

**AGENDA FOR A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
WINTERS SCHEDULED FOR TUESDAY,
FEBRUARY 21, 2006 AT 7:30 P.M.**

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

RECOGNIZE AUDIENCE/CORRESPONDENCE:

At this time members of the public may address the Council on items not listed on the agenda and within the jurisdiction of the Council. No formal action may be taken on items not listed on the agenda. Presentations may be limited or continued, depending on the time available.

MODIFICATION OF AGENDA:

PRESENTATION:

CONSENT ITEMS:

- A. Minutes of the Regular Meeting of the City Council of the City of Winters Held February 7, 2006 (pp 1-3)
- B. Award Construction Contract for New Parking Lot at Rotary Park, Project No. 05-01 (pp 4-6)
- C. Final Acceptance, RxR/Grant Signal Improvements, Project No. 00-02 (pp 7)
- D. Request for Street Closure and Amplified Sound Permit - Vallejo Hog Run (pp 8-10)
- E. Contract Extension with Waste Management (pp 11-12)
- F. Budget Adjustment Request for Swimming Pool Funding (pp 13)
- G. Park Design Committee (pp 14)
- H. Consultant Services Agreement - Extension with Steve Streeter, SRS Consulting (pp 15)

DISCUSSION ITEMS:

1. **STAFF IS RECOMMENDING THAT THIS ITEM BE CONTINUED TO THE MARCH 21, 2006 COUNCIL MEETING AS THE PLANNING COMMISSION WILL NOT CONSIDER THE PROJECT UNTIL FEBRUARY 28, 2006.** Public Hearing and consideration of Winters Highlands Tentative Subdivision Map. The project is a proposed residential subdivision of 102.6 acres to create 413 single-family lots (including 36 "duplex" lots) on 49.49 acres, a 2.01 acre multifamily lot on which 30 apartments will be developed, a 10.63 acre park site (plus a proposed 10,000 square foot well site), and a 7.43 acre wetlands/open space area, an exchange parcel of 0.04 acres to the Callahan property to the south; and 32.81 acres in public roads.

The project site is located north of Grant Avenue along Moody Slough Road (County Road 33) in the northwestern portion of the City of Winters. The project site totals 102.6

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acres comprised of APNs 030-220-17 (48.1 acres), 030-220-19 (21.0 acres), and 030-220-33 (33.5 acres) located south of Moody Slough Road, east of the westerly City limits, and north of the existing Dry Creek subdivision.

The following approvals are needed from the City: 1) CEQA clearance; 2) Exclusion from the West Central Master Plan; 3) Approval of the Winters Highlands Development Agreement; 4) Approval of various General Plan Amendments; 5) Approval of various Rezoning; 6) Approval of the Tentative Subdivision Map; 7) Approval of a Lot Line Adjustment; 8) Amendment the Rancho Arroyo Storm Drain District Master Plan; 9) Amendment of the Circulation Master Plan; and 10) Amendment of the Bikeway System Master Plan. (pp 16)

2. Citywide Habitat Mitigation Program – Resolution 2006-03 (pp 17-48)
3. Winters Planning Options – Direction/Growth Management Strategy Review (pp 49-50)
4. Public Hearing and Consideration of Zoning Ordinance amendment to drop the conditional use permit requirement for multi-family projects in the R-3 (Multi-Family Residential) and R-4 (High Density Multi-Family Residential) Zones. Ordinance 2006-02 (pp 51-55)

*******COMMUNITY DEVELOPMENT AGENCY*******

1. Railroad Ave./Main Street Development Proposals- Selection of Review Committee (pp 56)

CITY MANAGER REPORT

COUNCIL/STAFF COMMENTS

INFORMATION ONLY

1. Warrant Register (pp 57-58)
2. Treasurer Report for Period Ending January 31, 2006 (pp 59-65)
3. Investment Report for Period Ending January 31, 2006 (pp 66-67)

Consideration of items not listed on the agenda:

Items in the following categories; pursuant to Government Code

1. ***Majority determination that an emergency (as defined by the Brown Act) exists; or***
2. ***A 4/5th determination that the need to take action arose subsequent to the posting of the agenda***

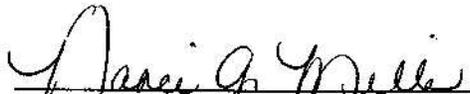
EXECUTIVE SESSION:

**AGENDA FOR A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF
WINTERS SCHEDULED FOR TUESDAY,
FEBRUARY 21, 2006 AT 7:30 P.M.**

ADJOURNMENT:

I declare under the penalty of perjury that the foregoing agenda for the February 21, 2006 meeting of the City Council of the City of Winters was posted February 17, 2007 in the office of the City Clerk, 318 First Street, Winters, CA and was available to the public during normal business hours.

ATTEST:


Nanci G. Mills, City Clerk

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF WINTERS HELD ON TUESDAY,
FEBRUARY 7, 2006, AT 7:30 P.M.**

Mayor Martinez called the meeting to order at 7:30 p.m.

The Pledge of Allegiance

Present were Council Members Anderson, Fridae, Godden, Stone, and Mayor Dan Martinez. Also present were City Manager John Donlevy, City Attorney John Wallace, Director of Financial Management Shelly Gunby, Public Works Director Charlie Simpson, City Engineer Nick Ponticello, Community Development Director Dan Sokolow, and City Clerk Nanci Mills.

RECOGNIZE AUDIENCE/CORRESPONDENCE: Mitch Korcyl, Automation Engineer for Genentech, spoke regarding the building permit fees for solar-related systems. He suggested a reduction or exemption in building permit fees to encourage solar usage, and not discourage it. Recent cost of building permit for a solar intake system was \$1,515.

MODIFICATION OF AGENDA: Remove Consent Item L, Ordinance 2006-02, Designation of Planning Commission as Planning Agency, and Discussion Item No. 4, Winters Highlands Development Agreement-Modification to Issues.

Council Member Anderson made a motion to remove said items. Seconded by Council Member Fridae. Motion carried unanimously.

PRESENTATION: Michael Sebastian was sworn in as City Treasurer by City Clerk Nanci Mills.

CONSENT ITEMS:

- A. Minutes of the Regular Meeting of the City Council of the City of Winters Held January 17, 2006
- B. Approve Warrants Ending February 7, 2006
- C. Accept Proposal From Moss, Levy and Hartzheim, CPA for audit services for 2005-2006 and 2006-2007 and authorize City Manager sign contract for audit services
- D. Request for Expansion and Update of City Master Tree List and Tree Planting Rebate Program
- E. Approval of Consultant Service Agreement with R3 Consulting Group, Inc., in the amount of \$29,960.00 to assist in the procurement of solid waste collection and disposal services for the City of Winters
- F. Approve letter in support of Yolo County grant application for Oak Woodland Restoration Plan

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE
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- G. Resolution 2006-01, As Amended, A Resolution of the City Council of the City of Winters Calling for a General Election, Requesting the Consolidation of the Election with the Statewide Primary Election for Council Member Election, To Be Held on June 6, 2006
- H. Assumption of STBG 700 Note by surviving spouse
- I. Ordinance 2006-01, Subdivision Improvement Security Development
- J. Resolution 2006-02, Subdivision Improvement Security Development
- K. League of California Cities-Request for Comment Filing-Telecommunications Franchising
- L. Ordinance 2006-02, Designation of Planning Commission as Planning Agency (Removed)

City Manager John Donlevy gave an overview of Consent Items A – K. Council Member Stone made a motion to approve Consent Items A – K. Seconded by Council Member Godden. Motion carried.

DISCUSSION ITEMS:

1. Approval of Voter Survey

City Manager John Donlevy gave an overview of Voter Survey for information only.

2. Approval of contract in the amount of \$42,300 for the purchase of a 2006 F550 Dump/Utility Truck for the Public Works Department.

City Manager John Donlevy gave an overview of the prospective purchase. Council Member Godden made a motion to approve the purchase of the 2006 F550 Dump/Utility Truck for the Public Works Department. Seconded by Council Member Fridae. Motion carried unanimously.

3. Growth Management Plan (No Backup)

Council Member Fridae made an opening statement to begin the discussion. Planning Commission Chairman Ed Ross gave a slide presentation entitled "The Threat of Hyper Growth: What Is Our Plan?" Several residents spoke out regarding the Growth Management Plan. City Attorney John Wallace indicated a moratorium would have to be scheduled on a future agenda. Council Member Fridae asked the staff to report back at a later meeting on the approximate cost and amount of work it would take for a specific plan update. City Manager John Donlevy proposed bringing back a scope to the 2/21/06 meeting.

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4. Winters Highlands Development Agreement - Removed from Agenda.
5. City Projects Review.

City Manager John Donlevy gave an overview.

*****COMMUNITY DEVELOPMENT AGENCY*****

CITY MANAGER REPORT: None

COUNCIL/STAFF COMMENTS: Council Member Stone requested that Single-family homes zoned commercial be included on City Council meeting agenda scheduled for 2/21/06, and Council Member Anderson said he attended a Greenprint meeting.

