



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, April 17, 2012

5:30 p.m. - Executive Session

AGENDA

Safe Harbor for Closed Session - Pursuant to Government Code Section 54954.5

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

Pursuant to Government Code Section 54956.8 – Real Estate Negotiations - Downtown
Hotel between Railroad Avenue, Abbey Street, First Street and Newt's Expressway,
Winters, CA, Real Property Negotiator City Manager John W. Donlevy, Jr.

Pursuant to Government Code Section 54956.8 – Real Estate Negotiations - Grant
Avenue Commercial Project, APN's 003-370-028, 003-370-029, 003-370-030 - Real
Property Negotiator City Manager John W. Donlevy, Jr.

Pursuant to Government Code Section 54957 - Public Employee Performance
Evaluation – City Attorney

6:30 p.m. – Regular Meeting

AGENDA

Members of the City Council

*Woody Fridae, Mayor
Cecilia Aguilar-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 March 20, 2012 (pp 1-9)
- B. Minutes of the Special Meeting of the Winters City Council Held on March 27, 2012 (pp 10-12)
- C. Parade Permit for 76th Annual Winters Youth Day Parade (pp 13-15)
- D. Street Closure Request by Buckhorn Steakhouse for Monthly Car Shows to be Held on the Second Tuesday of the Month through October 2012 (pp 16-18)
- E. Award a Construction Contract to Pacific Utility Construction, in the Amount of \$10,800, for the Matsumoto Signal Conduit Directional Bore, and Authorize the City Manager to Execute the Contract on the City's Behalf (pp 19-29)
- F. Amplified Sound Permit Application Submitted by Debra and Lew Wisdom, 127 Carrion Ct., Winters (pp 30-31)

DISCUSSION ITEMS

1. Second Reading and Adoption of Ordinance 2012-02, An Ordinance of the City Council of the City of Winters Repealing Ordinance No. 2011-04 Which Determined the City would Comply with the Alternative Voluntary 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 (pp 32-40)
2. Second Reading and Adoption of Ordinance 2012-03, An Ordinance of the City Council of the City of Winters Adding Sections 2.52.090 and Sections 2.52.100 to Title 2, Chapter 2.52 of the Winters Municipal Code to Establish Powers, Authority and Duties of Level 1 Police Reserves (pp 41-43)
3. Second Reading and Adoption of Ordinance 2012-04, An Ordinance of the City Council of the City of Winters Amending Sections 3.24.020, 3.24.030, 3.24.060 and 3.24.110 of the Winters Municipal Code and Adding Section 3.24.135 to the Winters Municipal Code to Make Certain Clarifying and Conforming Changes Regarding the City of Winters Transient Occupancy Tax (pp 44-50)
4. Schedule Meeting Day for City Manager Performance Evaluation (pp 51)

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

- 1.
-

CITY MANAGER REPORT

INFORMATION ONLY

1. February 2012 Treasurer Report (pp 52-58)
2. February 2012 Investment Report (pp 59-60)

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the April 17, 2012 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 April 12, 2012, and made available to the public during normal business hours.

Nancy Jensen for Nanci G. Mills
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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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 Tuesday, March 20, 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

No reportable 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 Woody Fridae
Absent: Council Member Tom Stone
Staff: City Manager John Donlevy, City Attorney John Wallace, Housing Programs Manager Dan Maguire, Environmental Services Manager Carol Scianna and City Clerk Nanci Mills.

Richard Kleeburg led the Pledge of Allegiance.

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

COUNCIL/STAFF COMMENTS: Council Member Aguiar-Curry attended a Yolo Leaders meeting in West Sacramento on 3/14 and discussed the dissolution of redevelopment agencies and successor agencies; attended a Farm Bureau breakfast on 3/19; attended a UCD senior class and discussed non-profits in Yolo County; attended the Local Government Commission (LGC) meeting in Yosemite and was a presenter regarding shared services entitled "City and County Partnerships to Save Money"; attended a Yolo County Housing Authority Commission meeting as well as a Yolo County Housing ribbon-cutting ceremony for a park @ Yolano Village on Donnelly Circle in Woodland; attended the Yolo County Water Resources Association Board of Directors meeting and discussed the historical overview of the Sacramento River as well as a presentation of Yolo County Water. Ms Aguiar-Curry also asked about the ground water level and water quality, both of which look good. Ms. Aguiar-Curry was elected to be a part of the New Hope Community Development Corporation as Vice Chair as part of the Yolo County Housing Commission Board. Ms. Aguiar-Curry asked community members to complete surveys for the Winters library (surveys at www.yolocountlibrary.org); Winters Healthcare is also performing public outreach to help our community; acknowledged Lisa Baker, Winters resident Executive Director of the Yolo County Housing Authority, who wrote a great article entitled "Sustainability, Policy and Legislation for Affordable Housing and Community Development"; there will be a League of California Cities Sacramento Valley meeting in Lake Shasta City on 3/23 from 3-7pm; Rootstock has open mic night every 3rd Thursday of the month.

Council Member Anderson attended the Yolo Leadership meeting on 3/14; attended a SACOG Board meeting in Sacramento on 3/15; attended the Farm Bureau breakfast in Woodland on 3/19; attended the Local Government Commission (LGC) Conference at Yosemite regarding sustainable community building and design. Of particular interest was the City of Fresno, who formed a sustainability division as an economic development tool to work w/ PGE to help residents save money on their energy bills, with particular focus on affordable housing, who were previously high consumers. Also included was a component on community design for the aging. Mr. Anderson attended a Putah Creek Park meeting on 3/19 and explored the possibility of a fishing feature.

Council Member Martin attended the Yolo Solano Air Quality Management District meeting, where they discussed shortages and tightening the reins on pensions and salaries.

Mayor Fridae gave thanks and kudos to Council Members Aguiar-Curry and Anderson for their leadership and their continuous representation of the City. A City Council candidate night will be held on Monday, May 7th at 7:00 p.m. at the Public Safety Facility.

PUBLIC COMMENTS: None

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, March 6, 2012
- B. Proclamation Recognizing April 8th – April 14th, 2012, as National Public Safety Telecommunications Week
- C. Proclamation Recognizing March, 2012 as American Red Cross Month
- D. Project Acceptance – I-505/Gateway Utilities Phase 2, Project No. 021-09.02

City Manager Donlevy gave an overview. Mayor Fridae recognized his mother-in-law, who was an active member of the Yolo County Red Cross, for her hard work with the American Red Cross. Mayor Fridae added that it was nice to see a Proclamation recognizing the American Red Cross. Council Member Aguiar-Curry requested corrections to the March 6, 2012 City Council meeting minutes.

Motion by Council Member Aguiar-Curry, second by Council Member Anderson to approve the consent calendar. Motion carried unanimously with one absent.

DISCUSSION ITEMS

- 1. **Public Hearing, Introduction and First Reading of Ordinance 2012-02, An Ordinance of the City Council of the City of Winters Repealing Ordinance No. 2011-04 Which Determined the City would Comply with the Alternative Voluntary 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**

City Manager Donlevy gave an overview. Mayor Fridae opened the public hearing at 6:50 p.m. and closed the public hearing at 6:50 p.m. with no public comment. Motion by Council Member Martin, second by Council Member Aguiar-Curry to introduce and schedule the second reading of Ordinance 2012-02. Motion carried with the following vote:

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

2. Public Hearing, Introduction and First Reading of Ordinance 2012-03, an Ordinance of the City Council of the City of Winters Adding Sections 2.52.090 and Sections 2.52.100 to Title 2, Chapter 2.52 of the Winters Municipal Code to Establish Powers, Authority and Duties of Level 1 Police Reserves

City Manager Donlevy gave an overview. Mayor Fridae opened the public hearing at 6:54 p.m. and closed the public hearing at 6:54 p.m. with no public comment.

Council Member Martin asked whether the Police Officer reserves receive the same equipment and uniform as full-time Police officers. City Manager Donlevy said uniforms are provided and the equipment provided might not be at the same level as full-time officers. Council Member Aguiar-Curry asked how many reserve Officers the City of Winters has and whether the reserve staff will expand. City Manager said we currently have three or four reserve officers and we are not anticipating hiring additional reserves at this time. Council Member Anderson said the staff report and the overview seem to be contradictory. City Manager Donlevy clarified by saying the reserves must come from a police background, have a POST certificate and go through an evaluation process before being hired. They may then reach Level 1 status after the 400 hour requirement and acceptance onto the police force is at the discretion of the Chief of Police. Council Member Aguiar-Curry asked if the reserves provide security at events within Winters. City Manager Donlevy said reserve officers do not provide security at private events held at the Community Center. An outside security company provides these services through a contract with the City. Reserves may assist with many of the public events held within the City.

Motion by Council Member Anderson, second by Council Member Martin to introduce Ordinance 2012-03. Motion carried with the following vote:

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

3. Public Hearing and First Reading of Ordinance 2012-04, an Ordinance of the City Council of the City of Winters Amending Sections 3.24.020, 3.24.030, 3.24.060 and 3.24.110 of the Winters Municipal Code and Adding Section 3.24.135 to the Winters Municipal Code to Make Certain Clarifying and Conforming Changes Regarding the City of Winters Transient Occupancy Tax

City Attorney Wallace gave an overview. Council Member Aguiar-Curry would like to see an increase of the 10% Transient Occupancy Tax (TOT) to 12% be considered at the next election.

Mayor Fridae opened the public hearing at 7:08 p.m. and closed the public hearing at 7:09 with no public comment.

Motion by Council Member Anderson, second by Council Member Aguiar-Curry, to introduce Ordinance 2012-04. 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 and First Reading of Ordinance 2012-05, an Ordinance of the City Council of the City of Winters Adding 15.52.040 to Title 15, Chapter 52 of the Winters Municipal Code to Make Certain Clarifications Regarding the Issuance of Permits by the City of Winters

City Attorney Wallace gave an overview. Council Member Anderson asked if there were building code formulas. City Attorney Wallace said the building code fees are currently based on a schedule with pre-factors including the independent judgment of quality of materials and cost values. Council Member Aguiar-Curry said this information should remain between the contractor and the homeowner. City Attorney Wallace said this information would have bearing on the actual cost of the permit. Council Member Anderson said this information should be discretionary. Building Official Ashdown said it is the intent of the City to get a fair and reasonable evaluation of the contracts based on the contract amount and to collect the appropriate fees based on the actual cost of the project. Council Member Martin asked if all costs within the contract would be considered for fee purposes. Building Official Ashdown said this would be a more accurate way of charging fees. Council Member Aguiar-Curry said it seemed like the City was just adding another layer to the requirements.

Mayor Fridae opened the public hearing at 7:17 p.m.

Don Jordan, 718 Hemenway, said clients don't always want their information released. If the City is asking for more money, just say it. Mr. Jordan said this ordinance is headed in the wrong direction.

Wade Cowan, 106 Third Street, said he has nothing against Gene, the Building Official, but this would make the City's access to his contracts limitless and able to view any of his records. The City is not the IRS and this would require more

paperwork than an audit. Mr. Cowan said this isn't the way it is supposed to work and that people will not do this. This is why there are minimums in place.

Richard Kleeberg, 209 Abbey Street, said he is hesitant and asked Council to at least postpone this issue to allow for more discussion. What would the penalties be for non-compliance? Every project has change orders.

City Official Ashdown said the City would not be doing anything different by adopting this requirement. It generally takes 30 seconds to look at a contract and make an honest evaluation. Judging the quality of the work is not the City's intent.

Mayor Fridae closed the public hearing at 7:50 p.m.

Building Official Ashdown said there are too many variables for everything to be scheduled individually. Voluntary compliance has been in place for two years; this would mean mandatory compliance.

Joe Ogando, 3918 Central Lane, Winters, said construction budgets may be completed based on lower permit fees and once a contract is re-evaluated, he may have to pay a higher cost. Mr. Ogando was also concerned about whether the contracts would be public record. City Attorney Wallace confirmed that all documents at City Hall are not public records, and listed several exemptions. Mr. Cowan said his contracts should be his private business only and is not the City's business, giving the public a complete open book as this is how the Ordinance is written.

Council Member Martin asked whether any surrounding jurisdictions are doing this and asked why the City of Winters is choosing to do this now. Council Member Aguiar-Curry said this ordinance is written very poorly and opens the City up for a lot of appeals. Personal information should not be accessible. The quality of work performed is a judgment call and it's ridiculous for the Building Official to be expected to make the call. Ms. Aguiar-Curry does not support the Ordinance as written. Council Member Anderson said the Building Official doesn't seem to have any problems the way permits are currently being done and does not support this Ordinance. Mayor Fridae said that all those who spoke share a common interest in a fair system of valuation. The point is to make it easier on the Building Official and said he believes in the City staff and that they have nothing to hide. He suggested the possibility of some type of bonus or discount program.

This item did not move forward due to a lack of a motion by Council.

