



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, May 7, 2013
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
Bruce Guelden*

*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 April 16, 2013 (pp 5-11)
- B. Minutes of the Workshop of the Winters City Council Held on March 27, 2013 (pp 12-14)
- C. Service Agreement No. 005-13 with Wallace-Kuhl & Associates to Continue Landfill Monitoring Services for 2013 in the Amount not to Exceed \$7,000 (pp 15-17)
- D. Proclamation Recognizing April 22, 2013 as Earth Day (pp 18)
- E. Proclamation Recognizing May as Building Safety Month (pp 19-21)
- F. Final Acceptance - Construction Contract for Putah Creek Bridge Replacement- North Bank Improvements, Project No. 09-01 (pp 22-23)

DISCUSSION ITEMS

- 1. Winters Fire Department 2011-2012 Annual Report (pp 24-29)
 - 2. Wastewater Services Agreement – SWWC Assignment (pp 50-62)
 - 3. 602 Second Street Fee Credit Request (pp 63-89)
 - 4. Planning Commission Terms and Expirations (4) (pp 90)
 - 5. Design/Site Plan Review Process (pp 91-93)
 - 6. Award of Shade Structure for Walnut Park, Phase 1, Project No. 11-03 (pp 94-110)
 - 7. Walnut Park Budget / Spending Authority (pp 111-114)
-

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

1. None
-

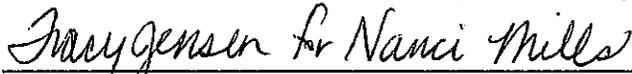
CITY MANAGER REPORT

INFORMATION ONLY

EXECUTIVE SESSION

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the May 7, 2013 regular meeting of the Winters City Council was provided electronically to each Councilmember and posted on the outside public bulletin board at City Hall, 318 First Street on May 3, 2013, and made available to the public during normal business hours.



Nanci G. Mills, City Clerk

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

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City Hall – Finance Office - 318 First Street

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

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DVD recordings 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 April 16, 2013

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

Present: Council Members Harold Anderson, Wade Cowan, Woody Fridae, Bruce Guelden, Mayor Cecilia Aguiar-Curry
Absent: None
Staff: City Manager John Donlevy, City Attorney John Wallace, City Clerk Nanci Mills, Fire Chief Aaron McAlister, Housing Programs Manager Dan Maguire, Building Official Gene Ashdown, Associate Elliot Landes, and Management Analyst Tracy Jensen.

Kathy Cowan led the Pledge of Allegiance.

Approval of Agenda: City Manager Donlevy requested to add to the Consent Calendar a Proclamation in honor of National Library Week, as well as the addition of a street closure request/amplified sound application submitted by the Buckhorn for the Youth Day Car Show, which contains the signatures of the downtown business owners. Motion by Council Member Fridae, second by Council Member Cowan to approve the agenda with said changes. Motion carried unanimously.

COUNCIL/STAFF COMMENTS: Council Member Guelden attended the Habitat JPA meeting in Woodland comprised of four cities (Winters, Woodland, Davis, West Sacramento) and UCD, where the giant garter snake was identified as an endangered species. The JPA is proposing 1,400 acres of rice field as an easement in perpetuity to protect the garter snake; also attended a senior potluck lunch and presentation at the Community Center regarding Yolo County services.

Council Member Cowan attended the Buckhorn Car Show on 4/9; attended the Chamber Mixer at Pizza Factory, co-hosted by Adry's and WFOL; attended the Chamber Board meeting, reporting three new members and announced the next Agri Tour is scheduled for May 22 at the Yolo Cattle Company; reported the Visitor's Center had 243 visitors in the month of March; traveled with Mayor Aguiar-Curry and Council Member Anderson to view projects in Sacramento; Youth Day is on April 27th and the Duck Derby is on April 26th.

Council Member Anderson attended an LGC dinner meeting in Sacramento on 4/4 and discussed mainly bicycles and parking strip conversion to encourage bike traffic and give the opportunity to switch from excess auto traffic to bikes. There were speakers from Long Beach and Davis, who reported that 20% of young drivers prefer biking over riding in a car and drive very little, allowing cities to attract their own population. Next month's LGC meeting will be held in San Jose, where they will address biking facilities. Also attended a YCTD meeting in Woodland on 4/8, a YSAQMD meeting in Davis on 4/10, the senior citizen potluck and program on County services with Mayor Aguiar-Curry and Council Member Guelden at the Community Center, which was well-received by the seniors, and an LPCCC meeting at the Solano Irrigation offices in Vacaville on 4/11. Toured two Domas development projects for senior housing in Sacramento today, which are award winning projects and very favorable. May is Bike Month in the SACOG region and instead of issuing a proclamation, Council Member Anderson asked the Council to ride their bikes as part of the SACOG challenge.

On the subject of bicycling, Council Member Fridae reported that WHS students whose assignments include projects at the Ag Center are now riding bicycles back and forth to the Ag Center instead of riding a bus, due in large part to a bike group in town who obtained donated bicycles and purchased 18 additional bikes from a UCD auction. The bike group is also partnering with younger kids to instill an interest in riding bicycles to school. A bicycle helmet giveaway was recently held at Waggoner, giving away 20 helmets. The music department held a fund raiser on 4/20, put on a good show with some great music, showcasing the talent in and around Winters. April 27th is Youth Day, starting with the Rotary breakfast, with early birds receiving \$2 off. The City Wide Yard Sale will be held on May 11. Kudos to staff member Elliot Landes for including events on the City's website calendar, which looks great and is much appreciated.

On 4/11, Mayor Aguiar-Curry attended the SACOG Land Use meeting in Sacramento and also presented an update to the Beta Alpha Beta regarding potential projects in Winters; met with Supervisor Saylor on 4/5 to discuss Social Services, Veteran needs and Winters Cemetery update; attended the WRA Executive Committee meeting on 4/9; presented a City of Winters update to the Senior Lunch participants at the potluck lunch with Council members Anderson & Guelden on 4/10, with thanks going out to DESS and Adult protection services and Kevin from Supervisor Saylor's office that also provided information to the seniors; also participated as a panelist at the UCD Career Night on 4/10; on 4/11 met with Congressman Garamendi representative Elly Fairclough and Winters Broadband owner Brian Horn to discuss USDA funding for Rural Broadband and also provided information and direction on how to work with her office and the USDA; also on 4/11 met with Yolo County CEO Patrick Blacklock and Jim Mayer of CA Forward to discuss the City of Winters participation in Yolo Stewardship; met with Ann Lucas on 4/12 to learn about Capital Campaigns and how they are run and the outcome; attended the meeting with Tom Lewis, Cache Creek Real Estate Developer on 4/12 to introduce him to our staff and local businesses;

attended a meeting with Sacramento Community Foundation on 4/15 to learn about foundations and potential investors; also attended a Hispanic Advisory Committee meeting on 4/15; attended a tour of two senior living complexes in Sacramento on 4/16. There will be a non-profit workshop tomorrow at the Davis library from 10am-1pm, "Volunteerism: Recruit, Retain, Recognize. A City Council retreat is scheduled for Sunday, April 21, 2:30-4:30pm, following by dinner with families at 319 Anderson Avenue, Winters.

PUBLIC COMMENTS: Rebecca Fridae, a 28-year member of the Yolo County Library Advisory Board for the City of Winters, which serves under the Yolo County Board of Directors, provided information regarding the seven libraries throughout Yolo County under the leadership of Yolo County Librarian Patty Wong. She invited Council and community members to complete a community survey to help with a strategic plan for this summer. Mayor Aguiar-Curry read aloud and presented the proclamation in honor of National Library Week to Ms. Fridae.

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, April 2, 2013
- B. Authorize Contract Amendment to the Professional Services Contract of Melton Design Group for Design & Engineering Services for the Orchard Village Park Construction Project
- C. Authorize Contract Addendum to the Professional Services Contract of BSK Associates for Environmental Services for the Orchard Village Park Construction Project.
- D. City/Cross Development Purchase and Sale Agreement Extension
- E. Resolution 2013-09, a Resolution of the City Council of the City of Winters Declaring Weeds and Rubbish on Certain Lots and Parcels within the City of Winters and Ordering the Institution of Proceedings to Abate said Public Nuisances
- F. A Proclamation of the City Council of the City of Winters Supporting the Development of a Comprehensive Statewide Earthquake Early Warning System in California
- G. Authorize Bid Issuance for Construction Improvements of City Owned Property for the Orchard Village Park Construction Project (APN # 003 360 025)
- H. Amplified Sound Permit – Roots to Wine Festival
- I. Acceptance of FEMA SAAFR Grant – Fire-Truck
- J. Proclamation Honoring National Library Week
- K. Street Closure & Amplified Sound Permit Application for Buckhorn's Youth Day Car Show

City Manager Donlevy gave an overview and said the FEMA SAAFR Grant will be a nice one. Motion to approve the Consent Calendar was made by Council Member Fridae and seconded by Council Member Guelden. Motion carried unanimously.

DISCUSSION ITEMS

1. Public Hearing to Adopt Resolution 2013-12, Transferring CDBG Program Income from the First Time Homebuyer Revolving Loan Fund to the Housing Rehabilitation Revolving Loan Fund

Housing Programs Manager Dan Maguire gave an overview. Mayor Aguiar-Curry opened the Public Hearing at 7:01 p.m. and closed the public hearing at 7:01 p.m. with no public comment.

Motion by Council Member Anderson, second by Council Member Cowan to approve Resolution 2013-12, transferring CDBG Program Income from the First Time Homebuyer Revolving Loan Fund to the Housing Rehabilitation Revolving Loan Fund. Motion carried with the following vote:

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

2. Public Hearing and Possible Approval of Resolutions 2013-14, Approving the Issuance of a Certificate For Public Convenience and Necessity (Taxicab Permit) for Applicant Jaime F. Rodarte, and Resolution 2013-15, Establishing Fees and Charges/Open Stand for the Regulation of Taxicabs

City Attorney Wallace gave an overview.

Mayor Aguiar-Curry opened the public hearing at 7:05 p.m. Applicant Jaime Rodarte thanked Council Member Fridae and presented Council with the logo for the taxicabs. Council Member Fridae asked if there was a maximum fee Mr. Rodarte could charge and City Attorney Wallace said he could charge an amount up to the maximum set by Council. Council Member Cowan asked where the rates have come from. City Attorney Wallace said he viewed the rates charged by the cities of Sacramento, Vacaville and San Francisco and proposed something in between. The minimum fee for a flag drop was between 50 cents and \$4; staff is proposing \$2. Council Member Guelden asked if City Attorney

Wallace had discussed the proposed rates with the applicant and City Attorney Wallace said yes. Mayor Aguiar-Curry confirmed that Council would be determining the maximum rates tonight, and City Attorney Wallace said Council would establish the suggested maximum rate of \$3 per mile/\$28 per hour, with the per mile increment set at 60 cents per 1/5 mile. Council Member Fridae asked that the taxicab meters be set up so they charge this amount or less and the applicant will be ready to go. City Attorney Wallace said the applicant can come back to Council if any adjustments are needed. Mayor Aguiar-Curry suggested the applicant advertise in the Youth Day Parade. Mayor Aguiar-Curry closed the public hearing at 7:14 p.m.

Motion by Council Member Fridae, second by Council Member Anderson to approve Resolution 2013-14, approving the issuance of a Certificate For Public Convenience and Necessity (Taxicab Permit) for applicant Jaime F. Rodarte. Motion carried with the following vote:

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

Motion by Council Member Anderson, second by Council Member Fridae to approve Resolution 2013-15, establishing fees and charges/open stand for the regulation of taxicabs. Motion carried with the following vote:

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

3. Putah Creek Hamlet Unused Easement Property Located at 112 East Main Street (Caselli) - Approval of Quitclaim Deed from the City of Winters to Gene J. Caselli and Marion J. Caselli

City Attorney Wallace gave an overview.

Motion by Council Member Fridae, second by Council Member Cowan to approve a quitclaim deed from the City of Winters to Gene J. Caselli and Marion J. Caselli for the property identified at 112 East Main Street. Motion carried unanimously.

4. **Approval to Issue a Request for Proposal for Consultant to Provide Over the Counter (OTC) Project Application Preparation and Loan Servicing Administrative Services for the Business Assistance Loan Program funded by Community Development Block Grant.**

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

Housing Programs Manager Dan Maguire gave an overview. If approved, staff can issue an RFP for the services of a qualified program consultant in preparation for the submittal of an over-the-counter application. If this piece is in place, staff would be ready if a project is submitted.

Motion by Council Member Cowan, second by Council Member Guelden to approve the issuance of a Request for Proposal for a consultant to provide over the counter (OTC) project application preparation and loan servicing administrative services for the Business Assistance Loan Program funded by Community Development Block Grant. Motion carried unanimously, with one absent.

Council Member Anderson returned to the dais.

5. **Discussion to Consider Names for the New Neighborhood Park (currently referred to as Orchard Village Park)**

City Manager Donlevy gave an overview and said the parks in town have been named after trees.

Motion by Council Member Guelden, second by Council Member Anderson to name the new park "Walnut Park", located on Walnut Lane. Motion carried 4-1, with Council Member Fridae voting no.

6. **City Council Retreat Scheduled for Sunday, April 21, 2013**

There was no discussion for this item.

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

- 1.
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CITY MANAGER REPORT: Ground was broken yesterday for the St. Anthony Church project. Kudos to Building Official Gene Ashdown, who faces challenges during the permit process. Although the City needs the money, staff was able to save the church money during the permit process. The City received another letter from the Department of Finance (DOF), who has given themselves a half a billion dollars to wreak havoc on local governments. They have rejected the Hula Studio lease (305 First Street) and staff must determine whether it wants to continue leasing the space. Staff is waiting for the 4th quarter sales tax revenues to come in, and after adjustments are made will come back to Council with an update. The City has five days to respond to the DOF letter, which is loaded with legal jargon, regardless of when it was sent. Do we send it to legal to look at or just throw up the flag and do nothing? Attorneys are expensive. The DOF has issued only one Certificate of Compliance.

INFORMATION ONLY:

1. **January 2013 Investment Report**
2. **January 2013 Treasurer Report**

City Manager Donlevy gave an overview. Staff recommended receiving and filing the investment and treasurer reports.

ADJOURNMENT

Mayor Aguiar-Curry adjourned the meeting at 7:55 p.m. to Executive Session to be held on April 21, 2013 at 4:00 p.m. at 319 Anderson Avenue, Winters, and in memory of Chip Northrup, member of the Putah Creek Crawdads, and to those who were injured or suffered loss of family at the Boston Marathon yesterday.

Cecilia Aguiar-Curry, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



Minutes of the Winters City Council Housing Workshop
Held on March 27, 2013

Mayor Cecilia Aguiar-Curry called the workshop to order at 6:06 p.m.

Present: Council Members Harold Anderson, Wade Cowan, Woody Fridae, Bruce Guelden, Mayor Cecilia Aguiar-Curry
Absent: None
Staff: City Manager John Donlevy, City Clerk Nanci Mills, Housing Programs Manager Dan Maguire, Director of Financial Management Shelly Gunby, and Management Analyst Tracy Jensen.

Dan Maguire led the Pledge of Allegiance.

Approval of Agenda: Motion by Council Member Guelden to approve the agenda with no changes. Seconded by Council Member Cowan. Motion carried unanimously.

COUNCIL/STAFF COMMENTS: None

PUBLIC COMMENTS: None

PRESENTATIONS

Mayor Aguiar-Curry introduced Greg Chew, Senior Planner from Sacramento Area of Council of Governments (SACOG), who gave a power point presentation of SACOG's Regional Planning and Housing's Sacramento Region Blueprint Transportation and Land Use Study. Also present was SACOG intern Mary Salazar.

SACOG's key activities include the Blueprint, the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) and the Regional Housing Needs Allocation (RHNA). The SACOG region members include six counties, El Dorado, Placer, Sacramento, Sutter, Yolo and Yuba as well as 22 cities.

A blueprint (transportation and land use study) is conducted every four years for a 20-year projection. SACOG's seven principles of smart growth include transportation

choices, compact development, mixed land uses, housing choices, using existing assets, conserve natural resources and quality design. The preferred Blueprint scenario includes less urban land and shorter trips (vehicle miles.)

The MTP (Metropolitan Transportation Plan) is a federally required 20+ year plan for freeways and highways, transit, local streets and roads, and bicycle and pedestrian infrastructure. The MTP identifies specific projects and programs, is financially constrained and updated every four years and must conform with the Clean Air Act requirements.

The SCS (Sustainable Communities Strategy) is a state-required addition to MTP as per SB375. The SCS is meant to reduce per capita greenhouse gas emissions from passenger vehicles, forecast the land use pattern, utilize transportation investments for land uses to help meet target and includes the CEQA streamlining benefits for residential and mixed-use developments.

The MTP/SCS contains a long-range economic forecast, a land use forecast, transportation budget and investments, performance outcomes and policies and strategies.

The RHNA (Regional Housing Needs Allocation) is a state law that requires SACOG to “allocate” projected housing units to each jurisdiction. The eight-year planning period (2013-2021) will include projections from SACOG based on MTP/SCS forecasts. One overall allocation is comprised of four income allocations: very low, low, moderate and above moderate. Low and very low income are considered “affordable” (80% or less Median Family Income) and affordable units must contain either a higher density and/or a program to make and keep it affordable. The allocation was officially released in September, 2012 and the City of Winters is working on their Housing Element, which will identify how the allocations will be met. The City’s obligation is to zone the land, but not necessarily build on it during the planning period and to establish programs to promote affordable housing.

Greg Chew provided his contact information and Mayor Aguiar-Curry once again thanked Greg for his presentation.

DISCUSSION ITEMS

1. Strategic Planning – Housing

Mayor Aguiar-Curry welcomed everyone to the housing workshop and discussion ensued.

Housing Programs Manager Dan Maguire distributed a handout to Council as did City Manager Donlevy, who later gave a copy to the City Clerk for the permanent record.

CITY MANAGER REPORT: None

ADJOURNMENT: Mayor Aguiar-Curry adjourned the workshop at 8:26 p.m.

Cecilia Aguiar-Curry, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: May 7, 2013
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Carol Scianna, Environmental Services Manager
SUBJECT: Service Agreement No. 005-13 with Wallace-Kuhl & Associates to continue Landfill Monitoring Services for 2013 in the amount not to Exceed \$7000.

RECOMMENDATION: Approval of Service Agreement No. 005-13 with Wallace-Kuhl & Associates (WKA) to continue Landfill Monitoring Services for 2013 in the amount not to Exceed \$7000.

BACKGROUND: The City currently has a service agreement with Wallace- Kuhl & Associates to perform the required semi-annual groundwater monitoring at the former Winters Landfill. Staff recommends continuation of this contract with WKA for 2013. Services will be provided on a time and expense reimbursement basis. Sampling and subsequent reports will be done by June and December 2013. There are three monitoring wells at the site. WKA has continued to provide reliable and thorough monitoring services for the City.

Ongoing monitoring of the ground water is required by the RWQCB. It is not unusual for the RWQCB to require groundwater monitoring for closed landfills and other sites indefinitely. The findings from the monitoring over the last few years have shown that the site does appear to be influenced by water migrating from the landfill materials. However, the only constituents that exceeded the EPA -MCL(maximum contaminant level) was for Total Dissolved Solids (TDS) found in monitoring well 4 (MW4) , these results were 690 mg/l which exceeds the Secondary MCL of 500mg/k.

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

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

March 6, 2013

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

Proposal for Semi-Annual and Annual Groundwater Monitoring
WINTERS FORMER LANDFILL – 2013 MONITORING PROGRAM
County Road 33 and County Road 88
Winters, California
WKA Proposal No. 3PR13044

Dear Ms. Scianna:

Wallace-Kuhl & Associates, Inc. (WKA) is pleased to provide the City of Winters an estimated budget for two semi-annual groundwater sampling events of three shallow groundwater monitoring wells that are in the vicinity of the former landfill referenced above. WKA performed these services in 2009, 2010, 2011, and 2012. The purpose of this proposal is to establish a scope, fee and agreement for required work in the 2013 calendar year.

Scope of Services

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

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

Schedule

WKA will collect groundwater samples from the three monitoring wells (MW-1, MW-2, and MW-4) during June and December 2013. WKA will provide draft reports for the City's consideration at least two weeks prior to the deadline for submitting the reports to the CVRWQCB. WKA will

submit the Semi-Annual monitoring report to the CVRWQCB by July 15, 2013. WKA will submit the Annual monitoring report to the CVRWQCB by January 31, 2014.

Compensation

WKA proposes to perform the scope of work described herein for a fee of \$7,000, which is summarized in the following table.

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

Closing

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

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

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

Sincerely,

Wallace-Kuhl & Associates



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





**Earth Day Proclamation
Earth Day 2013**

WHEREAS the global community now faces extraordinary challenges such as global health issues, food and water shortages, climate change and economic struggles; and

WHEREAS all people, regardless of race, gender, income, or geography, have a moral right to a healthy, sustainable environment with economic growth; and

WHEREAS it is understood that the citizens of the global community must step forward and take action to create a green economy to combat the aforementioned global challenges; and

WHEREAS a green economy can be achieved on the individual level through educational efforts, public policy, and consumer activism campaigns; and

WHEREAS it is necessary to broaden and diversify this global movement to achieve maximum success; and

FURTHERMORE, let it be known that the City of Winters hereby encourages its residents, businesses and institutions to use EARTH DAY to celebrate the Earth and commit to building a sustainable and green economy;

NOW THEREFORE IT BE RESOLVED, the City of Winters hereby pledges this Earth Day, April 22, 2013, to support green economy initiatives in the City of Winters and to encourage others to undertake similar actions.

PASSED AND ADOPTED this 7th Day of May, 2013.

Councilmember Harold Anderson

Councilmember Wade Cowan

Councilmember Woody Fridae

Councilmember Bruce Guelden

Mayor Cecilia Aguiar-Curry

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills

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

COUNCIL MEMBERS
Harold Anderson
Wade Cowan
Michael Martin

MAYOR
Cecilia Aguiar Curry
MAYOR PRO TEM
Woody Fridae

CITY CLERK
Nanci Mills
TREASURER
Michael Sebastian

CITY MANAGER
John W. Donlevy, Jr.



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers

DATE: May 7, 2013

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

FROM: Gene Ashdown, Building Official

SUBJECT: Adoption of a Proclamation Recognizing May as Building Safety Month

RECOMMENDATIONS: Staff recommends that City Council adopt attached proclamation recognizing May as Building Safety Month.

BACKGROUND: Founded by the International Code Council, Building Safety Month is celebrated by jurisdictions worldwide during the month of May. Building Safety Month is a public awareness campaign offered each year to help individuals, families and businesses understand what it takes to create and sustain safe and sustainable structures. The campaign reinforces the need for adoption of modern, model building codes, a strong and efficient system of code enforcement and a well-trained professional workforce to maintain the system.