INFORMATION ONLY

1. November 2005 Investment Report
2. November 2005 Treasurer Report
3. December 2005 Investment Report
4. December 2005 Treasurer Report

Consideration of items not listed on the agenda:

Items in the following categories; pursuant to Government Code

1. *Majority determination that an emergency (as defined by the Brown Act) exists; or*
2. *A 4/5th determination that the need to take action arose subsequent to the posting of the agenda*

ADJOURNMENT: Meeting was adjourned at 10:24 p.m.

Dan Martinez, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: February 21, 2006
THROUGH: John W. Donlevy, Jr., City Manager. *JWD*
FROM: Nick Ponticello, City Engineer *NP*
SUBJECT: New Parking Lot at Rotary Park, Project No. 05-01

RECOMMENDATION: Staff recommends the City Council (1) award the construction contract for the Base Bid plus Bus Stop Alternative 1, for the New Parking Lot at Rotary Park, Project No. 05-01, to Vintage Paving Co., Inc., in the amount of Six-Hundred-Fifty-Six-Thousand-Two-Hundred-One dollars and Thirty-Five cents (\$656,201.35); (2) authorize expenditures in the amount of Seven-Hundred-Fifteen-Thousand dollars (\$715,000) for construction; and (3) authorize the City Manager to execute the Contract on the City's behalf.

BACKGROUND: The project includes construction of a new eighty-four (84) stall public parking lot immediately adjacent to the existing City Community Center, storm drain piping, decorative lighting, and landscaping.

In August 2005 the construction documents were advertised for bids. The bid opening was held in September 2005 and only 1 bid was received in the amount of \$752,350. On September 20, 2005, Council rejected all bids and authorized staff to re-package the plans and specifications for re-advertisement. The project was re-advertised last month and the bid opening was held on February 9, 2006. The City received a much better response with 6 bids submitted (see attached bid results). Based on the bid results, the apparent lowest responsible/responsive bidder is Vintage Paving out of Winters, with a bid amount of \$656,201.35 for the base Bid plus Bus Stop Alternative 1. The requested amount for construction expenditures (\$715,000) includes a 9% contingency, which is typical for this type of project.

CEQA CLEARANCE: On March 1, 2005, Council confirmed the project for a categorical exemption. A CEQA Notice of Exemption was filed with the County Clerk

ALTERNATIVES: None recommended by staff.

FISCAL IMPACT: The project is funded with Redevelopment Funds (Fund 702). The approved budget is attached.

ATTACHMENTS: Bid Results
Approved Project Budget Sheet

New Parking Lot At Rotary Park
PROJECT NO. 05-01
BID OPENING - February 9, 2006
2:00 P.M.

| Contractor | Base Bid | Additive Alt. 1 | Additive Alt. 2 | Base Bid + Add Alt 1 | Base Bid + Add Alt 2 | Bid Signed | Add'm #1 | List of Subs | Statmt of Exper. | Bid Bond | Non-Coil Affidavit |
|-------------------------------------|------------------------|--|-----------------------|------------------------|------------------------|------------|----------|--------------|------------------|----------|--------------------|
| Maxicrete, Inc | 710,673 | 35,575 | 38,415 | 746,248 | 749,088 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Broward Bros, Inc. | 698,492. ³⁴ | 25,905.⁷⁰ 36,049. ⁴⁴ | 25,905. ⁷⁰ | 734,571.78 | 724,398. ⁰⁴ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Vintage Paving Co, Inc. | 634,736. ³⁵ | 21,498. | 16,253 | 656,234. ³⁵ | 650,991. ³⁵ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Hutchins Paving & Engineering, Inc. | 993,091 | 47,764 | 22,333 | 1,040,855 | 1,015,424. | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Lister Const Inc. | 681,578. ⁸⁷ | 42,584 | 29,656 | 724,162. ⁸⁷ | 711,234. ⁸⁷ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Biondi Paving | 917,269. ²⁰ | 38,160 | 25,079. ⁴⁰ | 955,429. ²⁰ | 942,348. ⁶⁰ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| ENGINEER'S ESTIMATE | \$614,756.50 | \$35,065.00 | \$27,510.00 | \$649,821.50 | \$642,266.50 | | | | | | |

OPENED BY: Frank Jensen

READ BY: Frank Jensen

WITNESSED BY: Asa Utterback

Date: May 2004
 October 2004
 September 2005
 January 2006

PROJECT BUDGET SHEET

PROJECT NO.: 05-01 **PROJECT TITLE:** New Parking Lot at Rotary Park

PM: Engineering **OWNER:** Public Works Department

PROJECT MANAGEMENT: \$ 40,000 **TESTING AND INSPECTION:** \$ 18,000
CONSULTANT DESIGN: \$ 110,000
CONSTRUCTION: \$ 715,000 **PROJECT TOTAL:** \$ 883,000

PROJECT DESCRIPTION:

Add additional parking in the central commercial area of the City. All improvements will take place on the City-owned land for the Rotary Park and Community Center, and includes design, CEQA-compliance, and construction. The project will also construct a new storm drain from the intersection of E. Main and Elliot to the intersection of E. Main and East Street.

PROJECT JUSTIFICATION:

The project will enhance the downtown commercial environment and funding is being provided from CDA bond proceeds. The new storm drain is a recommended improvement in the 1992 SD Master Plan.

PROJECT STAGING:

Design 04/05
 Construction 05/06

| Fund Code | Project # | TOTAL AMT, \$K | 04/05 AMT, \$K | 05/06 AMT, \$K | 06/07 AMT, \$K |
|-----------|-----------|----------------|----------------|----------------|----------------|
| 702 | 05-01 | 755.7 | 105.0 | 650.0 | |

RECOMMENDED FOR SUBMITTAL A. MITCHELL **DATE** JAN. 2006
RECOMMENDED FOR APPROVAL (DEPT. HEAD) [Signature] **DATE** Jan 06
FINANCE DEPARTMENT APPROVAL [Signature] **DATE** 1/9/06
CITY MANAGER APPROVAL [Signature] **DATE** 1-12-06



STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: February 21, 2006
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nick Ponticello, City Engineer
SUBJECT: Railroad and Grant Signal Improvements, Project No. 00-02

RECOMMENDATION: Staff recommends the City Council 1) accept the project improvements as complete and 2) authorize the City Clerk to file a Notice-of-Completion.

BACKGROUND: The project included intersection widening to accommodate left-turn lanes in all directions, a 4-way traffic signal, and miscellaneous asphalt, concrete and storm drainage improvements.

On April 5, 2005, Council awarded a \$905,330 construction contract to Vintage Paving. Construction began in May 2005 and progressed with very few problems. The City, Contractor and Caltrans worked jointly to provide a project that was within budget. The work was substantially completed in early October and the City's first traffic signal was activated on October 13, 2005. Final acceptance of the improvements was held up due to controller malfunctions, PG&E issues, and completion of the punchlist. The project is now ready for acceptance.

ALTERNATIVES: None recommended by staff.

FISCAL IMPACT: The project was funded with Federal STP (\$394,000) and Local Funds (Fund 411-Street Impact). The final construction cost was \$968,451.23. The authorized amount for construction was \$995,863.

With regard to the annual Spring Harley event, the merchants listed below support the closing of Main Street between Railroad and 1st St. Sunday March 19 from 6 am to 3 pm
Rain date March 26 from 6am to 3pm

Chris Florist *Chris Florist*

Tienda Market *David*

Pueblo Deli *Clia Ace*

Velocity *Velocity*

Ace Hardware *Sam*

Cloth Carousel *Deb Komer to Diane Salera*

Putah Creek Café *J.V.*

Supporting Merchants

Charlotte's Adventure on Suzy Brown
Joyce Snyder - The Arts Junction
Rebecca
Winters Express Bar

Date of Application: _____ To City Council: _____

Name of Person(s)/ Organization: Vallejo Hog Contact: _____
Business Address: c/o 22 Main Telephone: _____
Telephone: 795-3278

Type of Event: Harley Run

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

Date/Time of Event: 3/19 From: 10 To: 3

Location/Address of Event: 1st Block of Main

Rated Output of Amplifier in Watts: _____ Number of Speakers: _____

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

Signature: JM Innes

For City Use Only

Proof of Insurance: N/A (Not City Property) Yes No

Rental Fee Paid: N/A (Not City Property) Yes No

Police Department: Approved Denied Date: _____

Authorized Signature: _____

City Council: Approved Denied Date: _____

Authorized Signature: _____



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE : February 21, 2006
FROM: John W. Donlevy, Jr., City Manager *John*
SUBJECT: Contract Extension with Waste Management

RECOMMENDATION:

That the City Council authorize a contract extension with Waste Management through August 2006.

BACKGROUND:

City Council directed staff to go out to bid for refuse collection including recycling and street sweeping. At the December 13, 2005, the City Council directed Staff to discuss adding special clean-up days during the extension period for the renewal.

To date, the contract is still in need of extension.

DISCUSSION:

The contract with Waste Management is under a week to week extension at this point.

Pursuant to the direction of the City Council, Staff has reviewed the topic of special clean up days during the extension.

In recent months, the State has issued a litany of additional regulations on items which can be disposed which have generated issues which would have become exclusions and prohibitions for the special clean-up days, even in an extended contract.

Waste Management and Staff are working on the possibility of a large item pick-up, but not a White Goods Day during the next few months. During the interim, it is essential that the City Council approve an extension to the current contract for the allowance of the pick-up of regular trash, recycling and green waste.

FISCAL IMPACT:

None by this action.