**5. Award for Construction of Grant Avenue Sidewalk
Connectivity, Project No. 10-11**

City Manager Donlevy said the lowest responsive bidder for this project following the March 15th bid opening was determined to be Abide Builders and recommended that Council award the construction contract to Abide Builders and authorize construction funding of \$89,000 based on the engineer's cost estimate.

Motion by Council Member Aguiar-Curry, second by Council Member Anderson to approve staff recommendation. Motion carried unanimously, with one absent.

6. Approve an Exclusive Negotiating Rights Agreement between the City and Presidio Companies in Regards to the Downtown Hotel Project

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

City Manager Donlevy gave an overview. The City received two proposals from P3 International and Presidio Companies, both of which were very different from each other. The P3 International proposal was for a 150-room hotel project with the City acting as developer, hotel operator and financial backstop. The Presidio Companies' proposal was for an 81-room hotel project based on traditional commercial lenders and equity investors, which was the more conventional of the two proposals. The Presidio proposal does not include a restaurant. The Exclusive Negotiating Rights Agreement (ENRA) allows the City and Presidio Companies to do their due diligence for the overall project, including terms, conditions and prices. The ENRA also allows for confidentiality regarding how the project will be put together.

Wade Cowan, 106 Third Street, said this is a great project and the proposal by Presidio Companies is definitely the best proposal of the two. This is the best thing to happen in downtown Winters.

Richard Kleeberg, 209 Abbey Street, said he was impressed and liked the fact that Presidio Companies are relatively local, as they have had projects in Davis and Napa and are familiar with the County and the area. He said they understand Winters and the local wine-tasting opportunities and are sensitive to blending in with the old buildings.

Council Member Aguiar-Curry asked about occupancy. City Manager Donlevy said it was proprietary information at this point but will come out eventually. Bill Hailey said they captured the scale and rhythm of the old downtown and are behold to retail in the alleyway. Mayor Fridae added that visitors to Winters could stay for more than weekends with a Winters hotel.

Motion by Council Member Aguiar-Curry, second by Council Member Martin to approve an Exclusive Negotiating Rights Agreement between the City and

Presidio Companies in regards to the Downtown Hotel project. Motion carried unanimously, with two absent.

7. Update, Discussion and Direction to Staff for Property Lease of City-Owned Property – 318 Railroad Avenue (APN# 003 204 005)

Council Member Anderson remained recused for this agenda item.

Housing Programs Manager Dan Maguire gave an overview and said the Lorenzo's remain interested in leasing the property at 318 Railroad Avenue. The Presidio Corporation's proposed timeline, including the three month period for negation of the ENRA, would be thirteen to fourteen months before they could begin construction.

Lorenzo's proposal, which includes the first two months rent-free to complete tenant improvements, states it would be twelve months before they could operate a business, assuming the hotel negotiations come to a successful conclusion. The City would be required to do tenant improvements of \$16,000 based on the low bid to remodel the bathroom to bring it up to an ADA-compliant standard, with funds coming out of the General Facility Impact Fund as per Director of Financial Management Gunby. The rents expected to be received over a twelve month period would be two or three thousand short of this amount. A short term lease to the Lorenzo's is an option, but the City would lose money and the City is already losing money with carrying costs. Mr. Maguire said there is also the value of an occupied storefront vs. a vacant building.

Council Member Martin said the short-term lease versus the cost doesn't seem worth it. Council Member Aguiar-Curry said the ENRA negotiation period may be relatively short and it doesn't seem fair to the Lorenzo's. Mayor Fridae agreed and said if negotiations don't work out, we can re-visit the opportunity with the Lorenzo's. Mr. Maguire said if the hotel doesn't come to fruition, staff would recommend putting out a new RFP for a longer rental period at 318 Railroad Avenue. Council was in agreement.

Council Member Anderson returned to the dias at this time.

8. North Bank Trail Project- Putah Creek- Mitigation Area Update- Report

City Manager Donlevy gave an overview and was concerned about the meeting scheduled for tomorrow, as the last item on the agenda is NEPA and CEQA, which may be the demise of the project. Council Member Aguiar-Curry asked if there is an appeal process if the project is denied. City Manager Donlevy said he

didn't think so. Mayor Fridae asked if they kill this project, there will be no mitigation. City Manager Donlevy said we cannot lose the car bridge project. If we don't do mitigation, the project is dead.

9. April City Council Meeting Calendar- Schedule of Meetings

City Manager Donlevy requested the April 3rd meeting be cancelled, hold the regularly-scheduled April 17th meeting @ 6:30pm, hold a budget meeting on April 24th @ 6pm, and hold an Executive Session on April 27th @ 4pm. Council unanimously agreed to this schedule of meetings.

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

1. Oversight Board Appointments- Update

City Manager Donlevy gave an overview and reported the following appointments to the Oversight Board: Nanci Mills, Larry Justus, Jiley Romney, Gloria Hahn, Harold Anderson, Don Saylor and Richard Kleeberg. The Oversight Board will meet the first or second week of April to review and approve the ROPS.

CITY MANAGER REPORT: None

INFORMATION ONLY: None

ADJOURNMENT: Mayor Fridae adjourned the meeting at 8:52 p.m.

Woody Fridae, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



Minutes of the Special Meeting of the
Winters City Council
Held on Tuesday, March 27, 2012

Mayor Friday called the meeting to order at 4:06 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, Director of Financial Management Shelly Gunby and Administrative
Assistant Tracy Jensen.

Mayor Fridae led the Pledge of Allegiance.

Council approved the agenda unanimously, with one absent.

COUNCIL/STAFF COMMENTS: None

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

- 1. Consideration of Resolution 2012-15, A Resolution of the City of Winters as Successor Agency to the Winters Community Development Agency Adopting an Amended Draft Recognized Obligation Payment Schedule (ROPS) in Compliance with AB1X26**

Agency Chairman Aguiar-Curry opened the meeting of the Successor Agency to the Winters Community Development Agency at 4:07 p.m. Director of Financial Management Gunby gave an overview. The original ROPS was adopted at the February 21, 2012 City Council meeting. The attached amended draft ROPS is the new format issued by the California Department of Finance and it was recommended that the City of Winters use the new format.

The extra \$119,200 is for Successor Agency expenditures and allocation of staff for work performed since 2/1/12 and up through 6/30/12. A draft ROPS for the 7/1/12-12/31/12 will come back to Council at the April 17th City Council meeting, and upon approval, will be forwarded to the Yolo County Auditor and the California Department of Finance. The draft ROPS will also have to be approved by the Oversight Board of the Successor Agency.

Council Member Anderson asked about the loans shown on Page 1. Ms. Gunby said a percentage of the general plan was inside/outside the project area, making it possible to recoup general plan money. City Manager Donlevy said the Redevelopment Agency was created the same time as the general plan.

Ms. Gunby asked Council to adopt Resolution 2012-15, approving the draft ROPS schedule. City Manager said there is an Oversight Board orientation in Woodland on 4/5/12, with its' first meeting to be held on 4/9/12 @ 8:30 a.m. Ms. Gunby said the draft ROPS schedule must be adopted by the Oversight Board by 4/15/12.

Motion by Agency Member Anderson, second by Agency Member Fridae, to adopt Resolution 2012-15, adopting an amended Draft Recognized Obligation Payment Schedule in compliance with AB1X 26. Motion carried with the following vote:

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

Agency Chairman Aguiar-Curry closed the meeting of the Successor Agency to the Winters Community Development Agency at 4:17 p.m.

Executive Session

AGENDA

Safe Harbor for Closed Session - Pursuant to Government Code Section 54954.5

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

Public Employee Performance Evaluation – City Attorney – Pursuant to Government Code Section 54957

No reportable action was taken in Executive Session.

CITY MANAGER REPORT: None

INFORMATION ONLY: None

ADJOURNMENT: Mayor Fridae adjourned the meeting at 4:20 p.m.

Woody Fridae, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: April 17, 2012
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Nanci G. Mills, Director of Administrative Services
SUBJECT: Application for Youth Day Parade Permit

RECOMMENDATION:

Approve the Application for Youth Day Parade Permit.

BACKGROUND:

At the City Council meeting held on April 1, 2008, Council approved a \$2,500 donation to the Youth Day Committee to help support Youth Day festivities, to be paid on an annual basis.

FISCAL IMPACT:

\$2,500 annually

APPLICATION FOR PARADE PERMIT

NOTE: To be submitted _____ days prior to the event.

NOTE: If amplification system is to be used a separate permit is required.

DATE OF APPLICATION: 3/29/12

NAME OF ORGANIZATION: Winters Youth Day Committee

ADDRESS: P.O. Box 807, Winters, CA 95694 TELEPHONE # 530 795-2091

PURPOSE OF PARADE: 76th annual Youth Day Celebration

TYPE OF CONVEYENCE: Cars, walking, horses, motorcycles

NUMBER OF PERSONS OR ENTRIES ENROLLED Approx. 100 entries

TYPE OF SAFETY MEASURES PROVIDED: Parade Marshals, barricades, Cones, Signage

CITY SERVICES REQUIRED: 4 tables, 10 chairs from community center; 2 Red Staircases at city yard;

Street closure signs for Main between Haven + 4th; General police patrols

DATE & TIME OF PARADE: Saturday April 28, 2012 9am - Noon

PROVIDE MAP OF PARADE ROUTE.

DATE: 3/29/12 C.C. _____

SIGNATURE OF AUTHORIZED APPLICANT: Michael Sebastian

FIRE CHIEF: [Signature] POLICE CHIEF: [Signature]

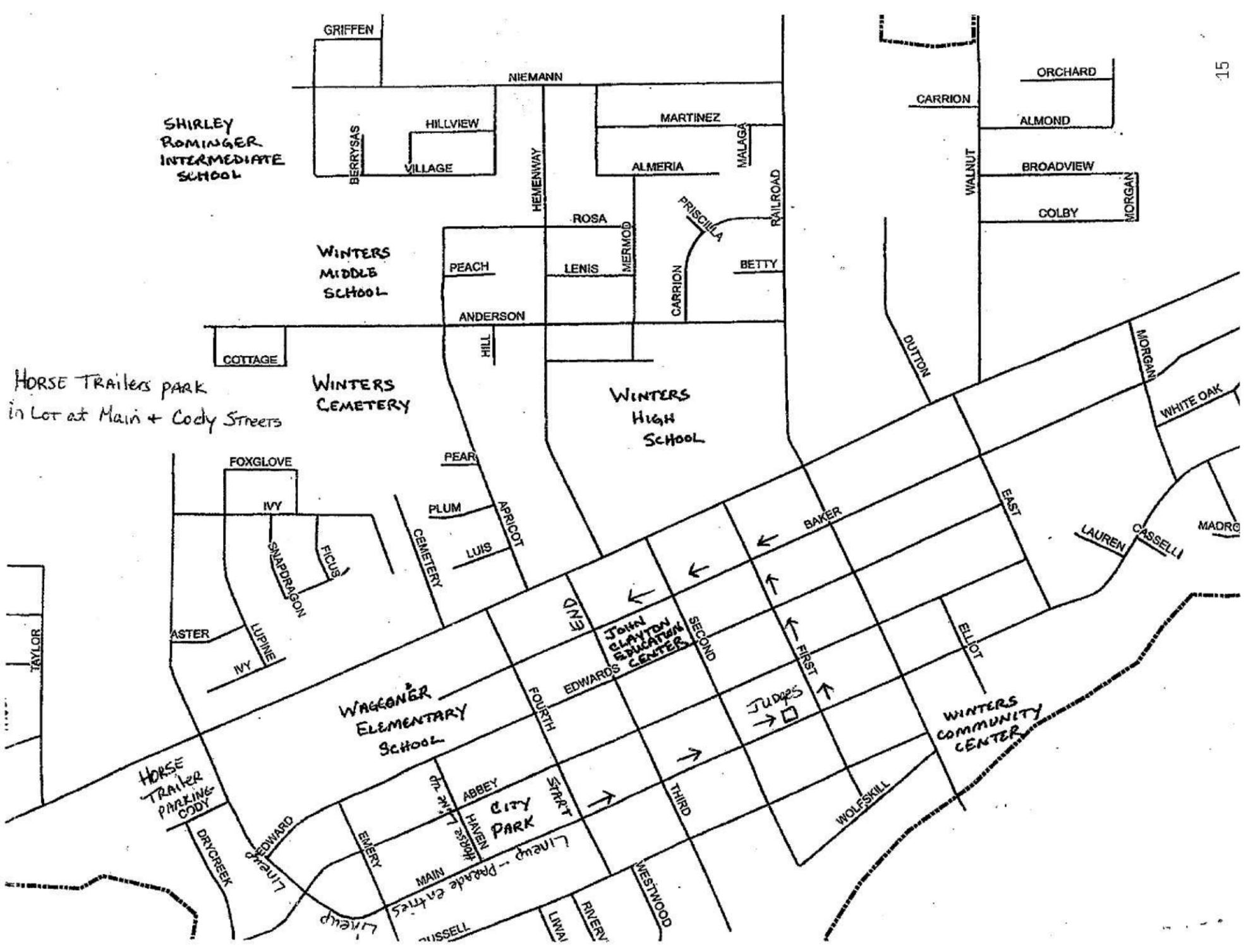
APPROVED BY CITY COUNCIL: _____

DATE: _____ BY: _____

DENIED BY CITY COUNCIL:

DATE: _____ BY: _____

REASON(S) FOR DENIAL: _____



SHIRLEY ROMINGER INTERMEDIATE SCHOOL

WINTERS MIDDLE SCHOOL

WINTERS CEMETERY

WINTERS HIGH SCHOOL

WAGONER ELEMENTARY SCHOOL

CITY PARK

JOHN CLAYTON EDUCATION CENTER

WINTERS COMMUNITY CENTER

HORSE TRAILER PARK in Lot at Main + Cody Streets

HORSE TRAILER PARKING CODY



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE : April 17, 2012
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nanci G. Mills, Director of Administrative Services
SUBJECT: Street Closure for The Buckhorn Steakhouse Monthly Car Show

RECOMMENDATION:

Approve the closure of Main Street between Railroad Avenue and First Street to allow for The Buckhorn to sponsor a Car Show on the second Tuesday of each month from 5:00 p.m. to 8:00 p.m. and includes the following dates: March 13, April 10, May 8, June 12, July 10, August 14, September 11, and October 9, 2012. Also approve the accompanying Amplified Sound Permit Application.