The campaign is presented by the ICC and its 50,000 members worldwide with a diverse partnership of professionals from the building construction, design and safety community. Corporations, government agencies, professional associations, nonprofits and more come together to support Building Safety Month because they understand the need for safe and sustainable structures where we live, work and play.

FISCAL IMPACTS: None



**A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF WINTERS RECOGNIZING MAY AS
BUILDING SAFETY MONTH**

WHEREAS, the safety of buildings occupied daily is essential to the health, safety, and welfare of the citizens of the City of Winters; and

WHEREAS, among the world's most fundamental laws and ordinances are those which provide standards for the safe construction of buildings in which people live, learn, work, worship and play ; and

WHEREAS, in an ongoing effort to ensure that residents and individuals patronizing businesses within the City of Winters are afforded the highest construction standards available, the Building and Code Enforcement Division is proud to participate in Building Safety Month; and

WHEREAS, Building Safety Month emphasizes the important role the Building and Code Enforcement Division plays in the development and maintenance of safe buildings in the community; and

WHEREAS, the Building and Code Enforcement Division is helping to ensure the public's health, safety, and general well-being by reviewing building construction plans, issuing building permits, and inspecting buildings during and after construction to ensure that they comply with the minimum necessary health and safety regulations, and it is this preventative work that contributes to the success of keeping occupants of the structure safe during an emergency; and

WHEREAS, for construction and building codes to be effective and enforced, understanding and cooperation must exist between code officials and the people we serve; and

WHEREAS, through the untiring efforts of local building officials and their cooperative relationship with the design and construction industry, the administration of these health and life–safety standards is assured; and

WHEREAS, cities and counties across California are joining together to promote building safety through the observation of Building Safety Month; and

WHEREAS, "Building Safety Month: Code Officials Keep You Safe" the theme for Building Safety Month 2013, encourages all citizens to raise awareness of the importance of building safety, pool, spa and hot tub safety, and new technologies in the construction industry. Building Safety Month 2013 encourages appropriate steps everyone can take to ensure that the

places where we live, learn, work, worship and play are safe, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies, and,

NOW, THEREFORE, BE IT BE RESOLVED that the City Council of the City of Winters do hereby proclaim the month of May, 2013, as Building Safety Month and urge all citizens to participate in activities to help promote building safety, to create awareness as to the importance of construction and building codes, and to spotlight the role of dedicated code officials in administering these codes.

PASSED AND ADOPTED this 7th day of May, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor Cecilia Aguiar-Curry

Mayor Pro-Tempore Woody Fridae

Council Member Harold Anderson

Councilmember Wade Cowan

Council Member Bruce Guelden

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



TO: Honorable Mayor and Council Members
DATE: May 7, 2013
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Alan Mitchell, City Engineer
SUBJECT: Final Acceptance - Construction Contract for Putah Creek Bridge Replacement-North Bank Improvements, Project No. 09-01.

RECOMMENDATION: Staff recommends that City Council: 1) accept the Putah Creek Bridge Replacement- North Bank Improvements, Project No. 09-01 as complete, and direct the City Clerk to file a Notice of Completion; and 2) approve the Final Project Budget Sheet.

BACKGROUND: The improvements included a 10-foot wide ac trail, trash/recycling receptacles, picnic table and benches, mitigation and restoration planting and associated irrigation system, decorative retaining walls and fencing, and an observation deck. The project established a Conservation Easement for mitigation planting for the trail project and bridge replacement project.

On May 1, 2012, the City Council awarded a construction contract to Maggiora & Ghilotti, Inc. in the amount of \$1,047, 047. The trail was completed in February and the landscape maintenance period expired in March, and a grand opening celebration was held. The trail is busy with activity and is being enjoyed by pedestrians and bicyclists enjoying the wonderful views.

Staff recommends the Council accept the project and authorize the City Clerk to file a Notice of Completion with the County.

ALTERNATIVES: None recommended by staff.

FISCAL IMPACT: The cost of the Putah Creek Bridge Replacement- North Bank Improvements project is being paid through a combination of local funds (Park Impact) and federal funds (SAFETEA-LU Demonstration and RSTP).

The final construction cost of the project is \$1,164,713, which is under the authorized amount of \$1,204,104.

The Project Budget Sheet is updated to reflect final costs for all work items. The overall budget amount increased by \$2,347 to cover an overage in construction administration. The effort associated with Caltrans approval of the conservation easement and mitigation plan was more time-consuming than anticipated.

Staff recommends the Council approve the final PBS in the amount of \$2,022,047 (attached).

Putah Creek North Bank Improvements

Project Budget Sheet

CIP#: 09-01

MPFP#(s):

Last Updated: May 2013

Original Approval: May 2009

Project Owner: Public Works

Project Manager: Alan Mitchell

Project Resource: Consultant

Description:

Pedestrian and bicycle interconnectivity will be enhanced as a component of the bridge replacement project through construction of a paved path and other improvements along top of the north bank of Putah Creek.

Authority:

General authority to maintain the existing city circulation and park infra-structure. This project complies with the Putah Creek Parkway Master Plan.

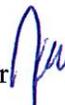
Budget:					
	Item	Amount	Item		Amount
Project Coordination/Bidding		\$ 75,043	Land		\$ -
Design/CA & Environmental		\$365,861	Construction		\$ 1,164,713
CM/Inspection/Testing		\$170,430	Mitigation		\$ 246,000
Project Total:					\$ 2,022,047

Financing Schedule:							Project Start: 2008	Project Completion: 2013
Phases: Project Studies, CEQA, Design, Permitting, Bidding/Award, Construction								
Fund Code:	Safetea-Lu	Park Impact	RSTP					
Name:	Federal	Local	Federal				FY Totals	
Fund Totals:	\$ 1,439,840	\$ 520,777	\$ 59,083				\$ 2,022,047	
Ratios:	71.21%	25.75%	2.92%				99.9%	

Recommended for Submittal	Alan Mitchell, City Engineer Apr-13
Recommended for Approval (Dept. Head)	Alan Mitchell, City Engineer Apr-13
Finance Department Approval	(date)
City Manager Approval	Shelly Gunby, Director of Finance (date)
	John Donlevy, City Manager (date)



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: May 7, 2013
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Aaron McAlister, Fire Chief
SUBJECT: Presentation of the Fire Department 2011-2012 Annual Report

RECOMMENDATION:

Receive a presentation by the Fire Department of the 2011-2012 Annual Report

BACKGROUND:

On behalf of the Winters Fire Department, we are pleased to present the 2011-2012 Annual Report. This report includes information that will provide a better understanding of the duties and commitment of the Winters Fire Department to the citizens of Winters. We hope it will serve as a resource guide for citizens seeking more information about the department. Some of the information contained in the report includes:

- An overview of the operations and staffing of the department
- Fire incident data
- Fleet overview
- Training Summary
- Public Education Programs

Persons desiring additional information are encouraged to contact the Fire Department

FISCAL IMPACT:

None

ATTACHMENTS:

1. Annual Report



**WINTERS FIRE DEPARTMENT
2011-2012 ANNUAL REPORT**

**PREPARED BY:
Aaron McAlister, Brad Lopez & Robbie Rubio**



WINTERS FIRE DEPARTMENT

Annual Report 2011-2012

Fire Chief

Aaron McAlister

Aaron.mcalister@wintersfire.org

530-795-4131 ext 230

Fire Division Chief

Ron Karlen

Ron.karlen@wintersfire.org

530-795-4131 ext 247

Fire Division Chief

Greg Lewis

Greg.lewis@wintersfire.org

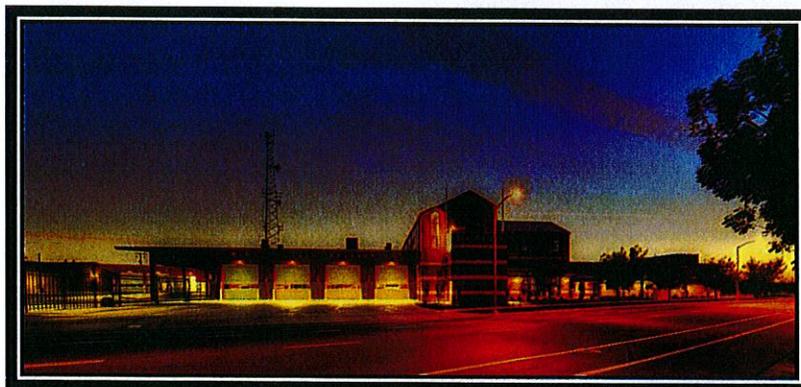
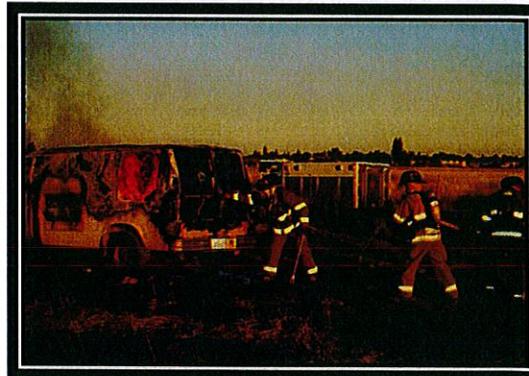
530-795-4131 ext 248

City Manager

John Donlevy

John.donlevy@cityofwinters.org

530-795-4910 ext 110



Annual Report 2011-2012

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LETTER FROM FIRE CHIEF AARON McALISTER

It is with great pleasure that the Winters Fire Department presents its 2011-2012 Annual Report. We trust the information contained within this report will provide a better insight into the organization. This past year, several milestones were achieved. Together they represent tremendous change and growth in the Winters Fire Department.

As the relatively new Fire Chief for the City of Winters, through a collaborative partnership with the City of Dixon, I am honored to have been welcomed by the department and the community alike. The largest challenge is leading the Winters Fire Department through adjustments and changes in the staffing model and the changing economic realities, while delivering to the community excellent services they have come to know and expect. This means exploring grant opportunities, finding new ways to do business and strengthening our partnerships in the fire service community.

In 2011, the Fire Department responded to 549, 9-1-1 emergencies. Of these, 379 incidents occurred in the City, while the remaining 112 incidents occurred in the Fire District. 2012 brought 639 incidents with 387 incidents occurred in the City, with the remaining 252 incidents occurring in the Fire District. Medical emergencies comprised 50% of the total incidents. The remaining incidents were of all other types such as fire, rescue, hazardous material releases, etc. The balance between medical and fire related incidents continue to contrast substantially with the national average of 70 – 80% medical related incidents. Following two very mild local fire seasons, last year revealed an upward trend in grass fires.

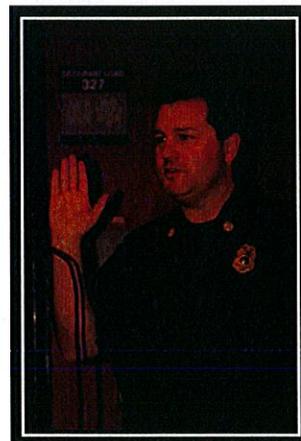
Change was a constant theme for us through the year. With the transition in management staff, a great deal of focus and energy continues to go into planning the vision for the future of the organization. Training and mentoring the next generation of leaders will always be a critical component of our mission.

I am very proud of the dedicated and professional staff in the department. They have a tremendous sense of responsibility and loyalty to the community we serve. Please feel free to contact me or any member of the Fire Department staff at any time. We look forward to hearing from the community.

Respectfully Submitted,

Aaron McAlister

Fire Chief



WINTERS FIRE DEPARTMENT

Our Mission.....

The mission of the Winters Fire Department is to protect life safety, property and the environment.

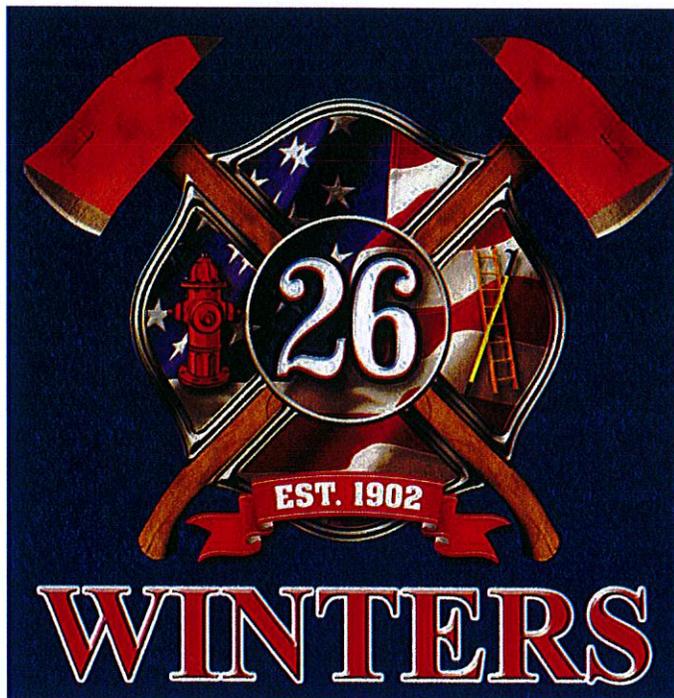
Our Vision.....

Strive to provide excellence and professionalism in emergency response, fire prevention, fire training, and public education programs.

Our Core Values.....

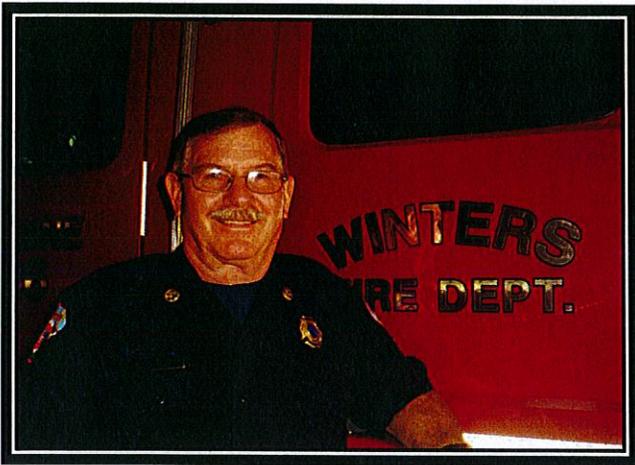
*Through **S.P.I.R.I.T.** The Winters Fire Department will embrace these Core Values.*

***S**ervice. **P**rofessionalism. **I**ntegrity. **R**espect. **I**nnovation. **T**rust.*



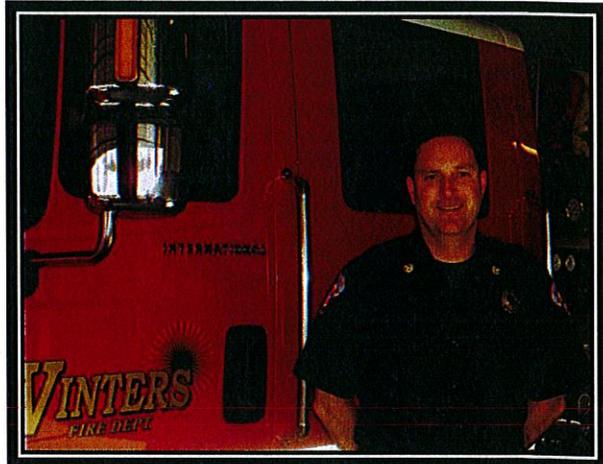
Annual Report 2011-2012

FIRE ADMINISTRATION STAFF



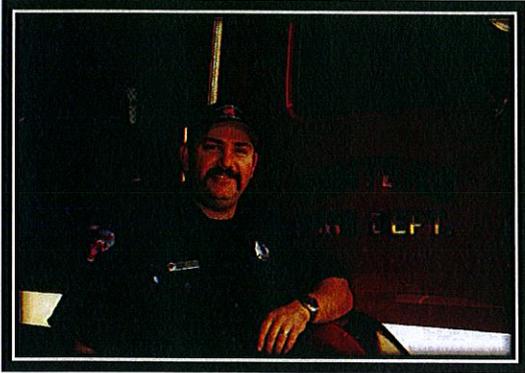
**Fire Division Chief Greg Lewis
Prevention Fleet & Facilities**

**Fire Division Chief Ron Karlen
Operations & Training**

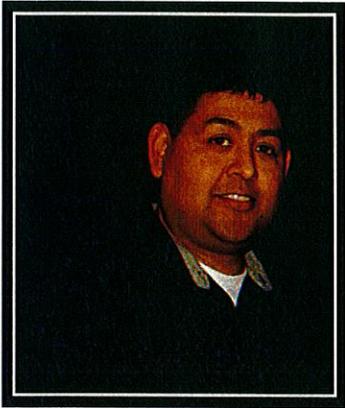


**Robbie Rubio
Records Clerk**

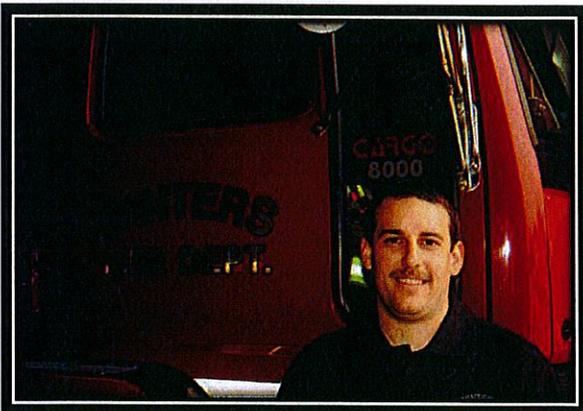
FIRE OPERATIONS STAFF



Fire Captain Brad Lopez



Fire Captain Art Mendoza



Firefighter Jason VanDoren

FIRE ADMINISTRATION

The Fire Department is responsible for providing emergency fire, rescue, and medical services to the citizens of Winters.

A current force of 57 people (both paid and volunteers), operating seven pieces of firefighting equipment from one station, comprises the Winters Fire Department. The Department is organized into two divisions, each with a specific area of responsibility. The divisions include:

1. Fire Operations / Training
2. Fire Prevention / Fleet & Facilities

Department Operations are assigned to a Division Chief, with each of the three shift captains assigned specific administrative responsibilities. Fire Prevention / Fleet and Facilities are also assigned to a Division Chief, with the three shift captains assigned specific responsibilities. Each of the divisions oversees several important functions including personnel, response, public education, fire investigations, fire inspections, building/equipment maintenance, etc.

Fire Administration for 2011 - 2012

- Final “punch-list” items completed on new Public Safety Building
- Reserve Firefighter program implemented
- Transitioned from day staffing to 24 hour staffed engine company
- Shared Fire Administration concept implemented with the City of Dixon
 - Provides for shared Fire Chief and two Division Chiefs
 - 24 hour Duty Chief Coverage for significant incidents
- Hosted one Yolo County Fire Chiefs Association meeting
- Secured \$12K in Cal Fire funding for personal protective equipment
- Secured Yocha DeHe grant for total replacement of extrication equipment.

During 2011, Fire Administration experienced major changes within the organization. Following a long and successful tenure, Fire Chief Scott Dozier retired from the Winters Fire Department. The addition of the Dixon staff has allowed us an opportunity to review our business practices, conduct strategic planning and prioritize the goals within the department.

The City of Winters has made a tremendous investment in the new Public Safety Building. This Fire Station will serve the community for many decades to come. With modern facilities such as this we can now focus of service delivery, training and development of our staff, both career and volunteer.

The continued excellent service provided by the Winters Fire Department has been a testament to the professionalism of the men and women of this Department.

Winters Fire Protection District

The Winters Fire Protection District is an independent district that is governed by a Board of Commissioners, who meets quarterly to conduct business. The Commissioners are appointed to four-year terms by the Board of Supervisors, and must be residents of the District.

In 2011, another milestone was reached as Fire Services are now under the City of Winters. The employees and all assets of the Fire Department are now a department within the City of Winters. Services are provided to the District under a contractual relationship with the City. This cost effective partnership eliminates duplication of services and achieves economies of scale.

During 2012the Fire District:

- Conducted 4 regular District Board Meetings.
- Conducted 1 special District Board Meetings.



The Winters Fire District Commissioners:

- Mr. Tony Turkovich, Chairman
- Mr. Donald Rominger
- Mr. Jack Thomas
- Mr. Bob Bell
- Mrs. Kathy Gilpin

Service Area

<u>Entity</u>	<u>Population</u>	<u>Area (sq. miles)</u>	<u>Insurance Services Office (ISO) Rating</u>
City of Winters	6,624	3.5	5
District	<u>1,500</u>	<u>87.</u>	8B
	*8,124	90.5	

* All figures are based on Census figures and estimations.

Fire Stations



Fire Station 26
700 Main Street
Winters, CA 95694

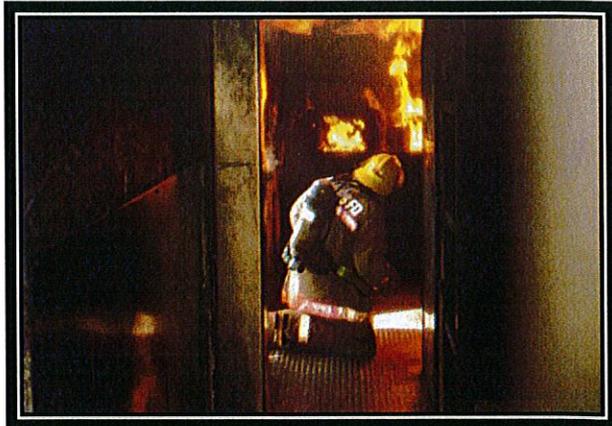
Completed in 2011

DIVISIONS

Fire Operations

The Operations Division is responsible for the coordination of day-to-day activities of the Fire Department. Operations maintain continuity in performance of activities such as:

1. Scheduling Personnel
2. Emergency Medical Services
3. Hazardous Materials Coordination
4. Emergency Response
5. Safety Officer
6. Fire Investigation



Winters firefighter inside training trailer

Response Areas

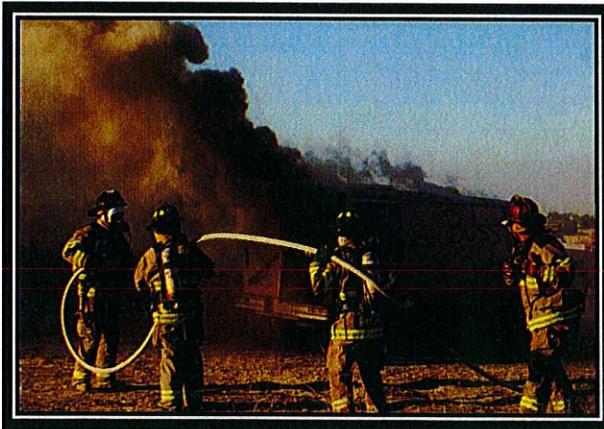
The City of Winters and surrounding Winters Fire Protection District are divided into sub-districts for the purpose of coordinating emergency response and mutual aid, in addition to reporting and tracking response times and calls for service. This report separates responses based on City and District calls for service.



