



Winters City Council Meeting  
City Council Chambers  
318 First Street  
Tuesday, December 4, 2012  
6:30 p.m.

**AGENDA**

(pp. 1-4)

*Members of the City Council*

*Cecilia Aguiar-Curry, Mayor  
Woody Fridae, Mayor Pro-Tempore  
Harold Anderson  
Wade Cowan  
Michael Martin*

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

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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 November 19, 2012 (pp. 5-9)
- B. Approval of the Purchase of Four Interpretive Signs for North Bank Trail in the Amount of \$11,200 to be Designed and Installed by Putah Creek Council (pp. 10-11)
- C. Resolution 2012-37, a Resolution of the City Council of the City of Winters, Approving the Yolo County Landfill Siting Element Amendment. (pp. 12-16)
- D. NeighborWorks Contract Fee Schedule Update (pp. 17-18)
- E. Upgrade to Sound System in Council Chambers (pp. 19-23)
- F. Claim Against the City of Winters by Kimberly Williams - Deny and Refer to YCPARMIA(pp. 24-36)

**PRESENTATIONS**

Recognition of Council Member Michael Martin

**DISCUSSION ITEMS**

- 1. Winters Visitor Center Update (pp. 37-38)
- 2. Second Reading and Adoption of Ordinance 2012-07, An Ordinance of the City Council of the City of Winters Adding Title 5, Chapter 5.44 to the Winters Municipal Code to Permit and Regulate Taxi Cabs within the City of Winters. (pp. 39-49)
- 3. Appointment to Fill Vacancy on City Council (pp. 50-51)

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

- 1.
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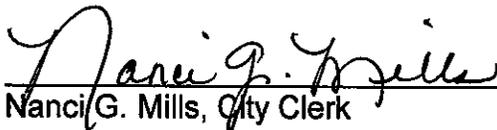
CITY MANAGER REPORT

INFORMATION ONLY

EXECUTIVE SESSION

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the December 4, 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 November 29, 2012, and made available to the public during normal business hours.

  
Nanci G. Mills, City Clerk

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

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

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

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

Winters Library – 708 Railroad Avenue

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

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

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Wednesday at 10:00 a.m.

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



Minutes of the Regular Meeting and Executive Session of the  
Winters City Council Held on November 19, 2012

**6:00 p.m. – Executive Session**

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

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 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 54956.9 – Status of Anticipated Litigation by Legal Counsel John C. Wallace - 314 Railroad Avenue, Winters, CA, APN # 003 204 006

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

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

City Manager Donlevy said there was no reportable action in Executive Session.

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**6:30 p.m. – Regular Meeting**

Mayor Aguiar-Curry called the meeting to order at 6:30 p.m.

**Present:** Council Members Harold Anderson, Wade Cowan, Woody Fridae, Michael Martin and Mayor Cecilia Aguiar-Curry

**Absent:** None

**Staff:** City Manager John W. Donlevy, Jr., City Attorney John Wallace, City Clerk Nanci Mills, Housing Programs/Redevelopment Manager Dan Maguire, Director of Financial Management Shelly Gunby, Environmental Manager Carol Scianna, and Public Works Superintendent Eric Lucero.

Linn Myer led the Pledge of Allegiance.

City Manager Donlevy said there were no changes to the agenda.

**COUNCIL/STAFF COMMENTS:** Council Member Martin attended his last Yolo/Solano Air Quality Control Board meeting.

Council Member Fridae attended a JPA meeting, stating that their 30 month procurement is financially sound, with a new staff.

Council Member Cowan attended the School Board meeting and they talked about drilling a well, the impact fee study and the receipt of a tech grant from the Tribe; Citizen of the Year Dinner on January 26<sup>th</sup> and the ag tour.

Mayor Aguiar-Curry attended a SACOG meeting; worked with City Staff on the bridge project and today she met with the marketing group on the hotel.

**PUBLIC COMMENTS:** Kate Laddish thanked City Council, School Board, and City Staff for finding a way to have the pool open in 2012. She also thanked Council Member Mike Martin for his service and wished him well with his new adventure as a Board Member for Solano Community College.

**CONSENT CALENDAR:**

- A. Minutes of the Continued Meeting of the Winters City Council Held on Thursday, November 1, 2012
- B. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, November 6, 2012
- C. City Manager Contract Amendment

City Manager Donlevy gave an overview of the Consent Calendar.

Motion by Council Member Fridae, second by Council Member Martin to approve the Consent Calendar.

## **PRESENTATIONS**

### 1. Winters Chamber of Commerce / Visitors Center

Council Members Anderson and Fridae recused themselves due to a possible conflict of interest.

Housing Program/Redevelopment Manager Dan Maguire gave an overview of the staff report.

Chamber Vice-President Howard Hupe stated that the Visitors Center is a very valuable resource and a wise investment. The Center serves as an information resource and a concierge service for Winters. The Center features multi-media displays of local businesses and recreation opportunities. Visitors are referred to local businesses and have access to more than 30 locally manufactured products. He also handed out a copy of a brochure of what is available in town as well as a Winters Guide and Map. Mr. Hupe stated that they also work very closely with Yolo County Visitors Bureau. People come from all areas, even as far away as the East Coast.

Mr. Hupe said that the Visitors Center coordinates the agritours, the latest one being at the McNamara Ranch to see how hops are grown, followed by a luncheon and then to Main St. Cellars. There is a lot of interest in nostalgia and history, and that more than 1,700 people have been to the Visitors Center and they would possibly see more than 2,000 by the end of the year.

Mr. Hupe indicated that he knew of the City's financial predicament and are working with the property owners, who have reduced the rent and possible sub-leasing arrangements.

Mr. Maguire said that the Chamber is evaluating its expenses and income in hoping to maintain the same level of service.

Council Members Anderson and Fridae returned to their Council seats.

## **DISCUSSION ITEMS**

Council agreed to change Discussion Item 3 to Discussion Item 1.

### **1. Wastewater Services – Southwest Water Agreement**

City Manager gave an overview of the staff report and made note of a couple of sections in the contract and indicated that there were no substantive changes.

Motion by Council Member Fridae, second by Council Member Anderson stating he will approve knowing this is moving in house. Motion carried unanimously.

**2. Public Hearing, Introduction and Waive the First Reading of Ordinance 2012-07, An Ordinance of the City Council of the City of Winters Adding Title 5, Chapter 5.44 to the Winters Municipal Code to Permit and Regulate Taxi Cabs within the City of Winters**

City Attorney Wallace indicated that he used the City of Fairfield's Ordinance and the Police Department has looked it over. The City of Winters cannot make a profit. The City Council will set fees by Resolution.

Mayor Aguiar-Curry opened the Public Hearing at 7:08 p.m. and closed the Public Hearing at 7:08 p.m. with no public input.

Motion by Council Member Anderson, second by Council Member Cowan to Introduce Ordinance 2012—07, adding Title 5, Chapter 5.44 to the Winters Municipal Code to Permit and Regulate Taxi Cabs within the City of Winters. Motion carried with the following vote:

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

**3. City Council Vacancy – December, 2012**

City Council agreed that the Mayor and Mayor Pro Tem will interview applicants for the City Council vacancy left by Council Member Mike Martin. The deadline for applications is November 29<sup>th</sup>. Following the interviews the Mayor and Mayor Pro Tem will bring back a recommendation to the Council at the December 4<sup>th</sup> Council meeting. All applications will be available for review by the City Council.

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

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CITY MANAGER REPORT

City Hall will be closed the week of Christmas and will reopen January 2, 2013.

The City Council will not have a meeting on January 1, 2013; however will meet on January 15<sup>th</sup>, 2013.

INFORMATION ONLY

ADJOURNMENT

The Council meeting adjourned at 7:25 p.m...

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Nanci G. Mills, City Clerk



**CITY COUNCIL  
STAFF REPORT**

**TO:** Honorable Mayor and Councilmembers  
**DATE:** December 4, 2012  
**THROUGH:** John W. Donlevy, Jr., City Manager *JWD*  
**FROM:** Carol Scianna, Environmental Services Manager *CS*  
**SUBJECT:** Approval of the purchase of four interpretive signs for northbank trail in the amount of \$11,200 to be designed and installed by Putah Creek Council.

**RECOMMENDATION:** Approve purchase of four interpretive signs for northbank trail in the amount of \$11,200 from Putah Creek Council.

**BACKGROUND:** Putah Creek Council has submitted a proposal to design and install four interpretive signs along the north bank trail. Themes of the signs may include birds of Putah Creek, Valley Oak habitat and Native American uses of native plants. The signs will be in both English and Spanish. Signs will be 32" x 48" and will provide areas for student-made artwork on some of the signs. The exact location of sign installation will be determined upon completion of the trail and after evaluating which locations will allow for optimal visibility and other factors. The signs will also include anti-graffiti coating.

**FISCAL IMPACT:** Budget for the project is \$11,200, using northbank trail project funds



Putah Creek  
Council

nature | nearby

**Putah Creek Council proposal**  
**Educational signs along Winters Putah Creek Park, north bank**  
**Submitted: November 6, 2012**  
**Budget: \$11,200**

**Anticipated construction: May 2013**

Putah Creek Council seeks \$11,200 to design and install four (4) interpretive areas along the north bank of Putah Creek. The areas will include both professionally made and student-made artwork. The signs will be accessible to visitors to the new north bank trail project, and may also be installed at the pedestrian bridge.

Putah Creek Council will utilize existing, newly fabricated 32" x 48" printed metal signs, coated with an anti-graffiti coating, for each of the four educational areas. Themes may include: birds of Putah Creek, Valley Oaks as habitat, native vs. agricultural walnuts, Native American uses of native plants, and plant adaptations to flooding.

In addition to the 32" x 48" signs, Putah Creek Council will provide areas for student-made artwork at two or more of the interpretive areas.

Putah Creek Council intends to have an annual contest for youth in Winters to design environmental education signs for the creek, which will be professionally reproduced and installed below the larger signs. The youth-made signs will be rotated on an annual basis, per the winners of each year's art contest.

Please contact me if you have any questions. Thank you for this opportunity to submit this proposal.

Thank you,

Libby Earthman

[libby@putahcreekcouncil.org](mailto:libby@putahcreekcouncil.org)

530-795-3006

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P.O. Box 743 · Davis, CA 95617 · 530.795.3006 · [putahcreekcouncil.org](http://putahcreekcouncil.org)

Putah Creek Council is dedicated to the protection and enhancement of Putah Creek and its tributaries through advocacy, education, and community-based stewardship.