BACKGROUND:

Linda Rodriguez of The Buckhorn has requested the closure of Main Street between Railroad Avenue and First Street and the approval of the Amplified Sound Permit Application for the dates specified above.

Ms. has also notified the Main Street business owners located between Railroad Avenue and First Street of the requested closure dates and pending amplified sound permit between March and October. She has provided the names and signatures of those business owners who have acknowledged and agreed to these requests. She has requested that closure notification be posted on all affected streets a minimum of 24 hours prior to the scheduled closures and barricades be placed at the Main/Railroad and Main/First intersections.

This event allows the community to come out, enjoy the spring, summer and fall evenings while strolling up and down Main Street, viewing the classic automobiles on display. As per the City's Street Closure Ordinance, this request requires Council approval of identified streets on the attached form.

FISCAL IMPACT: TBD (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: Buckhorn Steakhouse Organization: Address: 2 Main Street Mailing Address: Same Telephone: 530-795-4583 Today's Date: 3/20/12 Streets Requested: Full St - Main Railroad Date of Street Closure: 2nd Tuesday of each month March - Oct. Time of Street Closure: 4:30 - 8:30 Description of Activity: Car Show Services Requested of City: close street APPROVED: Police Department Public Works Department Fire 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.

Buckhorn 2 MAIN ST. [Signature]

Pop Spina Yarn 14 Main [Signature]

Shereen [Signature] 18 Main St. Linton Screen Print

[Signature] 22 Main St. Root Stock

[Signature] 26 Main St. Ireland Agency

Marie J. 30 Main St. Adryls F. Boutique

[Signature] 23 MAIN ST WINTERS HEALTH CARE

[Signature] 488 Main Winters Ca 95697

[Signature] 9 MAIN ST CLOTH CAROUSEL

[Signature] 11 Main St. Chamber of Commerce

[Signature] 19 MAIN ST HRBA

Camille's Hair Salon 19 Main. CB

David FLEMING 13 Main The Palms

V-E Sonica Leira 31 Main St Winters Healthcare Dental

Myke Berna 41 Main St. M. Renee's City

[Signature] 38 Main Street Laboga

Tienda Delicious 44 Main St Winters

First Northern Bank. 46 Main St Winters - Kariann Padellk

Metros 47 main st winters [Signature]



TO: Honorable Mayor and Council Members
DATE: April 17, 2012
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Alan Mitchell, City Engineer
SUBJECT: Construction Contract for Matsumoto Signal Conduit Directional Bore

RECOMMENDATION: Award a construction contract to Pacific Utility Construction, in the amount of \$10,800, for the Matsumoto Signal Conduit Directional Bore, and authorize the City Manager to execute the contract on the City's behalf.

BACKGROUND: Planned development in the vicinity of Grant Ave. (Hwy. 128) and Road 90 has triggered the need for a new traffic signal and road geometrics at the intersection, and the City is implementing the Grant Avenue/Matsumoto Lane Signal Improvements, Project No. 11-01.

The project includes the installation of a conduit across Grant Avenue for extension of electrical service from the north side to the new Sewer Lift Station, which will serve Burger King/ARCO. Due to the potential long lead time for PG&E crews to mobilize, pull wire, and energize the Station, staff felt it was prudent to expedite the installation of the conduit, so staff prepared a separate Request for Proposals for the directional boring of the electrical conduit.

The City advertised for Proposals on March 15, 2012 and received the following 4 responses:

\$10,800	Pacific Utility Company
\$14,000	Fletcher's Plumbing
\$22,000	Hilbers
\$22,000	Velluntini Corp.

Staff reviewed the Proposal from Pacific Utility Company, and found that they were responsive and have the necessary qualifications and experience. Therefore, staff recommends award of a contract.

ALTERNATIVES: None recommended by staff.

FISCAL IMPACT: The cost of the direction boring is tied to the I-505/Gateway Utilities project, which was incorporated into the Signal project. The cost for Pacific Utility Company will be paid from the 2007 Sewer Bond.

Attachments: Contract



CONSTRUCTION AGREEMENT
AGREEMENT No. 11-01C2
MATSUMOTO SIGNAL CONDUIT DIRECTIONAL BORE

THIS CONTRACT made on _____ by and between the CITY OF WINTERS, hereinafter called the City, and PACIFIC UTILITY CONSTRUCTION, hereinafter called the Contractor.

WITNESSETH:

That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other, as follows:

1. THE CONTRACT DOCUMENTS: The complete Contract consists of the following documents, to wit:

Request for Proposals
Proposal dated March 26, 2012
General Construction Contract
Provide Insurance
Provide Performance and Payment Bonds
Winters Standard Specifications (September 2003)
General, Supplemental and Special Provisions, (if any)
Working Plans and Specifications (if any)

Any and all obligations of the City and the Contractor are fully set forth and described therein.

All of the above documents are intended to cooperate so that any work called for in one and not mentioned in the other or vice versa is to be executed the same as if mentioned in all said documents. The documents comprising the complete contract are sometimes hereinafter referred to as the Contract Documents.

2. THE WORK: The Contractor agrees to furnish all tools, equipment, apparatus, facilities, labor, transportation, and material necessary to perform and complete in a good and workmanlike manner, the **Matsumoto Signal Conduit Directional Bore** as called for, and in the manner designated in, and in strict conformity with, the **Request for Proposals** prepared by the City of Winters and adopted by the City, which included the Plan Sheet entitled Matsumoto Lane Plan & Profile (Sheet C-7) and which Plan is

identified by the signatures of the parties to this Contract. It is understood and agreed that the tools, equipment, apparatus, facilities, labor, transportation, and material shall be furnished and the work performed and completed as required under the sole direction and control of the Contractor, and subject to inspection and approval of the City, or its representatives. The City hereby designates as the Engineer for the purpose of this Contract, the following named person: **Alan Mitchell, City Engineer.**

3. **CONTRACT PRICE:** The City agrees to pay and the Contractor agrees to accept, in full payment for the work above agreed to be done, the sum of **Ten-Thousand Eight-Hundred dollars (\$10,800)** subject to additions and deductions as provided in the Contract Documents. The sum includes base bid. All other Alternate Propositions are rejected by City, and are not included in this Contract.

**CONTRACT
FEE SCHEDULE**

A. BASE BID

The undersigned declares that he/she has examined the location of the proposed work, that he/she has examined these contract documents, and hereby proposes to furnish all materials, labor, equipment, and perform all work in strict accordance with the said contract documents, for the following Unit Price:

<u>Est. Qty.</u>	<u>Unit Price</u>	<u>Extension</u>
200 lf	\$54.00 / lf	\$10,800

Contractor's License Number: 766806

Contractor's License Classification: A

Project Completion within 30 Calendar Days

4. **PERMITS; COMPLIANCE WITH LAW:** The Contractor shall, at its expense, obtain all necessary permits and licenses, easements, etc., for the construction of the project, give all necessary notices, pay all fees required by law, and comply with all laws, ordinances, rules and regulations relating to the work and to the preservation of the public health and safety. The City will obtain an Encroachment Permit from Caltrans.
5. **INSPECTION BY CITY:** The Contractor shall at all times maintain proper facilities and provide safe access for inspection by the City to all parts of the work, and to the shops wherein the work is in preparation. Where the Specifications require work to be specially tested or approved, it shall not be tested or covered up without timely notice to the City of its readiness for inspection and without the approval thereof or consent thereto by the latter. Should any such work be covered up without such notice, approval, or consent, it must, if required by City, be uncovered for examination at the Contractor's expense.

6. NOTICE AND SERVICE THEREOF: Any notice from one party to the other under the Contract shall be in writing and shall be dated and signed by the party giving such notice or by a duly authorized representative of such party. Any such notice shall not be effective for any purpose whatsoever unless served in the following manner, namely, (a) if the notice is given to the City, by personal delivery thereof to the Manager of the City, or by depositing the same in the United States mail, enclosed in a sealed envelope, addressed to the City, postage prepaid and certified; (b) If the notice is given to the Contractor, by personal delivery thereof to said Contractor or to its duly authorized representative at the site of the project, or by depositing the same in the United States mail, enclosed in a sealed envelope, addressed to the Contractor at 1350 E. Beamer Street, Woodland, CA 95776 postage prepaid and certified; and (c) if the notice is given to the surety or any other person, by personal delivery to such surety or other person, or by depositing the same in the United States mail, enclosed in a sealed envelope, addressed to such surety or other person, as the case may be, at the address of such surety or person last communicated by it to the party giving the notice, postage prepaid and certified.
7. ACCIDENT PREVENTION: Precaution shall be exercised at all times for the protection of persons (including employees) and property. The safety provisions of applicable laws, building and construction codes shall be observed. Machinery, equipment, and other hazards shall be guarded or eliminated in accordance with the safety provisions of the Construction Safety Orders issued by the Occupational Safety and Health Standards Board of the State of California.
8. CONTRACTOR'S WARRANTY: The City shall not, in any way or manner, be answerable or suffer loss, damage, expense or liability for any loss or damage that may happen to said building, work, or equipment or any part thereof, or in, on, or about the same during its construction and before acceptance. Contractor unqualifiedly warrants all work and materials to be free of defects whether performed or installed by it or by any subcontractor or supplier in the project which is the subject of this Contract, unless a lesser quality is expressly authorized in the Plans and Specifications, in which event Contractor unqualifiedly warrants such lesser quality. Contractor further warrants that the work as performed by Contractor, subcontractor, or supplier will conform with the Plans and Specifications or any written authorized deviations therefrom.
9. TIME FOR PERFORMANCE The Contractor shall commence work within ten (10) days of the Notice to Proceed, and diligently prosecute the work to completion within (30) days of said Notice to Proceed.
10. LIQUIDATED DAMAGES: Liquidated damages as provided in the Standard Specifications, Section 8, Measurement and Payment, of the Contract shall be in the sum of \$250 for each and every day as defined therein.
11. APPRENTICES: Contractor agrees to be bound by and comply with the provisions of sections 1777.5 et seq. of the Labor Code in respect to apprentices.

12. INSURANCE.

- (a) WORKER'S COMPENSATION. During the term of this Agreement, CONTRACTOR shall fully comply with the terms of the law of California concerning worker's compensation. Said compliance shall include, but not be limited to, maintaining in full force and effect one or more policies of insurance insuring against any liability CONTRACTOR may have for worker's compensation.
- (b) GENERAL LIABILITY AND AUTOMOBILE INSURANCE. CONTRACTOR shall obtain at its sole cost and keep in full force and effect during the term of this agreement broad form property damage, personal injury, automobile, employer, and comprehensive form liability insurance in the amount of \$2,000,000 per occurrence; provided (1) that the CITY, its officers, agents, employees and volunteers shall be named as additional insureds under the policy; and (2) that the policy shall stipulate that this insurance will operate as primary insurance; and that (3) no other insurance effected by the CITY or other names insureds will be called upon to cover a loss covered thereunder; and (4) insurance shall be provided by an, at least, A-7 rated company.
- (c) CERTIFICATES OF INSURANCE. CONTRACTOR shall file with CITY'S City Clerk upon the execution of this agreement, certificates of insurance which shall provide that no cancellation, major change in coverage, expiration, or nonrenewal will be made during the term of this agreement, without thirty (30) days written notice to the City Clerk prior to the effective date of such cancellation, or change in coverage.

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

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

Acceptance of insurance certificates and endorsements required under this Agreement does not relieve CONTRACTOR from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply whether or not such

insurance policies shall have been determined to be applicable to any of such damages or claims for damages.

IN WITNESS WHEREOF, 2 identical counterparts of this Contract, each of which shall for all purposes be deemed an original thereof, have been duly executed by the parties hereinabove named, on the day and year first herein written.