Extension Language:

This extension of the attached AGREEMENT is made on December 13, 2005. This is an interim AGREEMENT until the City is able to obtain a permanent contract for refuse collection including recycling and street sweeping. The anticipated term of this contract extension is through August of 2006.

WASTE MANAGEMENT will adjust the fees by the CPI in accordance with the contract as well as a fuel surcharge and services will remain unchanged.

"CITY"

"CONTRACTOR"

CITY OF WINTERS
A Municipal corporation
Of the State of California

WASTE MANAGEMENT of WINTERS
a DIVISION OF WASTE MANAGEMENT
COLLECTION and RECYCLING,
A California coporation

By: _____
John W. Donlevy, City Manager

By: _____
Timothy R. Magill, Division President and
General Manager



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: February 21, 2006
THROUGH: John W. Donlevy, Jr., City Manager *John*
FROM: Shelly Gunby, Director of Financial Management *Shelly*
SUBJECT: Budget Adjustment Request for Swimming Pool Funding

RECOMMENDATION:

Approve Expenditures not to exceed \$100,000 for the Development and Design of the new Winters Swimming Pool in Fund 424-54419-650, Miscellaneous Services in the Park and Recreation Capital Fund.

BACKGROUND:

The current swimming pool is unusable and has been closed. The City of Winters, in partnership with the Winters Joint Unified School District is developing plans for a new community swimming pool. Funding for the pool is to be provided by the Developers of the various projects that have been approved, or are being submitted for approval. The timing of the receipt of these funds is set by the signed development agreements, but funding is needed now to keep the swimming pool project on schedule.

The \$100,000 will be replaced in fund 424 with the Developers money when received.

FISCAL IMPACT:

Temporary expenditure of City funds that will be replaced with Developer funding according to signed Development Agreements.



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE : February 21, 2006
FROM: John W. Donlevy, Jr., City Manager 
SUBJECT: Park Design Committee

RECOMMENDATION:

That the City Council approve the recruitment of a Park Design Committee for the design of the Sports Park and Linear Park for the Winters Highlands Subdivision.

BACKGROUND:

In December, 2005, the City Council awarded a contract to the HLA Group to perform design services for the construction of a Sports Park and a Linear Park for the proposed Winters Highlands Subdivision.

DISCUSSION:

Staff is ready to proceed with the design process for these projects and is requesting authorization from the City Council to proceed with a City-wide recruitment of individuals interested in assisting with the design process.

The process is open to all residents and will include a very public oriented process. Staff is requesting authorization to begin the recruitment of individuals to assist in the process.

A complete calendar and timeline will follow the appointment of the committee.

FISCAL IMPACT:

None by this action.



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE : February 21, 2006
FROM: John W. Donlevy, Jr., City Manager 
SUBJECT: Consultant Services Agreement- Extension

RECOMMENDATION:

That the Agency Board of Directors Approve an extension to the Consultant Services Agreement with Stephen Streeter.

BACKGROUND:

With the absence of a Redevelopment Manager, the need to continue the processing of the numerous projects under consideration is important. Current programs in place include the Downtown Master Plan, Property Acquisition, improvement grants and overall Agency administration are crucial.

DISCUSSION:

Stephen Streeter with SRS Consulting is a past Director of Community Development and is very familiar with the process of government and redevelopment. During the interim with which Staff is seeking to recruit a Redevelopment Manager, it is recommended that the Agency continue to retain the services of Mr. Streeter to advance a number of projects under development with the Agency.

At the present time, he is working on a number of Downtown projects, the Downtown Master Plan and façade improvement loans.

The estimated costs for the extension are not to exceed \$20,000.

FISCAL IMPACT: Approval of a consultant services agreement not to exceed \$20,000.



CITY COUNCIL STAFF REPORT
February 21, 2006

TO: Honorable Mayor and Councilmembers

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

FROM: Dan Sokolow – Community Development Director

SUBJECT: **Public Hearing and consideration of Winters Highlands Tentative Subdivision Map.**

RECOMMENDATION: Staff recommends that the City Council continue the public hearing and consideration of the Winters Highlands Tentative Subdivision Map to the March 21, 2006 Council meeting. The Planning Commission originally scheduled the project for a public hearing and consideration on February 9, 2006; however, the applicant has requested a continuance and the Planning Commission will consider the project at its February 28, 2006 meeting.

Planning Commission/Continue Public Hearing CC Stf Rpt 21Feb08



**CITY OF WINTERS
CITY COUNCIL STAFF REPORT**

TO: Honorable Mayor and Members of the City Council
FROM: Heidi Tschudin, Contract Planner *HT*
HEARING: February 21, 2006
SUBJECT: Citywide Habitat Mitigation Program

RECOMMENDATION

Adopt Resolution No. 2006-03 Adopting a Citywide Habitat Mitigation Program (Attachment A).

OVERVIEW

The City currently faces oversight of the implementation of various habitat mitigation requirements associated with recently approved and pending development project approvals. Between the approvals for the Callahan Estate, Creekside Estates, and Hudson/Ogando projects there are a number of mitigation requirements that the City has imposed for Swainson's Hawk, other raptors, Burrowing Owls, Valley Elderberry Longhorn Beetle (VELB), wetlands invertebrates, and seasonal wetlands habitats. The Winters Highlands project, if approved, would add to this.

As a result of discussions with the Planning Commission outlined below, the staff has prepared the attached draft Citywide Habitat Mitigation Program for consideration by the City Council. The program is formatted as follows:

State and Federal Framework

- Swainson's Hawk
- Burrowing Owls
- Valley Elderberry Longhorn Beetle (VELB)
- Seasonal Wetlands Habitat and Species

General Plan Policy Framework

Approved and Proposed Projects

- Callahan Estates
- Creekside Estates
- Hudson/Ogando Subdivision

Winters Highlands Subdivision
Summary of Habitat Preservation Acreage Requirements
Statement of Guiding Values
Mitigation Strategy by Resource
Swainson's Hawk
Burrowing Owls
Valley Elderberry Longhorn Beetle (VELB)
Seasonal Wetlands Habitat and Species
Framework for Mitigation
Qualifying Land
Minimum Standards for the Agreement
Requirements for the Submittal

PLANNING COMMISSION DISCUSSION

The staff went to the Planning Commission on December 21, 2005 and January 24, 2006 to get direction for development of a Citywide Habitat Mitigation Program. A series of questions were deliberated by the Commission and audience, and direction was provided to staff as outlined below:

DISCUSSION QUESTION #1: Are multi-use goals important to the community? The term "multi-use goals" refers to the preservation of habitat not just for species benefit, but also for passive quasi-recreational opportunities such as educational programs, walking trails, viewing stations, event gathering areas, and perhaps picnicking. State and federal agencies do not generally support multi-use goals for habitat mitigation areas due to concerns regarding incompatibilities between human activities (even passive) and habitat preservation.

The Planning Commission directed that multi-use goals are important, but not as important as trying to satisfy the mitigation policies in an efficient manner.

DISCUSSION QUESTION #2: Method for mitigation (local program, regional program, mitigation bank?) A local program would allow the City an opportunity to target preservation land in proximity to the City so that local open space values can be gained. There is an existing regional Joint Powers Agency (JPA) formed between the cities of Yolo County, the County, and the California Department of Fish and Game (CDFG) that serves as an interim in-lieu fee program for mitigation for loss of Swainson's Hawk foraging land until such time as a countywide Habitat Conservation Plan (HCP) for the hawk can be adopted. This program allows for payment of in-lieu fees for acquisition of land through the JPA. To date no acquisitions have been made. There are also five approved mitigation banks that serve the Winters' area for different biological resources.

The Planning Commission directed that the City should develop its own local program and that the development community should be working together to satisfy City goals under that program. Payment of in-lieu fees to the JPA and use of existing mitigation banks were not favored by the Commission.

DISCUSSION QUESTION #3: Multiple species or Swainson's hawk only? Is the community interested mostly in a program for Swainson's Hawk or should the program involve multiple species. Since mitigation for hawk foraging impacts generally results in

the largest mitigation requirements in terms of acreage, this species is often the focus of mitigation programs.

The Planning Commission directed that the program address multiple species, but that it also be flexible and reasonable.

DISCUSSION QUESTION #4: Land dedication or in-lieu fees? Should the developer be required to preserve land to achieve mitigation or can they pay in-lieu fees. The existing JPA program is examining a 40 acre threshold for projects. Those larger than 40 acres would be required to buy land. Those under that threshold could pay fees. The use of fees can be controversial as the value and buying power erode over time if not expended quickly.

The Planning Commission did not support the use of in-lieu fees.

DISCUSSION QUESTION #5: Proximity of mitigation? How far away from town (or how close) should developers be allowed/required to mitigate for impacts to biological resources. A map was provided showing a two-mile, five-mile, and ten-mile radius outside of the following area: Putah Creek on the south, Dry Creek on the west, CR 31 (or an imaginary extension thereof) on the north, and CR 92E (or an imaginary extension thereof) on the east.

The Planning Commission directed that a radius of 7 miles from the City boundaries be used.