CITY COUNCIL  
STAFF REPORT

**TO:** Honorable Mayor and Councilmembers  
**DATE:** December 04, 2012  
**THROUGH:** John W. Donlevy, Jr., City Manager *JD*  
**FROM:** Carol Scianna, Environmental Services Manager *CS*  
**SUBJECT:** Resolution 2012-37, a Resolution of the City Council of the City of Winters Approving the Yolo County Landfill Siting Element Amendment.

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**RECOMMENDATION:** Staff recommends that the City Council Adopt the Resolution 2012-37 to approve the Yolo County Landfill Siting Element amendment.

**BACKGROUND:** The California Integrated Waste Management Act of 1989 (the Act) required each county to develop an Integrated Waste Management Plan that includes: (1) a Source Reduction and Recycling Element, (2) a Non-Disposal Facility Element, (3) a Household Hazardous Waste Element, and (4) a Siting Element. Yolo County adopted the original version of each of these elements in 1995 and 1996.

Yolo County's 1995 Siting Element identifies two disposal facilities in the county: Yolo County Central Landfill (YCCL) and the University of California, Davis Campus Landfill (UC Davis landfill). The UC Davis landfill ceased accepting solid waste in 2011 and is scheduled for final closure in summer 2013. Yolo County is required to amend the 1995 Siting Element to reflect this change in disposal facilities. In preparing the Siting Element amendment, County staff updated other information as well, to provide conformity with the 2030 Countywide General Plan and current geographic information system (GIS) data.

To comply with California Environmental Quality Act requirements for the adoption of the Siting Element amendment, the Yolo County Planning Division prepared *Addendum to the 2005 County Central Landfill Permit Revisions Subsequent EIR* (EIR Addendum). The Siting Element amendment and EIR Addendum have been reviewed by the Yolo County Waste Advisory Committee (WAC), the local task force established pursuant to the Act to review and recommend goals, policies, and procedures regarding waste and recycling in Yolo County and the incorporated cities. Environmental Resource

Manager Carol Scianna is Winters' appointed representative to the WAC. The committee had no comments on the amendment or EIR Addendum and provided Yolo County with a letter stating concurrence with the findings of these documents.

The Yolo County Board of Supervisors at its October 23, 2012 meeting adopted a resolution approving the Siting Element amendment and adopted the EIR Addendum. Final approval of the Siting Element amendment also requires approval by a majority of the Yolo County cities with a majority of the population. At the direction of the Board of Supervisors, Yolo County staff has asked that the city councils of Winters, West Sacramento, Davis, and Woodland adopt resolutions approving the Siting Element. Once this approval is received, the Siting Element amendment will be submitted to the California Department of Resources Recycling and Recovery (CalRecycle) for formal approval.

### Discussion

The Yolo County Siting Element:

- Identifies solid waste disposal goals and policies for Yolo County,
- Quantifies the remaining permitted disposal capacity in Yolo County,
- Identifies minimum siting criteria from federal and state sources and introduces avoidance and discretionary criteria to be considered in future efforts to site disposal facilities,
- Identifies general areas of Yolo County that conform with the minimum siting criteria, and
- Identifies a program for Yolo County to maintain long-term disposal capacity.

The revisions incorporated into the Siting Element amendment consist of a minor amendment and information update. In addition to deletion of all references to the UCD landfill, other information in the original 1995 Siting Element has been updated, including tonnage projections for YCCL and a discussion of the Siting Element's consistency with the updated 2030 Yolo Countywide General Plan. In addition, some background figures in the 1995 Siting Element have been updated, including maps of airport safety zones, shallow groundwater areas, unstable areas, faults, wetlands, and flood zones in the county.

The EIR Addendum concludes that the circumstances, impacts, and mitigation requirements identified in the *Yolo County Central Landfill Permit Revisions Subsequent EIR* remain substantively unchanged by the Siting Element amendment.

The 28-page Siting Element amendment may be viewed on the Yolo County website at: [http://141.174.195.7/docs/2012/BOS/20121023\\_43/1077\\_CIWMP-Siting%20Element%202012%20final%20draft.pdf](http://141.174.195.7/docs/2012/BOS/20121023_43/1077_CIWMP-Siting%20Element%202012%20final%20draft.pdf).

Following is a summary of its main points:

**Goals and Policies:** Ten goals and corresponding policies are identified to address the siting, operation, and management of disposal facilities; control of hazardous wastes; public review and input; regional planning; and conservation of disposal capacity.

**Disposal Capacity:** YCCL is now the only permitted disposal facility in Yolo County. As of July 1, 2011, the remaining municipal solid waste (MSW) disposal capacity at YCCL was 39,493,850 cubic yards, which corresponds to an estimated 23,696,310 tons of MSW. Based on historical waste disposal and population projections, countywide permitted MSW disposal capacity is anticipated to expire in approximately 2090. This projection omits the 75 percent diversion requirement in Assembly Bill 341 and the UC Davis zero-waste plan, and is therefore conservative.

**Criteria for Siting Disposal Facilities:** A set of minimum exclusionary criteria is used to identify potentially suitable areas for new or expanded landfill space in Yolo County. The criteria include water protection, minimizing seismic risks, geologic stability, and airport safety. The Siting Element also introduces avoidance and discretionary criteria to be considered as part of future landfill siting efforts in Yolo County. These criteria address environmental, social, legal, and other issues specific to Yolo County. The Siting Element also identifies a landfill siting process that can be followed should permitted disposal capacity fall below the 15-year minimum requirement established by CalRecycle or should the County otherwise determine that a new facility is desired.

**Location of General Areas:** The exclusionary criteria are used to identify general areas of Yolo County potentially suitable for a more detailed landfill site search. The area remaining after application of the exclusionary criteria is mostly in the westernmost portion of Yolo County, excluding much of the Capay Valley, and also includes portions of the central county excluding certain airport zones and floodplain areas.

**Program Implementation:** The Siting Element identifies no need for additional permitted MSW disposal capacity to meet the state's 15-year minimum requirement. Nonetheless, the Siting Element identifies the following key elements of a long-term strategy for maintaining disposal capacity:

- Local adoption of the Siting Element and incorporation into the Yolo County Integrated Waste Management Plan;
- Ongoing use of the YCCL by the four cities, Yolo County, and UC Davis;
- Planning for future landfill siting studies;
- Ongoing dialogue with neighboring jurisdictions on potential regional programs; and
- Consideration of expanded waste reduction and recovery programs as a contingency.

### **Conclusion**

Staff recommends that the City Council adopt the resolution to approve the First Amendment to the 1995 Siting Element of the Yolo County Integrated Waste Management Plan.

**FISCAL IMPACT:** None

**CITY OF WINTERS**

**RESOLUTION NO. 2012-37**

**RESOLUTION APPROVING THE FIRST AMENDMENT TO THE  
1995 COUNTYWIDE SITING ELEMENT OF THE  
YOLO COUNTY INTEGRATED WASTE MANAGEMENT PLAN**

**WHEREAS**, the California Integrated Waste Management Act of 1989 (the Act) describes the requirements to be met by cities and counties when developing and implementing Integrated Waste Management Plans; and

**WHEREAS**, the Act requires that, as part of the Integrated Waste Management Plan, each county prepare a Countywide Siting Element that provides a description of the areas to be used for development of adequate solid waste transformation and/or disposal capacity; and

**WHEREAS**, Yolo County prepared a Countywide Siting Element that was approved by the Board of Supervisors and city councils within Yolo County in 1995, and by the California Integrated Waste Management Board in 1996; and

**WHEREAS**, one of the functions of the Countywide Siting Element is to identify all permitted disposal facilities within Yolo County; and

**WHEREAS**, the University of California, Davis has ceased operation of and is intending to close its landfill, necessitating a revision to the Countywide Siting Element; and

**WHEREAS**, the Yolo County Division of Integrated Waste Management prepared a First Amendment to the 1995 Countywide Siting Element, which was reviewed in draft form by the Yolo County Waste Advisory Committee and the California Department of Resources Recycling and Recovery (CalRecycle); and

**WHEREAS**, Yolo County prepared *Addendum to the Yolo County Central Landfill Permit Revisions Subsequent Environmental Impact Report* in accordance with the California Environmental Quality Act (CEQA) in connection with the proposed approval of the First Amendment to the 1995 Countywide Siting Element; and

**WHEREAS**, on September 27, 2012, after a noticed public meeting, the Waste Advisory Committee issued a letter of support recommending that Yolo County and the cities within the county adopt and approve the First Amendment to the 1995 Countywide Siting Element; and

**WHEREAS**, the Yolo County Board of Supervisors duly considered the First Amendment to the 1995 Countywide Siting Element, EIR Addendum, and recommendations of the Waste Advisory Committee at a noticed public hearing held on October 23, 2012, and adopted the EIR Addendum and approved the Siting Element amendment; and

**WHEREAS**, to be ultimately approved under the Act, a Siting Element must also be approved by a majority of the cities within the county, which contain a majority of the population of the incorporated area of the county, and then further approved by CalRecycle.

***NOW, THEREFORE, BE IT RESOLVED*** the City Council approves the First Amendment to the 1995 Countywide Siting Element of the Yolo County Integrated Waste Management Plan.

***PASSED AND ADOPTED*** this 3rd day of December 2012, by the following vote:

AYES: Council Members:  
NOES: Council Members:  
ABSENT: Council Members:  
ABSTAIN: Council Members:

CITY OF WINTERS

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Cecilia Aguiar Curry, Mayor

ATTEST:

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Nanci G. Mills, City Clerk



**CITY COUNCIL  
STAFF REPORT**

**TO:** Honorable Mayor and Council Members  
**DATE:** December 4, 2012  
**THROUGH:** John W. Donlevy, Jr., City Manager *JWD*  
**FROM:** Dan Maguire, Economic Development and Housing Manager *DM*  
**SUBJECT:** NeighborWorks Contract Fee Schedule Update

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**RECOMMENDATIONS:**

Staff recommends the City Council 1) receive the report updating the NeighborWorks contract and fee schedule, and 2) authorize the City Manager to execute the updated contract and fee schedule.

**BACKGROUND:**

At the March 18, 2008 City Council meeting, the Community Development Agency ("CDA") Board of Directors unanimously approved a Consultant Services Agreement with NeighborWorks Homeownership Center ("NW") for homebuyer educational services, foreclosure seminar services, and loan processing services.

In December of 2011, the California Department of Housing and Community Development ("HCD") finalized grant approval for a Community Development Block Grant ("CDBG") that included \$353,000 for homeowner assistance, with an additional \$33,000 for homeownership Assistance Activity Delivery.