CITY OF WINTERS

By: _____

Title: City Manager

CONTRACTOR

By: _____

Title: _____

ATTEST:

Nanci G. Mills, City Clerk



**CONSTRUCTION AGREEMENT
AGREEMENT No. 11-01C2
MATSUMOTO SIGNAL CONDUIT DIRECTIONAL BORE**

THIS CONTRACT made on _____ by and between the CITY OF WINTERS, hereinafter called the City, and PACIFIC UTILITY CONSTRUCTION, hereinafter called the Contractor.

WITNESSETH:

That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other, as follows:

1. **THE CONTRACT DOCUMENTS:** The complete Contract consists of the following documents, to wit:

Request for Proposals
Proposal dated March 26, 2012
General Construction Contract
Provide Insurance
Provide Performance and Payment Bonds
Winters Standard Specifications (September 2003)
General, Supplemental and Special Provisions, (if any)
Working Plans and Specifications (if any)

Any and all obligations of the City and the Contractor are fully set forth and described therein.

All of the above documents are intended to cooperate so that any work called for in one and not mentioned in the other or vice versa is to be executed the same as if mentioned in all said documents. The documents comprising the complete contract are sometimes hereinafter referred to as the Contract Documents.

2. **THE WORK:** The Contractor agrees to furnish all tools, equipment, apparatus, facilities, labor, transportation, and material necessary to perform and complete in a good and workmanlike manner, the **Matsumoto Signal Conduit Directional Bore** as called for, and in the manner designated in, and in strict conformity with, the **Request for Proposals** prepared by the City of Winters and adopted by the City, which included the Plan Sheet entitled Matsumoto Lane Plan & Profile (Sheet C-7) and which Plan is

identified by the signatures of the parties to this Contract. It is understood and agreed that the tools, equipment, apparatus, facilities, labor, transportation, and material shall be furnished and the work performed and completed as required under the sole direction and control of the Contractor, and subject to inspection and approval of the City, or its representatives. The City hereby designates as the Engineer for the purpose of this Contract, the following named person: **Alan Mitchell, City Engineer.**

3. **CONTRACT PRICE:** The City agrees to pay and the Contractor agrees to accept, in full payment for the work above agreed to be done, the sum of **Ten-Thousand Eight-Hundred dollars (\$10,800)** subject to additions and deductions as provided in the Contract Documents. The sum includes base bid. All other Alternate Propositions are rejected by City, and are not included in this Contract.

**CONTRACT
FEE SCHEDULE**

A. BASE BID

The undersigned declares that he/she has examined the location of the proposed work, that he/she has examined these contract documents, and hereby proposes to furnish all materials, labor, equipment, and perform all work in strict accordance with the said contract documents, for the following Unit Price:

<u>Est. Qty.</u>	<u>Unit Price</u>	<u>Extension</u>
200 lf	\$54.00 / lf	\$10,800

Contractor's License Number: 766806

Contractor's License Classification: A

Project Completion within 30 Calendar Days

4. **PERMITS; COMPLIANCE WITH LAW:** The Contractor shall, at its expense, obtain all necessary permits and licenses, easements, etc., for the construction of the project, give all necessary notices, pay all fees required by law, and comply with all laws, ordinances, rules and regulations relating to the work and to the preservation of the public health and safety. The City will obtain an Encroachment Permit from Caltrans.
5. **INSPECTION BY CITY:** The Contractor shall at all times maintain proper facilities and provide safe access for inspection by the City to all parts of the work, and to the shops wherein the work is in preparation. Where the Specifications require work to be specially tested or approved, it shall not be tested or covered up without timely notice to the City of its readiness for inspection and without the approval thereof or consent thereto by the latter. Should any such work be covered up without such notice, approval, or consent, it must, if required by City, be uncovered for examination at the Contractor's expense.

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7. ACCIDENT PREVENTION: Precaution shall be exercised at all times for the protection of persons (including employees) and property. The safety provisions of applicable laws, building and construction codes shall be observed. Machinery, equipment, and other hazards shall be guarded or eliminated in accordance with the safety provisions of the Construction Safety Orders issued by the Occupational Safety and Health Standards Board of the State of California.
8. CONTRACTOR'S WARRANTY: The City shall not, in any way or manner, be answerable or suffer loss, damage, expense or liability for any loss or damage that may happen to said building, work, or equipment or any part thereof, or in, on, or about the same during its construction and before acceptance. Contractor unqualifiedly warrants all work and materials to be free of defects whether performed or installed by it or by any subcontractor or supplier in the project which is the subject of this Contract, unless a lesser quality is expressly authorized in the Plans and Specifications, in which event Contractor unqualifiedly warrants such lesser quality. Contractor further warrants that the work as performed by Contractor, subcontractor, or supplier will conform with the Plans and Specifications or any written authorized deviations therefrom.
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- (b) GENERAL LIABILITY AND AUTOMOBILE INSURANCE. CONTRACTOR shall obtain at its sole cost and keep in full force and effect during the term of this agreement broad form property damage, personal injury, automobile, employer, and comprehensive form liability insurance in the amount of \$2,000,000 per occurrence; provided (1) that the CITY, its officers, agents, employees and volunteers shall be named as additional insureds under the policy; and (2) that the policy shall stipulate that this insurance will operate as primary insurance; and that (3) no other insurance effected by the CITY or other names insureds will be called upon to cover a loss covered thereunder; and (4) insurance shall be provided by an, at least, A-7 rated company.
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13. INDEMNIFY AND HOLD HARMLESS. CONTRACTOR shall indemnify, hold harmless the CITY, its officers, agents and employees from all claims, suits, or actions of every name, kind and description, brought forth on account of injuries to or death of any person or damage to property to the extent arising from or connected with the willful misconduct, negligent acts, errors or omissions, ultra-hazardous activities, activities giving rise to strict liability, or defects in design by the CONTRACTOR or any person directly or indirectly employed by or acting as agent for CONTRACTOR in the performance of this Agreement, including the concurrent or successive passive negligence of the City, its officers, agents or employees.

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

Acceptance of insurance certificates and endorsements required under this Agreement does not relieve CONTRACTOR from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply whether or not such

insurance policies shall have been determined to be applicable to any of such damages or claims for damages.

IN WITNESS WHEREOF, 2 identical counterparts of this Contract, each of which shall for all purposes be deemed an original thereof, have been duly executed by the parties hereinabove named, on the day and year first herein written.

CITY OF WINTERS

By: _____

Title: City Manager

CONTRACTOR

By: _____

Title: _____

ATTEST:

Nanci G. Mills, City Clerk

Date of Application: 04/02/12 To City Council: 4/17/12

Name of Person(s)/ Organization: Debra S. Lew Wisdom Contact: _____
Business Address: 840 Walnut Lane Telephone: _____
Winters, CA 95694 (707-514-6132)
Telephone: _____ (530-388-0968)

Type of Event: Wedding

Purpose of Event: (ie; fundraiser, parade, festival, etc.): _____

Date/Time of Event: July 16, 12 Monday From: 6:00 To: 10:00
Location/Address of Event: 127 Carrion Ct. pm pm
Winters, CA 95694

Rated Output of Amplifier in Watts: 150 Number of Speakers: 2

I have provided a list of and contacted all property owners adjacent to and within 300 feet of the event. Their approval of this event is indicated by their signature on the attached petition. Complaints about the sound will result in a warning and a request to reduce the volume. Additional complaints will result in the cessation of amplified sound. All amplified sound must be extinguished no later 10:00 p.m. pursuant to Winters Municipal Code Title VI; Chapter 7-Noise Control. Signing below certifies that all information contained within this application is correct. In the event that any of this information is found to be fraudulent, it may result in an automatic denial of this application.

Signature: [Handwritten Signature]

For City Use Only
Proof of Insurance: N/A (Not City Property) Yes No
Rental Fee Paid: N/A (Not City Property) Yes No
Police Department: Approved Denied Date: 4/9/12
Authorized Signature: [Handwritten Signature]
City Council: Approved Denied Date: _____
Authorized Signature: _____



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council members
DATE: April 17, 2012
FROM: John W. Donlevy, Jr., City Manager 
SUBJECT: Adoption of Ordinance 2012-02, An Ordinance Repealing Ordinance No. 2011-04 Which Determined the City would Comply with the Alternative Voluntary 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

RECOMMENDATION:

That the City Council adopt Ordinance 2012-02, An Ordinance Repealing Ordinance No. 2011-04 Which Determined the City would Comply with the Alternative Voluntary 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. This is the second reading of the ordinance.

BACKGROUND:

The City of Winters approved and adopted a Community Development Project Area Plan in 1992 and established the Winters Community Development Agency (CDA) to oversee the Plan. The CDA was authorized by State Community Redevelopment Law to eliminate or reduce blight and blighting influences existing within the Project Area as set forth in the Plan. Through the CDA many important programs and projects were successfully executed providing many benefits to the Winters community in the following categories: Public Infrastructure; Public Facilities; Economic Development; Project Area Planning; and Property Disposition and Development.

In an effort to resolve the State's budget crisis the California Legislature as part of the 2011-2012 State budget bill enacted, and the Governor signed, companion bills AB 1X 26 and AB 1X 27, requiring that each redevelopment agency in the State be dissolved

unless the community that created it enacted an ordinance committing it to make certain payments. Under the threat of dissolution pursuant to AB 1X 26, the City adopted Ordinance No. 2011-04, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS, CALIFORNIA, DETERMINING 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. Ordinance No. 2011-04 was adopted on August 16, 2011 determining that the City would comply with the Alternative Voluntary Redevelopment Program and would make the annual community remittances in accordance with AB 1X 27.

On July 18, 2011 a Petition for Writ of Mandate was filed in the Supreme Court of the State of California (*California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. 5194861), challenging the constitutionality of AB 1X 26 and AB 1X 27 on behalf of cities, counties and redevelopment agencies. On December 29, 2011, the Supreme Court issued its final decision, upholding AB 1X 26, invalidating AB 1X 27, and extending all statutory deadlines under AB 1X 26, thus essentially dissolving all redevelopment agencies throughout the State effective February 1, 2012.

In light of the Supreme Court decision referenced above, the City Council desires to repeal its prior approval of Ordinance No. 2011-04, effectively rescinding its prior determination to comply with the Alternative Voluntary Redevelopment Program and make the annual community remittances in accordance with AB 1X 27.

FISCAL IMPACT:

None, the prior ordinance (Ordinance No. 2011-04) was self cancelling. The adoption of this ordinance (Ordinance No. 2012-02) is purely for housekeeping purposes.

ATTACHMENTS:

- Proposed Ordinance 2012-02
- Ordinance 2011-04

ORDINANCE NO. 2012-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS, CALIFORNIA, REPEALING ORDINANCE NO. 2011-04 WHICH DETERMINED THE CITY WOULD COMPLY WITH THE ALTERNATIVE VOLUNTARY 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

WHEREAS, the City Council of the City of Winters ("City") approved and adopted the Redevelopment Plan for the Winters Redevelopment Project ("Redevelopment Plan") covering certain properties within the City (the "Project Area"); and

WHEREAS, the Community Development Agency of the City of Winters ("Agency") was engaged in activities to execute and implement the Redevelopment Plan pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code § 33000, *et seq.*) ("CRL"); and

WHEREAS, as part of the 2011-2012 State budget bill, the California Legislature enacted, and the Governor signed, companion bills AB 1X 26 and AB 1X 27, requiring that each redevelopment agency be dissolved unless the community that created it enacted an ordinance committing it to make certain payments; and

WHEREAS, specifically, AB 1X 26 prohibited agencies from taking numerous actions, and additionally provided that agencies were deemed to be dissolved as of October 1, 2011; and

WHEREAS, AB 1X 27 provided that a community may participate in an "Alternative Voluntary Redevelopment Program," in order to enable a redevelopment agency within that community to remain in existence and carry out the provisions of the CRL, by enacting an ordinance agreeing to comply with Part 1.9 of Division 24 of the Health and Safety Code; and

WHEREAS, the Alternative Voluntary Redevelopment Program provided for under AB 1X 27 required that the community agree by ordinance to remit specified annual amounts to the county auditor-controller; and

WHEREAS, under the threat of dissolution pursuant to AB 1X 26, the City adopted Ordinance No. 2011-04, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS, CALIFORNIA, DETERMINING 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, on August 16, 2011 ("Ordinance No. 2011-04"), determining it would comply with the Alternative Voluntary Redevelopment Program and would make the annual community remittances in accordance with AB 1X 27; and

WHEREAS, a Petition for Writ of Mandate was filed in the Supreme Court of the State of California on July 18, 2011 (*California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. 5194861), challenging the constitutionality of AB 1X 26 and AB 1X 27 on behalf of cities, counties and redevelopment agencies; and

WHEREAS, on December 29, 2011, the Supreme Court issued its final decision in the aforesaid litigation, upholding AB 1X 26, invalidating AB 1X 27, and extending all statutory deadlines under AB 1X 26, essentially dissolving all redevelopment agencies throughout the State effective February 1, 2012; and

WHEREAS, in light of the Supreme Court decision referenced above, the City Council desires to repeal its prior approval of Ordinance No. 2011-04, effectively rescinding its prior determination to comply with the Alternative Voluntary Redevelopment Program and make the annual community remittances in accordance with AB 1X 27; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

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

Section 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

Section 2. Repeal of Ordinance No. 2011-04. The City Council hereby repeals, vacates and sets aside its approval of Ordinance No. 2011-04.