Calls for Service - 2011-2012

Types	City		District		Total	
	2011	2012	2011	2012	2011	2012
Structure Fires	3	4	1	0	4	4
Vehicle Fires	3	2	2	3	5	5
Wildland/Grass Fires	3	10	6	31	9	41
Other Fires	6	10	6	7	12	17
EMS/Medical						
Emergencies	244	252	58	56	302	308
Haz Mat	12	2	2	0	14	2
Vehicle Accidents	11	6	14	10	25	16
All Other Calls*	97	101	34	43	131	144
Mutual Aid			47	102	47	102
TOTALS	379	387	170	252	549	639

Fire Training



Firefighters are required to meet minimum training requirements mandated at both State and Federal levels. It is the responsibility of the training officer to develop department training standards and schedules that ensure all mandated requirements are met. Most firefighters are California State Fire Marshal Certified to the Firefighter I level with several being certified at Firefighter II level. The Department has put great emphasis recently on CSFM Certified training. In

some cases we have brought in outside instructors, utilized our own in house instructors, and sent people to courses hosted at neighboring fire departments. The CSFM provide excellent career development tracts for Driver Operator, Fire Officer and Chief Officers.

At the emergency medical service level, all staff are certified at basic first aid and CPR. Dozens are certified at the Emergency Medical Technician (E.M.T.) All E.M.T.'s are also automatic external defibrillator qualified

During 2011 and 2012 we completed hundreds of hours individual training. Our topics include:

- Auto Extrication; stabilization, rescue, patient removal
- Harassment Training for Supervisors
- Wildland Firefighting Principles
- Structural Interface Firefighting
- Fire Behavior
- Thermal Imaging Cameras
- Communications Equipment
- Fire Control, General
- Master Stream Evolutions
- Ladder Evolutions
- Search & Rescue Techniques
- Water Tender Evolutions
- Roof Ventilation
- Drafting Evolution
- Fire Behavior
- Squad Operations
- Truck Evolution and Operations
- Multi Company Evolutions and Performance Standards
- Liveline Evolution
- Fire Scene Management
- Commercial Building Size Up
- Firefighting Skills & Procedures
- PPE & Clothing
- Hazardous Materials training



Winters Fire Captains Mendoza & Lopez prepare to start training burn fire.

Fire Prevention

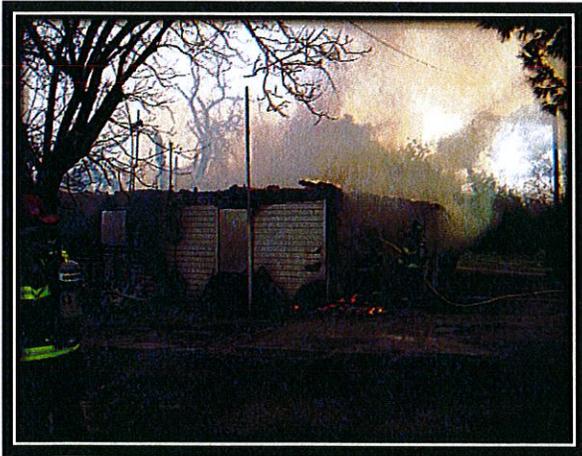
Fire prevention is a major area of responsibility for the Fire Department. Historically, every major fire has underscored the need for good fire prevention. The Fire Chief is given the responsibility to establish and maintain fire and life safety throughout the community. This is accomplished by the development of comprehensive fire and life safety laws. Fire code compliance is accomplished by:

1. Reviewing plans for new construction
2. Identifying potential hazards
3. Conducting fire inspections

Business Inspections – Consist of all local businesses, such as banks, stores, gas stations, etc., inspected periodically by Engine Company based on-duty firefighters for basic safety code violations.

Construction Inspections – Consist of all new construction, fire sprinkler and alarm systems, to ensure projects are constructed to required codes and standards; performed on an as needed basis.

Plan Checking – Consists of reviewing plans for all proposed projects prior to construction, including fire alarm systems, sprinkler systems, and new construction, to ensure compliance with applicable codes and to determine any additional requirements; requires a high level of training and expertise, and is performed by the Fire Marshal.



Winters Firefighters working a structure fire.

Public Education and Community Relations

During 2011-2012 the Department:

- Helped distribute Thanksgiving meals prepared by Winters Thanksgiving Dinner Committee
- Hosted tours of the Winters FD for Waggoner Elementary School children during Fire Prevention Week.
- Participated in Downtown Winters Christmas Tree Lighting and Santa arriving in town.
- Participated in the Toys for Tots Program, distributing toys and food to adults and children



Fire Maintenance

“Constant readiness” of all equipment and personnel is essential in the effectiveness of a Fire Department. All equipment must be ready to operate at any time.

The Maintenance Division is responsible for all repairs, preventive maintenance and testing of Department equipment, apparatus and facilities. Maintenance also coordinates the testing and acceptance of new fire hydrants. Some major maintenance items are not performed by Fire Department personnel, such as the annual certification of all ladders and breathing apparatus. Private contractors perform these tasks.



Winters Fire personnel perform maintenance on fire apparatus.

During 2011 -2012, the Fire Department conducted:

- Daily Apparatus Inspections
- Weekly Apparatus Inspections
- Monthly Apparatus Inspections
- Annual Hose Testing of all fire hose
- Required Emissions Testing of the Fleet
- NFPA Recommended Pump Testing
- Routine Prevention Maintenance of Apparatus
 - * Lube, Oil Filter
 - * Brake Inspections
 - * Tire Replacements
- Planned Repair of Long Term Maintenance Items
- Emergency Repair of Apparatus Deemed Out of Service

Specialized Programs

Emergency Medical Services

A significant portion of our calls for service are medical in nature. Therefore, many training hours are devoted to Emergency Medical Continuous Quality Improvement (CQI). Training for 2011-2012 included:

- ❖ Run Review
- ❖ Protocols
- ❖ Defibrillation
- ❖ Lessons Learned
- ❖ Documentation
- ❖ Policy Review



Winters Firefighters prepare a patient to be airlifted to a hospital.

Fire Investigation

The investigation team consists of individuals from within the Department ranks. Under the supervision of a Fire Division Chief, the team attempts to determine the cause and origin of all fires occurring within the jurisdiction. The purpose of a fire-cause investigation is to:

1. Identify reoccurring accidental causes
2. Determine if a crime has been committed (arson)

Arson fires or fires of suspicious origin are reported to the responsible law enforcement agency that works to the completion of the case. The fire investigation team also participates in the Yolo County Fire Investigation Unit, where Department personnel respond to requests from other agencies for investigative assistance. Accidental fires that occur consistently are identified to determine if new prevention practices need to be established.

Mutual and Automatic Aid

Mutual aid is defined as an agreement in which two or more parties agree to furnish resources and facilities and to render services to each and every other party of the agreement to prevent and combat any type of disaster or emergency. Automatic aid is

defined as an obligatory form of mutual aid, based on a written or verbal agreement, whereby one or more fire agencies will provide immediate response of resources to an emergency incident within the jurisdiction of another fire agency.

Typically, mutual aid is received only when requested, or when the level of response has elevated to include one of the participating agencies as pre-defined in established protocols (larger fires, multiple incidents, etc.). The participating agencies are only obligated to respond if they are able to do so, i.e., their resources would not be depleted.

Automatic aid requires the automatic response of participating agencies. Typically, the participating agencies respond together to incidents in specific areas. For example, Winters and West Plainfield participates in an automatic aid agreement whereby when Winters is dispatched to a structure fire, West Plainfield is automatically dispatched with Winters.

These agreements provide additional resources, most often in critical situations, when one agency's staffing is not adequate enough for the level of the incident, typically large structure fires, multiple simultaneous incidents, etc. Winters invokes these agreements regularly for significant incidents.

Winters current agreements include the following; Automatic Aid Agreement between Winters and West Plainfield; County of Yolo Fire and Rescue Operational Are Mutual Aid Agreement (consists of all agencies within Yolo County) and agreements for mutual aid with Dixon and Vacaville Fire Protection District.

These agreements are monitored regularly to insure the agreements are used in a reciprocal and balanced fashion.



**WINTERS FIRE DEPARTMENT
PERSONNEL ROSTER
2012**

FIRE CHIEF

Aaron McAlister

DIVISION CHIEFS

Ron Karlen, Operations
Greg Lewis, Prevention

RECORDS CLERK

Robbie Rubio

MECHANIC

Scott Dozier

FIRE CAPTAINS/OFFICER

Brad Lopez
Art Mendoza
Jason Van Doren

VOL. CAPTAINS

Terry Karlen
Matt Churchman

VOL. LIEUTENANTS

Phil Hoag

VOL. ENGINEERS

Aurelio (Willie) Barrera
Charlie Bruhn
Jeff Winslow

VOL. FIREFIGHTER

Adam Breznock
Adam Morrill
Adrian Ramirez
Alyssa Gunderson

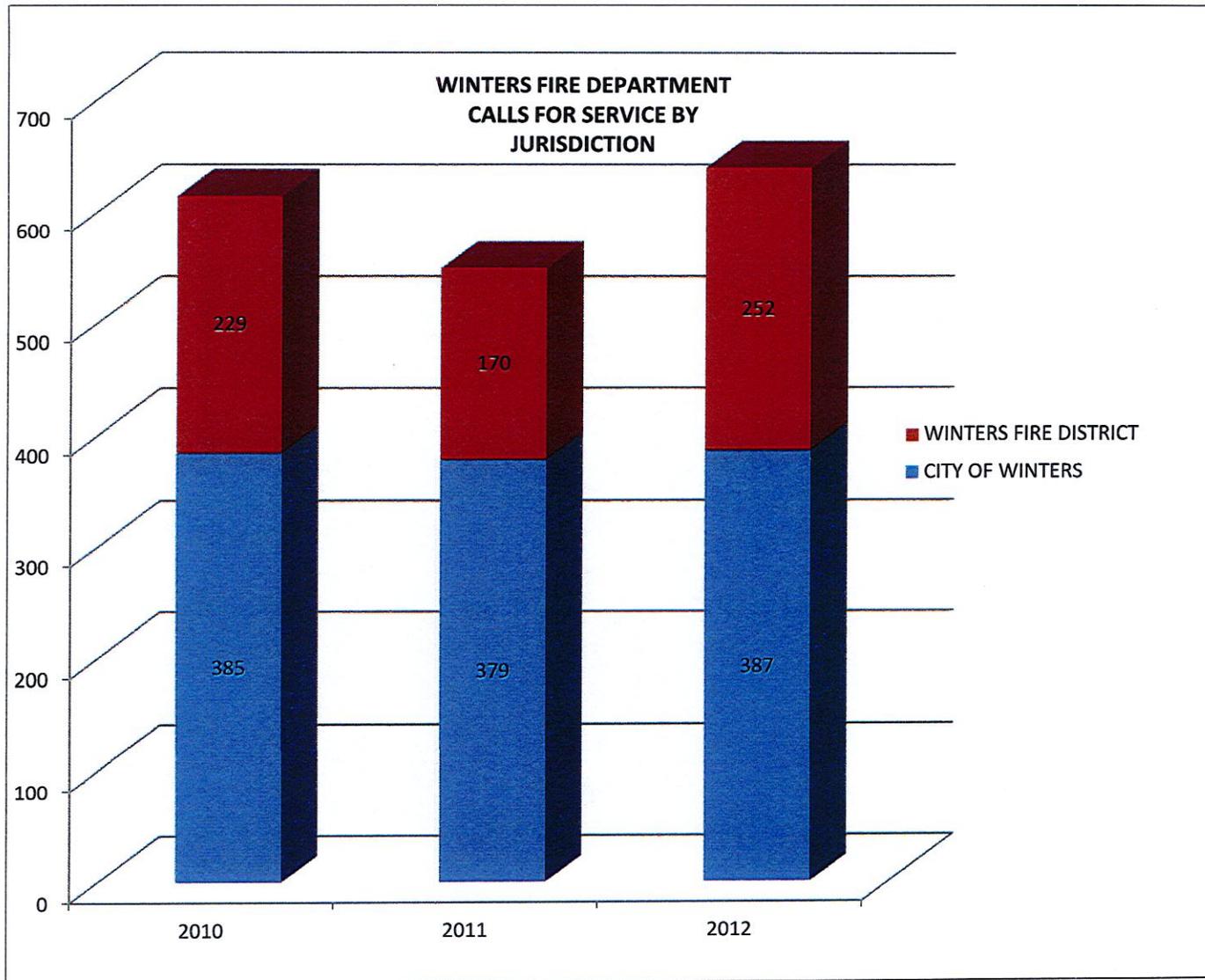
FIREFIGHTERS

Arden Parker
Barbara Karlen
Brad Nelson
Brandon Decker
Brian Madsen
Casey Meyers
Chris Catalan
Dan Schrupp
Danielle Bailey
Dave Callison
Israel Perez
Jake Platt
Jason Corson
Jason Hamilton
Jesse Delgadillo
Joseph Beregovoy
Josh McNaughton
Kea Callison
Luis Herrera
Matt Ferguson
Megan Brady
Melvin Self
Mike Medina
Mike Miller
Rob Day
Rigo Garcia
Ron Nunez
Rudy Valencia
Sean Pritchard
Seth Dinehart
Thomas Stiles
Victor Diaz
Zachary Cartee

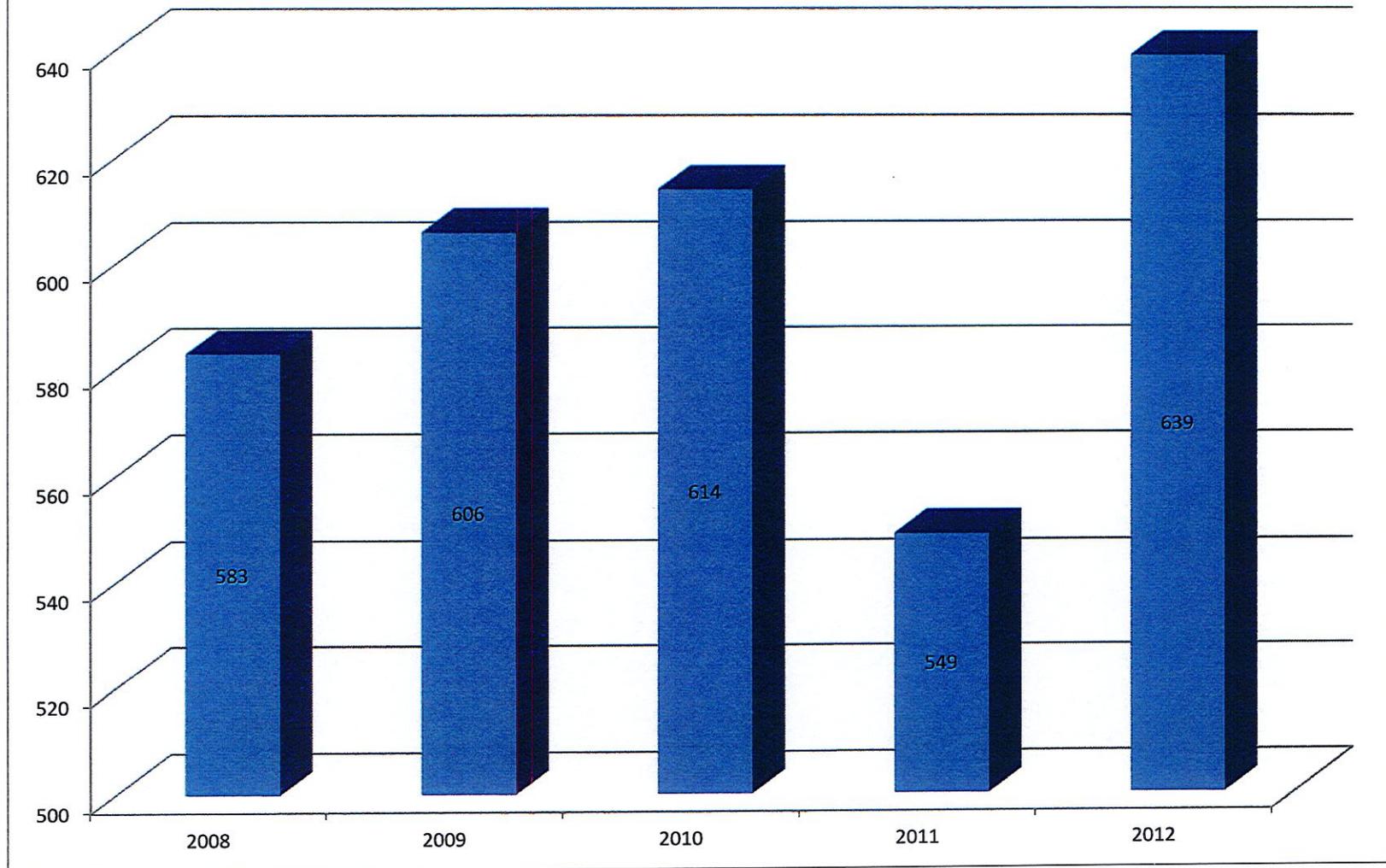
**CALLS FOR SERVICE COMPARISON
WITH PREVIOUS YEAR**

	CITY		
	2010	2011	2012
Structure Fire	3	3	4
Vehicle Fire	0	3	2
Wildland/Grass Fire	9	3	10
Other Fire Calls	2	6	10
EMS/Medical Emergencies	242	244	252
Haz Mat	21	12	2
Vehicle Accident	14	11	6
All Other Calls	94	97	101
TOTAL CALLS	385	379	387

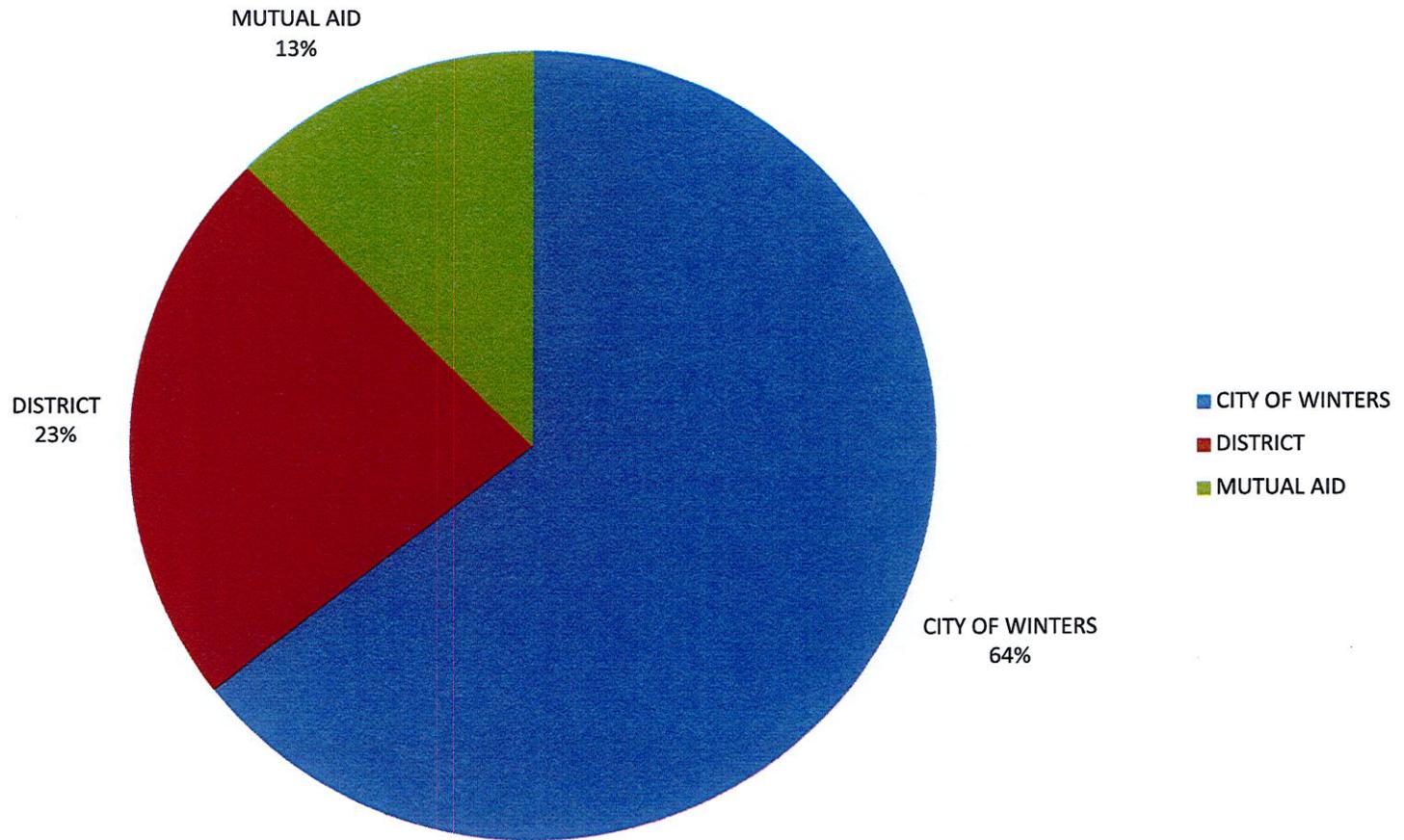
	DISTRICT		
	2010	2011	2012
Structure Fires	1	1	0
Vehicle Fires	1	2	3
Wildland/Grass Fires	10	6	31
Other Fire Calls		6	7
EMS/Medical Emergencies	52	58	56
Haz Mat	1	2	0
Vehicle Accidents	12	14	10
All Other Calls	39	34	43
Mutual Aid	102	47	102
TOTAL CALLS	229	170	252



