of the California Highway Patrol may provide such service and the county shall reimburse the state for salaries and wages of crossing guards furnished by the Department of the California Highway Patrol pursuant to such contract, including any necessary retirement and general administrative costs and expenses in connection therewith, and may pay the costs thereof from amounts deposited in the road fund pursuant to this section. ✓

(c) Fines and forfeitures received by a county under Section 1463.001 of the Penal Code may be used to pay the compensation of school crossing guards and necessary equipment costs and administrative costs.

(d) When requested by any county which had in effect on June 30, 1979, a contract with the Department of the California Highway Patrol, to provide protection for school pupils at school crossings, the department upon request of a county shall continue to administer such school crossing program until June 30, 1980. The county shall reimburse the Department of the California Highway Patrol for general administrative costs and expenses in connection therewith, except that, effective January 1, 1980, the crossing guards shall be furnished to the California Highway Patrol and such crossing guards shall be employees of the county, the county superintendent of schools, the affected school districts, or both the superintendent and the affected school districts, at the option of the board of supervisors of the county. Any salaries and wages of crossing guards, including necessary retirement and equipment costs and any administrative costs shall be paid or reimbursed by the county from amounts deposited in the road fund pursuant to this section.

(e) The board of supervisors may adopt standards for the provision of school crossing guards. The board has final authority over the total cost of the school crossing guard program of any agency to be paid or reimbursed from amounts deposited in the road fund pursuant to this section. The board of supervisors may specify that a designated county officer, employee, or commissioner is to hire school crossing

guards, or, in the alternative, the board may specify that any school district crossing guard program in unincorporated areas shall be maintained by the school districts desiring the program.

Amended Ch. 308, Stats. 1994. Effective July 21, 1994.



**SUCCESSOR AGENCY TO THE WINTERS COMMUNITY DEVELOPMENT AGENCY
STAFF REPORT**

TO: Mayor and City Council
DATE: March 6, 2012
FROM: John W. Donlevy, Jr., City Manager 
SUBJECT: Selection of Appointment to Oversight Board- Representative of Former Employees of Winters Community Development Agency

RECOMMENDATION:

That the City Council appoint Nanci Mills, Director of Administrative Services to serve on the Oversight Board for the Successor Agency to the Winters Community Development Agency.

BACKGROUND:

Following the recent California Supreme Court decision in *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861, each redevelopment agency within the State of California will be dissolved and no longer exist as of February 1, 2012, in accordance with Part 1.85 of Division 24 of the Health and Safety Code, added by Assembly Bill 1X 26.

In accordance with Health and Safety Code Section 34173, the City of Winters("City") has elected to serve as the successor agency to the Community Development Agency of the City of Winters ("Agency") to wind down the affairs of the Agency. The successor agency's activities are subject to review and approval by an oversight board.

Health and Safety Code Section 34179(a) provides that the oversight board will be comprised of seven political appointees from affected local taxing entities and the community that created the redevelopment agency, as follows:

1. One member appointed by the county board of supervisors;

2. One member appointed by the Mayor for the city that created the redevelopment agency
3. One member appointed by the largest special district, by property tax share, with territory in the territorial jurisdiction of the redevelopment agency that is eligible to receive property tax revenues pursuant to Section 34188
4. One member appointed by the county superintendent of education;
5. One member appointed by the Chancellor of the California Community Colleges;
6. One member of the public appointed by the county board of supervisors;
7. One member representing the employees of the former redevelopment agency appointed by the mayor or chair of the board of supervisors, as the case may be, from the recognized employee organization representing the largest number of former redevelopment agency employees employed by the successor agency at that time.

DISCUSSION:

Staff is requesting that the City Council appointment Nanci Mills, Director of Administrative Services to serve as the representative for the former employees of the Winters Community Development Agency.

Because of our limited staff, the three key management employees formerly funded by the CDA will be actively involved in the administrative work in facilitating the wind down of the agency. Nanci Mills background and understanding of redevelopment and the processes make her an ideal choice to serve in this capacity.

FISCAL IMPACT:

None by this action.



**SUCCESSOR AGENCY TO THE WINTERS COMMUNITY DEVELOPMENT AGENCY
STAFF REPORT**

TO: Mayor and City Council
DATE: March 6, 2012
FROM: John W. Donlevy, Jr., City Manager 
SUBJECT: Selection of Mayors Appointment to Oversight Board

RECOMMENDATION:

That a selection be made for the Mayors appointment to the Oversight Board for the Successor Agency to the Winters Community Development Agency.

BACKGROUND:

Following the recent California Supreme Court decision in *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861, each redevelopment agency within the State of California will be dissolved and no longer exist as of February 1, 2012, in accordance with Part 1.85 of Division 24 of the Health and Safety Code, added by Assembly Bill 1X 26.

In accordance with Health and Safety Code Section 34173, the City of Winters ("City") has elected to serve as the successor agency to the Community Development Agency of the City of Winters ("Agency") to wind down the affairs of the Agency. The successor agency's activities are subject to review and approval by an oversight board.

Health and Safety Code Section 34179(a) provides that the oversight board will be comprised of seven political appointees from affected local taxing entities and the community that created the redevelopment agency, as follows:

1. One member appointed by the county board of supervisors;

2. One member appointed by the Mayor for the city that created the redevelopment agency
3. One member appointed by the largest special district, by property tax share, with territory in the territorial jurisdiction of the redevelopment agency that is eligible to receive property tax revenues pursuant to Section 34188
4. One member appointed by the county superintendent of education;
5. One member appointed by the Chancellor of the California Community Colleges;
6. One member of the public appointed by the county board of supervisors;
7. One member representing the employees of the former redevelopment agency appointed by the mayor or chair of the board of supervisors, as the case may be, from the recognized employee organization representing the largest number of former redevelopment agency employees employed by the successor agency at that time.

DISCUSSION:

Staff is requesting that an appointment be made for the Mayor's selection for the Winters Oversight Board.

Meetings will be held during business hours on days yet to be determined until the full Board is appointed.

FISCAL IMPACT:

None by this action.