Section 3. Certification; Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published in accordance with law, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with Government Code § 36933.

Section 4. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Winters,
on the 17th day of April 2012, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Woody Fridae, Mayor

ATTEST:

Nanci G. Mills, City Clerk

ORDINANCE No. 2011-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS, CALIFORNIA, DETERMINING 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

WHEREAS, the City Council of the City of Winters ("City") approved and adopted the Redevelopment Plan for the Winters Redevelopment Project ("Redevelopment Plan") covering certain properties within the City (the "Project Area"); and

WHEREAS, the Community Development Agency of the City of Winters ("Agency") is engaged in activities to execute and implement the Redevelopment Plan pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code § 33000, et seq.) ("CRL"); and

WHEREAS, since adoption of the Redevelopment Plan, the Agency has undertaken redevelopment projects in the Project Area to eliminate blight, to improve public facilities and infrastructure, to renovate and construct affordable housing, and to enter into partnerships with private industries to create jobs and expand the local economy; and

WHEREAS, over the next few years, the Agency hopes to implement a variety of redevelopment projects and programs to continue to eliminate and prevent blight, stimulate and expand the Project Area's economic growth, create and develop local job opportunities and alleviate deficiencies in public infrastructure, to name a few; and

WHEREAS, as part of the 2011-2012 State budget bill, the California Legislature has recently enacted, and the Governor has signed, companion bills AB 1X 26 and AB 1X 27, requiring that each redevelopment agency be dissolved unless the community that created it enacts an ordinance committing it to making certain payments; and

WHEREAS, specifically, AB 1X 26 prohibits agencies from taking numerous actions, effective immediately and purportedly retroactively, and additionally provides that agencies are deemed to be dissolved as of October 1, 2011; and

WHEREAS, once a redevelopment agency is dissolved, AB 1X26 makes its existing assets and future property tax revenues available for use by third parties for their own benefit; and

WHEREAS, AB 1X 27 provides that a community may participate in an "Alternative Voluntary Redevelopment Program," in order to enable a redevelopment agency within that

community to remain in existence and carry out the provisions of the CRL, by enacting an ordinance agreeing to comply with Part 1.9 of Division 24 of the Health and Safety Code; and

WHEREAS, the Alternative Voluntary Redevelopment Program requires that the community agree by ordinance to remit specified annual amounts to the county auditor-controller; and

WHEREAS, under the threat of dissolution pursuant to AB 1X 26, and upon the contingencies and reservations set forth herein, the City shall make the Fiscal Year 2011-2012 community remittance, currently estimated to be Five Hundred Twenty-Four Thousand Nine Hundred Forty-Two Dollars (\$524,942), as well as the subsequent annual community remittances as set forth in the CRL; and

WHEREAS, the City reserves the right to appeal the California Director of Finance's determination of the Fiscal Year 2011-2012 community remittance, as provided in Health and Safety Code Section 34194; and

WHEREAS, while the City currently intends to make these community remittances, they shall be made under protest and without prejudice to the City's right to recover such amounts and interest thereon, to the extent there is a final determination that AB 1X 26 and AB 1X 27 are unconstitutional; and

WHEREAS, the City reserves the right, regardless of any community remittance made pursuant to this Ordinance, to challenge the legality of AB 1X 26 and AB 1X 27 on behalf of the City and/or Agency; and

WHEREAS, to the extent a court of competent jurisdiction enjoins, restrains, or grants a stay on the effectiveness of the Alternative Voluntary Redevelopment Program's payment obligation of AB 1X 26 and AB 1X 27, the City shall not be obligated to make any community remittance for the duration of such injunction, restraint, or stay; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

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

Section 1. Recitals. The Recitals set forth above are true and correct and incorporated herein by reference.

Section 2. Participation in the Alternative Voluntary Redevelopment Program. In accordance with Health and Safety Code Section 34193, and based on the Recitals set forth above, the City Council hereby determines that the City shall comply with the provisions of Part 1.9 of Division 24 of the Health and Safety Code, as enacted by AB 1X 27.

Section 3. Payment Under Protest. Except as set forth in Section 4, below, the City Council hereby determines that the City shall make the community remittances set forth in Health

and Safety Code section 34194 *et seq.*

Section 4. Effect of Stay or Determination of Invalidity. City shall not make any community remittance in the event a court of competent jurisdiction either grants a stay on the enforcement of AB 1X 26 and AB 1X 27 or determines that AB 1X 26 and AB 1X 27 are unconstitutional and therefore invalid, and all appeals therefrom are exhausted or unsuccessful, or time for filing an appeal therefrom has lapsed. Any community remittance shall be made under protest and without prejudice to the City's right to recover such amount and interest thereon in the event that there is a final determination that AB 1X 26 and AB 1X 27 are unconstitutional. If there is a final determination that AB 1X 26 and AB 1X 27 are invalid, this Ordinance shall be deemed to be null and void and of no further force or effect.

Section 5. Implementation. The City Council hereby authorizes and directs the City Manager to take any action and execute any documents necessary to implement this Ordinance, including but not limited to notifying the Yolo County Auditor-Controller, the Controller of the State of California, and the California Department of Finance of the adoption of this Ordinance and the City's agreement to comply with the provisions of Part 1.9 of Division 24 of the Health and Safety Code, as set forth in AB 1X 27.

Section 6. Additional Understandings and Intent. It is the understanding and intent of the City Council that, once the Agency is again authorized to enter into agreements under the CRL, the City will enter into an agreement with the Agency as authorized pursuant to Section 34194.2, whereby the Agency will transfer annual portions of its tax increment to the City in amounts not to exceed the annual community remittance payments to enable the City, directly or indirectly, to make the annual remittance payments. The City Council does not intend, by enactment of this Ordinance, to pledge any of its general fund revenues or assets to make the remittance payments.

Section 7. CEQA. The City Council finds, under Title 14 of the California Code of Regulations, Section 15378(b)(4), that this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") in that it is not a "project," but instead consists of the creation and continuation of a governmental funding mechanism for potential future projects and programs, and does not commit funds to any specific project or program. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Yolo in accordance with CEQA Guidelines.

Section 8. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are located at the City Clerk's office located at 318 First Street, Winters, CA 95694. The custodian for these records is the City Clerk.

Section 9. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

Section 10. Certification; Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the City of Winters and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with Government Code § 36933.

Section 11. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

This ordinance was introduced, and the title thereof read at the regular meeting of the City Council on August 2, 2011, and adopted, after the second reading and public hearing, at the regular meeting of the City Council on August 16, 2011.

On a motion by Council Member Martin, seconded by Council Member Aguiar-Curry, the foregoing ordinance was passed and adopted by the City Council of the City of Winters, State of California, this 16th day of August, 2011, by the following vote, to wit:

AYES: Council Members Aguiar-Curry, Anderson, Martin, Mayor Fridae

NAYS: None

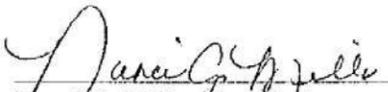
ABSENT: Council Member Stone

ABSTAIN: None



Woody Fridae, Mayor

ATTEST:



Nancy G. Mills, City Clerk



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: April 17, 2012
THROUGH: John W. Donlevy, Jr., City Manager *[Signature]*
FROM: John C. Wallace, City Attorney
SUBJECT: Ordinance 2012-03 - Level One Reserve Police Officer Authority

RECOMMENDATION: Second Reading and Adoption of Ordinance 2012-03

BACKGROUND: The City Council of the City of Winters is given the power under California Penal Code Section 830.1 to give Police Reserve Officers with Level 1 classification full authority to act as Peace Officers. The City Council has previously granted such authorization by Resolution, and this Ordinance will Codify such authority in the Winters Municipal Code. Level 1 Authority requires a minimum of 400 working hours and other requirements set by the City of Winters. The Ordinance is exempt under the California Environmental Quality Act, as no physical effect on the environment is anticipated. The authority is already in place through prior resolution.

FISCAL IMPACT: None.

CITY OF WINTERS ORDINANCE NO. 2012-03

AN ORDINANCE ADDING SECTIONS 2.52.090 AND SECTIONS 2.52.100 TO TITLE 2, CHAPTER 2.52 OF THE WINTERS MUNICIPAL CODE TO ESTABLISH POWERS, AUTHORITY AND DUTIES OF LEVEL 1 POLICE RESERVES PURSUANT TO CALIFORNIA PENAL CODE SECTIONS 830.1 AND 830.6

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

SECTION 1: PURPOSE

The purpose of this ordinance is to authorize and empower police reserves rated as Level 1 Reserves to have full peace officer powers and duties as provided by California Penal Code Section 830.1. The City Council has previously so authorized by Resolution, and this Ordinance will codify that authorization.

SECTION 2: Section 2.52.090 and Section 2.52.100 are added to Title 1, Chapter 2.52 of the Winters Municipal Code to read as follows:

2.25.090. Level 1 Reserves – Powers and Duties – Statutory Authority
By statute, the California legislature has provided that police reserves who are rated as Level 1 Reserves may be empowered by local governmental bodies to have those full peace officer powers and duties as provided by Penal Code Section 830.1.

2.25.100. Level 1 Reserves – Eligibility Determination.
Those City of Winters Police Reserves who have qualified as Level 1 Reserves pursuant to Penal Code Section 832.6(a)(1) and, in addition, have completed a minimum of two years' field experience comprising a minimum of four hundred working hours with the Winters Police Department or as a lateral Level 1 police reserve officer from another California P.O.S.T. agency, shall have those peace officer powers and duties as provided by Penal Code Section 830.1 in accordance with Penal Code Section 830.6(a)(2).

SECTION 3: ENVIRONMENTAL REVIEW

This ordinance is not subject to the California Environmental Quality Act ("CEQA" pursuant to 15060 (c)(2) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060 (c)(3) the activity is not a project as defined in 15378 of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because it has no potential for resulting in physical change to the environment, directly or indirectly. This ordinance also is exempt from CEQA pursuant to the "common sense" exemption under 15061(b)(3) of the CEQA Guidelines, because the City Council hereby determines and finds that there is no possibility that the ordinance may have a significant effect on the environment.

SECTION 4: Effective Date

This ordinance shall become effective May 17, 2012, provided it is published in full or in summary within fifteen (15) days after its adoption in a newspaper of general circulation.

This ordinance was introduced, after public hearing, and the title thereof read at the regular meeting of the City Council on March 20, 2012, and adopted, after the second reading, at the regular meeting of the City Council on April 17, 2012.

On a motion by Council Member _____, seconded by Council Member _____, the foregoing ordinance was passed and adopted by the City Council of the City of Winters, State of California, this 3rd day of April, 2012, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

MAYOR KEITH FRIDAE

ATTEST:

NANCI G. MILLS, CITY CLERK



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: April 17, 2012
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: John C. Wallace, City Attorney
SUBJECT: Ordinance 2012-04 - Transient Occupancy Tax (TOT) - Amendments

RECOMMENDATION: Second Reading and Adoption of Ordinance 2012-04

BACKGROUND: The City of Winters has an existing Transient Occupancy Tax (TOT), providing for a 10% tax on hotels, bed & breakfast operations, and similar short-term occupancy. Over the years since its adoption, state law has added regulations and definitions requiring the updating of the ordinance. The tax is unchanged, but the ordinance is brought into compliance with state law. The Ordinance is exempt under the California Environmental Quality Act, as no physical effect on the environment is anticipated. The City Council Introduced the Ordinance and Conducted a Public Hearing at the meeting on March 20, 2012.

FISCAL IMPACT: None.

ORDINANCE NO. 2012-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING SECTIONS 3.24.020, 3.24.030, 3.24.060, AND 3.24.110 OF THE MUNICIPAL CODE AND ADDING SECTION 3.24.135 TO THE MUNICIPAL CODE TO MAKE CERTAIN CLARIFYING AND CONFORMING CHANGES CONCERNING THE CITY'S TRANSIENT OCCUPANCY TAX

WHEREAS, the City has not amended its transient occupancy tax ordinance for several years and now desires to do so, particularly in light of the fact that state law has changed with respect to certain aspects of the collection of the transient occupancy tax; and

WHEREAS, the City also desires to clarify that the transient occupancy tax is a tax imposed on transients for their occupancy in City hotels and similar lodgings, regardless of who the tax is collected by; and

WHEREAS, the City Council, in adopting this Ordinance, is making changes to certain aspects concerning the collection of the transient occupancy tax but is not increasing the tax in any way.