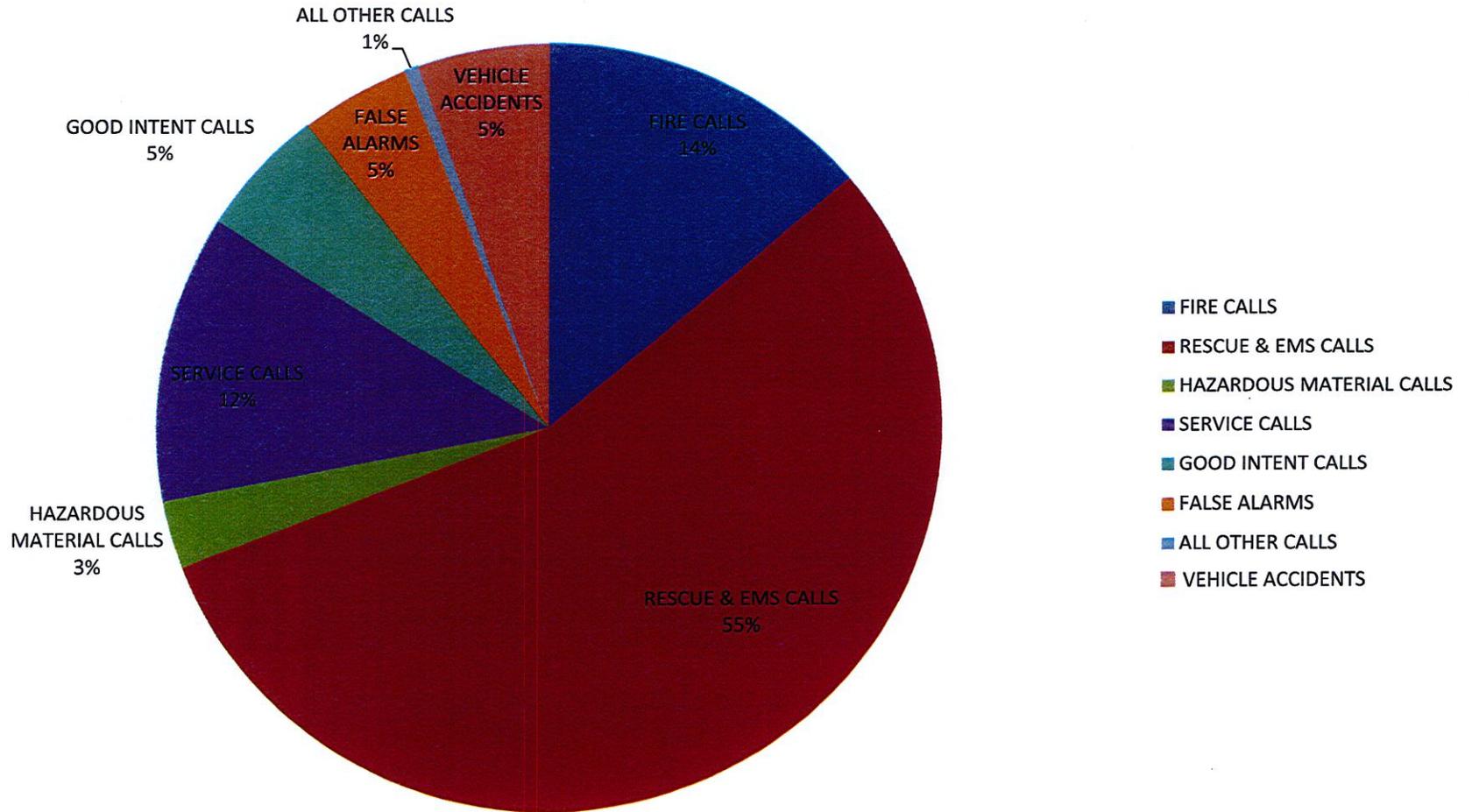
WINTERS FIRE DEPARTMENT CALLS FOR SERVICE 5 YEAR HISTORY



WINTERS FIRE DEPARTMENT 2011-2012 TOTAL CALLS FOR SERVICE CITY OF WINTERS AND WINTERS FIRE DISTRICT



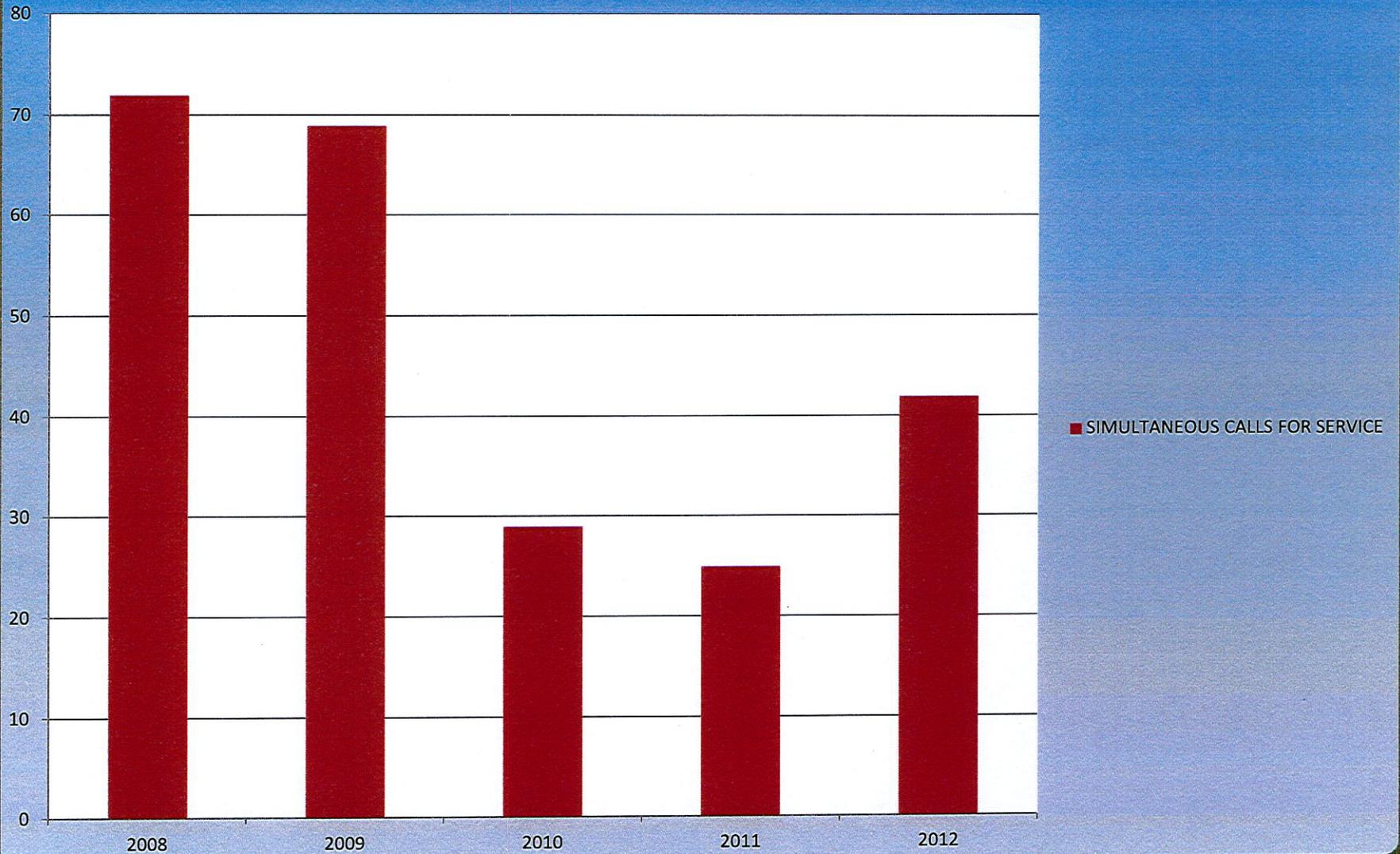
WINTERS FIRE DEPARTMENT 2011-2012 CALLS FOR SERVICE TYPE



WINTERS FIRE DEPARTMENT VEHICLE STATUS 2012

Unit	Year	Mileage	Miles Traveled	Current Age
B-2601	1996	74721.7	3829.2	17
B-226	1996	71384	3661.6	17
B-326	1996	54033.8	1425.5	17
G-26	2004	14518	1082	9
G-226	1979	94272.1	OUT OF SERVICE	34
G-326	1964	26907		49
E-26	1992	29587.3	7072.3	21
E-226	1975	23650	0	38
W-26	1996	707753	1070	17
W-226	2005	61935	174.4	8
S-26	1999	23503.8		14
OES-333	2008	24556	4701	5
BUFFALO	1940			73

WINTERS FIRE DEPARTMENT SIMULTANEOUS CALLS FOR SERVICE





**CITY COUNCIL
STAFF REPORT**

TO: Mayor and City Council
DATE: May 7, 2013
FROM: John W. Donlevy, Jr., City Manager 
SUBJECT: Wastewater Services Agreement- SWWC Assignment

RECOMMENDATION:

That the City Council receive and file this report.

BACKGROUND:

In November, 2012, the City Council approved a new contract with Southwest Water Company (SWWC) to manage and operate the City's wastewater treatment facilities and collection system. The agreement went into effect on January 1, 2013.

DISCUSSION:

On April 9, 2013, Staff was provided a letter dated March 27, 2013 (Attachment A) indicating the intent of SWWC to exit the wastewater Operation and Maintenance business and that it essentially sold all of its "assets" to Severn Trent Services, a British water operations company. The effective date of the sale was said to be on or around April 30, 2013.

In a discussion with the California District Operations Manager, Kathy Stone, she indicated the following:

1. In the Summer of 2012, Southwest Water made the decision to exit the Operations and Maintenance business for wastewater operations for their California and Texas facilities.
2. By September, 2012, they had issued a Request for Proposals and began actively negotiating the sale of its contract assets with private companies.
3. By November, 2013, they were in active negotiations with at least two (2) private

companies for the sale of the Winters contract and by December they began finalizing the overall deal.

Following the receipt of Attachment A, Staff sent a letter dated April 15, 2013 (Attachment B) requesting the following:

1. Information on Severn Trent
2. Information pertaining to State Water Resources Settlement Agreement Order WQ-2011-0001-EXEC which involved 70 violations at Winters facilities, but the City has never been provided details or information. (Attachment 3)
3. Listing of Outstanding Violations which may have occurred from 2009 to the present.
4. Request for funds to process the transfer.

On April 22, 2013, SWWC provided a letter (Attachment 4) responding to the Staff's request from April 15. The response included the following:

- A. Contact information for Severn Trent;
- B. Reference information to the State Water Resources Board website for Administrative Orders; and
- C. Denial of the request for reimbursement of City costs for the contract transfer.

SWWC Position on Contract Transfer:

SWWC has taken the position that pursuant to the contract, they "are not obligated to obtain the consent or approval of the City to assign the Service Contract because SWWC is selling substantially all of its remaining assets to Severn Trent." Based on the signed contract, this may be accurate.

Unfortunately, the signed contract differs from the agreement approved by the City Council on November 19, 2012. Between the Council's approval and execution of the agreement, SWWC added language into Section 7.4 which exempts the transfer of assets as a condition for approval of assignment. The following are the Section 7.4's which were presented to the City Council, with the final wording which was added by SWWC:

1. Provision as Recommended by Staff on November 1, 2012:

7.4 **Assignment.** Except if such assignment shall be to an affiliate or successor of either party, there is a transfer of 50% or more of the stock of SWWC, or there is a merger or consolidation, of either party, this CONTRACT cannot be assigned without the written consent of CITY, which consent shall not be unreasonably withheld, delayed or denied. Any assignment of CONTRACT shall be subject to an assignment fee of ten percent (10%) of the remaining value of the CONTRACT to be paid to CITY prior to the effect of the assignment.

2. Approved by City Council on November 19, 2012:

7.4 **Assignment.** Except if such assignment shall be to an affiliate or successor of either party, there is a transfer of 50% or more of the stock of SWWC, or there is a merger or consolidation, of either party, this CONTRACT cannot be assigned without the written consent of CITY, which consent shall not be unreasonably withheld, delayed or denied.

3. Revised and Submitted by SWWC and Signed in December, 2012:

7.4 **Assignment:** Except if such assignment shall be to an affiliate or successor of either party, or there is a sale of all or substantially all of the assets of SWWC, or there is a transfer of 50% or more of the stock of SWWC, or there is a merger or consolidation, of either party, this CONTRACT cannot be assigned without the written consent of CITY, which consent shall not be unreasonably withheld, delayed or denied.

Denotes language added by into the contract by SWWC, not approved by the City Council, which allows assignment of contract without the consent of the City. Unfortunately, Staff went on the word of the SWWC legal staff that no modifications had been made to the Contract and it was executed by the Mayor.

The final contract was sent to the City as a “rush” by SWWC (based on insurance need) but the changes were not indicated to the Staff. In an attempt to accommodate the SWWC “need” the contract was not scanned “word for word” and the changes were not caught before the signature.

For purposes of this discussion, staff assumes that Section 7.4, as stated in the agreement, is valid. However, there may be legal issues regarding the validity and enforceability of this section based on the insertion of the new language.

SWWC classifies the City of Winters as one of their “assets”, thus SWWC asserts its ability to sell our contract qualifies under the contract as an assignment that does not require the City’s consent.

Assignment Agreement:

In the letter provided to the City on April 9, 2013, SWWC requested that the City sign an Assignment Agreement consenting to the assignment of the contract from SWWC to SevernTrent. SWWC’s subsequent April 22, 2013 letter basically says the Assignment Agreement was provided for “consistency and transparency”, but is essentially not needed for the transfer to proceed.

Staff has reviewed the agreement and is recommending that the City Council not execute the

Assignment based on language which is not in the interest of the City. Specifically, the requested assignment provides that SWWC would remain liable for its obligations, actions, or inactions that accrued or occurred prior to the effective date of the transfer from SWWC to SevernTrent. In other words, SWWC would be responsible for actions or violations occurring prior to the transfer, and SevernTrent would remain responsible for actions occurring after the transfer. This would put the City in the position of having to determine which operator was responsible for an action or inaction taken during a particular time period rather than potentially having both SWWC and SevernTrent responsible for obligations and liabilities.

Outstanding Liabilities/Violations:

An important concern for the City with the transfer of the contract are liabilities for outstanding violations. Under the contract, liabilities are held by the holder of the agreement, thus in this case, it will be Severn Trent.

Staff is particularly concerned/frustrated by the lack of information provided by SWWC regarding violations which have occurred at the City's wastewater facilities under their management. The Executive Order for the 2011 Settlement Agreement (70 violations) is extremely vague and absent a comprehensive audit of reports since 2009, the number of outstanding violations is not known at this time.

SWWC has essentially indicated their unwillingness to disclose their estimation of the number of potential violations. Under the current and past agreement, SWWC is liable for any violations/fines which may be assessed to the City. As indicated above, if SevernTrent assumes responsibility for all obligations under the agreement, then SevernTrent would assume the obligations and liabilities and would, at its option, work out the payment of any fines or penalties with SWWC. Fines are assessed to the jurisdiction (City). In the event of retroactive fines after the assignment, the City will alert SevernTrent and SWWC of such fines for payment.

Severn Trent:

Severn Trent is a large and multi-faceted "water" company with a very diversified portfolio of holdings and services provided. Staff is meeting with executive management staff from Severn Trent to determine their overall qualifications and strategy for assumption of the contract.

Summation:

Between the time the City Council approved the agreement with SWWC and the time the contract was executed, the assignment provision was amended by SWWC to not require the City's consent for the assignment that is now proposed (or perhaps has already occurred). Staff does not recommend that the City sign the requested assignment agreement, and SWWC has indicated that it will proceed with its plan to transfer its contract with the City to SevernTrent

regardless of whether the City signs the assignment agreement. Staff will be working with SevernTrent staff to insure compliance with the performance standards and the other conditions of the agreement, which ends on December 31, 2014.

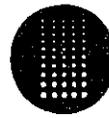
A chief concern is obviously the outstanding potential for fines and violations which may exist during the management of the facility by SWWC. Either Severn Trent or SWWC will be liable for fines which ultimately may be resolved by either payment or potentially through litigation, if necessary.

FISCAL IMPACT:

To be determined.

Attachments:

1. Southwest Water Letter Dated March 27, 2013
2. City of Winters Letter to Southwest Water Dated April 15, 2013
3. http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/eco_resources/eco_stiporder.pdf
4. Southwest Water Letter Dated April 22, 2013



**SWWC
Services, Inc.**

A SouthWest Water Company

12535 Reed Road
Sugar Land, TX 77478
Phone 281.207.5800
Fax 281.207.5861
www.swwc.com

March 27, 2013

Mr. John Donlevy
318 First Street
Winters, CA 95694

RE: SWWC Services, Inc. Contract Assignment

Dear Mr. Donlevy,

The Board of Directors for SouthWest Water Company has made the decision to exit the O&M Services business segment of the company which includes the contract you have with SWWC Services, Inc. For the last year we have had a strategic alliance with Severn Trent Services who we have utilized to successfully exit and transition dozens of our contracts with minimal disruption to our Clients. We are requesting that you sign a simple assignment document, see attached draft, which allows us to transition all our remaining California contracts as a group to Severn Trent Services on April 30, 2013, our proposed closing date for the transaction. Key points of this change are as follows:

- All of the employees that currently service your contract will remain in place and the entire California management team will remain in place as Severn Trent Services employees.
- Severn Trent Services is dedicated to Operation and Maintenance contracts in the Water Industry with significantly more resources to draw from than SouthWest Water. Severn Trent has a strong commitment to their Employees, Clients and the Environment. Enclosed you will find an information package on Severn Trent and you can also visit: WWW.SevernTrentServices.com
- Severn Trent Services currently operates several long term O&M contracts in California and understands the regulatory environment.
- This assignment will not change the pricing or the Terms & Conditions of your existing contract with SWWC Services. This is an unconditional assumption of the contract.

This letter and information package is being presented by the people you know and trust. We understand that this is a change, but through our continuing alliance with Severn Trent, built-up over time, we know this will provide increased opportunities for their new employees as well as an enhanced service level for you.

Sincerely,

Keith Fischer
Managing Director – Services Group
KFischer@SWWC.com

ASSIGNMENT AND ASSUMPTION AGREEMENT

This **ASSIGNMENT AND ASSUMPTION AGREEMENT** (this "Assignment") is entered into by and among SWWC Services, Inc. ("SWWCS"), a Delaware corporation ("Assignor"), **Severn Trent Environmental Services, Inc. ("STES")**, a Texas corporation, ("Assignee"), and the **City of Winters**, a California municipal corporation (the "Client").

RECITALS

On _____, 2013 Assignor and Assignee entered into an Asset Purchase Agreement (the "APA"). Under the terms of the APA, Assignor has agreed to sell to Assignee certain assets related to Assignor's business (the "Transaction").

Assignor and the Client previously entered into an Agreement dated December 1, 2012 (the "Contract"), under which the Client engaged Assignor as the operator under this Contract. Assignor now desires to assign to Assignee, and Assignee desires to acquire from Assignor, all of Assignor's right, title, and interest in and to the Contract as well as assume all its obligations therein. Section 7.4 of the Contract requires the Client's consent to an assignment of the Contract by Assignor.

Pursuant to this Assignment, Assignor is providing notice of, and is requesting Client's consent to the assignment of the Contract to Assignee, effective as of the closing date of the Transaction (the "Effective Date").

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing premises, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and of the mutual agreements set forth herein, the parties agree as follows:

1. Assignor hereby transfers and assigns to Assignee for Assignee to assume all of Assignor's rights, title, and interest as well as all of its obligations under the Contract beginning as of the Effective Date hereof.
2. Assignee hereby accepts such assignment from Assignor and expressly assumes and agrees to keep, perform, and fulfill all the terms, conditions and obligations of Assignor under the Contract.
3. The Client hereby consents to the assignment of the Contract from Assignor to Assignee, in accordance with the terms of this Assignment; provided, however, Assignor shall remain responsible pursuant to the Contract for obligations, or actions or inactions, of Assignor accruing, or occurring, prior to the Effective Date.

4. Assignor shall transfer to Client or its designee, at no cost to Client, the original records that Assignor has received or maintained on behalf of Client within thirty (30) days following the Effective Date, but will deliver all records related to billing and other items necessary for the operation of the Client's Facilities at the Effective Date. To the degree allowed by law, Assignor may make copies, at Assignor's expense, of those records.

5. This Assignment may be executed in one or more counterparts, including without limitation, facsimile or electronically reproduced counterparts, and all executed counterparts, when taken together, will constitute sufficient proof of the parties' entry into this Assignment.

6. In the event that the Transaction is not consummated, this Assignment shall be of no force or effect.

ASSIGNOR:

SWWC Services, Inc.,
a Delaware corporation

By: *Keith Fischer*

Name: Keith Fischer

Title: President

Date: _____, 2013

ASSIGNEE:

Severn Trent Environmental Services, Inc.,
a Texas corporation

By: _____

Name: _____

Title: _____

Date: _____, 2013

CONSENTED AND AGREED TO BY:

CLIENT:

City of Winters, a California municipal corporation

By: _____

Name: _____

Title: _____

Date: _____, 2013



April 15, 2013

Kathy Stone
 California District Operations Manager
 SWWC Services Inc. A SouthWest Water Company
 P.O. Box 230
 Corning, CA 96021

RE: Contract Transfer- Due Diligence Information Request

Dear Kathy:

Based on our meeting of April 9, 2013, and the letter delivered on that date from Keith Fischer, dated March 27, 2013, regarding the request for the transfer of the City of Winters' ("City") contract with SouthWest Water Company ("SouthWest") to Severn Trent Environmental Services, Inc. ("Severn Trent"), the City formally requests the following information as part of our due diligence in consideration of the transfer:

- 1) **Severn Trent Information:** A full company profile of Severn Trent and a letter from it detailing its commitment to fulfilling all aspects of the existing contract between the City and SouthWest. We expect to receive, at a minimum, the following information about Severn Trent:
 - (1) The proposed corporate structure for the ownership interests that will hold the Winters contract, including the corporation or entity that will hold the Winters contract and any and all parent corporation(s)
 - (2) Identity and contact information for all parties or persons owning more than 10% of the voting stock or shares of the Company that will hold the Winters contract and /or all such parties or persons of any parent corporations ;
 - (3) A list and summary of all bankruptcies filed or judgments entered against Severn Trent in the US. during the last seven years and the status of each and
 - (4) A list and summary of all pending lawsuits, including appeals, against Severn Trent, including the parties, the court and the court filing numbers, the type of case and the status of the case;
 - (5) Its qualifications, experience, and licensing to operate in California, including but not limited to corporate licensing, if any, and individual licensing for the employees and supervisors that will be assigned to the Winters contract. ;

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

COUNCIL MEMBERS

Harold Anderson
 Wade Cowan
 Bruce Guelden

MAYOR

Cecilia Aguiar-Curry

MAYOR PRO TEM

Woody Fridae

CITY CLERK

Nanci Mills

TREASURER

Michael Sebastian

CITY MANAGER

John W. Donlevy, Jr.

- (6) A list of public agencies in California where Severn Trent operates short or long-term O&M wastewater contracts, including contact information from each public agency so that the City can, if desired, do reference checks;
- (7) Listing of key personnel/profiles Severn Trent intends to assign to the Winters contract, including both operators and supervisors; and
- (8) Contact information of Severn Trent personnel who will be the City's primary contact(s), including addresses, phone numbers, and e-mail addresses.
- (9) A listing of the key management employees who will oversee the employees and supervisors who are assigned to the Winters contract

Finally, the City requests an in-person meeting with the key managers from Severn Trent who will oversee the contract and supervise you and the Winters personnel. If the person/people who will manage the contract are different from the person/people who will supervise personnel assigned to Winters, all such people should be present at the meeting.

- 2) **State Water Resources Board Settlement:** SWWC has operated the City's facility for many years; yet it failed to disclose any information to the City regarding the violations, or facts leading up to the violations, as set forth in the State Water Resources Settlement Agreement Order WQ-2011-0001-EXEC concerning the Winters facility. If SWWC has failed to report any violations to the City that may have occurred since the effective date of the existing agreement, SWWC is in breach of the agreement.

The City now formally requests from SWWC a full report and documentation regarding the events and violations along with the status of the violations and what SWWC did or agreed to do as a correction(s) for the violations.