DISCUSSION QUESTION #6: Is "stacking" of mitigation acceptable? Stacking refers to the concept of allowing mitigation for one species to occur on the same land (or portion thereof) as mitigation for another species. For example, Swainson's Hawk and Burrowing Owl, or locally required wetlands/riparian with federally required wetlands. Stacking is preferred by developers as they are able to satisfy more than one impact on the same acre of land. Stacking is general not supported by the State or federal agencies. Stacking generally results in more complicated management and monitoring requirements and less flexibility for a particular mitigation preserve. Allowing the General Plan required mitigation for wetlands and riparian impacts to be satisfied by federally required mitigations would likely inhibit the City's ability to achieve multi-use goals.

The Planning Commission did not support stacking of mitigation.

ATTACHMENTS

- A – Resolution No. 2006-03 Adopting a Citywide Habitat Mitigation Program
- B – Habitat Summary Chart
- C – Habitat-Related Mitigation Measures for Recent New Development
- D – Approved Mitigation Banks Serving Winters (list and map)

RESOLUTION NO. 2006-03

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
ADOPTING A CITYWIDE HABITAT MITIGATION PROGRAM**

WHEREAS, the City has recently approved several development projects each of which has habitat mitigation requirements;

WHEREAS, the City is desirous of providing a consistent framework for implementation of these project-level mitigation requirements;

WHEREAS, establishing a citywide habitat program is critical to maximizing community benefit from coordinated implementation of project-level habitat mitigation requirements;

WHEREAS, the Planning Commission developed guidance for such a program at a public hearing held January 24, 2006; and

WHEREAS, the attached City of Winters Habitat Mitigation Program is consistent with the direction of the Commission and with the City General Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winters that:

- 1) The City of Winters Habitat Mitigation Program is hereby adopted as official policy of the City of Winters.
- 2) The staff is directed to ensure that this program is fully implemented in the course of implementing development approvals.

I HEREBY CERTIFY THAT the foregoing resolution was duly and regularly adopted by the City Council of the City of Winters, County of Yolo, State of California, on the 21st day of February, 2006 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Martinez, Mayor

ATTEST:

Nanci G. Mills, City Clerk

CITY OF WINTERS HABITAT MITIGATION PROGRAM

The City currently faces oversight of the implementation of various habitat mitigation requirements associated with recently approved and pending development project approvals. The purpose of this program is to establish a framework for acceptable satisfaction of these requirements.

The program is formatted as follows:

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| Valley Elderberry Longhorn Beetle (VELB) | |
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STATE AND FEDERAL FRAMEWORK

Swainson's Hawk -- The Swainson's Hawk is listed as a "threatened" species under the California Endangered Species Act (CESA) and is also protected pursuant to Section 3503.5 of the State Fish and Game Code and the Federal Migratory Bird Treaty Act. Swainson's Hawk impacts are generally distinguished as nesting impacts and foraging impacts. Nesting impacts are those that remove or disturb occupied nesting habitat, including native or nonnative trees along riparian corridors, roadside trees, or isolated trees or groups of trees. Foraging habitat impacts are those that remove suitable foraging habitat, such as open grasslands and agricultural lands that are compatible with their foraging behavior (i.e., hay, grain, and row crops and pasturelands with low vegetative height).

To mitigate impacts to Swainson's Hawk nesting and foraging habitat, mitigation strategies are generally imposed in accordance with California Department of Fish and Game (CDFG) guidelines set forth in the "Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California" (CDFG, 1994). Pre-construction

nesting surveys are required to be conducted during the nesting season. If an active nest is located, or if previously active nests are documented by CDFG, mitigation measures may include delineation of no-construction buffer zones around the active nest site and/or a delay of construction until nestlings have fledged. CDFG guidelines require mitigation for losses of Swainson's hawk foraging habitat within ten miles of an active nest, and indicate that such losses can be mitigated by providing suitable habitat management (HM) lands (i.e., foraging habitat) based on the following ratios:

- a) Projects within one mile of an active nest shall provide one acre of HM land for each acre of development authorized (1:1 ratio);
- b) Projects within five miles of an active nest tree but greater than one mile from the nest tree shall provide 0.75 acre of HM land for each acre of development authorized (0.75:1 ratio);
- c) Projects within 10 miles of an active nest tree but greater than five miles from an active nest tree shall provide 0.5 acre of HM land for each acre of development authorized (0.5:1 ratio).

Other Raptors – Other raptors are also protected pursuant to Section 3503.5 of the State Fish and Game Code and the Federal Migratory Bird Treaty Act. In the local area, both nesting and foraging impacts are considered mitigated by the same measures that apply to the Swainson's Hawk. Pre-construction surveys for the Swainson's Hawk include identification of nests for other raptor species and Swainson's Hawk foraging mitigation provides mitigation for other raptor foraging impacts.

Burrowing Owls – The Burrowing Owl is designated by the CDFG as a "species of special concern" and is also protected pursuant to Section 3503.5 of the State Fish and Game Code and the Federal Migratory Bird Treaty Act. The Burrowing Owl nests and finds cover in subterranean burrows, typically those made by ground squirrels; however, man-made structures, such as culverts, pipes, and debris piles are also used. It forages primarily in open grasslands, but also uses agricultural types with low vegetative cover.

The Burrowing Owl is not a state or federally listed species; however, its status as a species of special concern indicates that populations are declining or the species is otherwise imperiled in California. Impacts to Burrowing Owls and other non-listed special-status species are typically addressed during CEQA review. To mitigate impacts to Burrowing Owl habitat, mitigation strategies are generally imposed in accordance with CDFG guidelines set forth in the "Staff Report on Burrowing Owl Mitigation" (CDFG, 1995). Surveys are required to be conducted for California Environmental Quality Act (CEQA) review to verify potential habitat and/or the existence of occupied habitat. If an active nest is located, mitigation measures may include delineation of no-construction buffer zones around the active nest site and/or a delay of construction until nestlings have fledged. Where potential habitat exists pre-construction surveys are also required.

CDFG guidelines require mitigation for losses of Burrowing Owl nesting or foraging habitat based on acquisition and permanent protection of a minimum ratio of 6.5 acres of foraging habitat per pair or unpaired resident bird. Enhancement or creation of new burrows on the protected habitat is required at a ratio of 2:1. Avoidance buffers during the breeding and nesting season may also be required.

Valley Elderberry Longhorn Beetle (VELB) – The VELB is listed as a "threatened" species under the Federal Endangered Species Act (FESA). It is a wood boring beetle that depends entirely on its host plant, the elderberry shrub, for habitat. Elderberry shrubs are generally found in riparian and upland habitats throughout the Central Valley, including the City of Winters. Potentially occupied shrubs are defined as having stems greater than one inch in diameter regardless of the presence of emergence holes (an indicator of VELB use). Shrubs that do not support stems greater than one inch are not considered potential habitat. To mitigate impacts to the VELB, mitigation strategies are generally imposed in accordance with United States Fish and Wildlife Service (USFWS) "Conservation Guidelines for the Valley Elderberry Longhorn Beetle" (USFWS, 1999). Surveys are required to identify potentially occupied elderberry shrubs.

The USFWS has issued a programmatic consultation that requires mitigation as summarized below. The actual mitigation ratio applied depends on several factors including whether the host plant is located in a riparian or non-riparian area, the actual size of the branches that meet the one-inch minimum threshold, and presence of emergence (exit) holes. The guidelines provide a table to determine the appropriate mitigation ratio.

- a) Avoidance with a minimum buffer zone of 100-feet around each plant. Protection, restoration, and maintenance are required; or,
- b) Transplantation to a conservation area; new plantings at a mitigation ratio ranging from 1:1 to 8:1 (new planting to affected one-inch stems); over-story and under-story native species plantings at a mitigation ratio ranging from 1:1 to 2:1 (native tree or plant to new elderberry planting)
- c) The size of the conservation area depends on the number of plantings – approximately 1,800 square feet for every ten plantings (combined elderberry and/or natives).

Seasonal Wetlands Habitat and Species – A variety of state and federal regulations affect aquatic habitat and species, including the Federal Clean Water Act, the FESA, the Fish and Wildlife Coordination Act, the State Porter-Cologne Water Quality Control Act, the CESA, the California Native Plant Protection Act, the State Fish and Game Code, and State Wetlands Conservation Policy (Executive Order). Relevant agencies, depending on the circumstances, include the US Army Corps of Engineers, USFWS, CDFG, and the Central Valley Regional Water Quality Control Board (CVRWQCB).

The impact analysis and mitigation determination process for aquatic resources starts with a biological assessment of on-site features, in particular wetlands. Wetlands are defined differently at the federal and State level, with federal agencies requiring all three wetland indicators (hydrology, soils, and vegetation) and the State requiring only one of the three. Furthermore, wetlands policy differs as well. State policy is generally no net loss of wetlands acreage and values; federal policy is general no net loss of wetlands acreage or values.

If wetlands are present a delineation must be prepared and a determination must be made as to whether they are jurisdictional (meaning they fall under the jurisdiction of the US Army Corps of Engineers (ACOE) pursuant to Section 404 of the federal Clean Water Act) or "isolated" meaning they are not adjacent to navigable waters and therefore fall outside of the regulation of the ACOE pursuant to the Supreme Court's

ruling in *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers*, 531 U.S. 159 (2001) ("SWANCC").