Now, therefore, the City Council of the City of Winters does hereby ordain as follows:

SECTION 1. PURPOSE

The purpose of this Ordinance is to amend and update sections 3.24.020, 3.24.030, 3.24.060, and 3.24.110 of, and to add section 3.24.135 to, the Winters Municipal Code concerning the City's transient occupancy tax in order to clarify certain provisions of the Code in a manner that is consistent with state law. This Ordinance does not increase the amount or rate of the transient occupancy tax.

SECTION 2. Throughout the entire Chapter 24 of Title 3 of the Winters Municipal Code, the Director of Financial Management shall be substituted for the Director of Administrative Services and the references to Administrative Services Department shall be changed to Financial Management Department. Section 3.24.020 of the Winters Municipal Code is hereby amended to amend the definitions of the words "Hotel," "Operator," and "Rent" to read as follows:

"Hotel" means any structure, or any portion of any structure, which is occupied or intended or designated for occupancy by transients for dwelling, lodging or sleeping purposes, *located in the City of Winters*, and includes any hotel, inn, tourist home or house, dormitory, public or private club, mobilehome or house trailer at a fixed location *outside a mobilehome park*, or other similar structure or portion thereof.

“Operator” means *any* the-person who *charges for occupancy within a hotel regardless of whether the person has physical control over, or makes management decisions about, the hotel. An operator may include, but is not limited to, the is-proprietor of the hotel,* whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his or her functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his or her principal. Compliances with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

“Rent” means the *total* consideration charged *to the transient*, whether or not received, for the occupancy of space in a hotel. “*Rent*” includes charges for equipment (such as, but not limited to, rollaway beds and cribs and in-room services (such as, but not limited to, movies and other services), valued in money, whether to be received in money, goods, labor or otherwise. “*Rent*” includes all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

SECTION 3. Section 3.24.020 of the Winters Municipal Code is hereby amended to add a definition for the words “Proprietor” and “Successor to Proprietor” as follows:

“Proprietor” means a person who has the legal right to operate, or the owner of, a hotel.

“Successor to Proprietor” or “Successor Proprietor” means any person who acquires the right to operate a hotel from a predecessor proprietor, directly or indirectly, by any means. If, following transfer of an ownership or management interest in a hotel, the hotel continues to operate as such, either continuously or for business interruption not exceeding thirty (30) days, the hotel shall constitute a succession for purposes of this chapter.

SECTION 4. Section 3.24.030 of the Winters Municipal Code is hereby amended to read as follows:

3.24.020 Tax imposed.

A. For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of ten (10) percent of the rent charged by the operator in accordance with Revenue and Taxation Code Sections 7203.5 and 7282.3.

B. Revenue and Taxation Code section 7282.3 ~~which~~ prohibits levying of such tax on any amount subject to sales and use tax. ~~Thus the city cannot collect a transient occupancy tax on meals (including beverages) served to lodgers subject to sales and use tax.~~

C. The tax constitutes a debt owned by the transient to the city, which is extinguished only by payment to the operator or to the city. Transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the Financial Management director shall require that such tax be paid directly to the Financial Management department of the city.

SECTION 5. Section 3.24.060 of the Winters Municipal Code is hereby amended to read as follows:

3.24.060 Registration.

Within thirty (30) days after the effective date of the ordinance codified in this chapter, or within thirty (30) days after commencing business, whichever is later, each ~~operator~~ *proprietor* of any hotel renting occupancy to transients shall register the hotel with the Financial Management department and obtain a transient occupancy registration certificate to be at all times posted in a conspicuous place on the premises. The certificate shall, among other things, state the following:

- A. The name of the *proprietor* ~~operator~~;
- B. The address of the hotel;
- C. The date upon which the certificate was issued;
- D. *The following statement:* "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the ~~Uniform~~ Transient Occupancy Tax Ordinance by registering with the Financial Management Department for the purpose of collection from transients the Transient Occupancy Tax and remitting said tax to the Financial Management Department. This certificate does not authorize any person to conduct any unlawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this City. This certificate does not constitute a permit."

SECTION 6. Section 3.24.110 of the Winters Municipal Code is hereby amended to require hotel operators to maintain records for four years, rather than three, in order to be consistent with the applicable statute of limitations set forth in Revenue and Taxation Code section 7283.51, and to read as follows:

3.24.110 Records.

(a) It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed by this article to keep and preserve, for a period of four years, within the boundaries of this city, all business records as may be necessary to determine the amount of such tax for which the operator is liable for the collection and payment to the city. The Director and authorized deputies or agents, in the exercise of duties imposed by this article, shall have the right to inspect such records at all reasonable times and to apply auditing procedures necessary to determine the amount of tax due to the city. All records which may be necessary to inspect shall be kept within the city or shall be produced within ten working days of written notice at the business location within the city.

(b) In the event records are not produced upon request, or such records are not reasonably able to be audited, the tax, interest, and penalties will be levied based upon the prior collections and remittances of taxes by the operator to the city for that operator's hotel during the audit period. Further, and without limitation, any operator who does not produce records following written notice as set forth herein shall pay, as a civil penalty, in addition to any tax, penalty, or interest, the sum of \$100.00 per day for each business day the records are not produced for audit.

Section 7. Section 3.24.120(A) is hereby amended, reflecting the City's Claim Ordinance, to read as follows:

(A) Whenever the amount of any tax, interest, or penalty has been overpaid or paid more than once, or has been erroneously or illegally collected or received by the city under this article, it may be refunded as provided in subsections (b) and (c) of this section, provided that a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Director within one year of the date of payment.

Section 8. Section 3.24.135 is hereby added to the Winters Municipal Code to read as follows:

3.24.135 Change of Ownership – Tax Clearance Certificate

A. Pursuant to California Revenue and Taxation Code section 7283.5, as it may be amended from time to time, a successor proprietor or prospective successor proprietor may request in writing from the City the issuance of a tax clearance certificate stating the amount of tax and any accrued penalties and interest, due and owing, if any.

B. The City shall, within 90 days of the receipt of the written request for a tax clearance certificate, issue the tax clearance certificate or may conduct an audit of the hotel. The audit must be completed within 90 days from the date the records of the hotel

were made available to the City, and a tax clearance certificate must be issued within 30 days of the completion of the audit.

C. If, following an audit, the City determines that the current proprietor's records are insufficient to assess the amount of tax due and owing, the City shall, within 30 days of making that determination, notify the prospective successor proprietor that a tax clearance certificate will not be issued.

D. If the City does not comply with the request for a tax clearance certificate, the successor proprietor shall not be liable for any transient occupancy tax obligation incurred prior to the date of the purchase or transfer of the property.

E. The tax clearance certificate shall state the following:

1. The amount of tax, interest, and penalties then due and owing
2. The period of time for which the tax clearance certificate is valid; and
3. That the purchaser, transferee, or other person may rely on the tax clearance certificate as conclusive evidence of the tax liability associated with the property as of the date specified on the certificate.

F. Any successor proprietor who does not obtain a tax clearance certificate under this section, or who obtains a tax clearance certificate that indicates that tax is due and owing and fails to withhold sufficient funds in the escrow account for the purchase of the property to satisfy the transient tax liability shall be held liable for the amount of tax due and owing.

G. The fee for issuance of a tax clearance certificate shall be established by resolution of the City Council.

SECTION 9: ENVIRONMENTAL REVIEW

This ordinance is not subject to the California Environmental Quality Act ("CEQA" pursuant to 15060 (c)(2) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060 (c)(3) the activity is not a project as defined in 15378 of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because it has no potential for resulting in physical change to the environment, directly or indirectly; it prevents changes in the environment pending the completion of the contemplated studies. This ordinance also is exempt from CEQA pursuant to the "common sense" exemption under 15061(b)(3) of the CEQA Guidelines, because the City Council hereby determines and finds that there is no possibility that the ordinance may have a significant effect on the environment.

SECTION 9: Effective Date

This ordinance shall become effective May 17, 2012, provided it is published in full or in summary within fifteen (15) days after its adoption in a newspaper of general circulation.

This ordinance was introduced, after public hearing, and the title thereof read at the regular meeting of the City Council on March 20, 2012, and adopted, after the second reading, at the regular meeting of the City Council on April 17, 2012, by the following vote:

AYES: Council Member(s):
NOES: Council Member(s):
ABSENT: Council Member(s):
ABSTAIN: Council Member(s):

Woody Fridae, MAYOR

ATTEST:

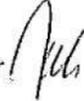
Nanci G. Mills, CITY CLERK



**CITY COUNCIL
STAFF REPORT**

TO: Mayor and City Council

DATE: April 17, 2012

FROM: John W. Donlevy, Jr., City Manager 

SUBJECT: Schedule for City Manager Evaluation

RECOMMENDATION:

That the City Council set a scheduled day for the performance evaluation for the City Manager.

BACKGROUND:

The City Council annually reviews the performance of the City Manager. This session will be approximately two hours and consist of a discussion between the City Council and the City Manager on the establishment of performance expectations of the Council to the City Manager.

It is requested that the City Council bring your calendars to the meeting to select days and times.

FISCAL IMPACT:

None by this action.



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: April 17, 2012
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: February 2012 Treasurer Report

RECOMMENDATION:

Staff recommends that the City Council receive and file the City of Winters Treasurer Report for February 2012.

BACKGROUND:

The City of Winters financial policy requires monthly reports regarding receipts, disbursement and fund balances be submitted to the City Council for review. The report for February 2012 is attached.

Items of note in the attached report are as follows:

General Fund

General Fund revenues are 56% of budgeted; the following items affect the cash flows into the General Fund.

- The first installment of Property Tax was received in January and is 53% of budgeted
- The first installment of Property Tax in lieu of Sales Tax was received in January and was 67% of budgeted due to the "true up" that occurs each year. In this particular year, we received additional property tax in lieu of sales tax because the State underestimated the amount of sales tax the City of Winters would generate.
- The first installment of Property Tax in lieu of VLF was received in January and is 47% of budget. This is due to continued declining assessed property values throughout the City.
- Sale and use taxes are remitted to the City two (2) months after they are received by the State Board of Equalization, currently the receipts are 66% of the budgeted amount.
- Municipal Services taxes are 69% of budget.

- Utility User Tax is 52% of budget. We receive the UUT approximately 1-3 months after the utilities are used.
- Building permit fees received are 61% of budget.
- General Fund expenditures are 58% of budget.

Other funds:

Fund 221 Gas Tax Fund: Gas Tax revenues are 78% of budgeted.

Fund 211 City Wide Assessment District: Revenues are 41% of budgeted; the first installment was received in January 2012.

Fund 701 Non Housing Redevelopment Fund: The first installment was received in January 2012, this will be the final payment of Tax Increment due to the dissolution of the Redevelopment Agency. Future funds will be from the county as property tax that must be placed in the Recognized Obligation Retirement Fund (RORF). Receipts were 49% of Budget. This fund has been replaced with Fund 771, Successor Agency Fund.

711 Redevelopment Housing Fund: The first installment was received in January 2012, this will be the final payment of Tax Increment due to the dissolution of the Redevelopment Agency. No future funds will be allocated to the housing function of redevelopment. Receipts were 49% of budget. This Fund has been replaced with Fund 110 Housing Successor Agency Fund.

Fund 611 Water: Water fund revenues are 67% of budget and expenditures are 84% of budget. In prior months, there was an error in the posting of water revenue due to an electrical outage at City Hall, and staff has reviewed and adjusted the posting error.

Fund 621 Sewer: Sewer fund revenues are 76% of budget and expenditures are 84% of budget. In prior months, there was an error in the posting of water revenue due to an electrical outage at City Hall, and staff has reviewed and adjusted the posting error.