Staff has been working with NW staff to re-initiate our First Time Homebuyer program, which has been mostly dormant due to the uncertainty created by the State's dissolution of Redevelopment Agencies, coupled with the economic conditions in the housing market. One of the outcomes of these discussions was a need on the part of NeighborWorks to update their fee schedule with the City of Winters.

**FISCAL IMPACTS:**

None by this action as all NeighborWorks fees are paid through CDBG Activity Delivery.

**ATTACHMENTS:**

NeighborWorks Updated Fee Schedule

**SCHEDULE OF CHARGES AND PAYMENT SCHEDULE**

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NeighborWorks® HomeOwnership Center Sacramento Region will provide the Activity Delivery and General Administration services at the prices listed below.

**Homebuyer Education Services:**

- 8 hour workshop, 1 day, Spanish or English \$750
- 8 hour workshop, 1 day, Spanish and English \$1500

**Homebuyer Orientation Workshop:**

- 2 hour seminar, Spanish or English \$350
- 2 hour seminar, Spanish and English \$700

**Individual Counseling Services:**

- Inclusionary Certificate \$150
- CalHome or HOME Counseling \$350
- 3-hour Counseling for homeownership \$350

**HomeOwnership Preservation Services:**

- 2 hour seminar, Spanish or English \$350
- 2 hour seminar, Spanish and English \$700

**First Time Homebuyer Administration**

- CDBG, Winters RLF 6% of loan Amount
- Marketing \$75 per hour

**Post-Closing Services:**

- Loan set up (one-time fee per loan) \$150
- Servicing per loan/per month \$25
- Delinquency counseling up to 2 hours \$350

NeighborWorks® HomeOwnership Center Sacramento Region will submit monthly billings to the City of Winters describing the work performed during the preceding month. The invoices shall include a brief description of the services performed, the date the services were performed, and a description of any reimbursable expenses.

Other Services can be provided on an as-needed basis at \$75 per hour unless agreed in advance; fees to be negotiated with the City of Winters.



**TO:** Honorable Mayor and Council Members

**DATE:** December 4, 2012

**THROUGH:** John W. Donlevy, Jr., City Manager *John*

**FROM:** Nanci G. Mills, Director of Administrative Services/City Clerk *Nanci*

**SUBJECT:** Upgrade to Sound System in Council Chambers

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**RECOMMENDATION:**

Approve the proposal to upgrade the City Council Chamber's Sound, Broadcast and Audio Capabilities.

**BACKGROUND:**

To address the City Council Chamber's increasingly obsolete broadcast and audiovisual capabilities, staff has been working with Substrate Engineering on this proposal, the City's audio vendor.

With the increase of experiences in our sound system not being functional as of late at many of our meetings, we met with Substrate Engineering to troubleshoot what we had been experiencing. We identified the source of the noise as being data connections, whether it be from cell phones or iPads.

With the advent of high definition broadcast technology, it is increasingly expected to have high tech information and /or telecommunication technology for civic participation by staff and others, the adequate but relatively low-tech equipment that the City purchased has become obsolete. In addition, the useful life of much of the equipment is close to or has been exceeded (10-15 years).

The proposal includes the consulting, design, drawings and specifications for a complete turn-key sound system with installation, warranty of one year and training. The vendor is also including ADA assistive listening equipment. The vendor is also giving us a \$350 credit for the old equipment, which is built into the proposal.

In addition to this proposal we will acquire two large televisions that will take the place of the projectors and screens that will be hard wired to the new system.

**FISCAL IMPACT:**

Cost of enclosed proposal of \$11,555.72, Additional cost of television of up to \$2,500.00 for a total of \$14,055.72

Budgeted \$15,000

# SUBSTRATE ENGINEERING



ELECTRICAL ENGINEERING – INDUSTRIAL CONTROLS – PRODUCT DEVELOPMENT

26260 County Road 98, Davis, CA. 95616

Phone: (530) 756-7312 Fax: (530) 756-7372 e-mail: agedhorse@aol.com

11/29/2012

City of Winters  
City Hall Council Chambers  
318 First Street  
Winters, CA 95694

The following is a proposal to consider for the planned sound system upgrade at the City Hall Council Chambers. As we discussed at our meeting and with the troubleshooting that we performed on site, I am confident that we have identified the source of the noises (various cell phone type device communication protocols) that have plagued the sound system recently as well as the paths that they are entering (mic capsule and low level wiring) the sound system. I have included the consulting, design and drafting items into a single complete turn-key package that you will need to complete the system and maintain installation drawings/documentation for the city records. In the design approach, we considered this opportunity to bring the entire system up to current standards including ADA assistive listening equipment that was not present as part of the original installation upgrade at least 15 years ago. The system will address your specific needs with special attention paid to ease of use and long term reliability.

Cost for the design, development, equipment, materials and installation labor based on the preliminary design is \$11,555.72. Changes to the scope, or additional features requested may increase this, but in any case would be discussed during design review.

1. **Sound System** – Design and develop a specific sound system for the council chambers to your operational needs, including the wiring backbone, input/output panels, wired and wireless microphones, mixer, signal processing and specific interfaces such as podium muting and broadcast feed muting. I will also provide necessary installation drawings, and identify any specific equipment that will be re-used. A credit will be issued as a trade-in for any existing equipment not re-used.
2. **Drawings and Specifications** – Develop a set of working drawings, including (as required) signal one-line diagrams, rack layout, conduit fill or wiring plans, speaker installation plans, wire routing and type, signal/wire/connector plate standards. Drawings will also be provided for building/fire dept. approvals.
3. **Installation** – We will provide and install all equipment and materials per the approved drawings, test and calibrate the system and train city staff in its use.
4. **Warranty** – All equipment and installation is guaranteed for 1 year parts and labor, on-site, including re-used equipment. We will handle all warranty issues for the city.
5. **Terms** – We will bill this project as due Net 30 days after completion of installation, nothing due until that time. This proposal is good through Dec. 31, 2012.
6. **Insurance** – We will provide a certificate of additionally insured, naming The City of Winters as additionally insured with respect to this project.

If this looks acceptable to you, let me know so that we may proceed with the paperwork. I expect that we could get the design portion complete within a few days, ready for review. After approval of the design, I would expect that the installation could start when the equipment arrives (approx. 2 weeks) and require about a week to complete.

Andy Field  
Substrate Engineering

**CITY OF WINTERS  
 COUNCIL CHAMBERS SOUND SYSTEM  
 REVISION: 10/22/2012**

CATEGORY	ITEM DESCRIPTION	QUANTITY
----------	------------------	----------

**SOUND SYSTEM (EQUIPMENT)**

	EQUIPMENT RACK (EXISTING)	1
	MIXER, ROLLS RM-82 (XLR VERSION)	2
	AUDIO DISTRIBUTION AMPLIFIER, ROLLS RDA-163 1X8 (XLR VERSION)	1
	70 VOLT POWER AMP, 70 WATT MONO, ROLLS RA-170	1
	COMPRESSOR, DBX-266XS	1
	AUDIO ISOLATION TRANSFORMER, 1:1 LINE LEVEL (XLR VERSION)	1
	FEEDBACK SUPRESOR, SABINE FBX-1210	1
	DIGITAL RECORDER, TASCAM WITH XLR-1/8" ADAPTER CABLE	1
	ADA ASSISTIVE LISTENING SYSTEM, FM, WILLIAMS SOUND (USED)	1
	PODIUM KILL SWITCH W/ BLACK ALUMINUM PANEL	1
	BROADCAST KILL SWITCH W/ BLACK ALUMINUM PANEL	1
	SLIMLINE RF HARDENED GOOSENECK MIC, AUDIO TECHNICA ES915-18	9
	MICROPHONE MOUNTING PLATE WITH RUBBER ISOLATION, AT8646QM	9
	MICROPHONE WIRING HARNESS, 9 PAIR WITH CONNECTORS	1
	WIRELESS MICROPHONE, AT2000 SYSTEM (REUSE EXISTING)	1
	WIRELESS MICROPHONE, AT2000 SYSTEM (NEW FOR PODIUM)	1
	LAPTOP/I-POD PLAYBACK INTERFACE (WITH TRANSFORMER ISOLATION)	1
	TRADE-IN OF EXISTING MICROPHONES	-10
	TRADE-IN OF EXISTING ELECTRONICS	-1

**MATERIALS SUBTOTAL OF THIS CATEGORY:**

**SALES TAX, YOLO COUNTY (WINTERS) 7.25%**

**MATERIALS TOTAL OF THIS CATEGORY:**

	INSTALLATION LABOR - RACK WIRING	6
	INSTALLATION LABOR - INSTALL MIC JACKS AND SWITCH PLATES	11
	INSTALLATION LABOR - INSTALL MIC WIRING HARNESS IN DIAS	4
	INSTALLATION LABOR - PROGRAM AND CALIBRATE SYSTEM	4
	INSTALLATION LABOR - FINAL TEST BROADCAST/ADA/RECORD	3

**LABOR SUBTOTAL OF THIS CATEGORY:**

**JOB TOTAL OF THIS CATEGORY (PARTS & LABOR & TAX):**

## Nanci Mills

---

**From:** Agedhorse@aol.com  
**Sent:** Monday, October 22, 2012 9:52 PM  
**To:** Tracy S. Jensen  
**Cc:** Nanci Mills  
**Subject:** Re: Microphones in Winters City Council Chambers  
**Attachments:** Winters City Hall 12-22-2012 proposal.pdf; Winters City Hall 12-22-2012 scope of work.pdf

Please find the attached proposal along with the equipment list that I think would be the best fit within the initial design. There is a credit built into the proposal cost of ~\$350 for the old microphones and equipment so at least it's not a total waste. It also looks like there may be enough money left for you to go forward with the additional camera for the room. If it helps, maybe I can assist with your talks with Waves Communication and keep them on track for your needs. Same goes for the re-organization of the wiring & equipment in the back room and under the dais.

I included some processing to help level out the volume for the broadcast feed to cable, I think between properly calibrating the feed and then applying some dynamics processing, we can improve things by a factor of 4 without too much work.

Let me know if this works for you,

Andy



**CITY COUNCIL  
STAFF REPORT**

**TO:** Honorable Mayor and Councilmembers  
**DATE:** December 4, 2012  
**THROUGH:** John W. Donlevy, Jr., City Manager   
**FROM:** Nanci G. Mills, Director of Administrative Services/City Clerk  
**SUBJECT:** Claim Against the City of Winters – Kimberly Williams

---

**RECOMMENDATION:**

It is recommended that the City Council deny the claim and refer to Yolo County Public Agency Risk Management Insurance Authority (YCPARMIA).