The City is deeply concerned that if SWWC is no longer our provider, the City will not be able to obtain any information regarding this settlement

- 3) **Listing of Outstanding Violations:** The City formally requests a listing/status of any and all violations that have occurred at Winters facilities since January, 2009. It is requested that the listing be provided by month and violation from January, 2009 to the present. Such listing shall, at a minimum, include all violations reported to the Regional or State Water Resources Board, or other regulatory agency for the years 2009, 2010, 2011, 2012 and 2013, together with the remedial action taken and the fines levies, if any. SWWC may provide this information by providing copies of filings made to the Regional or State Boards or other regulatory agency, if such filings contain the requested information.

The City is deeply concerned that if SWWC is no longer its provider, the City will not be able to obtain any information on possible violations and liabilities between the time covered in the settlement and the effective date of the assignment, and the City will need to be

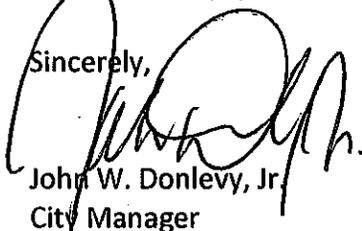
assured that it has no possible outstanding liabilities by reason of the proposed transfer and assignment.

- 4) **Deposit for Processing Transfer:** Based on your representations to the City Council when the City Council approved the existing contract with SWWC in November 2012, the City did not expect a request to transfer/assign the contract to be presented to the City, especially so soon after executing the agreement. Because you have now requested a transfer/assignment, the City now finds itself being forced to review and vet a new contractor and, incur costs it would had not anticipated based on your representations. Therefore, the City, requests a deposit of five thousand dollars (\$5,000) to cover our legal and administrative costs for the processing of this request. All services will be billed on a time and materials basis, and invoices will be sent to SWWC upon request. Please note that the amount requested is a deposit only and is not intended to be a reasonable estimate of the City's costs.

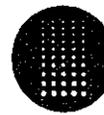
During our meeting, we agreed to endeavor to have the transfer/assignment request before the City Council at its May 7, 2013 meeting. In order to facilitate this request, the City must receive the above requested information not later than **Tuesday, April 23, 2013**. In addition, the City appreciates your facilitation of the requested in-person meeting and will need to have such meeting by May 1, 2013 in order for this item to be on the May 7, 2013 City Council agenda.

If you have any questions, please do not hesitate to contact me at (530) 794-6710.

Sincerely,



John W. Donlevy, Jr.
City Manager



**SWWC
Services, Inc.**

A SouthWest Water Company

12535 Reed Road
Sugar Land, TX 77478
Phone 281.207.5800
Fax 281.207.5861
www.swwc.com

April 22, 2013

Mr. John W. Donlevy, Jr.
City Manager
City of Winters California
318 First Street
Winters, CA 95694

RE: Contract Transfer – Due Diligence Information Request

Dear Mr. Donlevy:

SWWC Services, Inc. is in receipt of your letter dated April 15, 2013 requesting information relating to SWWC's assignment to Severn Trent Services of the Service Contract dated December 1, 2012 with the City of Winters and other related matters.

With respect to your request for Severn Trent information, it is our understanding that Lisa Hardy of Severn Trent will be providing their company information directly to you.

In addition, in response to your request for continuing information about the State Water Resources Board Settlement and listing of outstanding violations, enclosed is a summary provided by SWWC's EHS Manager Mark Jeffery. Please be assured that SWWC will continue to be responsible for any potential liabilities associated with these matters after the assignment of the Service Contract to Severn Trent.

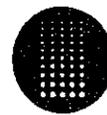
Finally, with regard to your request for a \$5,000 deposit to cover legal and administrative costs for processing this transaction, please be advised that, pursuant to Section 7.4 of the Service Contract, SWWC is not obligated to obtain the consent or approval of the City to assign the Service Contract because SWWC is selling substantially all of its remaining assets to Severn Trent. Notwithstanding the foregoing, SWWC has provided an assignment document to all of our clients involved in this transaction, including the City, for consistency and transparency. Given these circumstances, we do not believe it is necessary for SWWC to pay for any costs associated with a legal and administrative review.

We firmly believe this assignment will provide continuing professional services for the City of Winters and a transition that will have a minimal impact on your day to day operations.

Respectfully submitted,

Keith Fischer
Managing Director – Services Group

Encl.



April 22, 2013

CITY OF WINTERS ENVIRONMENTAL SUMMARY

The following is a brief review of all State Water Resource Control Board (SWRCB) and Central Valley Regional Water Quality Control Board (CVRWQCB) orders affecting the Winters Operations.

WQ-2011-0001-EXEC (see link below), commonly referred to as the California Settlement Agreement, was issued by the SWRCB and is applicable to all ECO Resources Inc. (SWWC) operations in California.

WQ-2011-0001-EXEC includes a specific reference to Waste Discharge Requirements Order R5-2002-0136 issued by the CVRWQCB.

R5-2002-0136 was issued on July 19, 2002 and replaces Waste Discharge Requirements (WDR) Order R5-91-232. As Winters is not an NPDES permitted facility these WDR Orders are in effect the facility operating permits.

As stated in R5-2002-0136 the change was made by the CVRWQCB because "Existing waste discharge requirements established by Order No. 91-232 are neither adequate nor consistent with current plans and policies of the Regional Board" (re: item 2 page 1 of R5-2002-0136, see link below).

Additionally R5-202-0136 established several timelines for compliance initiatives. Many of these timelines are related to reducing Sanitary Sewer Overflows (SSO's).

After discussions with the facility operators all conditions contained in R5-2002-0136 that are controllable by SWWC have been completed. The remaining items are to be addressed by the City.

R5-202-0136 http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/yolo/r5-2002-0136.pdf

WQ-2011-0001-EXEC

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2011/wqo2011_0001.pdf

Respectfully submitted,

Mark W. Jeffery, REM
Environmental Health & Safety Manager



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council members
DATE: May 7, 2013
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Dan Maguire, Economic Development and Housing Manager
Mary Jo Rodolfa, Management Analyst
SUBJECT: 602 Second Street Fee Credit Request

RECOMMENDATION:

Staff recommends City Council take the following actions: 1) Make a finding that the new development does not make demands on infrastructure capacity greater than the structures being replaced; 2) Make a finding the owner of the previous structures paid the applicable development fees, if any, at the time of construction; and 3) Approve Fee Credit for Development Impact Fees and Park In Lieu Fees for House relocated to 602 Second Street per Municipal Code Sections 15.76.100 and 15.76.110.

BACKGROUND:

At the October 25, 2005 Planning Commission meeting, the Planning Commission approved the 600 Second Street Project (Parcel Map, Site Plan, and Variance). The approval allowed the applicants to subdivide the existing parcel into two separate parcels, allowing them to relocate the "White House" building to the newly created 4050 square foot parcel for use as a single-family residence. The building, originally a single family residence, was most recently used as an office building by the Winters Joint Unified School District.

JDS Builders Group, the property owner, has continued to work with City Staff to apply for some level of fee reduction to make the rehabilitation and additional construction

(garage) of the single-family residence economically viable. While the building has been relocated to the site (602 Second Street), it has remained vacant and unimproved.

Staff's most recent discussions with John Siracusa of SIRA Contractors (JDS Builders no longer exists) resulted in staff proposing taking the item to City Council with a recommendation that the Council consider granting a Fee Credit as allowed for in section 15.76.110 of the City's Municipal Code, titled Credits. Under section 15.76.110, "The City Council may establish a schedule of credits against development fees established pursuant to its Facilities Fee Resolution, based on the replacement of an existing legal structure which was in existence during the immediately preceding twelve (12) month period. Any credits will be given only to the extent that the City Council can make a finding that: (1) the new development does not make demands on infrastructure capacity greater than that imposed by the structures being replaced; and (2) the owner of the previous structure paid the applicable development fees, if any, at the time of its construction.

In this instance an existing structure has simply been relocated to another parcel. It is staff's opinion that the relocation of the structure creates no additional demands on infrastructure capacity and that the applicable development fees, if any, were paid when the structure was initially built. Given this analysis, staff believes the City Council can make the necessary findings and grant credits towards the development fees.

The proposed fee credits would be to offset the current City development impact fees (\$20,972) and Park In Lieu Fee (\$10,388.57). The developer would be required to pay all School District and County fees, as well as the City sewer and water connection fees. The proposed fee credits would position the house to change from a vacant shell located on the subject property to a productive asset of the community.

FISCAL IMPACT: Total costs of the Development Impact Fees and Park In-Lieu Fees are calculated at \$31,360.57.

ATTACHMENTS:

SIRA Fee Credit Request letter

Municipal Code Chapter 15.76 – Facility Fees for Development Projects, (Subsection 15.76.110)

JDS Fee Review Request letter

October 25, 2005 Planning Commission Staff Report

SIRA Contractors, Corporation

**7 East Main Street
Winters, CA 95694
License # 490115**

April 9, 2013

**John Donlevy
318 First Street
Winters, CA 95694**

SUBJECT: White House at 602 Second Street, Winters

Hi John,

Thank you for spending time with me this morning to discuss the reduction or elimination of the impact fees for the little white house.

I wrote a letter 2 years ago to Nelia Dyer requesting the City to reconsider the cost of the current impact fees to help facilitate the sale of the house to potential buyers in this down market.

In chapter 15.76.100 and 15.76.110 five year review in the code publishing document, it identifies possible credits based on replacement of existing structures.

Please review these documents, and let me know if they can be applied the little white house.

Thank you for your consideration.

Sincerely,

John Siracusa

F. The city adopts Code of Civil Procedure Section 1094.6 for the purposes of judicial review under this section. A petition seeking review of decision under this chapter shall be filed not later than thirty (30) days following the date on which the decision of the city council becomes final, and shall be preceded by a written protest including:

1. A statement informing the city of the factual elements of the dispute and the legal theory forming the basis for protest, and
2. A statement that the required payment is tendered under protest. (Ord. 92-06 § 1 (part))

15.76.100 Five-year review.

If, five years after collection, any portion of a fee collected pursuant to this chapter is unexpended or uncommitted, the city shall review the fee and the purpose for which it was charged, and make a determination and finding as to the continued need for the fee and the reasonable relationship between the fee and the purpose for which it is intended. This review and findings shall be made once each fiscal year in any year that there are unexpended or uncommitted fees, beginning with the fifth year after the effective date of the ordinance codified in this chapter.

If the appropriate finding cannot be made, the city shall refund the fees to the then current owner of record of the project on which the fee was imposed pursuant to Government Code Section 66001(d), Section 66001(e), and Section 66001(f). (Ord. 92-06 § 1 (part))

15.76.110 Credits based on replacement of existing structures.

The city council may establish a schedule of credits against development fees established pursuant to its Facilities Fee Resolution, based upon the replacement of an existing legal structure which was in existence during the immediately preceding twelve (12) month period. Any credits will be given only to the extent that the city council can make a finding that: (1) the new development does not make demands on infrastructure capacity greater than that imposed by the structures being replaced; and (2) the owner of the previous structures paid the applicable development fees, if any, at the time of its construction. (Ord. 92-06 § 1 (part))

15.76.120 Automatic annual adjustment.

Each fee imposed by this chapter shall be adjusted automatically on July 1st of each year beginning on July 1, 1993, by a percentage equal to the rise in the Engineers News Record construction cost index for the preceding twelve (12) months. (Ord. 92-06 § 1 (part))

15.76.130 Increase by resolution.

The amount of each fee established by the facilities fee resolution may be more specifically set and revised at any time by resolution of the city council, with this chapter being considered as enabling and directive, and as establishing the initial fee program. (Ord. 92-06 § 1 (part))

15.76.140 Permits affected.

Except as provided in the facilities fee resolution, this chapter shall apply to each and every building permit for new construction either applied for or proposed to be issued on and after the effective date of the ordinance codified in this chapter. (Ord. 92-06 § 1 (part))

15.76.150 Audit.

Whenever an audit is requested to determine whether a fee or charge levied by the city exceeds the amount reasonable necessary to cover the cost of any product or service provided the city manager shall estimate the cost of the audit and require a deposit in the full amount



Nelia C. Dyer, AICP
Community Development Director
City of Winters
318 First Street
Winters, CA 95694

Hello Nelia. This letter is in regards to the "White House" Relocation to 600 Second Street (Assessor Parcel Number: 003-144-06). I would like to begin this letter with a history summarization of the "White House" Relocation. September 28, 2005, JDS Builders Group, Inc. drew up a proposal and sent it to the Winters Planning Commission. At this time Paul Fair and John Siracusa subdivided an existing 10,125 square foot parcel. The parcel was divided into two separate parts, which were 4,050 and 6,075 square feet in size. The Planning Commission approved of this Relocation and Split Lot Variance. The "White House" stands as a 765 square foot two – bedroom, two – bathroom single – family residence. It includes 368 foot single stall garage addition to the side of the house. Now, you have some background to the property that I am addressing in this letter. Next, I will go over the costs, what those costs translate to in today's housing market, and the exploration of some possible options in the future.

The split lot was a much needed division in order to relocate this house, but in doing so, it has accrued costs that make it virtually unsellable to potential clients in today's housing market. The costs in just being able to turn this over to a potential buyer is no less that \$29,000 in 2011 and has been quoted to be more in the range of \$31,360.57, since 10/11/2006. The \$31,360.57 cost has stood through the 2010 calendar year. The breakdown of these costs are, City Development Impact Fees, which have a price tag of \$20,972.00, Park In Lieu Fees, which make up the remainder of that invoice quote of \$31,360.57. Furthermore, that is not including what the buyer has to do him or herself in regards to fronting the costs themselves for repairs and bringing up the site utilities from underground on Second Street. As you can see, these costs have become a negative factor in the initial process in our correspondence with these potential home buyers. I would like to propose some options to you. Please consider the economic downturn and if possible, revise the current fees and costs to fit appropriately with where we are at economically at this current time. Also, I would like to propose that we go through each fee and cost to ensure that we are not being invoiced for an amount that doesn't stand anymore.

John and I would like to set up a meeting time and place to discuss what I have proposed to you, or at the very least, continue to dialogue about our options with the relocation costs of this subdivided parcel.

With Care,
Cameron T. Williams, Executive Assistant

t 530.7950213 | f 530.7955662 | 7 East Main St, Suite D | Winters CA 95694
lic.#810970

600 Second Street Impact Fees		
Facility	Low Density*	600 Second Street
Water System	4,346	\$4,346.00
Waste Water System	5,902	\$5,902.00
General Storm Drain	63	\$63.00
Streets	3,067	\$3,067.00
Parks and Rec	2,131	\$2,131.00
Public Safety	394	\$394.00
Fire Protection	1,382	\$1,382.00
General Capital	2,012	\$2,012.00
Storm Drain-Non-Flood	454	\$454.00
Monitoring Fee	1,221	\$1,221.00
TOTAL		\$20,972.00

*Fee per unit

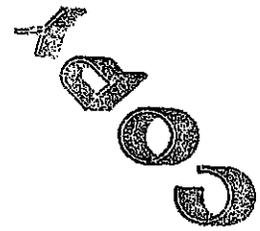
Exhibit A
 Resolution 2010-23
 City of Winters Development Impact Fees
 Effective July 1, 2010

Facility	Residential Fee per Unit					Non-Residential Fee per Building Square Foot								
	Rural	Low Density	Medium Density	Medium High Density	High Density	NC	Highway Commercial	CBD	Office	Other Commercial	Business Park	Light Industrial	Heavy Industrial	Public/Quasi Public
Water System	5,590	4,346	2,904	1,975	1,423	1.40	1.40	0.50	-	1.03	1.17	0.82	0.91	0.92
Waste Water System	7,574	5,902	5,246	3,935	2,754	2.78	2.78	0.97	-	1.99	1.99	1.39	1.85	2.14
General Storm Drain	81	63	42	25	22	0.03	0.03	0.01	-	0.02	0.02	0.02	0.02	
Streets	3,061	3,067	3,070	2,492	1,917	3.74	3.74	2.72	-	2.80	1.12	0.65	0.48	
Parks and Rec	2,131	2,131	2,131	1,732	1,332	-	-	-	-	-	-	-	-	
Public Safety	396	394	394	395	933	0.50	0.50	0.50	-	0.50	0.10	0.10	0.10	
Fire Protection	1,382	1,382	1,382	1,123	864	0.79	0.79	1.02	-	1.03	0.65	0.55	0.51	
General Capital	2,012	2,012	2,012	1,635	1,257	1.15	1.15	1.80	-	1.86	0.74	0.43	0.32	
Storm Drain-Non-Flood	582	454	303	182	161	0.23	0.23	0.06	-	0.16	0.16	-	-	
Monitoring Fee	1,221	1,221	1,211	1,166	1,156	0.64	0.64	0.64	0.64	0.64	0.11	0.11	0.11	



318 First Street
 Winters, CA 95694
 530-795-4910 fax 530-795-4935

Invoice No.



INVOICE

Customer

Name John Siracusa & Paul Fair JDS
 Address 7 E. Main Street
 City Winters State CA ZIP 95694
 Phone

Date 10/11/2006
 Order No.
 Rep Jen Michaelis

Qty	Description	Unit Price	
1	City Development Impact Fees & Park In Lieu Fee for "White House" project. Payment in full & receipts from WJUSD and Yolo County showing payment of school and county fees is required. No Building Inspections will be scheduled until this is satisfied.		\$31,360.57

Payment Details

Payment in full, receipts from WJUSD and Yolo County showing payment of school and county fees is required.

No Building Inspections will be scheduled until this is satisfied.

SubTotal

TOTAL

\$31,360.57



PLANNING COMMISSION STAFF REPORT
October 25, 2005

TO: Chairman and Planning Commissioners

FROM: Dan Sokolow – Community Development Director *DS*

SUBJECT: **Agenda Item VI #3, Action Items – Public Hearing and consideration of Parcel Map (2005-001-PM), Site Plan, and Variance request submitted by Paul Fair and John Siracusa for subdividing the parcel located 600 Second Street (APN 003-144-06) into two parcels and relocating an existing structure to one of the newly created parcels for use as a single-family residence**

RECOMMENDATION: Conduct the public hearing and either approve or deny the Parcel Map (2005-001-PM/SP/VAR), Site Plan, and Variance request submitted by Paul Fair and John Siracusa for subdividing the parcel located at 600 Second Street (Assessor's Parcel Number 003-144-06) into two parcels and establishing a single-family residence on one of the two newly created parcels.

BACKGROUND: The project applicants – Paul Fair and John Siracusa – plan to subdivide the existing 10,125 square foot parcel (APN 003-144-06) located at 600 Second Street into two separate parcels of 4,050 and 6,075 square feet in size; relocate the "White House" building to the newly created 4,050 square foot parcel for use as a single-family residence; and obtain a variance for the lot sizes of the two newly created parcels, the off-street parking requirements for the existing duplex at 600 Second Street and the single-family residence, the lot width requirement for the newly created 4,050 square foot parcel, and the setback requirements for the duplex and single-family residence. Please find attached the Assessor's Parcel Map for the site; a letter from the applicants; proposed parcel map; and the site, roof, and elevation plans for the project.

Last year, the applicants had received Planning Commission approval to use the White House, which had been used as an office building for the Winters Joint Unified School District, as a single-family residence at the east end of Almeria Place. The applicants are now proposing to move the White House to 600 Second Street and use it as a single-family residence. The 765 square foot two-bedroom, two-bathroom single-family residence (White House) will include shiplap siding (v-rustic siding) and 40-year composition roof shingles. A 368-square foot single stall garage will be constructed for the residence.

A variance is required for the project to address the following lot size, off-street parking, lot width, and setback requirements.

1. **Lot Sizes** – The Minimum lot size for the R-1 Zone is 6,000 square feet. The applicants propose to subdivide an existing 10,125 square foot lot into two lots: 4,050 and 6,075 square feet in size. The newly created 6,075 square foot lot would continue to house the existing duplex at the northwest corner of the Second and Baker Street intersection. The minimum lot size for a market-rate duplex in the R-1 Zone is 13,000 square feet.
2. **Off-Street Parking** – The existing duplex has no off-street parking and the applicants are not proposing any off-street parking. The off-street parking requirement for the duplex is four spaces. Two off-street parking spaces are required for the single-family residence while the applicants are proposing tandem parking to provide one off-street parking space in a single stall garage and park a second vehicle in the driveway.
3. **Lot Width** – The 4,050 newly created parcel will have a lot width of 54-feet while the minimum lot width for the R-1 Zone is 60-feet.
4. **Setbacks** – The applicants are proposing a 5-foot rear yard setback for the duplex; the rear yard setback for the R-1 Zone is 25-feet. The applicants are proposing 19-foot rear and 5-foot (garage side) side yard setbacks for the single-family residence. The R-1 requirements are 25 feet for the rear yard and 10 feet for the side yard adjacent to the garage.

The project site (600 Second Street, APN 003-144-06) is 10,125 square foot in size, has a General Plan land use designation of Low Density Residential, and is zoned Single Family, 7000 Square Foot Average Minimum (R-1). This project will require Parcel Map, Site Plan, and Variance approvals from the Planning Commission.

DISCUSSION: Approval of a variance requires that the Planning Commission make the following three findings (Winters Municipal Code, Section 17.24.040).

1. That any variance granted is subject to such conditions as will assure that the adjustment thereby authorized does not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the subject property is situated;
2. That, because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the provisions of this Title is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification; and

3. That the variance shall not be granted for a parcel of property which authorizes a use of activity which is not otherwise expressly authorized by the zone regulation (both general plan and zoning) governing the parcel of property.

There are a number of examples of lots in areas near the project site that do not meet the R-1 Zone minimum lot size of 6,000 square feet, off-street parking requirements, and R-1 Zone minimum lot width of 60 feet. Examples of these include 607 and 415 Second Street, 113 Baker Street, and 212 Abbey Street. Examples of lots in areas near the project site that do not meet the R-1 Zone setbacks include 411 Second Street (secondary frontage), 311 Third Street (front yard), 205 and 207 Abbey Street (front yards), and 408 Second Street (secondary frontage). Nevertheless, it is less clear whether the characteristics of the existing lot at 600 Second Street satisfy the special circumstances finding needed for a variance. The key consideration for this project may be whether the value of preserving a simple, but dignified structure – the White House – and improving the aesthetics of the neighborhood are strong enough to justify a variance.

METHODOLOGY:

Four actions are required to process the proposed project:

1. Confirmation of CEQA exemption findings – Class 15, Minor Land Divisions and Class 3(a), New Construction or Conversion of Small Structures.
2. Approval of Parcel Map and the attached conditions.
3. Approval of Site Plan and the attached conditions.
4. Approval of Variance and the attached conditions.

APPLICABLE REGULATIONS:

This project is subject to several regulations:

- The California Environmental Quality Act (CEQA)
- State Planning and Zoning Law
- City of Winters General Plan
- City of Winters Zoning Ordinance

PROJECT NOTIFICATION: Public notice advertising for the public hearing on this project was prepared by the Community Development Department's Community Development Director in accordance with notification procedures set forth in the City of Winters Municipal Code and State Planning Law. Two methods of public notice were used: (1) a legal notice was published in the Winters Express on Thursday, October 13, 2005, and (2) notices were mailed to all property owners who own real property within three hundred feet of the project boundaries at least ten days prior to tonight's hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since Thursday, October 20, 2005.