FISCAL IMPACT:

None

City of Winters
Cash and LAIF Balances Reprint
Cash and LAIF Balances as of February 29, 2012

Fund	Description	BALANCE	Balance
		6/30/2011	2/29/2012
101	General Fund	1,380,248	984,128
103	Community Center and Pool Fund	18,358	18,414
104	Fireworks Fund	6,940	4,571
105	Senior Fund	1,000	702
107	Park Maintenance		2,299
110	Housing Successor Agency		(213,371)
113	Housing 2007 TABS		1,144,010
201	Fire Prevention Grant	1,148	1,056
208	First Time Homebuyer	83,736	83,995
211	City Wide Assessment	(10,610)	(86,721)
212	Flood Assessment District	3,796	3,808
221	Gas Tax	115,133	141,748
231	State COPS 1913	(94,402)	(63,873)
233	Realignment Fund		7,500
248	Tower Grant	(50,595)	(781)
249	Homeland Grant	(6,500)	(150)
251	Traffic Safety	214,577	222,895
252	Asset Forfeiture	14,151	14,285
254	Vehicle Theft Deterrent	48,393	48,543
267	STIP Downtown Phase II		-
276	North Bank Putah Creek Project	(26,642)	(210,237)
277	First S Grant	(5,947)	(1,246)
278	Prop 84 Grant		(8,258)
279	Jardin de Ninos	4,725	
287	After School Contributions	5,000	3,737
291	Beverage Recycling Fund	21,179	25,330
294	Transportation(Including Bus Service)	192,791	(4,968)
299	After School Program	103,988	138,871
303	ECEBG Grant	(21,000)	(2,100)
305	Community Pedestrian Grant	(4,116)	(19,687)
319	Prop 84 Park Grant		(226)
341	Green House	(1,755)	
351	RLF Housing Rehab	7,609	321,207
352	RLF First Time Homebuyer	37,527	37,601
355	RLF Small Business	99,559	43,319
356	RLF-HOME Program	74,426	74,656
411	Street Impact Fee	1,169,573	1,171,997
412	Storm Impact Fee	161,793	162,277
413	Parks and Recreation Impact	637,431	383,648
414	Police Impact Fee	360,340	339,580
415	Fire Impact Fee	292,062	282,158
416	General Facilities Impact Fe	338,885	339,788
417	Water Impact Fee	797,823	713,488
418	Sewer Impact Fee	432,188	433,111
419	Flood Fee	172,800	173,129
421	General Fund Capital	547,270	548,909
422	Landfill Capital	218,956	212,191
424	Parks and Recreation Capital	8,428	6,689
427	Capital Equipment Fund	52,212	121,038
429	Service Reserve	43,421	636,744
481	General Plan 1992 Study	(490,143)	(490,143)
482	Flood Control Study	1,285	1,289
492	RJA Storm Drain	38,144	38,313
494	Capital Asset Recovery Fee	47,484	51,871
496	Storm Drain Non-Flood	232	233
501	General Debt Service	55,691	55,863
611	Water O & M	1,037,313	840,461
612	Water Reserve	85,906	89,960
615	07 Water Bonds	(21,524)	(100,465)
616	Water Conservation	9,026	9,054
617	Water Meter	99,171	143,573
621	Sewer O & M	1,505,445	1,512,804
626	07 Sewer Bonds	(56,175)	(457,095)
629	Sewer Debt Service	52,952	52,952
651	Central Services	13,912	35,353
701	Redevelopment	1,188,992	
705	2007 Bond Proceeds	824,898	
711	RDA Low Income Housing	48,865	(82)
712	RDA 2004 LIH Bond Proceeds	242	
713	2007 LIH Bond Proceeds	1,154,415	
751	Redevelopment LTD	472,445	
771	CDA Successor Agency		923,219
773	2007 CDA Bond Fund		7,972
821	Winters Library	78,513	53,756
831	Swim Team	75,047	91,284
833	Festival de la Comunidad	1,320	2,485
846	Quilt Festival	808	770
Total Cash		13,670,163	11,099,228

City of Winters
Fund Balances Report
Estimated Fund Balances as of February 29, 2012

Fund	Fund Name	Audited	Current Year	Current Year	Transfers	Estimated	Change From
		Fund Balance June 30, 2011	Revenues	Expenditures	In/(Out)	Fund Balance February 29, 2012	6/30/2011
101	General Fund	\$ 1,525,826	\$ 1,822,867	\$ 2,452,163	\$ 25,791	\$ 922,321	\$ (603,505)
103	Community Center and Pool	18,379	35	-	-	18,414	35
104	Fireworks Fund	6,940	3,126	5,495	-	4,571	(2,369)
105	Senior Fund	1,000	2	300	-	702	(298)
107	City Park Maintenance	-	3,691	1,393	-	2,298	2,298
110	Housing Successor Agency	-	-	165	(275,335)	(213,578)	(213,578)
113	TABS 2007 Housing	-	-	-	-	2,171,309	2,171,309
201	Fire Prevention Grant	1,149	2	96	-	1,055	(94)
208	First Time Homebuyer	83,836	160	-	-	83,996	160
211	City Wide Assessment	(1,837)	96,031	183,698	-	(89,504)	(87,667)
212	Flood Assessment District	3,801	7	-	-	3,808	7
221	Gas Tax	137,892	92,966	91,431	-	189,427	1,535
231	State COPS 1913	(82,280)	78,103	59,755	-	(63,932)	18,348
233	Realignment Funds	-	7,500	-	-	7,500	7,500
248	Tower Grant	(50,595)	49,814	-	-	(781)	49,814
249	Homeland Grant	(6,500)	6,350	-	-	(150)	6,350
251	Traffic Safety	218,506	7,263	3,374	-	222,395	3,889
252	Asset Forfeiture	14,167	118	-	-	14,285	118
254	Vehicle Theft Deterrent	48,450	92	-	-	48,542	92
268	STIP Downtown Phase II	(4,122)	300,767	470,942	-	(174,257)	(170,175)
275	Putah Creek North Bank Imp	(26,793)	-	52,082	-	(78,875)	(52,082)
277	First Five Grant	(5,947)	-	285	4,984	(1,248)	4,699
278	Prop 84 Grant	-	-	8,258	-	(8,258)	(8,258)
279	Jardin De Ninos	4,725	259	-	(4,984)	-	(4,725)
287	After School Program Contr	5,000	9	1,633	-	3,376	(1,624)
291	Beverage Recycling Grant	21,200	5,049	919	-	25,330	4,130
294	Transportation	420,550	283	428,226	-	(7,393)	(427,943)
299	After School Program	103,247	148,531	83,974	-	167,804	64,557
305	Community Pedestrian Grant	(4,116)	-	15,571	-	(19,687)	(15,571)
313	STBG-96-1043 Housing and P	(29,070)	5,014	-	(5,014)	(29,070)	(29,070)
315	Prop 84 Grant	-	-	226	-	(226)	(226)
321	EDBG 99-688 Buckhorn	-	13,053	-	(13,053)	-	-
322	EDBG 96-405 Cradwick	-	3,100	-	(3,100)	-	-
341	Green House Reduction	(2,880)	6,500	3,620	-	-	2,880
351	RLF Housing Rehabilitation	19,261	312,039	-	1,550	332,850	313,589
352	RLF Affordable Housing	54,556	71	-	-	55,027	71
355	RLF Small Business	99,652	129	76,080	19,517	43,318	(56,334)
356	RLF HOME Program	74,514	142	-	-	74,656	142
411	Street Impact Fee	1,265,276	2,226	505	-	1,266,997	1,721
412	Storm Drain Impact Fee	191,969	308	-	-	192,277	308
413	Parks & Recreation Impact	638,073	1,195	255,620	-	383,648	(254,425)
414	Public Safety Impact Fee	360,340	862	21,622	-	339,580	(20,760)
415	Fire Impact Fee	292,062	747	10,652	-	282,157	(9,905)
416	General Facilities Impact	339,058	730	-	-	339,788	730
417	Water Impact Fee	797,945	1,383	85,839	-	713,489	(84,456)
418	Sewer Impact Fee	15,731	822	-	-	16,553	822
419	Flood Control Fee	172,800	329	-	-	173,129	329
421	General Fund Capital	547,866	1,042	-	-	548,908	1,042
422	Landfill Capital	219,216	410	7,435	-	212,191	(7,025)
424	Parks and Recreation Capit	8,438	14	1,763	-	6,689	(1,749)
427	Equipment Replacement Fund	381,862	1,436	-	-	383,298	1,436
429	Service Reserve Fund	507,355	526,082	-	(25,791)	1,007,646	500,291
481	General Plan 1992	211,759	-	-	-	211,759	-
482	Flood Control Study	(123,713)	2	-	-	(123,711)	2
492	RAJA Storm Drain	28,601	123	-	-	28,724	123
494	CARF	47,530	4,341	-	-	51,871	4,341
496	Storm Drain Non-Flood	232	-	-	-	232	-
501	General Debt Service	55,757	106	-	-	55,863	106
502	General LTD	(32,687)	-	-	-	(32,687)	-
611	Water O & M	2,893,395	678,612	818,359	6,169	2,749,817	(133,578)
612	Water Reserve	88,072	5,623	-	-	93,695	5,623
615	2007 Water Bonds	366,920	-	78,941	-	287,979	(78,941)
616	Water Conservation	9,037	17	-	-	9,054	17
617	Water Meter Fund	105,998	56,002	11,853	-	150,147	44,149
619	Water Debt Service Fund	(3,174,554)	5,169	-	(6,169)	(3,174,554)	-
621	Sewer O & M	4,665,374	1,102,791	1,016,481	7,917	4,759,601	94,227
626	2007 Sewer Bonds	2,139,720	-	400,919	-	1,738,801	(400,919)
629	Sewer Debt Service	(4,024,704)	7,917	-	(7,917)	(4,024,704)	-
651	Central Service Overhead	(5,042)	-	(637)	-	(5,405)	637
701	Community Redevelopment	(297,238)	677,068	1,299,525	25,263	(894,432)	(597,194)
703	2007 Bond Project Fund	805,794	486	806,279	-	1	(805,793)
711	Community Redevelopment LI	61,922	168,835	444,253	275,335	61,839	(83)
712	RDA Housing Project Area	242	-	-	(242)	-	(242)
713	2007 LIH Bond Projects	1,282,984	10,403	22,319	242	1,271,310	(11,674)
751	Community Redevelopment LI	1,015,387	10,447	-	(504,363)	521,471	(493,916)
771	RDA Successor Agency	-	70	21,642	479,100	(435,906)	(436,906)
821	Winters Library	78,606	150	25,000	-	53,756	(24,850)
831	Winters Library	75,091	52,537	36,345	-	91,283	16,192
833	Festival de La Comunidad	1,321	8,459	7,294	-	2,486	1,165
846	Quilt Festival	808	2	110	-	700	(108)
911	General Fixed Assets	22,380,872	-	-	-	22,380,872	-
Totals		\$ 37,033,386	\$ 6,290,819	\$ 9,311,805	\$ (0)	\$ 33,831,356	\$ (3,202,030)

City of Winters
Summary of Revenues
July 1, 2011 through February 29, 2012

Fund	Description			% of Year Compl	58%	
		Budget 2011-2012	February Actual	Year to Date Actual	Amount to be Received	% of Budget Received
101	General Fund	\$ 3,304,598	\$ 207,465	\$ 1,848,658	\$ 1,455,940	56%
103	Community Center and Pool Fund			35	(35)	
104	Fireworks Fund			3,126	(3,126)	
107	Park Maintenance			3,691	(3,691)	
201	Fire Prevention Grant			2	(2)	
208	First Time Homebuyer In Lieu			160	(160)	
211	City Wide Assessment	236,335	1,568	96,031	140,304	41%
212	Flood Assessment District	416		7	409	2%
221	Gas Tax	119,383		92,966	26,417	78%
231	State COPS AB1913	100,000		78,103	21,897	78%
233	Realignment			7,500		
248	Tower Grant			49,815		
249	Homeland Grant			6,350		
251	Traffic Safety	10,500	270	7,263	3,237	69%
252	Asset Forfeiture	300		118	182	39%
254	Vehicle Theft Deterrent	250		92	158	37%
261	Traffic Congestion Relief	70,226			70,226	
267	Grant Ave Improvement					
268	STIP-TE GRANT (PHASE II)			300,767	(300,767)	
277	First 5 Grant		4,984	4,984	(4,984)	
279	Jardin De Ninos			259	(259)	
287	After School Contributions			9	(9)	
291	Beverage Recycling	5,050		5,049	1	100%
294	Transportation	217,341		283	217,058	
298	Workforce Grant	141,670			141,670	
299	After School Program		3,800	148,531	(148,531)	
313	STBG 96-1043 Housing & Public W	8,724		5,014	3,710	57%
321	EDBG 99-688 Buckhorn	16,168	2,901	13,053	3,115	81%
322	EDBG 96-405 Cradwick		1,550	3,100	(3,100)	
341	Green House			6,500	(6,500)	
351	RLF Housing Rehab	6,697		313,589	(306,892)	999%
352	RLF Affordable Housing			71	(71)	
355	RLF Small Business	1,838	4,451	19,747	(17,909)	999%
356	RLF HOME Program			142	(142)	
411	Street Impact Fee	152,163		2,226	149,937	1%
412	Storm Drain Impact Fee	98,788		308	98,480	
413	Parks & Recreation Impact Fee			1,195	(1,195)	
414	Public Safety Impact Fee	27,172		862	26,310	3%
415	Fire Impact Fee	55,974		747	55,227	1%
416	General Facilities Impact Fee	101,080		730	100,350	1%
417	Water Impact Fee	55,974		1,383	54,591	2%
418	Sewer Impact Fee	108,145		822	107,323	1%
419	Flood Fees			329	(329)	
421	General Fund Capital			1,042	(1,042)	
422	Landfill Capital	1,144		410	734	36%
424	Parks & Recreation Capital	390		14	376	4%
427	Capital Equipment	2,000		1,436	564	72%
429	Service Reserve Fund	5,000		526,082	(521,082)	999%
481	General Plan 1992	34,780			34,780	
482	Flood Control Study			2	(2)	
492	RAJA Storm Drain			123	(123)	
494	CARF	300	450	4,341	(4,041)	999%
495	Monitoring Fee	34,780			34,780	
501	General Debt Service	275		106	169	39%
611	Water O & M	1,025,751	(93,656)	684,781	340,970	67%
612	Water Reserve	10,560	2,784	5,623	4,937	53%
616	Water Conservation	11,592		17	11,575	
617	Water Meter Fund	10,200	7,932	56,002	(45,802)	549%
619	Water Debt Service			6,169	(6,169)	
621	Sewer O & M	1,463,063	18,940	1,110,708	352,355	76%
629	Sewer Debt Service			7,917	(7,917)	
701	Community Redevelopment	1,448,300		708,986	739,314	49%
703	2007 Bond Project Fund			486	(486)	
711	Community Redevelopment LIH	346,234	10	444,171	(97,937)	128%
713	2007 LIH Bond Project Fund	4,125		10,644	(6,519)	258%
751	Community Redevelopment LTD	30,663		10,447	20,216	34%
771	Successor Agency			479,170		
821	Winters Library	500		150	350	30%
831	Swim Team	71,250		52,537	18,713	74%
832	Masters Swim Program	3,000			3,000	
833	Festival de la Comunidad	6,400		8,459	(2,059)	132%
846	Quilt Festival			2	(2)	
Total Revenues		\$ 9,349,099	\$ 163,449	\$ 7,143,442	\$ 2,748,492	71%