**BACKGROUND:**

Anytime the City of Winters receives a Claim for Damages to Person or Property, the claim is denied and referred to YCPARMIA to handle the investigation.

**FISCAL IMPACT:**

Not to exceed the City's \$1,000 deductible, with any costs in excess to come from funds pooled at the JPA.



**RECEIVED**  
 NOV 26 2012  
 CITY OF WINTERS

CLAIM FOR DAMAGES  
 TO PERSON OR PROPERTY

TO: (Entity) \_\_\_\_\_

1. Claims for death, injury to person or to personal property must be filled out not later than six months after the occurrence. (Gov. Code Sec. 911.2)
2. Claims for damages to real property must be filled not later than 1 year after the occurrence.
3. Read entire claim form, both sides, before filing.
4. See page 2 for diagram upon which to locate place of accident.
5. This claim form must be signed on page 2 at bottom.
6. Attach separate sheets, if necessary, to give full details. SIGN EACH SHEET.

NAME OF CLAIMANT <b>Kimberly Williams</b>		Date of Birth of Claimant <b>5/25/1967</b>
Home Address of Claimant <b>1701 Marshall Rd. #154 Vacaville, CA 95687</b>		Occupation of Claimant
Business Address of Claimant		Home Telephone Number <b>(707) 439-6394</b>
City and State		Business Telephone Number
Give address and telephone number to which you desire notices or communications to be sent regarding this claim: <b>1544 Eureka Rd. Ste. 120 Roseville CA 95661 (916) 788-1960</b>		
When did DAMAGE or INJURY occur? Date <b>6/25/12</b> Time <b>02:40pm</b>	Section 111 of the Medicare Medicaid & S-CHIP Extension Act requires the entity to report certain claims to the federal government. Please indicate if the claimant is: 65 years of age or older, or is receiving Social Security Disability Insurance Benefits for 24 or more months, or has End Stage Renal Disease. If yes, you may be required to provide additional information to process your claim. YES <input type="radio"/> NO <input checked="" type="radio"/> (circle one)	
If claim is for Equitable Indemnity, give date claimant served with the complaint: Date _____		

Where did DAMAGE or INJURY occur? Describe fully, and locate-on-diagram on Page 2. Where appropriate, give street names and address and measurements from landmarks.

*See attached.*

Describe in detail how the DAMAGE or INJURY occurred:

**Our client was driving W/B on Grant Avenue through a construction zone, when suddenly a big dump truck pulled out in front of her and collided with her vehicle. Please see attached page.**

Names of any employees involved in INJURY or DAMAGE:

Why do you claim the Entity is responsible?

**John H. Martin. Mr. Martin did not confirm that the roadway was clear prior to entering it.**

**Describe in detail each INJURY or DAMAGE:**

The amount claimed, as of the date of presentation of the claim, is computed as follows:

Damages incurred to date (exact)		Estimated prospective damages as far as known	
Damage to property.....\$	_____	Future expenses for medical and hospital care.....\$	_____
Expenses for medical and hospital care...\$	_____	Future loss of earnings.....\$	_____
Loss of earnings.....\$	_____	Other prospective special damages.....\$	_____
Special damages for.....\$	_____	Total estimate prospective damages.....\$	_____
General Damages.....\$	_____		
Total damages incurred to date.....\$	_____		

Total amount claimed as of date of presentation of the claim: \$ \_\_\_\_\_

Was damage and/or injury investigated by police? yes If so, what city? Winters Police Dept.  
Were paramedics or ambulance called? yes If so, name city or ambulance AMR  
If injured, state date, time, name and address of doctor of your first visit Sutter Davis Medical Ctr.  
2000 Sutter Place Davis, CA 95616. Ph#: 530-756-6440

**WITNESSES to DAMAGE or INJURY. List all person and addresses of persons known to have information:**

Name Please see Police Report Address \_\_\_\_\_ Phone \_\_\_\_\_  
Name \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_  
Name \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_

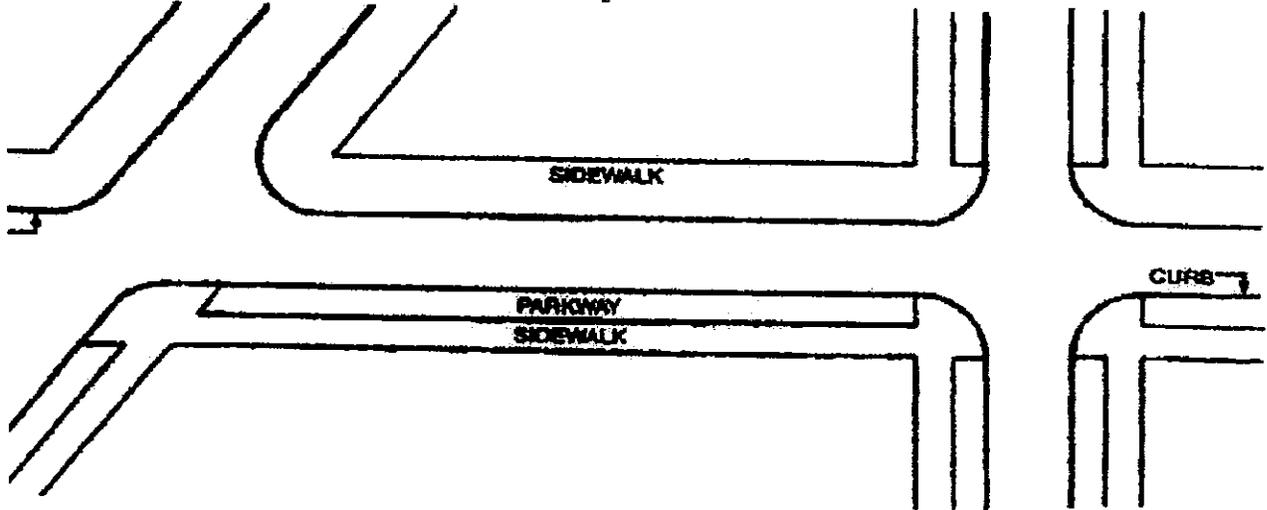
**DOCTORS and HOSPITALS**

Hospital Sutter Davis Hosp. Address 2000 Sutter Place Date Hospitalized 6/25/12  
Doctor Ctr. For Interventional Address \_\_\_\_\_ Date of Treatment \_\_\_\_\_  
Doctor Soto Chiropractic Address \_\_\_\_\_ Date of Treatment \_\_\_\_\_  
Please see attachment for additional providers

**READ CAREFULLY**

For all accident claims place on following diagram names of streets, including North, East, South and West. Indicate place of accident by "X" and by showing house numbers or distance to street corners.	NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by claimant.
---	--

Please refer to the Police Report



Signature of Claimant or person filing on his behalf giving relationship to Claimant: <u>[Signature]</u> <u>Attorney</u>	PRINT Name: <b>JAMES R. LEWIS</b>	Date: <u>11/9/12</u>
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NOTE: CLAIMS MUST BE FILED WITH THE CLERK OR GOVERNING BOARD (Gov. Code Sec. 915a). Presentation of a false claim is a felony (Pen. Code Sec. 72)

City of Winters Claim Form Continued:

Re: Kimberly  
Williams

Describe in detail how the damage and injury occurred:

As a result of this collision, our clients vehicle sustained \$10,322.66 in damages and she injured her neck, back, and chest.

City of Winters Claim Form Continued:

**Doctors and Hospitals:**

- 1) Sutter Davis Medical Ctr. 2000 Sutter Place Davis, CA 95616. Phone#: 530-756-6440
- 2) American Medical Response P.O. Box 3429 Modesto, CA 95353. Phone#: 800-913-9106
- 3) Center for Interventional Spine 1817 Professional Drive Sacramento, CA 95825. Phone #: 916-977-0741
- 4) Soto Chiropractic 1212 W. Robinhood Drive Ste. 1F Stockton, CA 95207. Phone #: 209-474-8215
- 5) Sacramento Spine Treatment Center 1111 Exposition Blvd. Bldg 500B Sacramento, CA 95815
- 6) Advantage Plus MRI 800 Howe Avenue Suite 230 Sacramento, CA 95825. Phone#: 916-929-2178
- 7) Vacaville Chiropractic 595 Buck Avenue Suite C. Vacaville, CA 95688. Phone#: 707-448-3008