For avoided wetlands occupied or potentially occupied by federally listed invertebrates, the USFWS generally requires a 250 foot buffer. If the wetlands are jurisdictional, impacts to them will trigger either a general permit under Section 404 or an individual permit. General Permits have already received National Environmental Policy Act (NEPA) clearance. The most commonly applicable general permit that would apply to projects in Winters is Nationwide Permit #39 which covers projects that impact less than or equal to one half acre of wetlands and less than or equal to 300 linear feet of streambed. Whether or not a project can qualify for a general permit is ultimately a determination made by the ACOE. "Minimal impact" standards and compliance with general permit conditions factor into their decision. If the impacts from a project do not fall under a general permit, then an individual permit is required and separate NEPA clearance would be triggered as well.

Impacts to wetlands that contain or provide suitable habitat for federally listed species trigger a consultation requirement under FESA, before a federal Incidental Take Permit (ITP) can be issued to allow the project to move forward. If the wetlands are jurisdictional, the consultation must satisfy FESA Section 7 and requires the USFWS to render a formal Biological Opinion. If the wetlands are non-jurisdictional, the consultation must satisfy FESA Section 10 and requires the preparation of a project-level HCP.

The USFWS has issued a programmatic consultation for impacts to small areas (less than one acre) of vernal pool habitat containing invertebrates. Projects with larger impacts would not be covered by this consultation and may be subject to different mitigation requirements.

a) a "preservation" requirement of 2:1 for mitigation at a mitigation bank or 3:1 for mitigation on-site or at a non-bank location; and

b) a "creation" requirement of 1:1 for mitigation at a mitigation bank or 2:1 for mitigation on-site or at a non-bank location.

For jurisdictional wetlands, Section 401 of the Clean Water Act triggers a requirement for Water Quality Certification from the Central Valley Regional Water Quality Control Board. For isolated wetlands similar regulatory authority is provided to the Regional Board through Porter-Cologne Water Quality Control Act. The Water Quality Certification is needed for both individual and general permits from the Corps and the Certification is required before any such permit issued or authorized by the Corps can be acted upon.

It should be noted that invertebrates in general, and "rare" listed plants under the California Native Plant Protection Act, are not regulated under CESA. Therefore, unless the wetlands lie within a stream bed or channel, CDFG has no direct permitting authority except through CEQA. Through their CEQA authority, CDFG generally requires that permanent wetlands be protected by no less than 100-foot setback buffer areas, and intermittent streams and swales be protected by no less than a 50-foot non-building

setback buffer established on each side of the stream. They generally advise that buffers be extended to protect riparian habitats. Where impacts to these resources will result CDFG relies on the State policy of no net loss of wetlands acreage and values for establishing mitigation. Section 1600 of the State Fish and Game Code triggers the requirement for a Lake or Streambed Alteration Agreement if activities are proposed within the bed or bank of a river, stream, or lake including wetlands or riparian vegetation associated with that stream.

At the local level, the City of Winters has separate relevant policies which are discussed below.

GENERAL PLAN POLICY FRAMEWORK

The Winters General Plan adopted May 19, 1992, includes a Natural Resources Element with the following goal and policies relevant to habitat values:

Goal VI.C: To protect sensitive native vegetation and wildlife communities and habitat.

Policies:

- VI.C.1. Prior to approving public or private development projects in areas containing or adjacent to areas containing large trees, riparian vegetation, wetlands, or other significant wildlife habitat, the City shall require the project area and its environs be field surveyed for the presence of special-status plant and animal taxa. Such field surveys shall be conducted by a qualified biologist. If special-status taxa are encountered during the field surveys, appropriate measures shall be developed to minimize disturbance and protect identified populations where feasible.
- VI.C.2. In regulating private development and constructing public improvements, the City shall ensure that there is no net loss of riparian or wetland habitat acreage and value and shall promote projects that avoid sensitive areas. Where habitat loss is unavoidable, the City shall require replacement on at least a 1:1 basis. Replacement entails creating habitat that is similar in extent and ecological value to that displaced by the project. The replacement habitat should consist of locally-occurring, native species and be located as close as possible to the project site. Implementation of this policy should be based on baseline data concerning existing native species. Study expenses shall be borne by development.
- VI.C.3. Unless there are overriding considerations as defined in the California Environmental Quality Act, the City shall not approve any project that would cause significant unmitigatable impacts on rare, threatened, or endangered wildlife or plant species.
- VI.C.4. The City shall support and participate in local and regional attempts to restore and maintain viable habitat for endangered or threatened plant and animal species. To this end, the City shall work with surrounding jurisdictions and state and federal agencies in developing a regional *Habitat Management Plan*. Such plan shall provide baseline data for the Winters area on special-status plant and animal taxa, including Swainson hawk and the valley elderberry longhorn beetle, and provide guidelines and standards for mitigation of impacts on special-status taxa.
- VI.C.5. The City shall require mitigation of potential impacts on special-status plant and animal taxa based on a policy of no-net-loss of habitat value. Mitigation measures shall incorporate as the City deems appropriate, the guidelines and recommendations of the U.S. Fish and Wildlife Service and the California Department of Fish and Game. Implementation of this

policy may include a requirement that project proponents enter into an agreement with the City satisfactory to the City Attorney to ensure that the proposed projects will be subject to a City fee ordinance to be adopted consistent with the regional *Habitat Management Plan*.

- VI.C.6. The City shall undertake a feasibility study for the establishment of an Open Space Preserve between the Urban Limit Line and Grant Avenue west of I-505. Such preserve should be designed to provide for a combination of uses including agriculture, habitat protection, groundwater recharge, and educational and recreational activities. The Open Space Preserve should, to the maximum extent possible, be designed to function as part of the City's flood control and wastewater discharge system. The City should consider requiring developments that cannot mitigate wetlands or riparian habitat impacts on-site to make in-lieu contributions to the establishment, development, and maintenance of the Open Space Preserve or other mitigations consistent with the regional *Habitat Management Plan*.
- VI.C.7. The City shall promote the use of drought-tolerant and native plants, especially valley oaks, for landscaping roadsides, parks, schools, and private properties.
- VI.C.8. Parks, the drainage detention areas, and golf course development shall incorporate areas of native vegetation and wildlife habitat.
- VI.C.9. Large, older and historically-significant trees should not be removed unless they are diseased or represent an unavoidable obstacle to development. Development should be designed and constructed to avoid adverse impacts on such trees.
- VI.C.10. The City shall encourage and support development projects and programs that enhance public appreciation and awareness of the natural environment.

Policy VI.C.2 is most directly relevant and was used as the basis for local compensatory replacement habitat requirements applied to recent project approvals, which are discussed further herein.

APPROVED AND PROPOSED PROJECTS

The City has recently approved two significant residential projects (Callahan Estates and Creekside Estates) that required discretionary approvals and CEQA clearance. The City has tentatively approved another (Hudson/Ogando) and is processing a fourth (Winters Highlands). A brief summary of the habitat mitigation requirements of each is provided below. The full text of the adopted habitat mitigation measures for each project is attached to this analysis (see Appendix A).

As evident below, the mitigation requirements for the Swainson's Hawk are not consistent between project approvals. This is due to the City becoming aware of the lapse in the status of the Memorandum of Understanding between Yolo County, the cities, and the State Department of Fish and Game for this species. As a result, the mitigation wording for Hudson/Ogando and Winters Highland was modified from the wording used for the earlier projects. This is discussed further below.

Callahan Estates Subdivision (approved April 5, 2005) -- The project is a residential subdivision of 26.4 acres to create 120 single-family lots; Parcels A and D (exchange lots); Parcels E, F, and G (open space lots); and Parcel X (detention pond/well site).

Habitat mitigation summary (full text of mitigation measures attached):

Other Raptors (MM #3) – Nest survey required. Avoidance required.

Burrowing Owl (MM #4) – Nest survey required. Preservation area required per nest per DFG.

Swainson's Hawk (MM #5) – 1:1 preservation of foraging land required for 26.4 acres. Payment of MOU fee allowed.

Wetlands Invertebrates (MM #5.1) – 0.25 acres seasonal wetlands in SE corner. Avoid or do protocol surveys. Mitigation required pursuant to USFWS and DFG requirements.

Seasonal Wetlands (MM #5.2) – 0.25 acres seasonal wetlands in SE corner plus unknown acreage for Highlands Canal onsite. Local 1:1 mitigation required per GP Policy VI.C.2 located either at the City's Community Sports Park site north of Moody Slough Road or at the wetlands site in the northeast corner of the Winters Highlands property.

Creekside Estates Subdivision (approved May 17, 2005) -- The project is a residential subdivision of 13.7 acres to create 40 single-family lots.

Habitat mitigation summary (full text of mitigation measures attached):

Valley Elderberry Longhorn Beetle (VELB) (MM #4) – Species survey required. Preservation area required per bush per USFWS.

Other Raptors (MM #5) – Nest survey required. Avoidance required.

Burrowing Owl (MM #6) – Nest survey required. Preservation area required per nest per DFG.

Swainson's Hawk (MM #7) – 1:1 preservation of foraging land required for 13.7 acres. Payment of MOU fee allowed.

Seasonal Wetlands – None. Not applicable.

Hudson/Ogando Subdivision (approved December 13, 2005) -- The project is a residential subdivision of 15.97 acres to create 72 single-family lots (47 R-1 lots on 10.06 acres; plus 25 R-3 lots on 3.63 acres), Parcel A (5,360 sf) for a small open space or well site, and Parcel Y (93,608 sf) for a proposed City Public Safety Center .