ENVIRONMENTAL ASSESSMENT: The Parcel Map, Site Plan, and Variance

applications have been reviewed in accordance with the California Environmental Quality Act (CEQA) and are considered categorically exempt under Sections 15315 and 15303, respectively.

RECOMMENDED FINDINGS FOR 600 SECOND STREET PROJECT (PARCEL MAP, SITE PLAN, AND VARIANCE): Should the Planning Commission decide to approve the project, staff has prepared the following findings of approval. Staff will provide the Commission with separate findings in the event that the Commission denies the project.

CEQA Findings:

1. The Parcel Map portion of the project qualifies for an exemption from the provisions of CEQA, Class 15 – Minor Land Divisions while the Site Plan and Variance portions of the project qualify for an exemption from the provisions of CEQA, Class 3(a) – New Construction or Conversion of Small Structures.
2. The Planning Commission has considered comments received on the project during the public review process.
3. The exemption finding reflects the independent judgment and analysis of the City of Winters.
4. The Planning Commission hereby confirms a Class 15 Minor Land Divisions and Class 3(a) New Construction or Conversion of Small Structures exemptions for the 600 Second Street Project.

General Plan and Zoning Consistency Findings:

1. The project is consistent with the goals and policies of the General Plan. The General Plan designates the project site as Low Density Residential and this designation provides for single-family detached and attached homes. The project will facilitate a new single-family residence.
2. The project is consistent with the provisions of the Zoning Ordinance. The principal uses of the R-1 Zone are single-family homes and duplexes. The project will facilitate a new single-family residence. While the project is inconsistent with the lot size, off-street parking, lot width (for only newly created 4,050 square foot parcel), and setback requirements of the Zoning Ordinance, a variance finding will allow the applicants to use alternative lot sizes, off-street parking standards, lot width, and setback requirements for the project to facilitate a new single-family residence.

Variance Findings:

1. The variance does not constitute a grant of special privilege. A number of

parcels located in areas near the project site do not meet the R-1 Zone minimum lot size of 6,000 square feet, off-street parking requirements, R-1 Zone minimum lot width of 60 feet, and R-1 Zone setbacks.

2. There is a special circumstance applicable to the subject property which deprive the property of privileges enjoyed by other properties in the vicinity and under the identical zone classification.
3. The variance conforms to the General Plan. The subject parcel has a General Plan land use designation of Low Density Residential which provides for single-family detached and attached homes. The project will facilitate a new single-family residence.

RECOMMENDATION

Should the Planning Commission decide to approve the project, staff recommends that the Commission make an affirmative motion as follows:

I MOVE THAT THE WINTERS PLANNING COMMISSION APPROVE THE 600 SECOND STREET PROJECT (PARCEL MAP, SITE PLAN, AND VARIANCE) BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTIONS:

- Confirmation of exemption from the provisions of CEQA.
- Confirmation of consistency findings with the General Plan and Zoning Ordinance.
- Confirmation of variance findings.
- Approval of the Parcel Map, Site Plan, and Variance of the project as depicted on the plans submitted and subject to the conditions of approval attached hereto.

ALTERNATIVES:

The Commission can elect to modify any aspect of the approval or to deny the application. If the Commission chooses to deny the application, the Commission would need to submit findings for the official record that would illustrate the reasoning behind the decision to deny the project.

CONDITIONS OF APPROVAL FOR THE 600 SECOND STREET (PARCEL MAP, SITE PLAN, AND VARIANCE) LOCATED ON ASSESSOR PARCEL NUMBER 003-144-06, WINTERS, CA 95694.

1. At the time of making the survey for the parcel map, the engineer or surveyor shall set sufficient durable monuments to conform to the standards described in Section 8771 of the Business and Professions Code. All monuments necessary to establish the exterior boundaries of the subdivisions shall be set or referenced prior to recordation of the parcel map.
2. The applicants shall provide the City with an initial deposit of \$2500.00 to cover engineering costs incurred by the City for the parcel map check. The parcel map

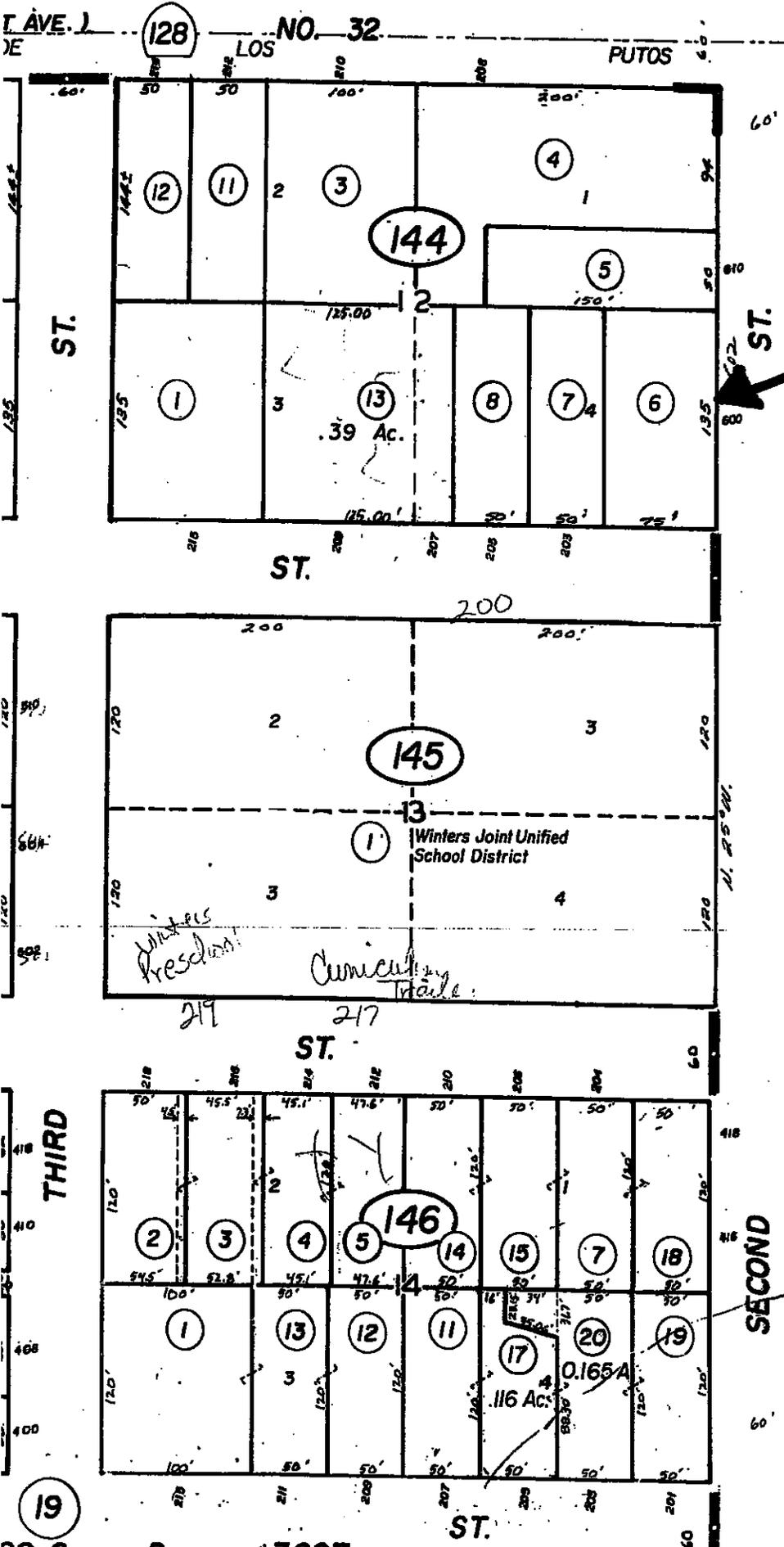
check shall not begin until the deposit is received. The applicants shall deposit additional funds should the City's engineering expenses exceed the initial deposit. The City shall refund the applicants any deposit funds that exceed the City's engineering expenses for the parcel map check.

3. A current title report shall be submitted prior to recordation of the parcel map. The title report shall include the entire legal boundary of property being divided.
4. The applicants shall provide the City with one mylar and four paper copies of the recorded map.
5. The applicant shall pay all applicable taxes, fees, and charges at the rate and amount in effect at the time of such taxes, fees, and charges become due and payable.
6. The applicants shall annex the newly created parcel on Second Street into the City-Wide Maintenance Assessment District in order to maintain and provide for the future needs of parks, open spaces, street lighting, landscaping and other related aspects and impacts from new development. The applicants shall fulfill this condition prior to or concurrent with the recordation of the parcel map.
7. A ten-foot public utility public utility easement shall be dedicated on the Second and Baker Street frontages of the project site. The easement shall be located at the back of sidewalk.
8. All work within the public right-of-way or easement shall comply with the specifications of the City of Winters' Engineering Design and Construction Standards. An encroachment permit shall be required for all work performed in the public right-of-way.
9. For the single-family residence, the applicants shall install the following improvements in compliance with the specifications of the City of Winters' Engineering Design and Construction Standards and in locations approved by the Public Works Director. A final inspection for the single-family residence shall not be scheduled nor occupancy authorized until the sewer lateral and cleanout and the water lateral and meter have been installed.
 - a. Sewer lateral and cleanout.
 - b. Water lateral and meter.
10. For the existing duplex, the applicants shall install the following improvements in compliance with the specifications of the City of Winters' Engineering Design and Construction Standards and in locations approved by the Public Works Director. A final inspection for the single-family residence shall not be scheduled nor occupancy authorized until the sewer cleanout and water meter have been installed.

- a. Sewer cleanout.
 - b. Water meter.
11. The applicants shall install an accessible curb ramp at the northwest corner of the Baker and Second Street intersection, replace the damaged sections of sidewalk and curb at the project site, and landscape the landscape strip on the project site's Baker frontage. A final inspection for the single-family residence shall not be scheduled nor occupancy authorized until the accessible curb ramp is installed, the damaged sidewalk and curb sections have been replaced, and the landscape strip landscaped.
 12. The water used in the course of construction shall be metered and shall be at the cost adopted annually by the City Council.
 13. The applicants shall landscape the front yard of the proposed single-family residence and plant a 15-gallon shade tree. A final inspection for the single-family residence shall not be scheduled nor occupancy authorized until the front yard is landscaped and an approved shade tree planted in the front yard.
 14. The applicant shall obtain all required City permits (encroachment, building, etc.) and pay all applicable fees (building, impact, encroachment, etc.). The applicants shall also pay a park-in-lieu fee for the single-family residence on Second Street. All fees shall be paid at the current rate at time of encroachment, building, etc. permit issuance.
 15. The applicant shall provide the City with proof of payment receipts for Winters Joint Unified School District mitigation and Yolo County facilities and services authorization fees at building permit issuance.
 16. A final inspection for the single-family residence shall not be scheduled nor occupancy authorized until the public improvements required for this project have been installed, inspected, and accepted by the Public Works Director.
 17. The payment of City of Winters' monthly utility billing charges shall commence once the single-family residence has passed final inspection.

ATTACHMENTS:

1. Assessor's Parcel Map for Project Site
2. Parcel Map Submitted by Applicants Paul Fair and John Siracusa
3. Letter dated September 28, 2005 from Applicants
4. Site, Roof, and Elevation Plans
5. Public Hearing Notice (published and mailed copies)



Project Site
600
Second
Street

15

WD 980031 D	5/5/97
WD 19285 K	11/28/95
WD 6567 J	10/24/84
WD 6184 A	2/22/84
WD 5823 K	4/19/81
WD 4432 C	12/15/77
WD 4432 C	12/13/77
DDT 2419	1/9/75
D.D.T. 327 KD 7/23/77	
D.D.T. 232 J.	
- REVISIONS -	

CITY OF WINTERS
Assessor's Map 3, Bk. 14
County of Yolo, Calif.

20-George Duncan. #3087.

Amillo Cuellar # 3345.

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

98/99

APN 003-140-04

APN 003-140-05

PARCEL 1
4,050 SQ. FT.

PARCEL 2
6,075 SQ. FT.

PROPOSED
LOT LINE

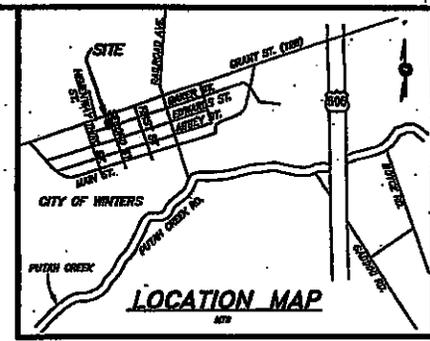
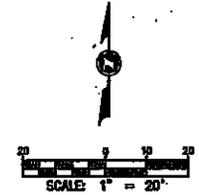
APN 003-140-08

APN 003-140-07

APN 003-140-07

SECOND STREET

BAKER STREET



OWNER/SUBDIVIDER: JDS BUILDERS GROUP
CONTACT: PAUL FAIR
7 E. MAIN STREET
WINTERS, CA 95894
(830) 788-0213

ENGINEER/SURVEYOR: LAUGENOUR AND MEKLE
CIVIL ENGINEERS
608 COURT STREET
WOODLAND, CA 95896
(830) 882-1756

EXISTING USE: RESIDENTIAL

PROPOSED USE: RESIDENTIAL

EXISTING ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)

PROPOSED ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)

SEWER & STORM DRAINAGE SERVICE: CITY OF WINTERS

WATER SERVICE: CITY OF WINTERS

GAS & ELECTRIC SERVICE: P.G. & E.

TELEPHONE SERVICE: SBC

FLOOD ZONE: 080425-0001 C/ZONE X

GROSS AREA: 0.2324 A.C.

APN: 003-144-08

TENTATIVE PARCEL MAP NO. 4831
FOR
JDS BUILDERS GROUP
A PORTION OF LOT 4 OF "D.P. EDWARDS ADDITION TO THE TOWN OF WINTERS", FILED IN BOOK 39 OF DEEDS, AT PAGE 394 YOLO COUNTY RECORDS.

CITY OF WINTERS, COUNTY OF YOLO, CALIFORNIA

LM CIVIL ENGINEERING
LAND SURVEYING
PLANNING
LAUGENOUR AND MEKLE
WOODLAND, CALIFORNIA

SHEET 1 OF 1 OCTOBER-3, 2005

RECEIVED
OCT 10 2005
CITY OF WINTERS

WINTERS JOINT UNIFIED SCHOOL DIST
APN 003-145

GENERAL CONTRACTORS

"Old World Craftsmanship • Modern Day Technology"

Winters Planning Commission

City of Winters
318 First Street
Winters, Ca. 95694

RECEIVED

OCT 04 2005

CITY OF WINTERS

September 28, 2005

Re: "White House" Relocation Proposal

Dear Planning Commission,

This letter is intended to outline the proposed changes we (JDS) have made to the "White House" project. We propose to relocate the White House to the "vacant lot" on 600 2nd Street, see attachment #1. The project will require the following:

- Approval from the Planning Commission to Sub-Divide 600 2nd street, APN 003-144-06. The subdivision will create two parcels from the 10125 sf existing parcel. The white house parcel will be 4050 sf and the Duplex parcel will be 6075 sf. (See the attached Engineering attachment)
- The existing set back requirements for the White House of: 20' front yard, 5' and 10' side yards will be complied with. We (JDS) are requesting the 5' set back be on the South side of the White House parcel. The South side is the garage side of the White House. We are requesting the South side to be the 5' side because there is an existing curb cut located on the South side of the newly proposed White House parcel. Utilizing the existing curb cut is obviously more efficient.
- The most favorable White House Orientation encroaches into the 25' rear yard set back by 6'. The resulting dimension will be 19' to the property line. We are requesting a variance for the back yard. (See the attached site plan) An alternate orientation is possible turning the White House 90 degrees. The alternate orientation maintains the 25' rear yard set back, but eliminates the single car garage. Consequently, we are not recommending the alternate orientation due to the loss of the proposed garage.
- Off Street parking will be provided with an enclosed 1-car garage and the driveway into the garage will provide parking for a second vehicle. The parking will be tandem. The garage will be 16' X 23'
- Currently there isn't any off street parking provided for the duplex. We (JDS) are not proposing creating any within this project. Consequently, we are requesting that the parking for the duplex remain on Second and Baker streets.
- The set backs for the duplex within the Zoning guidelines define the duplex frontage to be on Baker Street and the rear yard as the North end of the parcel (the

north end is the shared property line that is created with the "new" White House subdivision). However, the front doors and the existing duplex orientation have the existing front doors on 2nd street. Recognizing the existing frontage (Frontage on 2nd Street), the following set backs exist: Rear yard – 21', 2nd Street Frontage – 30'3", Baker Street Frontage – 30'8".

- The proposed set back for the Duplex north end that will be created by the subdivision is 5'. The 5' set back does comply with the current set back requirements.
- In addition, we have enclosed an elevation drawing of the White House on the newly created parcel.

Project Justification

The following are "our reasons" to move forward with the project:

- The White House is a "valuable" home due to it's age and historical presence within the City of Winters.
- The neighborhood that we are proposing to place the home matches the size and age of the White House.
- The project is an "infill" project.
- The "lot" that we will place the White House on is currently vacant and being used to park inoperative vehicles. The White House will be a definite improvement over the current use of the "lot."
- The finished project will bring value to the neighborhood.
- The set back criterion is maintained with both the White House and the existing duplex with the exception of the proposed White House and the Existing Duplex back yards.
- The White House will provide an additional residence within Winters.
- The parcel falls within the Winters' Redevelopment district and the finished project will be an enhancement to the Redevelopment district.

We are requesting approval (from the Planning Commission) to locate the White House on the above-identified parcel. We will then apply for a building permit, and will complete the project by June of 2006.

Thank you in advance for your support of this project.

Sincerely,



John Siracusa
Paul Fair

RECEIVED

OCT 04 2005

CITY OF WINTERS

DESIGNWORKS



THE WHITE HOUSE
SITE PLAN REVIEW
FOR THE
JDS BUILDERS GROUP

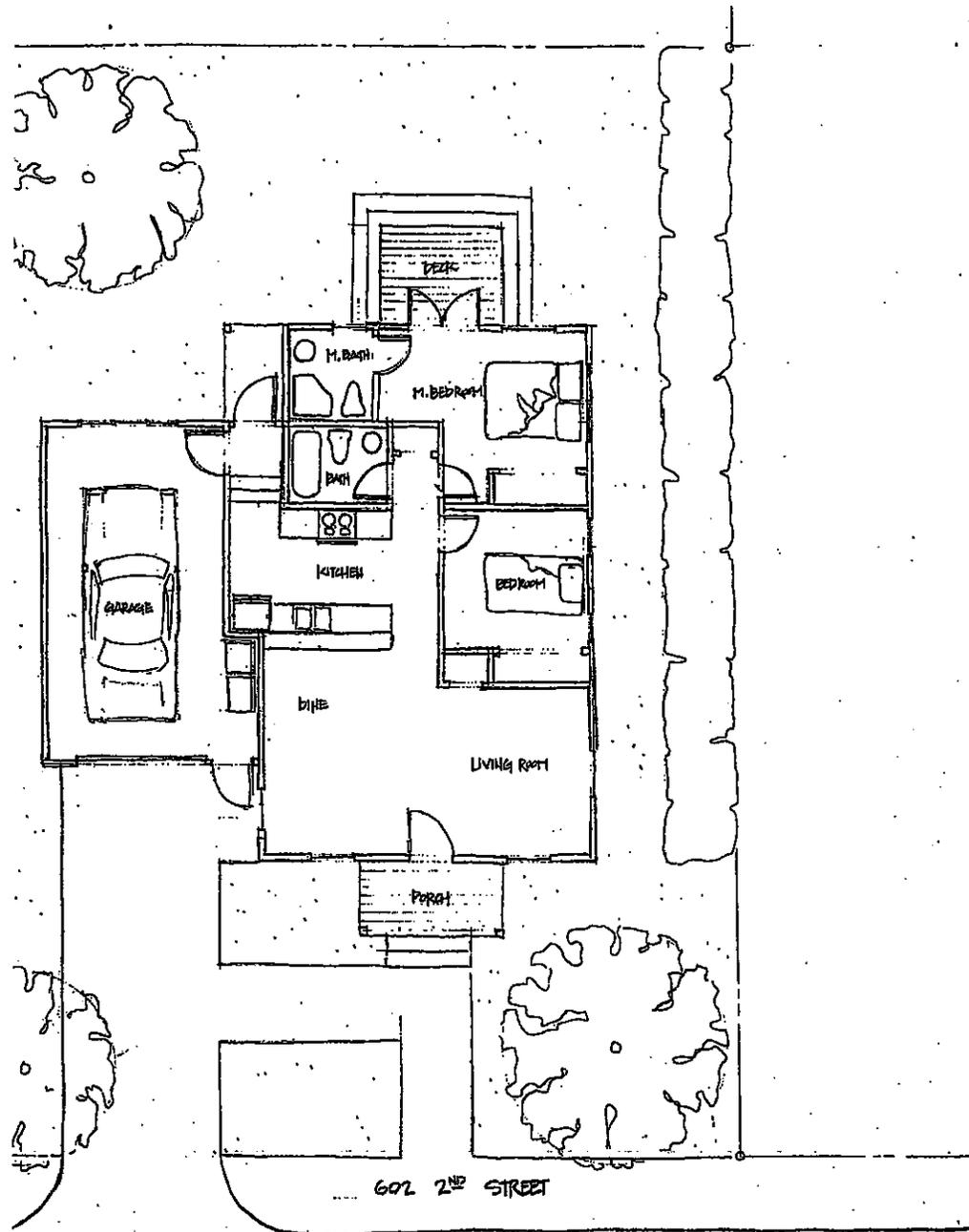
WINTERS, CALIFORNIA, 95694

04.19

DESIGN
DRAWINGS

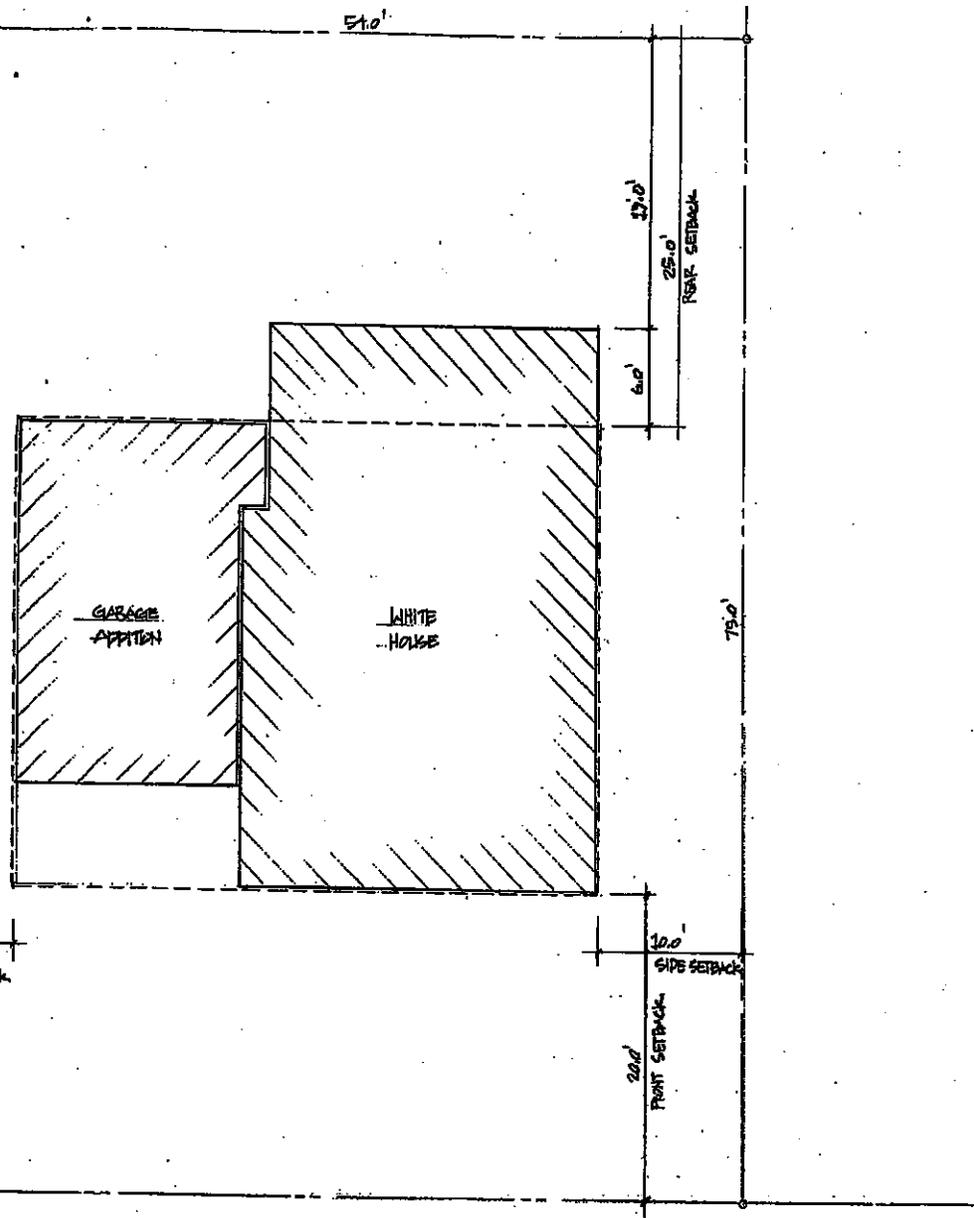
10.2.005

Eric Doud
Architecture + Planning
15 Main Street, Winters CA 95694
Tele: 530.795.3506 Fax: 530.795.1119
eldoud@dcn.davis.ca.us
www.ericdoudarchitect.com