STATE OF CALIFORNIA  
**TRAFFIC COLLISION REPORT**  
 CHP 555 Page 1 (Rev.7-03) OPI 061

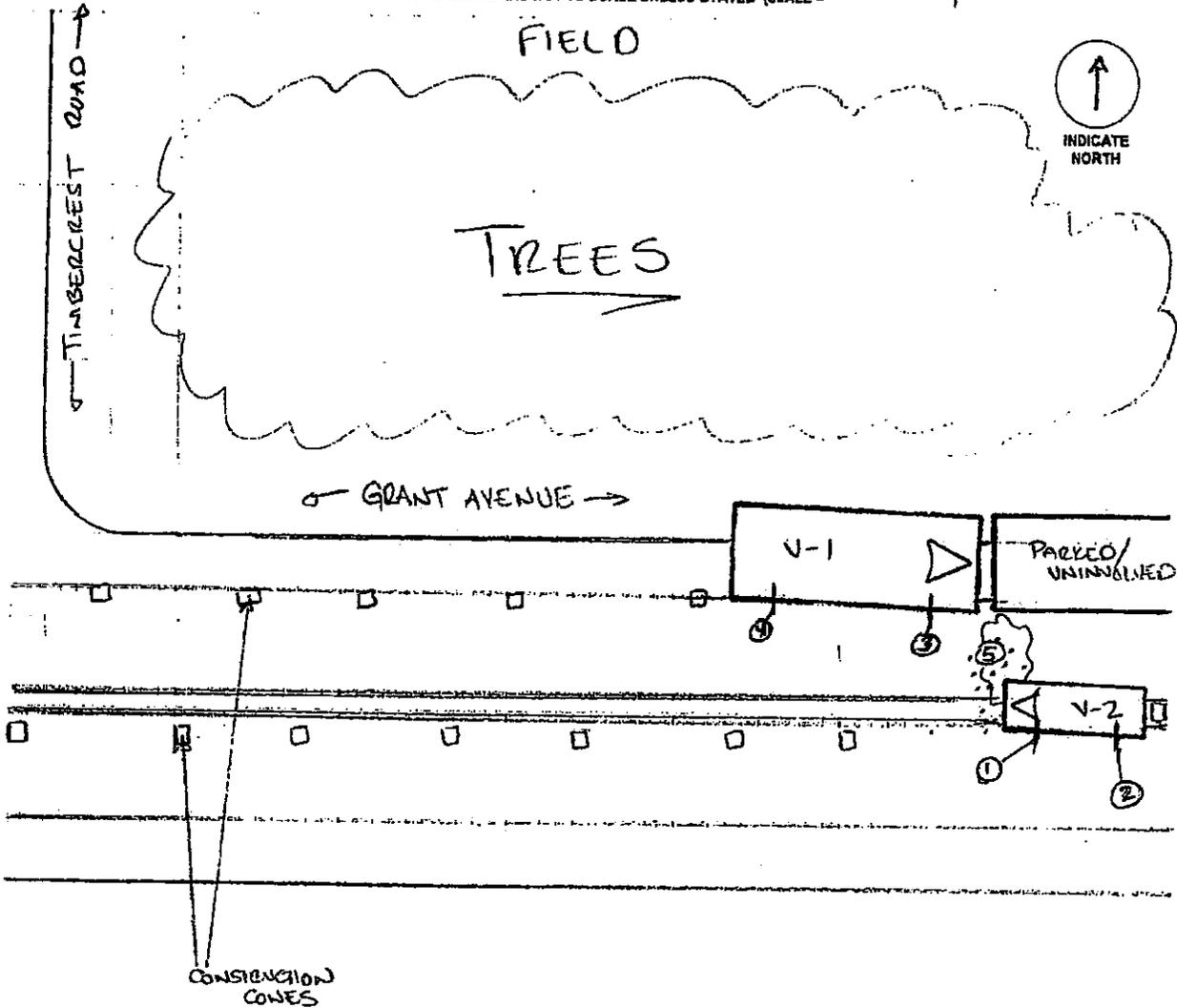
SPECIAL CONDITIONS <b>NONE</b>		NUMBER INJURED <b>1</b>	MT & RUN FELDNY <input type="checkbox"/>	CITY <b>WINTERS</b>	JUDICIAL DISTRICT <b>Yolo Superior</b>	LOCAL REPORT NUMBER <b>12-483</b>	
NUMBER KILLED <b>0</b>		MT & RUN MISDEMEANOR <input type="checkbox"/>	COUNTY <b>Yolo</b>	REPORTING DISTRICT <b>B</b>	BEAT <b>B</b>		
LOCATION	COLLISION OCCURRED ON <b>GRANT AVENUE</b>			MO. DAY YEAR <b>6-25-12</b>	TIME (2400) <b>1440 Hrs</b>	NCIC # <b>5702</b>	OFFICER I.D. <b>#533</b>
	MILEPOST INFORMATION			DAY OF WEEK <b>S (M) T W T F S</b>	TOWAWAY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PHOTOGRAPHS BY <b>J. HEARN</b> <input type="checkbox"/> NONE	
	AT INTERSECTION WITH <input checked="" type="checkbox"/> OR: <b>112'</b> FEET/MILES EAST OF EAST CURB LINE OF TIMBERCREST RD			STATE HWY REL <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		PHOTOGRAPHS BY <b>#533</b>	
PARTY 1	DRIVER'S LICENSE NUMBER <b>N5366116</b>	STATE <b>CA</b>	CLASS <b>A</b>	AIR BAG <b>M</b>	SAFETY EQUIP. <b>E</b>	VEH. YEAR <b>99</b>	MAKE/MODEL/COLOR <b>KENWORTH/WHT</b>
DRIVER	NAME (FIRST, MIDDLE, LAST) <b>JOHN HUMAN MARTIN</b>			OWNER'S NAME <input checked="" type="checkbox"/> SAME AS DRIVER			
PEDESTRIAN	STREET ADDRESS <b>804 SUFFOLK PLACE</b>			OWNER'S ADDRESS <input checked="" type="checkbox"/> SAME AS DRIVER			
PARKED VEHICLE	CITY/STATE/ZIP <b>WINTERS CA, 95694</b>			DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input checked="" type="checkbox"/> DRIVER <input type="checkbox"/> OTHER			
BICYCLIST	SEX <b>M</b>	HAIR <b>BRN</b>	EYES <b>BLU</b>	HEIGHT <b>600</b>	WEIGHT <b>270</b>	Mo. Day Year <b>5-29-59</b>	RACE <b>W</b>
OTHER	HOME PHONE <b>UNK</b>			BUSINESS PHONE <b>530-795-1289</b>			
INSURANCE CARRIER <b>FINANCIAL PACIFIC</b>		POLICY NUMBER <b>181916B</b>					
DIR OF TRAVEL ON STREET OR HIGHWAY <b>E/B GRANT AVENUE</b>		SPEED LIMIT <b>25 mph</b>					
PARTY 2	DRIVER'S LICENSE NUMBER <b>A1358123</b>	STATE <b>CA</b>	CLASS <b>C</b>	AIR BAG <b>L</b>	SAFETY EQUIP. <b>E</b>	VEH. YEAR <b>06</b>	MAKE/MODEL/COLOR <b>NISSAN/MURANO/BLU</b>
DRIVER	NAME (FIRST, MIDDLE, LAST) <b>KIMBERLY RENEE WILLIAMS</b>			OWNER'S NAME <input checked="" type="checkbox"/> SAME AS DRIVER			
PEDESTRIAN	STREET ADDRESS <b>2838 PINE BROOK DRIVE</b>			OWNER'S ADDRESS <input checked="" type="checkbox"/> SAME AS DRIVER			
PARKED VEHICLE	CITY/STATE/ZIP <b>STOCKTON CA, 95212</b>			DISPOSITION OF VEHICLE ON ORDERS OF: <input checked="" type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER			
BICYCLIST	SEX <b>F</b>	HAIR <b>BLK</b>	EYES <b>BRN</b>	HEIGHT <b>508</b>	WEIGHT <b>200</b>	Mo. Day Year <b>5-25-67</b>	RACE <b>B</b>
OTHER	HOME PHONE <b>UNK</b>			BUSINESS PHONE <b>209-670-4580</b>			
INSURANCE CARRIER <b>AAA</b>		POLICY NUMBER <b>CAW003012123</b>					
DIR OF TRAVEL ON STREET OR HIGHWAY <b>W/B GRANT AVENUE</b>		SPEED LIMIT <b>25 mph</b>					
PARTY 3	DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.	VEH. YEAR	MAKE/MODEL/COLOR
DRIVER	NAME (FIRST, MIDDLE, LAST)			OWNER'S NAME			
PEDESTRIAN	STREET ADDRESS			OWNER'S ADDRESS			
PARKED VEHICLE	CITY/STATE/ZIP			DISPOSITION OF VEHICLE ON ORDERS OF:			
BICYCLIST	SEX	HAIR	EYES	HEIGHT	WEIGHT	Mo. Day Year	RACE
OTHER	HOME PHONE			BUSINESS PHONE			
INSURANCE CARRIER		POLICY NUMBER					
DIR OF TRAVEL ON STREET OR HIGHWAY		SPEED LIMIT					
PREPARER'S NAME <b>J. HEARN #533</b>		DISPATCH NOTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		REVIEWER'S NAME <b>A Thomas</b>		DATE REVIEWED <b>7/2/12</b>	





DATE OF COLLISION (MO. DAY YEAR) 6-25-12	TIME (24HR) 1440 HRS.	INCIDENT # 5702	OFFICER I.D. # 533	NUMBER 12-483
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =



GRASS FIELD

Winters Police Dept.  
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REPORTED BY J. HEARN	I.D. NUMBER 533	MO. DAY YEAR 6-25-12	REVIEWER'S NAME <i>A. Barnes</i>	MO. DAY YEAR 7/2/12
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87592 03 75578

DATE OF INCIDENT 6-25-12	TIME 1440	NCIC NUMBER 5702	OFFICER I.D. 533	NUMBER 12-483
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**FACTUAL DIAGRAM LEGEND:**

**VEHICLE POINT OF REST (POR)**

VEH#	WHEEL	FT	DIR	1 <sup>ST</sup> REFERENCE POINT	FT	DIR	2 <sup>ND</sup> REFERENCE POINT
1(3)	RF	105	E	E. CURBLINE PROLONGATION OF TIMBERCREST ROAD	9	S	N. ASPHALT EDGE OF GRANT AVENUE
1(4)	RR	83	E	E. CURBLINE PROLONGATION OF TIMBERSREST ROAD	7	S	N. ASPHALT EDGE OF GRANT AVENUE
2(1)	LF	118	E	E. CURBLINE PROLONGATION OF TIMBERCREST ROAD	21	S	N. ASPHALT EDGE OF GRANT AVENUE
2(2)	LR	128	E	E. CURBLINE PROLONGATION OF TIMBERCREST ROAD	22	S	N. ASPHALT EDGE OF GRANT AVENUE

**PHYSICAL EVIDENCE**

ITEM #	DESCRIPTION
	NONE
5	DEBRIS IN ROADWAY FROM V-2 (CLEAR, ORANGE, AND GREY PLASTIC) AND VEHICLE FLUIDS FROM V-2.

**PHYSICAL EVIDENCE LOCATION**

ITEM #	FT	DIR	1 <sup>ST</sup> REFERENCE POINT	FT.	DIR	2 <sup>ND</sup> REFERENCE POINT
			NONE			
5	117	E	E. CURBLINE PROLONGATION OF TIMBERCREST ROAD	15	S	N. ASPHALT EDGE OF GRANT AVENUE

Winters Police Dept.  
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PREPARER'S NAME J. HEARN	I.D. NUMBER 533	DATE 6-28-12	REVIEWER'S NAME <i>[Signature]</i>	DATE 7/2/12
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**NARRATIVE/SUPPLEMENTAL**PAGE **6**

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
6-25-12	1440	5702	533	12-483

**NOTIFICATION:**

ON 6-25-12 AT ABOUT 1440 HOURS, SERGEANT RAMIREZ AND I (J. HEARN #533) WERE DISPATCHED TO A REPORT OF AN MINOR INJURY TRAFFIC COLLISION ON GRANT AVENUE NEAR TIMBERCREST ROAD. GRANT AVENUE IS A 2 LANE (EAST/ WEST) UNDIVIDED ROADWAY, WHICH IS DIVIDED BY TWO PARALLEL SOLID YELLOW LINES.