Habitat mitigation summary (full text of mitigation measures attached):

Burrowing Owl (MM #4) – Nest survey required. Preservation area required per nest per DFG.

Swainson's Hawk (MM #5) – 1:1 preservation of foraging land required for 15.97 acres. Payment of MOU fee allowed if MOU is in effect, otherwise land required.

Other Raptors (MM #6) – Nest survey required. Avoidance required.

Wetlands Invertebrates (MM #7) – 0.78 acre seasonal wetlands in the center of the northern portion of the site. Avoid or do protocol surveys. Mitigation required pursuant to USFWS, DFG, and RWQCB requirements, as applicable.

Seasonal Wetlands (MM #8) – 0.78 acre seasonal wetlands in the center of the northern portion of the site. Local 1:1 mitigation required per GP Policy VI.C.2 located either at the City's Community

Sports Park site north of Moody Slough Road, at the wetlands site in the northeast corner of the Winters Highlands property, or elsewhere as directed/approved by the City Council.

Winters Highlands Subdivision (in process) -- The project is a proposed residential subdivision of 102.6 acres to create 413 single-family lots (including 36 "duplex" lots) on 49.49 acres, a 2.01 acre multifamily lot on which 30 apartments will be developed, a 10.63 acre park site (plus a proposed 10,000 square foot well site), a 7.43 acre wetlands/open space area, an exchange parcel of 0.04 acres to the Callahan property to the south; and 32.81 acres in public roads.

Habitat mitigation summary (full text of mitigation measures attached):

Wetlands Invertebrates (MM #4.3-1a) – Protocol surveys identified 0.67 acre of populated seasonal wetlands (vernal pools) on-site. Mitigation is required pursuant to USFWS requirements.

Seasonal Wetlands On-Site Preserve (MM #4.3.2a) – Preserve and manage in perpetuity 7.43 acres in northeast corner comprised of 0.99 acres wetlands/vernal pools, 2.10 acres open space grasslands, and 4.33 acres of open space buffer.

Swainson's Hawk and Other Foraging Raptors (MM #4.3-3a) – 1:1 preservation of foraging land required for 102.6 acres. Payment of MOU fee allowed if MOU is in effect, otherwise land required.

Burrowing Owl (MM #4.3-4a/b) – Three owl pair/individuals identified. Pre-construction nest survey required. 19.5 acres of habitat required to be preserved and enhanced per DFG.

Seasonal Wetlands (MM #4.3-5a) – Local 1:1 mitigation required per GP Policy VI.C.2 for the 0.54 acre of seasonal wetlands that occur in the Highlands Canal. Local 2:1 mitigation required per GP Policy VI.C.2 for the 0.81 acre of wetlands that occur outside the Highlands Canal. Total mitigation requirement 2.16 acres. See specified performance criteria.

Other Raptors (MM #4.3-6a) – Nest survey required. Avoidance required.

Riparian Corridor Adjoining Dry Creek (MM #4.3-9a) – Restoration plan required for 50 foot section on either side of Highlands Canal outlet (0.05 acre).

Summary of Habitat Preservation Acreage Requirements

Based on the information provided above by project, aggregate preservation requirements by resources (as currently known) are as follows:

Burrowing Owl – 19.5 acres for Highlands (additional acreage may be required depending on results from site surveys to be completed).

VELB -- 0 acres (additional acreage may be required depending on results from site surveys to be completed).

Swainson's Hawk – 158.7 acres (Callahan 26.4, Creekside 13.7, Hudson 15.97, Highlands 102.6).

Wetlands Invertebrates – 0.67 acre for Highlands (additional acreage may be required depending on results from protocol surveys to be completed at Callahan project sites).

Seasonal Wetlands – 3.19 acres (Callahan 0.25 + ?_ for Canal, Creekside 0.0, Hudson 0.78, Highlands 2.16 comprised of 0.54 at 1:1 and 0.81 at 2:1) (additional acreage may be required depending on results from delineation of Highlands Canal on Callahan site to be completed).

Total – 182.1 acres (additional acreage may be required depending on results from site surveys to be completed as noted above).

STATEMENT OF GUIDING VALUES

It is the goal of the City to achieve the greatest possible social and habitat value from the implementation of the City's habitat mitigation requirements. This is another way to achieve community gains from the various projects, in exchange for the right to develop and the approval to convert these properties to new neighborhoods. Although these development approvals have been for properties planned in the General Plan to convert to residential uses, there are still important community values to be gained in maximizing the mitigation. The General Plan goal and policies listed above support this concept. In light of this, the City will oversee the implementation of mitigation requirements based on the following guiding values:

- Consolidate single-project mitigation into a large and biologically meaningful preserve.
- Maximize open space and habitat value for Winters' community.
- Coordinate with other cities and agencies to maximize land preservation opportunities.
- Be flexible, practical, and efficient with resources and opportunities.
- Ensure that this Habitat Mitigation Program (HMP) has been satisfied prior to issuance of building permits. Require mitigation implementation to be consistent with this program.
- Require land dedications generally, but allow use of established mitigation banks under specified circumstances, where the habitat and monitoring requirements are particularly complicated, regulated, or technical.

MITIGATION STRATEGY BY RESOURCE

Strategies for each impacted biological resource are provided below. If properly implemented, these strategies will result in contiguous acreage of preserved land in proximity to the City comprised of open space and/or cropland adjoining a local creek or slough with significant riparian values. The open space or crop land will be used for Swainson's Hawk mitigation. Mitigation for Burrowing Owl, VELB, and/or seasonal wetlands will be incorporated into the open space or located between the open space/cropland (depending on the presence of existing resources and physical characteristics) and the slough or creek area which will be accepted as mitigation under General Plan Policy VI.C.2. Furthermore, this land will be managed in a manner that allows for controlled open space recreational value to be gained for Winters residents

and children, in the form of education programs, trails, viewing points, event gathering areas, etc.

In all cases, the mitigation land must not only be acquired and put under a conservation easement, but the applicant must provide an appropriate endowment to cover management of the land in perpetuity. The applicant must, therefore, provide a management plan acceptable to the agencies and City that identifies the management actions required for the land being set aside.

Swainson's Hawk and Other Raptors – Swainson's Hawk foraging land is easily located throughout the local area and in proximity of the City. As such where mitigation for Swainson's Hawk is triggered, the City will not allow it to occur through a mitigation bank, but rather require that it occur on land placed under easement by the applicant, under the management of a local established land trust approved by the City and acceptable to CDFG. In addition, preservation of Swainson's Hawk land generally has the dual effect of preservation of agricultural land in those cases where the foraging land is agricultural row crop land.

The County and all cities within the County have a Memorandum of Understanding executed with CDFG that allows for the payment of in-lieu fees to the Yolo County Habitat Joint Powers Agency (JPA) as mitigation for the Swainson's Hawk. These fees are to be used to make purchases of Swainson's Hawk foraging land and/or easements on such land, for permanent conservation as a precursor to adoption of the Yolo County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). To date no purchases of mitigation land have been made by the JPA and the MOU has expired.

As written, the City approvals for the Callahan and Creekside projects defer to payment of the in-lieu fees to the JPA for mitigation of Swainson's Hawk. Whereas, the City's approval of the Hudson project, and the EIR for the Highlands project indicate that unless the MOU and/or the countywide HCP/NCCP are approved and in effect, the applicants must directly secure land dedications, and can not rely on payment of the in-lieu fee.

In light of the situation and in particular the expiration of the JPA on which the Callahan and Creekside Swainson's Hawk mitigations are based, the City will exercise its discretion on the Callahan and Creekside Swainson's Hawk mitigation requirements by determining that they can only be properly discharged by land dedication, as is to be required of the Hudson and Highlands projects (assuming final approvals).

Therefore, for all four projects the City position is that the applicant will purchase and set aside in perpetuity the appropriate acreage of Swainson's Hawk foraging land consistent with the parameters of this report, through the purchase of the underlying land and/or the development rights and execution of an irreversible conservation easement to be managed by a local established land trust approved by the City.

Burrowing Owl – It is possible to successfully create Burrowing Owl habitat and encourage use by Burrowing Owls. Additionally, this species shares some of the same

habitat requirements as the Swainson's Hawk, primarily open grasslands. As such, where mitigation for Burrowing Owls is required, the City will not generally allow it to occur through a mitigation bank, but rather require that it occur on land placed under easement by the applicant, adjacent to Swainson's Hawk mitigation land (see discussion above), and under the management of a local established land trust approved by the City and acceptable to CDFG. "Stacking" of Burrowing Owl and Swainson's Hawk habitat on the same acreage is not supported by the City.

Valley Elderberry Longhorn Beetle – A similar situation exists for the VELB. The host plant for this beetle is fairly easy to transplant. Similarly, the success rate for new planting is high. As such, where mitigation for VELB is triggered, the City will not generally allow it to occur through a mitigation bank, but rather require that it occur on land placed under easement by the applicant, adjacent to and on the fringes of Swainson's Hawk mitigation land (see discussion above), and under the management of a local established land trust approved by the City and acceptable to the USFWS.