SITE DEVELOPMENT
1/8" = 1'-0"
10.5.05





BUILDING ENVELOPE
 1/8" = 1' 10.5.05

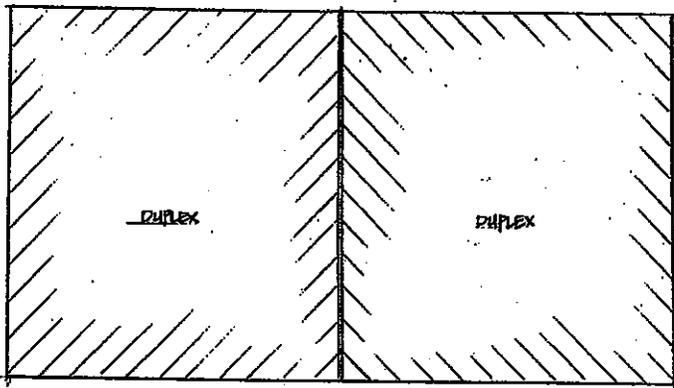


81.0'

136.0' TOTAL

54.0'

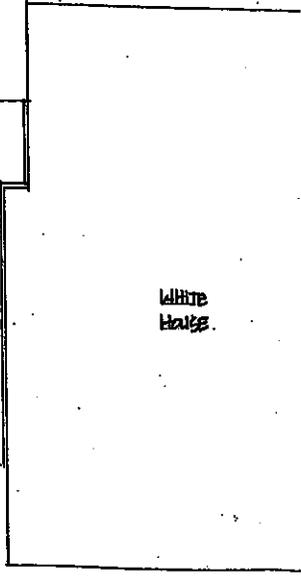
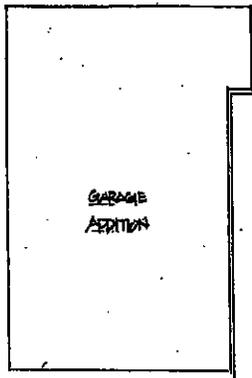
21.0'



75.0'

5.0'

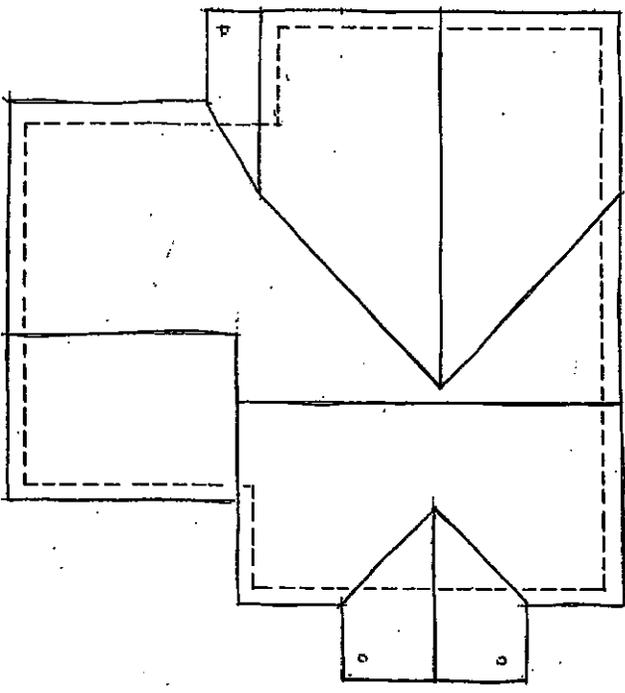
30.75'



600 2ND STREET

BUILDING ENVELOPE
 10'-11" 30'-5" 05





ROOF PLAN
1/8" = 1'-0" 10.5.05





STREET ELEVATION
 $\frac{1}{8} = 1' 0"$ 10.5.05



October 13, 2005
Winters Express P. B8

Notice of Public Hearing

The Winters Planning Commission will conduct a public hearing on the project application as described below, beginning at 7:30 P.M. on Tuesday, October 25, 2005, or as soon as possible thereafter, in the Council Chambers, City Offices, 318 First Street, Winters, California 95694.

PROJECT LOCATION: 600 SECOND STREET, ASSESSOR PARCEL NUMBER 003-144-06.

APPLICATION TYPE: The Planning Commission is conducting a public hearing to solicit comments regarding the proposed Parcel Map, Site Plan, and Variance for the relocation and use of a structure as a single-family residence.

PROJECT DESCRIPTION: The project proponents, Paul Fair and John Siracusa, propose to subdivide the existing 10,125 square foot parcel located at 600 Second Street into two parcels, 4,050 and 6,075 square feet in size; relocate the "White House", a building used as an office for the Winters Joint Unified School District until 2004, to the newly created 4,050 square foot parcel for use as a single-family residence; and obtain a variance for the lot sizes of the two newly created parcels, the off-street parking requirements for the existing duplex at 600 Second Street and the single-family residence, the lot width requirement for the newly created 4,050 square foot parcel, and the setback requirements for the duplex and single-family residence. A 765-square foot two-bedroom, one-bathroom single-family residence will be located on the proposed 4,050 square foot parcel and will include shiplap siding (v-rustic siding) and 40-year composition roof shingles. A 368-square foot single stall garage will be constructed for the residence. The property (APN 003-144-06) is 10,125 square feet in size, has a General Plan land use designation of Low Density Residential, and is zoned Single Family, 7000 Square Foot Average Minimum (R-1). This project will require Parcel Map, Site Plan, and Variance approval from the Planning Commission.

The purpose of the public hearing will be to give citizens an opportunity to make their comments known. If you are unable to attend the public hearing, you may direct written comments to the City of Winters, Community Development Department, 318 First Street, Winters, CA 95694 or you may telephone (530) 795-4910, extension 112. In addition, a public information file is available for review at the above address between the hours of 8:00 a.m. and 5:00 p.m. on weekdays.

ALL INTERESTED PERSONS ARE INVITED TO APPEAR AT THE MEETING DATE(S) IDENTIFIED ABOVE AT 7:30 P.M. IN COUNCIL CHAMBERS TO COMMENT. COPIES OF ALL THE ABOVE PROJECT DESCRIPTIONS, PLANS AND THE COMPLETE FILE, CAN BE VIEWED AT THE OFFICE OF THE COMMUNITY DEVELOPMENT DEPARTMENT, 318 FIRST STREET, CITY HALL, AT LEAST FIVE DAYS PRIOR TO THE HEARING, OR CALL THE STAFF CONTACT PERSON AT (530) 795-4910, EXTENSION 114. ALL INTERESTED PERSONS ARE INVITED TO ATTEND THE HEARING AND EXPRESS THEIR COMMENTS. WRITTEN COMMENTS WILL BE ACCEPTED PRIOR TO, AT, AND DURING THE HEARING. ALL COMMENTS RECEIVED WILL BE GIVEN TO THE PLANNING COMMISSION FOR THEIR CONSIDERATION.

PURSUANT TO SECTION 65009 (B) (2), OF THE STATE GOVERNMENT CODE "IF YOU CHALLENGE ANY OF THE ABOVE PROJECTS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING(S) DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY PLANNING COMMISSION AT, OR PRIOR TO, THIS PUBLIC HEARING".

Dan Sokolow -- Community Development Director
Published October 13, 2005



10/13/05

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Dan Sokolow – Community Development Director



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers

DATE : May 7, 2013

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

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

SUBJECT: Planning Commission Terms and Expirations (4)

RECOMMENDATION:

Staff respectfully recommends that the City Council give staff direction on what method to use in moving forward to comply with the expiring terms for four Planning Commissioners.

BACKGROUND:

Planning Commission appointments held by Joe Tramontana, Lisa Baker, Pierre Neu and Richard Kleeburg are due to expire on July 1, 2013. In the past Council has directed the City Clerk to prepare a notice and advertise in the newspaper that we are accepting applications to fill a planning commission vacancy, or contact applicants from the last selection to see if they are still interested, or both.

Council Members Cowan and Guelden conducted the interviews from the last vacancy. They indicated to Council then that they would be willing to hold the interviews again, with new applicants and keep the eligibility list from the last interviews on file.

Following the advertising for the Planning Commission, the Interview and Selection Committee will review the applications submitted, come back to the City Council at the first meeting in June with a recommendation.

FISCAL IMPACT:

None



**CITY COUNCIL
STAFF REPORT**

TO: Mayor and City Council
DATE: May 7, 2013
FROM: John W. Donlevy, Jr., City Manager *JWD*
SUBJECT: Design/Site Plan Review Process

RECOMMENDATION:

That the City Council:

1. Receive a Staff Report regarding input from the Planning Commission on the draft Design/Site Plan Review Process for the Grant Ave Design and Form Based Code Areas:
and
2. Provide direction to Staff on additional process or input;
3. Approve final direction regarding Design/Site Plan Review for both the Grant Ave Design and Form Based Code areas.

BACKGROUND:

At the March 19, 2012, Staff was directed by the City Council to prepare recommendations on ways to improve the overall design and site plan review processes for project application for properties falling under the Grant Ave Design Guidelines and the City's Form Based Code Area. A draft was presented to the City Council on April 2 with direction that it be reviewed by the Planning Commission at their April 23 Regular Meeting.

DISCUSSION:

The Planning Commission reviewed the draft Design/Site Plan Review Process (Attachment A) and provided the following comments and direction:

- Applicants are highly recommended to take advantage of the option to present projects

as an informational item to the Planning Commission prior to official submittal.

- Drawing of projects should be made available at the earliest time in advance of a Planning Commission Meeting.
- Members of the Planning Commission who are selected to serve on the Design Review Committee should serve on a rotational basis.

Comments at the meeting include concerns regarding the transparency of the overall process and the ability of residents to gain access to design elements at the earliest possible time. A suggestion from the public included the inclusion of a community member on the panel.

No major modifications were made to the draft Design/Site Plan Review Process which was presented to the Planning Commission.

Staff recommends that the City Council review the final draft of the guidelines and provide direction on implementation.

FISCAL IMPACT:

None by this action.

Attachment:

Design/Site Plan Review Process

City of Winters
Design/Site Plan Review Process
Grant Avenue and Form Based Code Design Areas

Background:

In order to facilitate completeness of review, expedite the processing of projects and increase the likelihood of success for applicants proposing building projects within both the Grant Avenue and Form Based Code Design areas, a design review process will be initiated to insure the following:

1. A thorough and transparent review of projects by key stakeholders and decision makers within the City.
2. Active scoring of projects against checklists of the design guidelines.
3. An opportunity for clarification and explanation of why project components meet or do not adhere to various aspects of the design guidelines.
4. A high probability of success or predictability of outcomes for projects being presented for consideration by the Planning Commission and/or City Council.

The following process is proposed:

1. **Pre Application Consultation:** Applicants will be able to meet with the City Planning and Building Staff to review preliminary designs, receive a scoring of the proposed project against the City's design guideline checklists and be given instruction on the application and review process for the project. Applicants will also have an opportunity for a pre-submittal presentation to the Winters Planning Commission, if desired.
2. **Application:** The project will follow the current application process with the addition of a requirement that applications from these design areas include a self scored "Checklist" against the design guideline with a required explanation matrix which correlates against the scoring criteria and the guidelines.
3. **Design Review Committee:** Applicants will present their project to a Design Review Committee consisting of two (2) City Council members, two (2) Planning Commission members and City staff department representatives. The design criteria checklists will serve as the "agenda" for the meeting and the applicants will present their project and receive feedback on all aspects of their project. The DRC and the applicant will score the project against the design guideline checklist at the meeting. Written feedback will be provided to the applicant from the DRC.
4. **Revision:** Applicants will have an opportunity to revise their plans prior to final submittal based on feedback received in the DRC Meeting and the written comments.
5. **Planning Commission Member Briefing:** An **optional** briefing for Planning Commissioners will be made available to review plans, process and standards prior to the scheduled meeting.
6. **Planning Commission:** Projects will be presented in a standardized (template) format which will include the following elements:
 - a. Standard Staff Report
 - b. Design Guidelines Checklist which is expanded to a matrix explanation for key elements. A scoring and explanation sheet will be included as part of the design review.
 - c. Plans and Elevations which are accompanied by design checklists on the plans with highlights showing conformance/non-conformance to design criteria.

The Staff presentation will follow an agenda format from the design guidelines checklist to allow a review of the project based on the checklist criteria. The goal is for the Planning Commission to make determinations based on a well organized and presented project, specified criteria and an objective process to determine conformance with the design guidelines.



TO: Honorable Mayor and Council Members
DATE: May 7, 2013
THROUGH: John W. Donlevy, Jr., City Manager *JD*
FROM: Dan Maguire, Economic Development and Housing Manager
SUBJECT: Award of Shade Structure for Walnut Park – Phase 1, Project No. 11-03.

RECOMMENDATION: Staff recommends that City Council authorize the City Manager to award and execute a construction contract with Park Associates, Inc., dba as NSP³, in the amount of \$67,775, for the Shade Structure at Walnut Park, Project No. 11-03, as stipulated below.

BACKGROUND: Walnut Park (formerly Orchard Village Park) Phase 1 is out to bid. Due to the time constraints with the CDBG funding, the Shade Structure was pulled out prior to bid call, and a Request for Quotes (RFQ) was issued on April 11, 2013, for design, permitting, fabrication, delivery and installation of the structure.

On April 19, 2013, the City received one response to the RFQ. NSP³ submitted a bid (attached) that is deemed responsive and responsible based on review by the City Engineer and Yolo County Housing staff.

One thing to note is that the proposed schedule for completion of the work is past the date required in the RFQ (June 30, 2013). Staff is working with the HUD representative to extend the completion date for this element, or approve deferral of the work until Phase 2. If the latter is approved by HUD, then the work will be incorporated into the Phase 2 project at a later date, and City Manager will not execute the Contract, which would allow additional amenities to be put into the Base Bid for Phase 1.

ALTERNATIVES: None recommended by staff.

FISCAL IMPACT: The cost of the Shade Structure is covered under the CDBG funding.

Attachment: NSP³ Proposal

CITY OF WINTERS
REQUEST FOR QUOTE

ORCHARD VILLAGE PARK – PHASE 1
PROJECT NO. 11-03

SHADE STRUCTURE
PRICE SHEET

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 LUMP SUM costs: ** see exceptions to contract documents attached hereto.*

deleted

~~OPTION 1: 34 FT X 34 FT SHADE STRUCTURE \$ _____~~

OPTION 2: 30 FT X 30 FT SHADE STRUCTURE \$ 167,775.00

Contractor's License Number: NSP3 / our SUB 959805 / 9103115
Contractor's License Classification: D34 / Gen A

IN WITNESS WHEREOF, the undersigned has caused this Bid to be properly executed, as of the date set forth below:

Dated this 18th day of April 2013.

CONTRACTOR:
By: Cynthia Lopez, CEO NSP3
Title: CEO

Contractors Address: 1555 Tahoe Ct
Redding CA 96003
Telephone Number: 530 244-6116
Email: Cindy@nsp3.com

**STATEMENT OF BIDDER'S QUALIFICATIONS
(GENERAL CONTRACTOR)**

This contract will be awarded to the lowest, responsive, and responsible bidder.

In order to determine the lowest, responsive, and responsible bid all questions in the Statement of Bidder's Qualifications must be answered and the date given must be clear and comprehensive. Your bid will be considered Non-responsive if you fail to complete all portions of this statement.

This statement of Qualifications must be notarized and included in you bid documents at the time of the bid opening. Attach additional pages if needed.

1. Name of bidder: Park Associates Inc, dba NSP³
2. Name of principals: Dena Carter
Cindy Cooper
3. Name of authorized signatories: Dena Carter
Cynthia L Cooper
4. Main office street address: 1555 Tahoe Ct.
(P.O. Box not acceptable) Redding CA 96003
5. How many years have you been engaged in the contracting business under your present name? 12 years
If less than 5 years, please list previous names of companies in which the principals listed above engaged in the contracting business.

6. Have you ever defaulted on a contract? No
If so, where and why? _____

7. Have you ever refused to sign a contract at your original bid? No
If yes, explain. _____

8. Have you ever been assessed liquidated damages on a public contract? No

9. Will you, upon request, provide the City of Winters with written evidence of amount and type of credit available? Yes

10. Will you, upon request, provide the City of Winters with a certified financial statement no more than six months old? Yes for a fee.

11. Will you, upon request, fill out a detailed Financial Statement and furnish any other information that may be required by the City? Yes

12. Has your firm had 1 project within the past 5 years that has had Davis-Bacon Requirements? YES NO

If "Yes", provide the following information about each project:

Project No 1.

Location (Street Address, City): Palo Verde Park, Lincoln, CA 95648

Name of Owner: KB Homes No address yet

14. Has your firm had 1 project within the past 5 years that has had Section 3 Requirements? YES NO

If "Yes", provide the following information about each project:

Project No 1.

Location (Street Address, City): _____

Name of Owner: _____

13. Provide a minimum of three (3) references for contracts you have completed within the last five (5) years that are similar in scope of work and size as described in these contract documents.

Reference Number 1

Contract Description and Location:

City of San Ramon Central Park Playground
12501 Alcosta Blvd - San Ramon CA

Amount of Original Bid: \$300,000

Amount of Contract including all Change Orders: \$300,000

Contact Person (Owner or Owner's Representative): Karen Mc Namara

Telephone Number of Contact Person: 925 973-3335

SECTION A3

Reference Number 2

Contract Description and Location:

Milpitas Unified School District - 8 school sites

Amount of Original Bid: \$270,000

Amount of Contract including all Change Orders: \$281,000

Contact Person (Owner or Owner's Representative): John Cimino

Telephone Number of Contact Person: 408 635-2662

Reference Number 3

Contract Description and Location:

City of Visalia
Visalia Plaza Shade Structure

Amount of Original Bid: \$85,000

Amount of Contract including all Change Orders: \$85,000

Contact Person (Owner or Owner's Representative): Jim Bean

Telephone Number of Contact Person: (559) 713-4465

13. The undersigned hereby authorizes and requests any person, firm or corporation to furnish any information requested by the Yolo County Housing, in verification of the recitals comprising this Statement of Bidder's Qualifications.

Dated at Redding CA, this 18th day of April, 2013
(place) (date) (month) (year)

Bidder NSP3 By Cynthia L Cooper

Signature Cynthia L Cooper Title CEO

State of CA)
County of Shasta) ss.

Cynthia L. Cooper, being duly sworn, deposes and says he/she
is CEO of NSP3

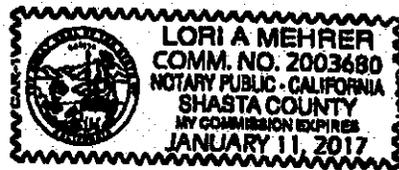
and that the answers to the foregoing questions and all statements therein contained are true and correct.

Sworn before me this 18 day of April 2013

Lori A Meher
(Notary Public)

My Commission Expires January 11, 2017

JUHAT
State of California
County of Shasta
Subscribed and sworn to (or affirmed) before me on
This 18 day of April, 2013
By Cynthia L. Cooper
Personally known to me or proved to me on the basis of
satisfactory evidence to be the person(s) who appeared
before me.
Signature Lori A Meher



NON-COLLUSION AFFIDAVIT

TO BE EXECUTED BY EACH BIDDER AND SUBMITTED WITH BID

STATE OF CALIFORNIA) SS
COUNTY OF Shasta)

Cynthia L. Cooper, being first duly sworn deposes and says
(name of individual named here shall sign below)

that I am Chief executive officer
(sole owner, a partner, president, secretary, representative of company, etc.)

of NSP3

the party making the foregoing bid; that the Bid is not made in the interest of or on behalf of any undisclosed person, partnership, company association, organization, or corporation; that such Bid is genuine and not collusive or sham; that the Bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the Bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the Bidder or of any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract or anyone interested in the proposed contract; that all statements contained in the Bid are true; and, further, that the Bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid and will not pay any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

Signed: Cynthia L. Cooper
(signature of individual named above)

Title: CEO

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS

18 DAY OF April, 2013.

Dai Anshun
Signature (Notary Public)

Notary Seal Required

State of California
County of Shasta
Subscribed and sworn to (or affirmed) before me on
This 18 day of April, 2013
By Cynthia L. Cooper
Personally known to me or proved to me on the basis of
satisfactory evidence to be the person(s) who appeared
before me.
Signature [Handwritten Signature]



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STATE OF CALIFORNIA) SS

COUNTY OF Shasta)

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(name of individual named here shall sign below)

that I am Chief executive officer
(sole owner, a partner, president, secretary, representative of company, etc.)

of NSP3

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Signed: Cynthia C. Cooper
(signature of individual named above)

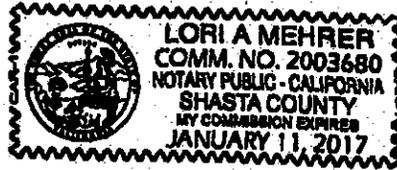
Title: CEO

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS
18 DAY OF April, 2013.