THIS AREA OF GRANT AVENUE HAS A SPEED LIMIT OF 45 MPH. AT THE TIME OF THE COLLISION; THERE WAS A REDUCED SPEED LIMIT OF 25 MPH DUE TO ROAD WORK BEING CONDUCTED. THE E/B AND W/B LANES OF TRAFFIC WERE REDUCED FROM THEIR NORMAL SIZE DUE TO THE NORTH SHOULDER OF GRANT AVENUE BEING UNDER CONSTRUCTION.

AT 1444 HOURS, WE ARRIVED ON SCENE. I MET WITH D-2, KIMBERLY WILLIAMS WHO WAS SITTING IN AN UNINVOLVED VEHICLE AWAY FROM THE COLLISION. D-2 WAS COMPLAINING OF SHOULDER AND NECK PAIN FROM THE COLLISION. D-2 PROVIDED ME HER STATEMENT AND SUMMARY INFORMATION BELOW. I THEN CONTACTED D-1 WHO WAS STANDING NEAR V-1. D-1 PROVIDED ME WITH HIS STATEMENT AND SUMMARY INFORMATION. ALL TIMES, SPEEDS, AND MEASUREMENTS IN THIS REPORT ARE APPROXIMATE. MEASUREMENTS WERE TAKEN WITH A ROLL-A-TAPE.

**PARTIES:**

D-2 WAS LOCATED ON SCENE SITTING IN AN UNINVOLVED VEHICLE AWAY FROM THE COLLISION. D-2 STATED SHE IS THE REGISTERED OWNER OF V-2 AND WAS THE ONLY OCCUPANT OF THE VEHICLE AT THE TIME OF THE COLLISION. D-2 WAS IDENTIFIED TO ME BY THE USE OF HER CALIFORNIA DRIVER'S LICENSE TO BE KIMBERLY WILLIAMS.

D-1 WAS LOCATED ON SCENE STANDING NEAR V-1 WHICH WAS LOCATED AT THE SCENE OF THE COLLISION. D-1 STATED HE IS THE REGISTERED OWNER OF V-1 AND WAS DRIVING V-1 DURING THE COLLISION. D-1 WAS IDENTIFIED TO ME BY THE USE OF HIS CALIFORNIA DRIVERS LICENSE AS D-1 JOHN MARTIN. D-1 TOLD ME HE WAS THE ONLY OCCUPANT OF V-1.

W-1, YEVGENIY PAVLIOGLO WAS LOCATED STANDING IN THE MIDDLE OF GRANT AVENUE CONDUCTING TRAFFIC CONTROL FOR THE CONSTRUCTION SITE. HE WAS NOT WORKING TRAFFIC CONTROL DURING THE COLLISION, BUT WAS ASSIGNED TO THE TASK WHEN NEEDED.

W-2, JOSE GUERRA WAS LOCATED STANDING NEAR THE COLLISION. HE IS THE FOREMAN FOR THE CONSTRUCTION PROJECT AND WAS WORKING AND ON SITE DURING THE COLLISION.

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**STATEMENTS:**

D-2 STATED SHE WAS DRIVING W/B ON GRANT AVENUE. SHE COULD SEE THE CONSTRUCTION ZONE, BUT DID NOT NOTICE THE SPEED HAD BEEN REDUCED FROM 45 MPH TO 25 MPH. D-2 TOLD ME SHE WAS DRIVING STRAIGHT THROUGH THE CONSTRUCTION ZONE, WHEN SUDDENLY V-1 PULLED OUT IN FRONT OF HER. D-2 TOLD ME SHE DID NOT HAVE TIME TO STOP HER VEHICLE. D-2 TOLD ME V-1 PULLED OUT FROM THE NORTH SIDE OF GRANT AVENUE AND WAS CONTINUING E/B IN THE W/B LANE. D-2 STATED SHE FELT SHE WAS DRIVING NO LESS THAN 30 MPH WHEN SHE COLLIDED WITH V-1.

D-1 STATED HE WAS DELIVERING A LOAD OF GRAVEL TO THE CONSTRUCTION SITE. HE PARKED V-1 ON THE NORTH SIDE OF GRANT AVENUE (FACING E/B) AND ALLOWED THE CONSTRUCTION WORKERS TO REMOVE THE LOAD OF MATERIAL. ONCE THE LOAD WAS COMPLETE, HE CONTINUED TO PULL OUT INTO W/B GRANT AVENUE. HAVING A DIFFICULT TIME SEEING THE W/B TRAFFIC DUE TO A WATER

PREPARER'S NAME	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
J. HEARN	533	6-28-12	Alamo	7/2/12

**NARRATIVE/SUPPLEMENTAL**PAGE **7**

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D	NUMBER
6-25-12	1440	5702	533	12-483

TRUCK WHICH WAS PARKED DIRECTLY IN FRONT OF V-1, HE SLOWLY PULLED OUT INTO THE ROADWAY. ONCE V-1'S FRONT BUMPER WAS INTO THE W/B LANE, V-2 COLLIDED WITH HIM. FROM D-1'S VIEW, HE FEELS THAT D-2 WAS TRAVELING AT A SPEED OF 50 MPH. V-1 TOLD ME HE DID NOT KNOW IF THERE WERE ACTIVE TRAFFIC CONTROLLERS IN THE ROADWAY AT THE TIME OF THE COLLISION. HE STATED HE HAD NO WAY TO COMMUNICATE WITH THE TRAFFIC CONTROLLERS.

W-1 STATED HE WAS CURRENTLY ASSIGNED TO WORK TRAFFIC CONTROL FOR THE JOB SITE. HE WAS RELIEVED OF HIS DUTIES WHEN GRANT AVENUE'S E/B AND W/B LANES WERE BOTH OPEN FOR TRAFFIC. THE LANES WERE NARROWED DUE TO WORK ON THE NORTH SHOULDER, WHICH CAUSED THE SPEED LIMIT TO BE REDUCED TO 25 MPH. W-1 WAS STANDING ON THE NORTH SHOULDER OF GRANT AVENUE DURING THE COLLISION. D-1 TOLD ME HE WAS NOT ORDERED TO CONDUCT TRAFFIC CONTROL AT THE TIME OF THE COLLISION AND DID NOT KNOW V-1 WAS ENTERING THE ROADWAY. W-1 SAW V-2 DRIVING W/B THROUGH THE JOB SITE AT ABOUT 40 MPH BEFORE THE COLLISION. W-1 DID NOT SEE THE IMPACT, BUT HEARD A LOUD "BOOM."

I THEN SPOKE WITH W-2, JOSE GUERRA WHO IS THE FOREMAN FOR THE JOB SITE. W-2 TOLD ME HE WAS ON SITE WHEN THE COLLISION OCCURRED, BUT DID NOT SEE IT. HE WAS UNAWARE OF V-1 ATTEMPTING TO ENTER THE ROADWAY AND DID NOT HAVE ANY TRAFFIC CONTROLLERS CONTROLLING TRAFFIC AT THE TIME OF THE COLLISION.

**SUMMARY:**

D-1 WAS ATTEMPTING TO PULL INTO THE ROADWAY AND TRAVEL E/B IN THE W/B LANE OF GRANT AVENUE. D-1 HAD AN OBSTRUCTED VIEW OF THE ROADWAY AND COULD NOT SEE V-2 AS IT WAS TRAVELING W/B ON GRANT AVENUE.

D-2 WAS TRAVELING W/B ON GRANT AVENUE THROUGH A CLEARLY POSTED CONSTRUCTION ZONE WITH A REDUCED SPEED OF 25 MPH. D-2 WAS TRAVELING AT AN UNSAFE SPEED OF ABOUT 40 MPH AND COULD NOT SLOW IN TIME TO AVOID COLLIDING WITH V-1 AS HE PULLED INTO THE ROADWAY.

I PHOTOGRAPHED THE DAMAGES TO V-1 AND V-2 WITH A DIGITAL CAMERA. THE PHOTOS ARE ATTACHED TO THIS REPORT.

**PHYSICAL EVIDENCE:**

PAINT TRANSFER FROM V-2 LOCATED ON V-1'S FRONT BUMPER AND PIECES OF GREY, ORANGE, AND CLEAR PLASTIC WHICH APPEARED TO BE FROM V-2 WAS AT THE SCENE (SEE ATTACHED PHOTOS). V-1 ALSO HAD A LARGE DENT ON IT'S FRONT BUMPER. THERE WAS A 2' X 6' PATCH OF VEHICLE FLUID FLOWING OUT FROM UNDER V-2 ONTO THE ROADWAY.

V-1 SUSTAINED MINOR BODY DAMAGE TO ITS FRONT BUMPER. THERE WAS PAINT TRANSFER FROM V-2 ON V-1'S BUMPER.

V-2 SUSTAINED MAJOR BODY DAMAGE TO THE FRONT ENGINE COMPARTMENT AREA. THE ENTIRE FRONT END OF V-2 WAS CRUSHED IN TOWARDS THE WINDSHIELD, CAUSING THE HOOD TO SEVERELY RISE UP. THE FRONT BUMPER WAS CRUSHED ALONG WITH THE PLASTIC BODY WORK. THE ENGINE WAS LEAKING FLUIDS ONTO THE ROADWAY.

Winters Police Dept.  
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PREPARER'S NAME	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
J. HEARN	533	6-28-12	Adams	7/2/12

**NARRATIVE/SUPPLEMENTAL**

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D	NUMBER
6-25-12	1440	5702	533	12-483

**AREA OF IMPACT:**

THE AOI WAS DETERMINED TO BE ABOUT 112' E OF THE EAST CURB LINE PROLONGATION OF TIMBERCREST ROAD, AND ABOUT 22' FEET SOUTH OF THE NORTH ROADWAY EDGE OF GRANT AVENUE.

**CAUSE:**

D-1 CAUSED THIS COLLISION BY BEING IN VIOLATION OF 22106 CVC WHICH STATES -"UNSAFE STARTING OR BACKING."

D-2 CONTRIBUTED TO THE COLLISION BY BEING IN VIOLATION OF 22350 CVC WHICH STATES -"UNSAFE SPEED GIVEN THE ROADWAY CONDITIONS."