Seasonal Wetlands Habitat/Species – The technology for preservation and creation of riparian and wetlands habitat is fairly standard and well understood but in many cases poorly implemented, managed and monitored. Where permitting approval from State or federal agencies is required (as is the case for example where protected invertebrates would be impacted) the mitigation requirements generally become no more technically difficult, however the regulatory requirements seem to increase significantly in the form of bureaucratic oversight. For this reason the City sees a logical distinction between mitigating riparian and wetlands habitat losses pursuant solely to local General Plan Policy VI.C.2 verses satisfaction of State and federal agencies requirements for mitigation of impacts to jurisdictional wetlands and/or protected species.

Pursuant to the General Plan requirements, projects with impacts to riparian or wetland features must mitigate those impacts with land acquisition in the same fashion described above for the Swainson's Hawk. There then needs to be new habitat created on this land that replaces the habitat that was lost due to the project. This General Plan mitigation will not be allowed to occur in a mitigation bank as that removes it from City proximity and does not fully take advantage of the potential to permanently preserve open space around the city.

To the extent that State or federal mitigation is also triggered for jurisdictional wetlands and/or protected species, this may be allowed to be satisfied within the same land acquisition but on separate acreage, but not to the extent that it limits or impairs full satisfaction of the City's General Plan requirements and not to the extent that it might limit the ability of the City and it's residents to gain open space recreational value from the dedicated lands and have management autonomy over them. The City recognizes that at both the State and federal level, agencies generally do not support "multi-use" management due to concerns regarding incompatibilities between human activities (even passive) and habitat preservation. Should this be the case, then mitigation for State and federal purposes must occur on separate land.

The mitigation text for the Callahan and Hudson projects specify that mitigation under City General Plan Policy VI.C.2 is to take place at the City's community sports park site

north of Moody Slough Road or at the preserved wetlands in the northwest corner of the Highlands project site. However all non-mounded land at the community sports park site will be needed for sports fields and the mounded areas will likely not be suitable for surface wetlands creation due to the underlying landfill cells and hazardous materials concerns. Regarding the Highland property, it is now known that the wetlands in the northeast corner is to be preserved as is and does not support the creation of additional wetlands areas without expanding its size. Therefore, the City will exercise its discretion to direct that the wetlands mitigation for Callahan and Hudson be satisfied pursuant to this program in the same manner as would be required of the Highland project (if it is approved).

FRAMEWORK FOR MITIGATION

The City hereby establishes the following framework for habitat mitigation in Winters:

Qualifying Land

- Establish mitigation areas as close to town as practicable without detrimentally affecting likely direction of future growth. The precise acceptability of a particular mitigation property shall be decided on a case-by-case basis to avoid manipulating the market. Generally favorable areas are those that occur within a seven-mile radius of the current City limits (see Attachment A).
- Isolated mitigation areas are not allowed. They must be contiguous to one another or to other existing preserved land.
- Preserved areas must have equal or better habitat values for the subject species, or must be restored and maintained in perpetuity to such level as part of the mitigation. This shall be demonstrated through the submittal of an assessment of biological value prepared by a qualified biologist acceptable to the City.
- The property may be zoned or designated for any use but must be redesignated to Agriculture, Open Space, or equivalent designation.
- The mitigation area shall be comprised of units of land that meet minimum size (40 acres) and shape requirements (grossly irregular parcels that preclude efficient operation are not acceptable) so as to ensure efficient management. Whether or not particular parcels of land proposed for mitigation are acceptable under these requirements shall be evaluated by the City based on geographic and soil characteristics, natural features (including topography, hydrology, and vegetation), habitat values, adjacent property ownership and land use, etc.
- Existing rural development on mitigation parcels is not acceptable and shall be rejected or discounted from the calculation of net mitigation credit. Planned or proposed rural residential development on mitigation land shall render it unacceptable for this program.

- The mitigation land shall have adequate water supply to support the agricultural use and the water supply shall be protected in the conservation easement.
- Proposed mitigation land shall be examined through a title search for easements or other prior encumbrances and the City and managing entity shall be satisfied that any such encumbrances will not adversely affect the intended use and management of the parcel for habitat mitigation purposes.

Minimum Standards for the Agreement

- The method of preservation must ensure permanent protection of the mitigation land for the habitat uses.
- Control of the land shall be established either through outright purchase (fee title) or through acquisition of development rights.
- Preservation shall be ensured through the use of a conservation easement, deed restriction, or other equivalent mechanism, for specified habitat purposes.
- Identify an appropriate and qualified "managing entity" to hold and manage the conservation easement (e.g. Yolo Land Trust, American Farmland Trust, Trust for Public Land, Nature Conservancy, etc.). This entity and the inclusion of any other signatories on the agreement must be acceptable to the City.
- Develop a standard conservation easement agreement to serve as a template throughout the program.
- The agreement shall address funding for ongoing management fees for stewardship, property-specific management, record keeping, transfers, and legal defense. This shall be in the form of a long-term "non-wasting" endowment that comprises a minimum of five percent of the value of the easement, unless a lesser amount is acceptable to the managing entity.
- All owners of the land must execute the instrument.
- The agreement must be in recordable form and contain an accurate legal description of the mitigation property.
- The agreement must prohibit any activity which adversely affects the habitat value of the mitigation land.
- The City shall be named as a beneficiary under any instrument conveying the interest in the mitigation land to a management entity.
- The interest in the mitigation land shall be held in trust by the managing entity in perpetuity.

- The managing entity may not sell, lease, or convey any interest in the mitigation land except for fully compatible agricultural or open space uses.
- If the managing entity ceases to exist, the duty to hold, administer, monitor, and enforce the interest shall pass to the City to be retained or reassigned.
- The agreement shall specifically address the monitoring requirements of the property including specific performance criteria for the species or habitats being mitigated, contingencies and short-term adaptive management measures (e.g. replanting riparian trees that die in the first three years), monitoring time periods, etc.
- "Stacked easements" refer to the concept of allowing mitigation for one species to occur on the same land (or portion thereof) as mitigation for another species. For example, Swainson's Hawk and Burrowing Owl. While adjacency and contiguity of mitigation property is required as noted elsewhere, it is the City's position that the greatest social and habitat value of the mitigation is achieved by having each impacted species/habitat mitigated through separate acreage. Similarly stacking of the General Plan wetlands mitigation with other State/federal wetlands mitigation requirements is not allowed. Though it may be located within the same land acquisition, it must be located on separate acreage.
- Other specific requirements of the approved project mitigation measures shall be implemented unless otherwise modified herein.

Required Submittals

In order to satisfy the mitigation requirements of the City, the developer must submit appropriate evidence that all requirements of this program have been satisfied. This information will be used by the City to determine whether or not the proposed mitigation property is located strategically to allow maximum benefit from the preservation program. This shall include the following:

- A text description of the property including water rights and water supply.
- Evidence of control of the land (e.g. title report) and documentation regarding any outstanding loans.
- Disclosure of any easement (including mineral rights), physical condition, or other material fact that would preclude or substantially impair the intended use.
- A draft conservation easement or other proposed mechanism. The agreement must contain language that requires outstanding loans and mineral rights to be subordinated to the mitigation interests.
- A letter from the proposed managing entity confirming their qualifications to manage the property, their interest in the property, and agreement to accept the conservation easement.

- A letter of acceptance from the State Department of Fish and Game if necessary to satisfy State mitigation requirements.
- Letters of acceptance from other responsible agencies if appropriate.
- Information on soils, topography, hydrology, and vegetation prepared by a qualified professional, as determined by the City.
- A history of use and practices on the property included as part of a Phase I Environmental Site Assessment that meets applicable standards in the industry.
- A map of the property and surrounding area depicting the following:
 - Lands in the vicinity of the proposed mitigation property that have restricted development rights such as a conservation or habitat easement, flowage or flood easement, etc., already in place.
 - A delineation of the proposed mitigation property
 - Parcel numbers, ownership, zoning, and acreage.
 - Soils, topography, hydrology, and vegetation for the mitigation property and surrounding parcels in the vicinity.
 - 100-year floodplain, landfills, or other such limiting features.
 - Known areas of special status species habitat.
 - Structures and residences.
- Any other information required by the City.