Chai Anshun
Signature (Notary Public)

Notary Seal Required

State of California
County of Shasta
Subscribed and sworn to (or affirmed) before me on
This 18 day of April, 2013
By Cynthia L. Cooper
Personally known to me or proved to me on the basis of
satisfactory evidence to be the person(s) who appeared
before me.
Signature Lori A. Mehrer



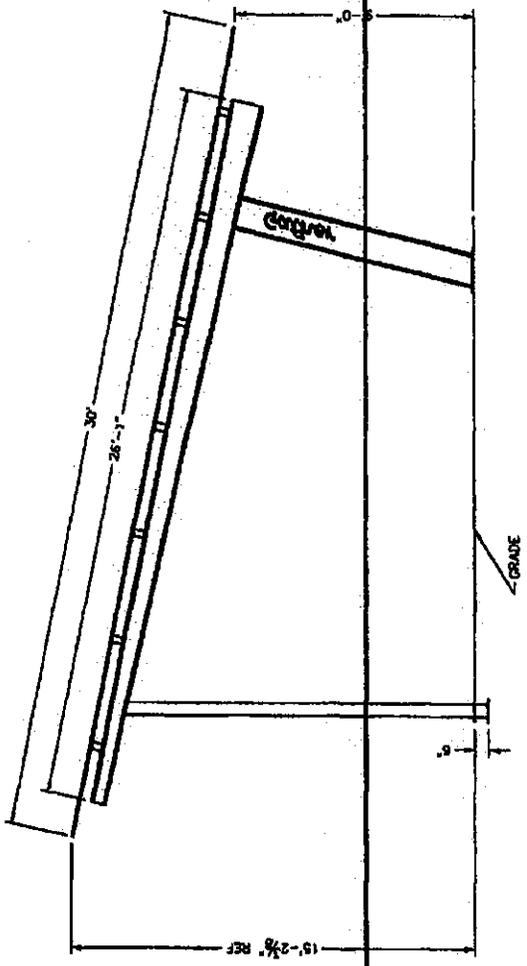
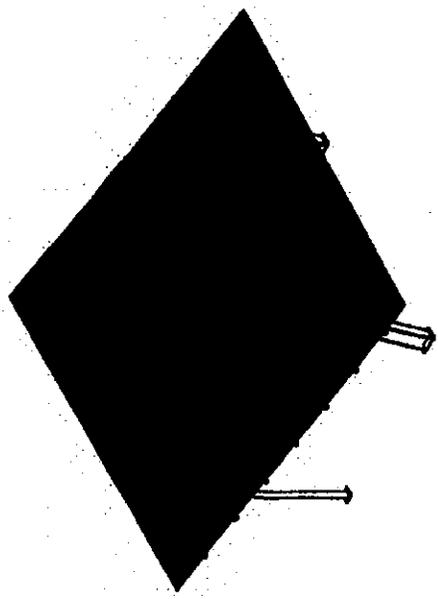
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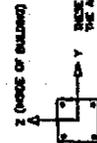
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REVISION:		
BUILDING TYPE:	MCS0-30Y-P2.5	
PROJECT NAME:	-20-60-60-CUSTOM MC	

Elevation

SHEET
1.0

PRELIMINARY; NOT FOR
CONSTRUCTION





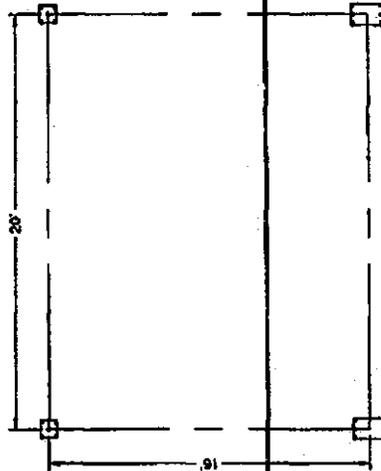
NOTE: THESE PRELIMINARY LOADS ARE FOR ESTIMATING PURPOSES ONLY. THE ACTUAL LOADS WILL BE DETERMINED IN THE FINAL DESIGNING.

LOAD COMBINATION	PRELIMINARY LOADS			
	AXIAL (K)	WEIGHT (K)	SHEAR (K)	MOMENT (K-FT)
DL	1.94	0.00	0.00	0.00
SL	4.84	0.00	0.00	0.00
W-UP/EFT	-3.85	0.38	1.36	-100.40
W-DN/RFT	-3.10	0.31	0.53	-85.15
E-W	2.08	0.45	-2.72	100.50
E-S	-0.87	1.81	-1.30	89.88
E-T	-0.35	0.00	-1.41	100.10

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	AXIAL (K)	WEIGHT (K)	SHEAR (K)	MOMENT (K-FT)
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E-S	-0.87	1.81	0.00	0.00
E-T	-0.35	0.00	0.00	0.00

NOTE: THESE UNFACTORED SERVICE LOADS
 - A PRELIMINARY DESIGN HAS NOT BEEN PERFORMED BY ICON STRUCTURAL SYSTEMS INC.
 - ALL LOADS ARE BASED ON THE ASSUMPTIONS AND CONDITIONS AT CONSTRUCTION. THE
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PRELIMINARY: NOT FOR CONSTRUCTION

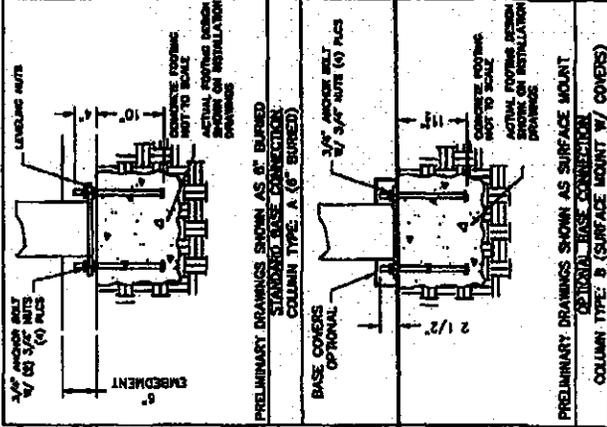
ICON
Structural Systems Inc.
10000 West 10th Avenue
Denver, CO 80202
Tel: 303.751.1000
Fax: 303.751.1001

Anchor Bolt Layout

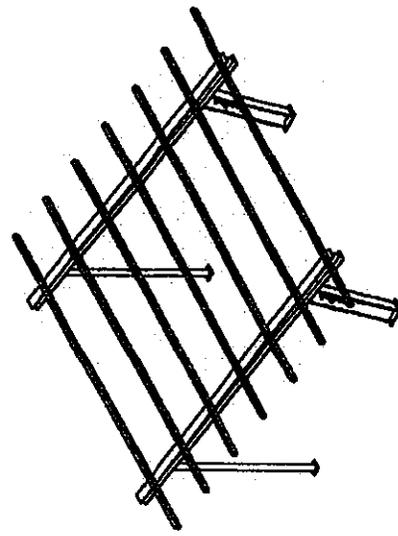
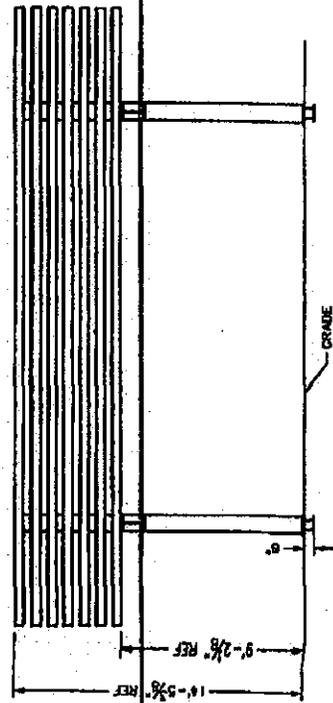
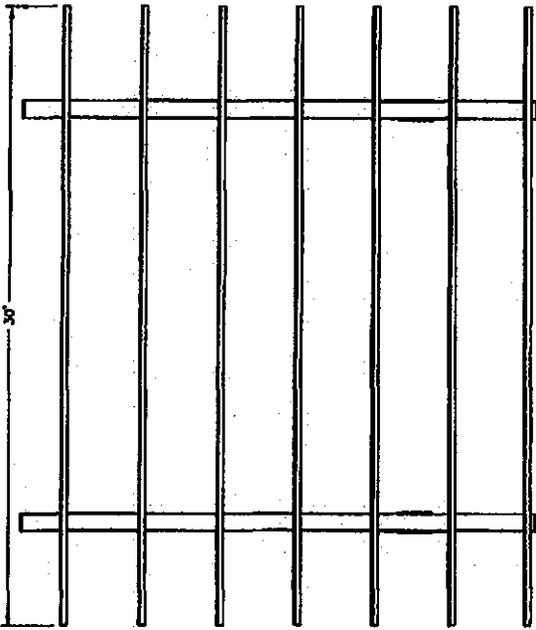
DWG: \\con1\Company\Engineering\Standards\MC3030\Y-P2.5-20-90-60-24350.DWG
 PROJECT NAME:
 -20-90-60
 CUSTOM WC

SHEET 2.0

DRAWN BY: LB
 DATE: 4/17/13
 JOB NO.:
 STANDARD:
 REVISION:
 BUILDING TYPE: MCD3030Y-P2.5
 PROJECT NAME: -20-90-60 CUSTOM WC



PRELIMINARY DRAWINGS SHOWN AS SURFACE MOUNT
 OPTIONAL BASE CONNECTION
 COLUMN TYPE: A (SURFACE MOUNT W/ COVERS)



PRELIMINARY; NOT FOR
CONSTRUCTION

ICON
Structural Systems Inc.
10000 W. 10th Ave. Suite 100
Denver, CO 80202
Tel: 303.751.1000
Fax: 303.751.1001
www.iconsteel.com

Frame

DRAWN BY: LB	DATE: 4/17/13	JOB NO.:	STANDARD:	REVISION:	BUILDING TYPE: HC30-30Y-P2.5	PROJECT NAME: -20-90-60 CUSTOM MC
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SHEET
3.0

ALL STRUCTURAL COMPONENTS WILL BE:
TUBE: ASTM A500 GRADE B
PLATE: ASTM A36
BOLTS: ASTM A325
NUTS: ASTM A563
WELDING: GMAW

NOTE:
COLUMN SIZE: W14X82 & 5" DIA SCH 40

DWG: \\con01\Company\Engineering\Standard\MC\30X30\Y-P2.5-20-80-80\Drawings\Preliminary\MC30-9Y-P2.5-20-80-24350.DWG



ICON
 Shultz Systems Inc.
 1401 LINDEN AVE.
 WILMINGTON, DE 19804
 302-435-0000
 FAX: 302-435-0001
 WWW.ICONROOFING.COM

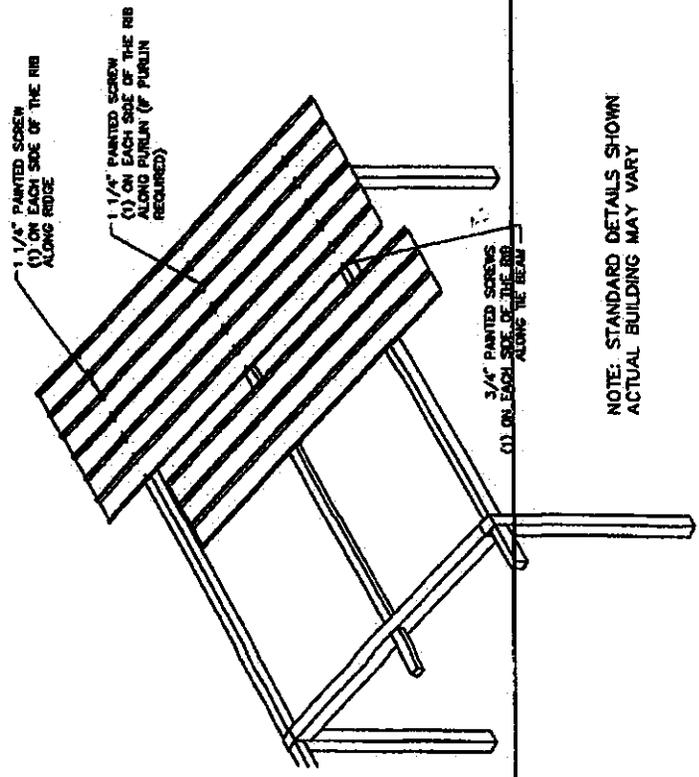
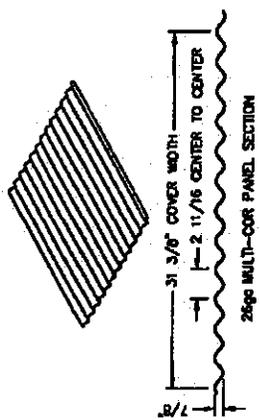
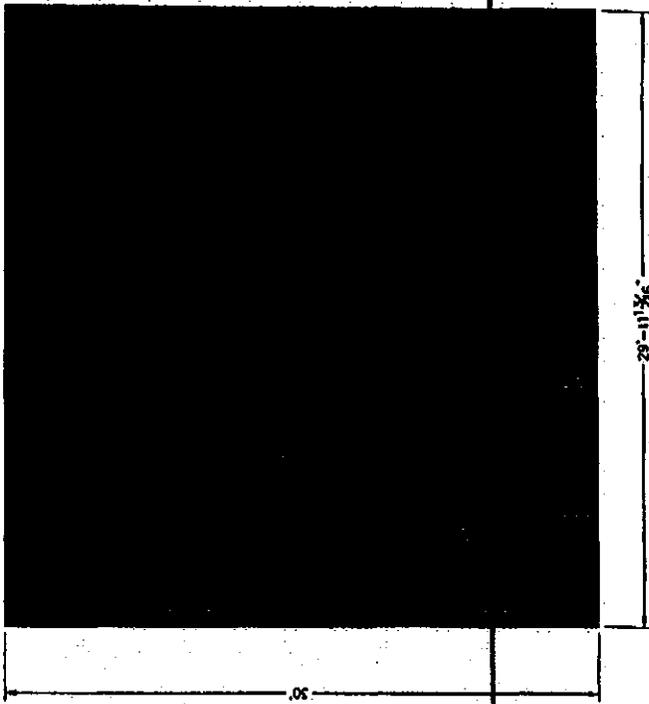
Roof Layout

DRAWN BY:
 LB
 DATE:
 6/17/13
 JOB NO.:
 STANDARD
 REVISION:
 BUILDING TYPE:
 MC30-9Y-P2.5
 PROJECT NAME:
 215-80-80
 CUSTOM MC

SHEET

4.0

PRELIMINARY: NOT FOR
 CONSTRUCTION



NOTE: STANDARD DETAILS SHOWN
 ACTUAL BUILDING MAY VARY

NON-DISCRIMINATION IN EMPLOYMENT

In accordance with the requirements of Executive Order No. 11246, the Bidder/Sub-Contractor must complete the following statement:

The undersigned, as Bidder/Sub-Contractor, states that they _____ (have) (have not) previously performed work subject to Presidential Executive Order No. 11246.

Bidder/Sub-Contractor NSP3 a dba of Park Associates, Inc.

By Cynthia L. Cooper

Signature Cynthia Cooper

Title CEO

Address of Bidder/Sub-Contractor 1555 Tahoe Ct
Bridging Ct
96003

State of Incorporation CA

Witness SPENCER LANE

Signature of Witness Spencer Lane

Title of Witness owner

LIST OF DESIGNATED SUBCONTRACTORS

INCLUDES SUPPLIERS/TRUCKERS

Contract No: 11-03 Project Name: Orchard Village Park-Ph 1 Date: 4/18/13

Contractor: NSP3

Section 3 Business NO

MWBE: We are 100% women-owned business

Contractor Address: 1555 Tahoe Court Redding, CA 96003 Phone No.: 530 244-6116

Contractor License No.: 954805 Fed. I.D. No.: 72-1545106 Total Contract Amount 67,775.00

Subcontractor Supplier Trucker Name Address Phone Number	Subcontractor Federal TIN and Contractor License Number	Description Work by Subcontractor.	Section 3 Business Yes/No	Section 3 Contract Amount	MWBE/DBE Status and/or Cert. No	MWBE/DBE Subcontract Amount	Total Subcontractor Trade Amount
<u>Appurtenant Builders</u>	<u>453308820</u>	<u>installation assembly of shelter</u>	<u>NO</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>20,000</u>

If additional space is needed use additional sheets.

NOTE: This form is to be used for two purposes. First, bidder shall list all subcontractors which are to perform over .5% of the work, and describe the work they are to perform, all in compliance with Public Contract Code sections 4104-4107. Second, bidder shall list all Section 3 and MWBE/DBE subcontractors. If bidder is unable to meet the contract goals for MWBE/DBE participation, bidder shall submit form A3.14 documenting good faith efforts bidder has taken to obtain MWBE/DBE participation, within 7 calendar days of bid opening.

By: Cynthia Cooper CEO NSP3 Cynthia Cooper
 Print Name/Title Signature of Contractor

CERTIFICATION OF NON-SEGREGATED FACILITIES
Federally Assisted Projects

The Federally assisted construction contractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The Federally assisted construction contractor certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The Federally assisted construction contractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, timeclocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. The Federally assisted construction contractor agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause, and that he will retain such certifications in his files.

NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

NSP3
Name of Contractor

1555 Tahoe Ct Redding CA 96003
Address

Cynthia [Signature]
Signature and Title

4/18/13
Date



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council members

DATE: May 7, 2013

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

FROM: Dan Maguire, Economic Development and Housing Manager *DM*

SUBJECT: Walnut Park Budget / Spending Authority

RECOMMENDATIONS:

1) Receive the report from staff updating City Council on the purchase of equipment and/or fixtures for the Walnut Park Construction Project, Phase 1, 2) Adopt Resolution 2013-17; and 3) Authorize the City Manager to execute Purchase Contracts as needed in advance of the June 30, 2013 CDBG Grant Expenditure deadline.

BACKGROUND:

The City is under contract to receive CDBG grant funds from the State's CDBG General Allocation Program. The CDBG grant includes funding for construction of the western section of Walnut Park. Additional funding for the construction of the remainder of the park is through a Prop 84 grant.

At the City Council and Planning Commission Joint Workshop on January 22, 2013, a plan for phasing the park construction was presented. This phasing is necessitated by expenditure deadline differences between the CDBG Grant and the Prop 84 Grant, coupled with the timeframe needed for the environmental mitigation of the seasonal wetlands located on the property.

Walnut Park Phase 1 is currently out to bid. At the mandatory pre-bid meeting, contractors brought forward that, due to the very short timeline for completion, there would not be sufficient time to both order and install within the contract deadline. In order to meet expenditure deadlines, staff suggests that the City be responsible for advance order and purchase, with installation done by the selected contractor.

This proposed advance purchase of fixtures and other items prior to the bid contract award will facilitate an expedited completion of Phase 1 construction by the CDBG June

30, 2013 expenditure deadline. The proposed equipment purchases will adhere to federal procurement guidelines.

Municipal Code Section 3.36.050 "Award of Contract and change orders" states "*The city purchasing agent is authorized to award, subject to City Manager approval, up to thirty thousand dollars (\$30,000)*" ; however, Council policy establishes a limit of five thousand dollars (\$5,000) as the award limit not requiring City Council review/approval. Staff recommends that policy be waived for this specific purchase, and authorize the City Manager to have the purchase authority to execute the aforementioned purchases.

FISCAL IMPACTS:

The cost of the fixtures and equipment purchased is covered under the CDBG funding.

ATTACHMENTS:

Resolution 2013-17

Melton Design Group e mail – list of purchase items with estimated costs

Resolution No. 2013-17

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE
CONTRACTS FOR EQUIPMENT FOR THE CONSTRUCTION OF WALNUT
PARK**

WHEREAS, the City of Winters received a grant authorization from the Community Development Block Grant fund for the construction of a neighborhood park

WHEREAS, CDBG General Allocation Grant # 10-STBG-6745 funds have an expenditure deadline of June 30, 2013

WHEREAS, the City Council of the City of Winters believes that it is more economical and efficient to authorize the City Manager to execute the purchase contracts for the park equipment specified in Phase 1 of the Park Master Plan in advance of the Phase 1 Park Construction Bid Award; and

WHEREAS, the City Council of the City of Winters acknowledges that the public interest is best served by maximizing the expenditure of CDBG grant funds before the grant expenditure deadline; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF WINTERS THAT THE CITY OF WINTERS AUTHORIZES THE
CITY MANAGER TO EXECUTE PURCHASE CONTRACTS FOR EQUIPMENT
FOR WALNUT PARK IN ADVANCE OF THE PARK CONSTRUCTION BID
AWARD.**

**PASSED AND ADOPTED THIS 7th DAY OF MAY, 2013, BY THE FOLLOWING
VOTE:**

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

Cecilia Aguiar-Curry, MAYOR

ATTEST:

Nanci G. Mills, CITY CLERK

Daniel Maguire

From: Shawn Rohrbacker [shawn@meltong.com]
Sent: Friday, May 03, 2013 9:14 AM
To: Daniel Maguire
Cc: 'Alan Mitchell'; 'Greg Melton'
Subject: OVP City Purchase Estimate

Dan,

The following is a preliminary estimate for the items the City could potentially purchase for Orchard Village Park. We have received quotes for each of the items except for the light poles and electrical pedestal, which are estimates from a distributor.

3	Light Poles.....	\$15,000
1	Electrical Pedestal.....	\$4,000
1	Drinking Fountain.....	\$3,500
9	Benches.....	\$10,925
2	BBQ Grills..... (same source as benches)	
4	Picnic Tables.....	\$3,205
5	Waste Receptacles.....	\$5,725
1	Interpretive Panel.....	\$695
3	Bike Racks.....	\$685
2	Signs (ADA Parking and Park Rules)	\$140
TOTAL		\$43,875



Shawn Rohrbacker, ASLA
309 Wall Street | Chico, California 95928
shawn@meltong.com | 530-899-1616