**RECOMMENDATIONS:**

NONE

**PROPERTY REPORT:** NONE

**EVIDENCE REPORT:** NONE

**ATTACHMENTS:** DIGITALS PHOTOS PAGES

**CASE STATUS:** CLEARED BY REPORT

Winters Police Dept.  
Do Not Duplicate

PREPARER'S NAME	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
J. HEARN <i>[Signature]</i>	533	6-28-12	<i>[Signature]</i>	7/2/12



**CITY COUNCIL  
STAFF REPORT**

**TO:** Honorable Mayor and Council Members  
**DATE:** December 4, 2012  
**THROUGH:** John W. Donlevy, Jr., City Manager *JWD*  
**FROM:** Dan Maguire, Economic Development and Housing Manager *DM*  
**SUBJECT:** Winters Visitor Center Update

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**RECOMMENDATIONS:**

Staff recommends the City Council: 1) receive the staff report updating the status of the Winters Visitor Center, and 2) authorize the City Manager to execute a new agreement with the Winters Chamber of Commerce to continue the staffing and management of the Winters Visitor Center.

**BACKGROUND:**

In February 2009, the Community Development Agency ("CDA") approved a lease agreement for the use of 11 Main Street. The proposed use was for the development of a "destination location". The goals were to either recruit a destination business for the space, or develop an Agency sponsored location to spur local economic and business development.

On May 5, 2009, the CDA Board of Directors approved the Winters Visitor Center Concept Plan, approved a Consultant Services Agreement with DaRe, LLC for interior design and multi-media center development, and authorized an agreement between the CDA and the Winters Chamber of Commerce for staffing and management. The CDA entered into a sublease agreement with the Chamber on July 1, 2009.

More recently, the City, as Successor Agency to the Redevelopment Agency, was advised that the Department of Finance ("DOF") disallowed the support of the Visitor Center on ROPS 3, which covers the period beginning January 1, 2013. Based on the DOF ruling, the City as Successor Agency to the Redevelopment Agency is no longer able to provide funding from Tax Increment as a recognized obligation payment.

At the November 20, 2012 City Council meeting, City Council received a presentation

from Chamber of Commerce Board Director Howard Hupe, who asked the City to look at continuing some level of funding that would allow the Chamber to continue the Visitor Center operation.

Subsequently, staff met to review the Chamber and Visitor Center financials. Based on the City's historical investment in the Visitors Center and the results generated by the Chamber's operation of the Visitor Center, staff recommends the City Council approve the City's continuation of the lease with the Opera House Partners, and sublease to the Chamber of Commerce. The lease terms proposed for approval are based on the reduced rent rate of \$750 per month, with an additional \$35 per month as the spaces pro-rated share of City utilities. The Opera House Partners' revised rent is approximately \$200 per month less than the previous rent rate.

**FISCAL IMPACTS:**

In the event City Council authorizes the City Manager to execute a new agreement, a budget adjustment to appropriate funds from the General Fund for operating the Visitor Center will come to City Council as one of several budget adjustments to be presented at the December 18, 2012 Council meeting.

\$4,710 in Fiscal Year 2012/2013, and \$9,420 in Fiscal Year 2013/2014



CITY COUNCIL  
STAFF REPORT

TO: Honorable Mayor and Council Members  
DATE: December 4, 2012  
THROUGH: John W. Donlevy, Jr., City Manager   
FROM: John C. Wallace, City Attorney  
SUBJECT: Ordinance 2012-07 - Regulation of Taxicabs in Winters

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**RECOMMENDATION:** Hold the Continued Public Hearing, and decide on the ordinance.

**BACKGROUND:** Under the California Vehicle Code, each City in California has the authority to regulate taxicab service and require a permit to do so. Fees equivalent to the staff cost in regulating can be charged without violating California law. Interest has been shown for the service, and hotel negotiations are in progress. Under this ordinance, like other cities, the Police Department will handle permitting and regulation. The fee section of the ordinance will be set by City Council resolution based on staff figures on the cost of regulation. Those costs will include fingerprinting and criminal background checks.

**FISCAL IMPACT:** Staff time and costs, to be offset by fees.

**CITY OF WINTERS ORDINANCE NO. 2012-07**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS  
ADDING TITLE 5, CHAPTER 5.44 TO THE WINTERS MUNICIPAL CODE TO  
PERMIT AND REGULATE TAXICABS WITHIN THE CITY OF WINTERS**

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 permit and regulate taxicabs within the City of Winters, pursuant to California Vehicle Code Sections 16501, 21100, and 21112. With a hotel application pending, and interest shown, the City Council will regulate taxicabs to insure the safety, and safe treatment, of its citizens.

**SECTION 2:** Chapter 5.44 of Title 5 of the Winters Municipal Code is hereby added to read as follows:

**Chapter 5.44  
TAXICABS**

**Sections:**

- 5.44.010 Definitions.
- 5.44.020 Certificate – Required.
- 5.44.030 Certificate – Application.
- 5.44.040 Certificate – Copy to police chief.
- 5.44.050 Certificate – Hearings.
- 5.44.060 Certificate – Issuance of denial.
- 5.44.070 Certificate – Transferability.
- 5.44.080 Certificate – Annual fees.
- 5.44.090 Insurance.
- 5.44.100 Certificate – Quarterly fees.
- 5.44.110 Driver's license – Required.
- 5.44.120 Driver's license – Application.
- 5.44.130 Driver's license – Chauffeur's license required.
- 5.44.140 Driver's license – Investigation.
- 5.44.150 Driver's license – Approval or rejection.
- 5.44.160 Taxi permit – Contents.
- 5.44.170 Driver's license – Display.
- 5.44.180 Permit – Suspension or revocation.
- 5.44.190 Compliance required.
- 5.44.200 Vehicle – Inspection.
- 5.44.210 Vehicle – Identification.

<u>5.44.220</u>	Fare rates.
<u>5.44.230</u>	Refusal to pay legal fare.
<u>5.44.240</u>	Solicitation of passengers.
<u>5.44.250</u>	Manner of receiving and discharging passengers.
<u>5.44.260</u>	Cruising prohibited.
<u>5.44.270</u>	Additional passengers.
<u>5.44.280</u>	Refusing to carry orderly Persons prohibited.
<u>5.44.290</u>	Prohibited acts of drivers.
<u>5.44.300</u>	Call box – Establishment.
<u>5.44.310</u>	Call box – Use by other vehicles.
<u>5.44.440</u>	Overall service.
<u>5.44.330</u>	Manifests.
<u>5.44.340</u>	Accident reports.
<u>5.44.350</u>	Advertising.
<u>5.44.360</u>	Enforcement.

For statutory provisions authorizing cities to license and regulate vehicles for hire, see Vehicle Code §§16501, 21100 and 21112; for provisions on the financial responsibility of commercial passenger vehicles, see Vehicle Code §16500 et seq.

#### **5.44.010 Definitions.**

The following words and phrases when used in this chapter have the meanings as set out in this section:

A. "Call box stand" means a place alongside a street, or elsewhere, where the city council has authorized a holder of a certificate of public convenience and necessity to install a telephone or call box for the taking of calls and the dispatching of taxicabs or to maintain a cab stand.

B. "Certificate" means a certificate of public convenience and necessity issued by the city council authorizing the holder thereof to conduct a taxicab business in the city.

C. "Cruising" means the driving of a taxicab on the streets, alleys, or public places of the city in search of or soliciting prospective passengers for hire.

D. "Driver's permit" means the permission granted by the chief of police to a person to drive a taxicab upon the streets of the city.

E. "Holder" means a person to whom a certificate of public convenience and necessity has been issued.

F. "Manifest" means a daily record prepared by a taxicab driver of all trips made by said driver showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.

G. "Open stand" means a public place alongside the curb of a street or elsewhere, in the city which has been designated by the city council as reserved exclusively for the use of taxicabs.

H. "Person" includes an individual, a corporation or other legal entity, a partnership, and any unincorporated association.

I. "Rate card" means a card issued by the city council for display in each taxicab which contains the rates of fare then in force.

J. "Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of less than eight persons and not operated on a fixed route.

K. "Waiting time" means the time when a taxicab is not in motion from any time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or fault of a passenger or passengers.

**5.44.020 Certificate – Required.**

No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the city without having first obtained a certificate of public convenience and necessity from the city council.

**5.44.030 Certificate – Application.**

An application for a certificate of public convenience and necessity shall be filed, in duplicate, with the office of the city clerk upon forms provided by the city together with a non-refundable application fee set by resolution of the city council. The application shall be verified under oath and shall furnish the following information:

- A. The name and address of the applicant;
- B. The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to said judgments;
- C. The experience of the applicant in the transportation of the passengers;
- D. Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate;
- E. The number of vehicles to be operated or controlled by the applicant;
- F. The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant;
- G. Such further information as the chief of police of the city may require.

**5.44.040 Certificate – Copy to police chief.**

On receipt of an application for a certificate of public convenience and necessity, the city clerk shall immediately forward a copy thereof to the chief of police.

**5.44.050 Certificate – Hearings.**

Upon the filing of an application for a certificate of public convenience and necessity, the city clerk shall fix a time and place for a public hearing thereon. Notice of such hearing shall be given to the applicant and to all persons to whom certificates of public convenience and necessity have been theretofore issued. Any interested person may file with the city clerk a memorandum in support of or opposition to the issuance of a certificate.

**5.44.060 Certificate – Issuance of denial.**

A. If the city council finds that further taxicab service in the city is required by the public convenience and necessity and that the applicant is fit, willing, and able to perform such public transportation and to conform to the provisions of this chapter and the rules promulgated by the city council, then the chief of police shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under said certificate and the date of issuance; otherwise, the application shall be denied.

B. In making the above findings, the city council shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience, and responsibility of the applicant.

#### **5.44.070 Certificate – Transferability.**

No certificate or public convenience and necessity may be sold, assigned, mortgaged or otherwise transferred.

#### **5.44.080 Certificate – Annual fees.**

A. No certificate shall be issued or continued in operation unless the holder thereof has paid an annual license fee for the right to engage in the taxicab business and a fee per year for each vehicle operated under a certificate of public convenience and necessity. Fees will be set annually by the City Council, based on the City cost of regulation.

B. Each permit shall be issued annually and shall expire at the end of said period.

#### **5.44.090 Insurance.**

No certificate of public convenience and necessity shall be issued or continued in operation unless there is in full force and effect a liability insurance policy issued by an insurance company authorized to do business in the state for each vehicle authorized in the amount of one million dollars for bodily injury to or death of any one person, and subject to the limit of one million dollars for each person injured or killed of at least two million dollars for such injury to, or the death of, three or more persons in any one accident for damage to property of at least two hundred and fifty thousand dollars resulting from any one accident. A copy of every policy of insurance and renewals thereof shall be provided by applicant and filed with the chief of police.