City of Winters
 Summary of Expenditures
 July 1, 2012 Through February 29, 2012

Fund	Fund Description	% of Year Completed				59%
		Budget 2011-2012	February Actual	Year To Date Actual	Unspent Budget	
101	General Fund Expenditures by Department					
110	City Council	\$ 22,870	\$ 16	\$ 224	\$ 22,646	1%
120	City Clerk	15,440	990	7,191	8,249	47%
130	City Treasurer	338	27	215	123	64%
160	City Manager	35,812	3,882	22,175	13,637	62%
161	Housing		1,894	2,185		
170	Administrative Services	171,464	18,921	120,747	50,717	70%
180	Finance	3,174	423	2,139	1,035	67%
210	Police Department	1,875,476	134,044	1,273,787	601,679	68%
310	Fire Department	802,350	56,973	42,970	309,380	61%
410	Community Development	242,982	63,574	233,123	9,859	96%
420	Building Inspections	101,291	12,583	82,735	18,556	82%
610	Public Works-Administration	237,235	3,010	103,249	133,986	44%
710	Recreation	8,050	192	8,285	(235)	103%
720	Community Center	85,161	8,086	57,754	27,407	68%
730	Swimming Pool	69,861		45,375	24,486	65%
	Total General Fund Expenditure	\$ 3,671,504	\$ 304,615	\$ 2,452,164	\$ 1,221,525	67%
104	Fireworks Fund			\$ 5,495	\$ (5,495)	
105	Senior Fund			\$ 300		
107	Park Maintenance			1,393	(1,393)	
110	Housing Successor Agency		175	275,500		
201	Fire Prevention Grant	750		96	654	13%
211	City Wide Assessment	236,333	22,982	183,598	52,635	78%
221	Gas Tax Fund	113,269	30,074	91,431	21,838	81%
231	State COPS 1913	89,870	6,322	59,755	30,115	66%
251	Traffic Safety		500	3,374	(3,374)	
268	STIP Downtown Phase II	495,000	53,375	470,942	24,058	95%
276	Putah Creek North Bank Improvem	76,904	22,261	52,082	24,822	68%
277	First S Grant			285	(285)	
278	Prop 84			8,258		
279	Jardin de Ninos			4,984		
287	Afterschool Donations		386	1,633	(1,633)	
291	Beverage Recycling Grant	5,000		919	4,081	18%
294	Transportation	301,879	83,669	428,226	(126,347)	142%
299	After School Program	141,668	16,245	83,974	57,694	56%
305	Community Pedestrian Grant		8,010	15,571	(15,571)	
313	STBG 96-1043 Housing & Public W	8,724		5,014	3,710	57%
319	Prop 84			226		
321	EDBG 99-688 Buckhorn	16,168	2,901	13,053	3,115	81%
322	EDBG 405-Cradwick		1,550	3,100	(3,100)	
341	Green House Reduction			3,620	(3,620)	
355	RIF Small Business	5,000		76,080	(71,080)	999%
411	Street Impact Fee	196,596		505	196,091	
413	Park & Recreation Impact Fee			255,620	(255,620)	
414	Public Safety Impact Fee		665	21,622	(21,622)	
415	Fire Impact Fee		709	10,652	(10,652)	
417	Water Impact Fee	4,420		85,839	(81,419)	999%
422	Landfill Capital	17,800	3,500	7,435	10,365	42%
424	Parks & Recreation Capital	1,200		1,763	(563)	147%
429	Service Reserve	500	25,791	25,791	(25,291)	999%
611	Water O & M	1,092,517	(105,652)	818,359	274,158	75%
615	07 Water Bonds	174,897	36	78,941	95,956	45%
616	Water Conservation Fund	3,800			3,800	
617	Water Meter Fund			11,853	(11,853)	
619	Water Debt Service			6,169	(6,169)	
621	Sewer O & M	1,213,043	179,833	1,016,481	196,562	84%
626	2007 Sewer Bond	4,941	96,415	400,919	(395,978)	999%
629	Sewer Debt Service			7,917	(7,917)	
651	Central Service Overhead		(637)	(637)	637	
701	Community Redevelopment	1,774,017		1,306,179	467,838	74%
703	2007 Bond Project Fund	732,598		806,279	(73,681)	110%
711	Community Redevelopment LIH	591,160	92	444,253	146,907	75%
712	LIH Bond Proceeds			242	(242)	
713	2007 LIH Bond Project Fund	245,635		22,319	223,316	9%
751	Community Redevelopment LTD			504,363	(504,363)	
771	RDA Successor Agency		21,642	21,642		
821	Winters Library	25,000	25,000	25,000		100%
831	Swim Team	54,374	200	36,345	18,029	67%
832	Masters Swim Program	3,000			3,000	
833	Festival de la Comunidad	6,400		7,294	(894)	114%
846	Quilt Festival		70	110	(110)	
	Total Expenditures	\$ 11,303,967	\$ 800,728	\$ 10,164,428	\$ 1,452,634	90%

City of Winters
 General Fund Revenue Report
 July 1, 2011 Through February 29, 2012

% Of Year Complete 58%

G/L Code	Account Description	Budget	February	Year to Date	% of Budget
		2011-2012	Actual	Actual	Received
101-41101	Property Tax	\$ 643,731		\$ 343,520	53%
101-41102	Property Tax in Lieu of Sales Tax	75,912		50,929	67%
101-41103	Property Tax in Lieu of VLF	478,512		222,592	47%
101-41401	Sales & Use Tax	238,063	20,700	156,690	66%
101-41402	Prop 172	23,806		15,223	64%
101-41403	Franchise Fee	211,495	7,319	99,712	47%
101-41404	Property Transfer Tax	10,000		5,931	59%
101-41405	Utility Tax	790,000	70,494	407,415	52%
101-41406	Municipal Services Tax	294,960	24,650	202,390	69%
101-41408	TOT Tax	5,500	1,914	1,914	35%
101-41407	Business Licenses	24,000	2,890	18,774	78%
101-46102	Building Permits	42,193	1,831	25,836	61%
101-46103	Encroachment Permit	1,200	216	2,151	179%
101-46104	Other Licenses & Permits	9,940	9,187	26,267	264%
101-41507	Motor Vehicle in Lieu	28,490		3,511	12%
101-41509	Homeowners Property Tax Relief	16,300		7,443	46%
101-48106	Post Reimbursement	1,500			0%
101-41511	Off-Highway Motor Vehicle				
101-42102	Copy Fees	50		24	48%
101-42103	Plan Check Fees	18,581	2,948	12,319	66%
101-42104	Planning Application Fees	10,000			0%
101-42107	Project Monitoring Fees	500	190	3,506	701%
101-42108	Police Reports	500	35	256	51%
101-42109	Fingerprint Fees	3,500	399	2,382	68%
101-42111	Towing/DUI Reimbursement	1,000	320	1,580	158%
101-42112	Ticket Sign Off Fees	250	15	245	98%
101-42116	Fire Reports		50	100	
101-42201	Recreation Fees	3,660		1,200	33%
101-42205	Basketball Revenues	4,400		6,340	144%
101-42208	Masters Swim Passes	3,600			0%
101-42211	Pool Ticket Sales	5,400		318	6%
101-42213	Pool Proceeds	1,350		300	22%
101-42212	Pool Concession Stand Revenues	4,500		3,010	67%
101-42215	Swim Passes	6,000		3,997	67%
101-42216	Swim Lessons	11,800		4,052	34%
101-42217	Water Aerobics Fees			145	
101-42218	Swim Team Reimbursement	8,000			0%
101-42301	Park Rental	750	105	1,395	186%
101-42303	Community Center Rental	63,920		10,848	17%
101-42304	Community Center Insurance Collected			259	
101-42308	Ambulance Service Charge	7,500	657	5,833	78%
101-44101	Rents/Leases Revenues	38,500	4,118	31,746	82%
101-44102	Interest Earnings	3,000		1,533	51%
101-46106	Reinspect Fee	250			0%
101-49101	Contributions	15,457	3,069	32,640	211%
101-49102	Reimbursements/Refunds			1,653	
101-49104	Miscellaneous Revenues	1,000	30,564	32,772	3277%
101-49106	Cash Over/Short		1	14	
101-49107	Restitution-T. Martin			78	
101-49113	Donations for Community Center			6,000	
101-49125	Fire District Contract	190,528		68,023	36%
101-49999	Interfund Operating Transfer	5,000		25,792	516%
	Total General Fund Revenues	\$ 3,304,598	\$ 181,672	\$ 1,848,658	56%



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: April 17, 2012
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: February 2012 Investment Report

RECOMMENDATION:

Staff recommends that the City Council receive and file the City of Winters monthly investment for February 2012.

BACKGROUND:

The City of Winters financial policy requires, at a minimum, quarterly investment earnings reports. The attached report shows the earnings for January 2012. The City of Winters is invested in the Local Agency Investment Funds (LAIF), a savings account at our local First Northern Bank, a Guaranteed Investment Contract (GIC) for the 2004 Tax Allocation Bond Reserve, and receives interest payments on the various CDBG and EDBG funded loans made to residents and businesses within the City of Winters.

The investment report for the month of February reflects investment earnings from the CDBG and EDBG loans.

FISCAL IMPACT:

None

City of Winters
Investment Earnings Report
July 1, 2011 through February 29, 2012

Fund	Description	Interest Earnings February 2012	Interest Earned Year to Date
101	GENERAL FUND		\$ 1,533
103	Community Center and Pool Fund		35
104	FIREWORKS		9
107	PARK MAINTENANCE		4
201	FIRE PREVENTION FUND		2
208	FIRST TIME HOMEBUYER		160
212	FLOOD ASSESSMENT DISTRICT		7
221	GAS TAX FUND		235
251	TRAFFIC SAFETY		406
252	ASSET FORFEITURE		26
254	VEHICLE THEFT DETERRENT		92
279	JARDIN DE NINOS		9
287	AFTER SCHOOL CONTRIBUTIONS		9
291	BEVERAGE RECYCLE GRANT		49
294	TRANSPORTATION/BUS		283
299	AFTER SCHOOL PROGRAM		340
313	STBG 96-1043		48
321	EDBG 99-688	1,283	5,846
322	EDBG 96-405 CRADWICK	894	1,791
351	RLF HOUSING REHAB		12,039
352	RLF AFFORDABLE HOUSING		71
355	RLF SMALL BUSINESS		129
356	RLF HOME PROGRAM		142
411	STREET IMPACT FEE		2,226
412	STORM IMPACT FEE		308
413	PARKS & REC IMPACT FEE		959
414	POLICE IMPACT FEE		659
415	FIRE IMPACT FEE		544
416	GENERAL FACILITY IMPACT FEE		645
417	WATER IMPACT FEE		1,383
418	SEWER IMPACT FEE		822
419	FLOOD CONTROL		329
421	GENERAL FUND CAPITAL		1,042
422	LANDFILL CAPITAL		410
424	PARKS & REC CAPITAL		14
427	EQUIPMENT REPLACEMENT FUND		101
429	SERVICE RESERVE		1,082
482	FLOOD CONTROL STUDY		2
492	RAJA STORM DRAIN		123
494	CARF		45
501	GENERAL DEBT SERVICE		106
611	WATER O & M		1,035
612	WATER RESERVE		151
616	WATER CONSERVATION		17
617	WATER METER FUND		233
619	WATER DEBT SERVICE		6,169
621	SEWER O & M		1,617
629	SEWER DEBT SERVICE		7,917
701	REDEVELOPMENT		187
703	2007 BOND PROJECT FUND		486
713	2007 LIH BOND PROJECT		10,403
751	REDEVELOPMENT LTD		10,447
821	WINTERS LIBRARY		150
831	SWIM TEAM		174
832	QUILT SHOW		2
833	FESTIVAL LA COMUNIDAD		3
	Total Earnings	\$ 2,177	\$ 73,056