#### **5.44.100 Certificate – Quarterly fees.**

No certificate of public convenience and necessity shall be issued or continued in operation unless the holder thereof has paid a quarterly license fee for the right to engage in the taxicab business and a separate fee each quarter for each vehicle operated under a certificate of public convenience and necessity. Fees will be set annually by the City Council, based on the City cost of regulation.

#### **5.44.110 Driver's license – Required**

No person shall operate a taxicab for hire upon the streets of the city, and no person who owns or controls a taxicab shall permit it to be so driven, and no taxicab licensed by the city shall be so driven at any time for hire, unless the driver of said taxicab has first obtained and then has in force a taxicab driver's license issued under the provisions of this chapter.

**5.44.120 Driver's license – Application.**

A. An application for a taxicab driver's permit shall be filed with the chief of police on forms provided by the city. Such application shall be verified under oath and shall contain such information as the chief of police may require.

B. Each application shall be accompanied by a certificate from a reputable physician of the city certifying that, in his opinion, the applicant is not afflicted with any disease or infirmity which might make him an unsafe or unsatisfactory driver.

**5.44.130 Driver's license – Chauffeur's license required.**

Before any application for a driver's license is finally passed upon by the chief of police, the applicant shall show that he has a current motor vehicle, class I, II or III license issued by the state.

**5.44.140 Driver's license – Investigation.**

The police department shall conduct an investigation of each applicant for a taxicab driver's license and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the chief of police.

**5.44.150 Driver's license – Approval or rejection.**

The chief of police upon consideration of the application for a permit and the reports and certificate required to be attached thereto shall approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the city manager to offer evidence why his application should be reconsidered.

**5.44.160 Taxi permit – Contents.**

A. Upon approval of an application for a taxicab driver's permit, the chief of police shall issue a permit to the applicant which shall bear the name, address, color, age, signature and photograph of the applicant.

B. Such permit shall be in effect for the remainder of the calendar year. A permit for every calendar year thereafter shall issue upon the payment of the annual fee unless the permit for the preceding year has been revoked.

**5.44.170 Driver's license – Display.**

Every driver licensed under this chapter shall post his permit in such a place as to be in full view of all passengers while such driver is operating a taxicab.

**5.44.180 Permit – Suspension or revocation.**

The chief of police is given the authority to suspend any permit issued under this chapter for a driver's failing or refusing to comply with the provisions of this chapter, such suspension to last for a period of not more than twenty days. The chief of police is also given authority to revoke any permit for failure to comply with the provisions of this chapter. However, a permit may not be revoked unless the driver has received notice and has had an opportunity to present evidence in his behalf before the city manager.

#### **5.44.190 Compliance required.**

Every driver licensed under this chapter shall comply with all city, state and federal laws. Failure to do so will justify the chief of police suspending or revoking the permit.

#### **5.44.200 Vehicle – Inspection.**

A. Prior to the use and operation of any vehicle under the provisions of this chapter said vehicle shall be thoroughly examined and inspected by the police department and found to comply with such reasonable rules and regulations as may be prescribed by the chief of police. These rules and regulations shall be promulgated to provide safe transportation and shall specify such safety equipment and regulatory devices as the chief of police shall deem necessary there for.

B. Every vehicle operating under this chapter shall be periodically inspected by the police department at such intervals as shall be established by the chief of police to insure the continued maintenance of safe operating conditions.

C. Every vehicle operating under this chapter shall be kept in a clean and sanitary condition.

#### **5.44.210 Vehicle – Identification.**

Each taxicab shall bear on the outside the name of the owner; and, in addition, may bear an identifying design approved by the city council. No vehicle covered by the terms of this chapter shall be licensed whose color scheme, identifying design, monogram, or insignia to be used thereon shall, in the opinion of the city council, conflict with or imitate any color scheme, identifying design, monogram or insignia used on a vehicle or vehicles already operating under this chapter, in such a manner as to be misleading or tend to deceive or defraud the public; and provided further, that if, after a license has been issued for a taxicab under this chapter, the color scheme, identifying design, monogram, or insignia thereof is changed so as to be, in the opinion of the city council, in conflict with or imitates any color scheme, identifying design, monogram, or insignia used by any other person, owner or operator, in such a manner as to be misleading or tends to deceive the public, the permit of or certificate covering such taxicab or taxicabs shall be suspended or revoked.

#### **5.44.220 Fare rates.**

The fare rates shall be adopted by council resolution and amended by council resolution from time to time as council may determine proper.

#### **5.44.230 Refusal to pay legal fare.**

It is unlawful for any person to refuse to pay the legal fare of any of the vehicles mentioned in this chapter after having hired the same, and it is unlawful for any person to hire any vehicle defined in Section 5.44.010 with intent to defraud the person from whom it is hired of the value of such service.

#### **5.44.240 Solicitation of passengers.**

A. No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curb side thereof.

B. No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

C. No driver, owner, or operator shall solicit passengers at the terminal of any other common carrier, nor at any intermediate points along any established route of any other common carrier.

#### **5.44.250 Manner of receiving and discharging passengers.**

Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall pull up to the right-hand sidewalk as nearly as possible or in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either the right-hand or left-hand sidewalk, or side of the roadway in the absence of a sidewalk.

#### **5.44.260 Cruising prohibited.**

No driver of a taxicab shall cruise in search of passengers.

#### **5.44.270 Additional passengers.**

No taxicab driver shall permit any other person to occupy or ride in said taxicab unless the person or persons first employing the taxicab consent to the acceptance of additional passenger or passengers.

#### **5.44.280 Refusing to carry orderly Persons prohibited.**

No taxicab driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so.

#### **5.44.290 Prohibited acts of drivers.**

It is a violation of this chapter for any driver of a taxicab to solicit business for any hotel, motel or rooming house, or to attempt to divert patronage from one hotel, motel or rooming house to another. Neither shall such driver engage in selling intoxicating liquors or solicit business for any house of ill repute or use his vehicle for any purpose other than the transporting of passengers.

#### **5.44.300 Call box – Establishment.**

The city council is authorized and empowered to establish call box stands upon the streets of the city in such places as in its discretion it deems proper. A holder desiring to establish a call box stand shall make written application to the chief of police. The applicant must attach to the application the written approval of the abutting property owners of said space consenting to the creation of such stand. Upon filing of the application, the police department shall make an investigation of the traffic conditions at said place and shall thereafter file their written recommendation to the city council. The city council shall then either grant or refuse the application. When a call box stand has been established as provided in this section, it shall be used solely by the holder to whom the same was granted and his agents and servants and no other holder shall be permitted to use the same.

#### **5.44.310 Call box – Use by other vehicles.**

Private or other vehicles for hire shall not at any time occupy the space upon the streets that has been established as call box stands.

#### **5.44.440 Overall service.**

All persons engaged in the taxicab business in the city operating under the provisions of this chapter shall render an overall service to the public desiring to use taxicabs. Holders of certificates of public convenience and necessity shall maintain a central place of business and keep the same open twenty-four hours a day for the purpose of receiving calls and dispatching cabs. They shall answer all calls received by them for services inside the corporate limits of the city as soon as they can do so, and if said services cannot be rendered within a reasonable time, they shall notify the prospective passengers how long it will be before the call can be answered and give the reason there for. Any holder who refuses to accept a call anywhere in the corporate limits of the city at any time when such holder has available cabs; or who fails or refuses to give overall service shall be deemed a violator of this chapter and the permit granted to such holder shall be revoked at the discretion of the city council.

#### **5.44.330 Manifests.**

A. Every driver shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare and all such completed manifests shall be returned to the owner by the driver at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver by the owner and shall be of a character approved by the chief of Police.

B. Every holder of a certificate of public convenience and necessity shall retain and preserve all driver's manifests in a safe place for at least the calendar year next preceding the current calendar year, and said manifests shall be available to the police department.

#### **5.44.340 Accident reports.**

All accidents arising from or in connection with the operation of taxicabs which result in death or injury to any person, or in damage to any vehicle, or to any property in an amount exceeding the sum of \$250.00 shall be reported within twenty-four hours from the time of occurrence to the police department.

#### **5.44.350 Advertising.**

Subject to the rules and regulations of the chief of police, it is lawful for any person owning or operating a taxicab or motor vehicle for hire to permit advertising matter to be affixed to or installed in or on such taxicabs or motor vehicles for hire.

#### **5.44.360 Enforcement.**

The police department of the city is given the authority and is instructed to watch and observe the conduct of holders and drivers operating under this chapter. Upon discovering a violation of the provisions of this chapter, the police department shall report the same to the chief of police, who will order to take appropriate action.

### **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. Taxicabs by their nature should decrease, and not increase, vehicle use in Winters, California.

### **SECTION 4: Effective Date**

This ordinance shall become effective January 3, 2013, 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 November 19, 2012, and adopted, after the second reading, at the regular meeting of the City Council on December 4, 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 4th day of December, 2012, by the following vote, to wit:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

\_\_\_\_\_  
**MAYOR CECILIA AGUIAR-CURRY**

ATTEST:

\_\_\_\_\_  
**NANCI G. MILLS, CITY CLERK**



CITY COUNCIL  
STAFF REPORT

**TO:** Honorable Mayor and Council Members  
**DATE:** December 4, 2012  
**THROUGH:** John W. Donlevy, Jr., City Manager   
**FROM:** John C. Wallace, City Attorney  
**SUBJECT:** Appointment to City Council Vacancy

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**RECOMMENDATION:** Once Council member Michael Martin has formally given up his seat, the four remaining Council members will hear the recommendation from the Mayor and Vice-Mayor as to the applicants, and then vote to fill the unexpired term.

**BACKGROUND:** Council Member Mike Martin has been elected to the Solano Community College District Board. Because the district includes Winters, California law on "Incompatible Officer" requires Councilman Martin to resign his seat on the Winters City Council. His last meeting will be December 4, 2012.

**LEGAL ANALYSIS:** Under the California Government Code, within 60 days after the vacancy occurs (in this case December 4<sup>th</sup>), the Winters City Council must either:

1. Appoint a Winters resident to the Winters City Council to fill the unexpired term (to June, 2014); or
2. Call for a Special Election to fill the term. Since the Special Election cannot take place within 114 days of the Call, in practical terms this would be spending money to have a six month vacancy, and then to get a Council member for just over a year.

The City Council on November 19, 2012 decided to appoint to fill the unexpired term, and to have the Mayor and Vice-Mayor interview applicants.

**PLEASE NOTE:** To serve on the Winters City Council you must be **both** a resident **and** a registered voter.

**FISCAL IMPACT:** None for appointment.