Habitat Mitigation/HMP Actual Program DRAFT TSCHUDIN 21Feb06

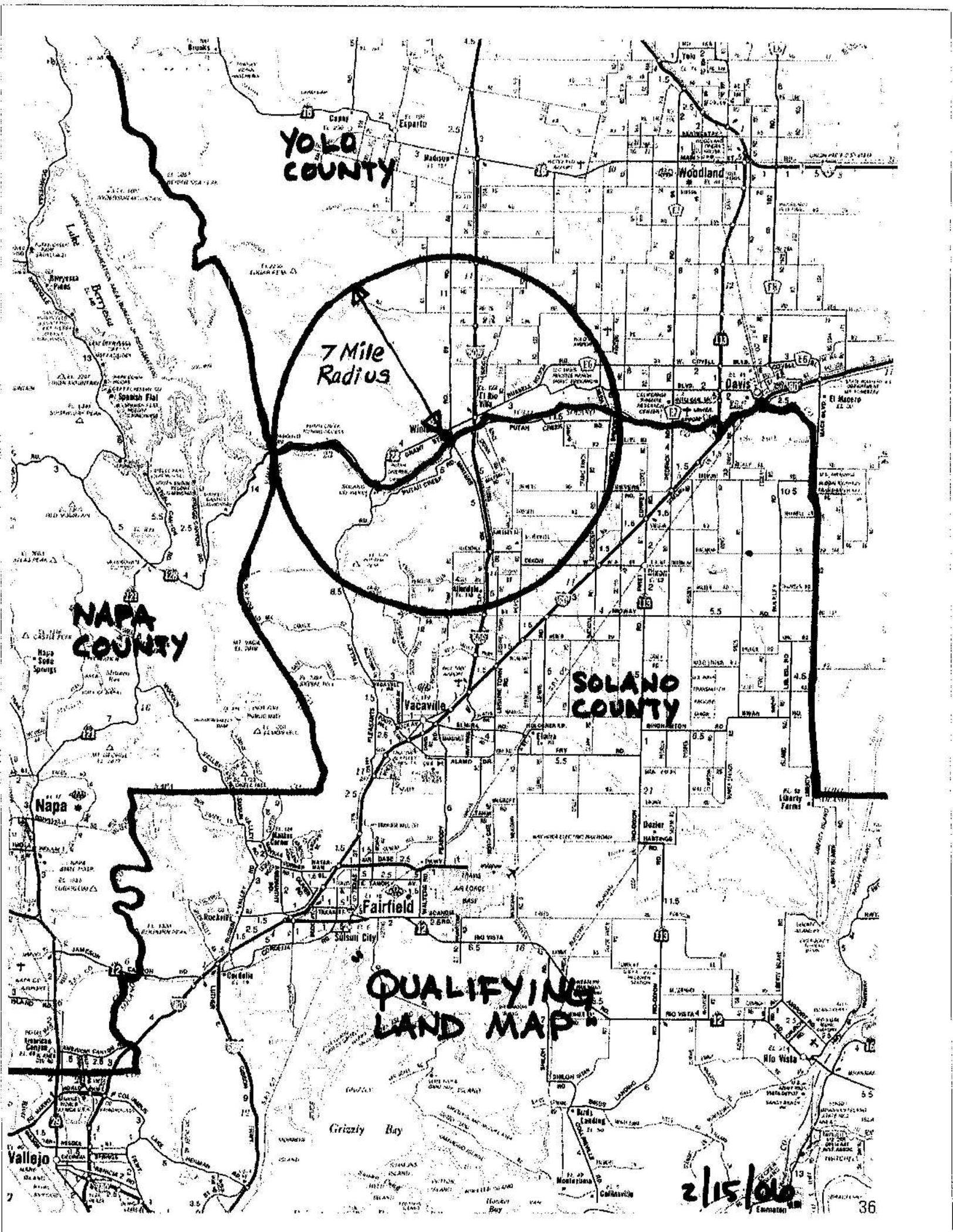
YOLO COUNTY

NAPA COUNTY

SOLANO COUNTY

QUALIFYING LAND MAP

2/15/00



HABITAT SUMMARY CHART

| Biological Resource | Callahan Estates | Creekside Estates | Hudson/Ogando | Winters Highlands | Total Known Mitigation Acreage By Resource |
|---|-------------------|-------------------|----------------|-------------------|--|
| Swainson's Hawk | 26.4 | 13.7 | 16.0 | 102.6 | 158.7 |
| Other Raptors | See above | See above | See above | See above | See above |
| Burrowing Owl | Pending survey | Pending survey | Pending survey | 19.5 | 19.5 |
| VELB | None | Pending survey | None | None | None |
| Seasonal Wetlands | 0.25 + ? in Canal | None | 0.78 | 2.16 | 3.19 |
| Invertebrates | Pending survey | None | Pending survey | 0.67 | 0.67 |
| Total Known Mitigation Acreage By Project | 26.7 acres | 13.7 acres | 16.8 acres | 124.9 acres | 182.1 acres |

ATTACHMENT C HABITAT-RELATED MITIGATION MEASURES FOR RECENT NEW DEVELOPMENT

CALLAHAN ESTATES SUBDIVISION:

Mitigation Measure #3: The project proponent shall mitigate for potential project-related impacts to nesting raptors by conducting a pre-construction survey of all trees suitable for use by nesting raptors on the subject property or within 500 feet of the project boundary as allowable. The preconstruction survey shall be performed no more than 30 days prior to the implementation of construction activities. The preconstruction survey shall be conducted by a qualified biologist familiar with the identification of raptors known to occur in the vicinity of the City of Winters. If active special-status raptor nests (e.g. Swainson's hawk or white-tailed kite) are found during the preconstruction survey, a 0.25-mile (1,320-foot) buffer zone shall be established around the nest and no construction activity shall be conducted within this zone during the raptor nesting season (typically March-August) or until such time that the biologist determines that the nest is no longer active. The buffer zone shall be marked with flagging, construction lathe, or other means to mark the boundary of the buffer zone. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

Mitigation Measure #4: The project proponent shall mitigate for potential project-related impacts to burrowing owl by conducting a pre-construction survey no more than 30 days prior to the initiation of construction activity. The pre-construction survey shall be conducted by a qualified biologist familiar with the identification of burrowing owls and the signs of burrowing owl activity. If active burrows are found on the project site, the California Department of Fish and Game (CDFG) shall be consulted regarding appropriate mitigation measures for project-related impacts to burrowing owl. Pursuant to the CDFG document entitled "Staff Report on Burrowing Owl Mitigation" (September 25, 1995), it is likely that replacement habitat will be required by CDFG. The guidelines include specific mitigation to protect nesting and wintering owls and to compensate for loss of breeding sites. In general, if the project would remove habitat of an occupied breeding site (e.g., if an active nest and surrounding habitat are removed), the project proponent will be required to compensate by preserving 6.5 acres of suitable habitat for each active nest site. In addition, the project proponent must install artificial burrows to offset the direct loss of the breeding site. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

Mitigation Measure #5: The project proponent shall mitigate for potential project-related impacts to Swainson's hawk foraging habitat by complying with the Yolo County Memorandum of Understanding (MOU) regarding project-related impacts to Swainson's hawk foraging habitat. The MOU requires the project proponent mitigate at a 1:1 ratio for every acre of suitable Swainson's hawk foraging habitat that is impacted by the project. A fee shall be collected by the City of Winters for impacts to 26.4 acres of potential Swainson's hawk foraging habitat. The fee shall be payable to the Wildlife Mitigation Trust Account. Funds paid into the trust account shall be used to purchase or acquire a conservation easement on suitable Swainson's hawk foraging habitat and for maintaining and managing said habitat in perpetuity. The cost per acre for acquisition and maintenance of foraging habitat is reviewed annually and the project proponent shall be charged at the rate per acre at the time of project approval. Payment shall be made to the trust account prior to the initiation of construction activity and shall be confirmed by the City of Winters prior to the issuance of a grading permit.

Mitigation Measure #5.1: (a) If the project can avoid ground disturbing activities that would affect the hydrology of the wetland or avoid fill into the wetland, then no mitigation for impacts to special status invertebrates is required. A buffer around the seasonal wetland would be required to ensure that any possibility of take is avoided. The amount of this buffer would be determined by a qualified biologist based on a site-specific determination of hydrology and shall not be less than 20-feet. If impacts to the wetland will not be avoided, then consultation and on-site inspection with USFWS shall determine whether the Service will require protocol surveys to be conducted to determine presence or absence of the listed species. If as a result of the consultation or protocol level surveys it is determined that the species are absent, then no mitigation is required. If the species are present, or if the project proponent

decides to assume presence by not conducting the surveys if such surveys are required by USFWS, then compensatory mitigation will be required. If compensatory mitigation is required and there is no federal regulatory lead agency (as is the case with this project), the project proponent, through coordination with the USFWS, would prepare a project-level Habitat Conservation Plan under Section 10 of the federal Endangered Species Act. The project-level HCP will identify specific actions including the amount of compensation that is required. Typically, impacts on these species require replacement of the habitat acreage at a 3:1 ratio (1:1 preservation and 2:1 creation). The City of Winters shall confirm implementation of this mitigation measure prior to the issuance of a grading permit.

(b) Notwithstanding the Corps' determination, the California Department of Fish and Game (CDFG) retains jurisdiction over State biological resources including wetlands, and should be contacted regarding any separate regulatory authority or requirement they may have for vernal pool species. Prior to the commencement of work on the Callahan Estates project site, the applicant shall contact the CDFG regarding their potential jurisdiction over wetlands that exist on the project site and comply with all requirements, if any, established by CDFG arising from this consultation with the Department.

Mitigation Measure #5.2: (a) Pursuant to General Plan Policy VI.C.2, the applicant must replace loss of riparian and wetland habitat acreage and/or value on at least a 1:1 basis. Replacement entails creating habitat that is similar in extent and ecological value to that displaced by the project. The replacement habitat must consist of locally-occurring, native species and be located either at the City's Community Sports Park site north of Moody Slough Road or at the wetlands site in the northeast corner of the Winters Highlands property. Implementation of this condition shall be based on baseline data concerning existing native species. Study expenses shall be borne by development.

(b) Additional field investigation shall be undertaken by a qualified wetlands specialist to establish the condition of the Highland Canal and to determine the potential for it to be subject to CDFG jurisdiction. The following information shall be provided: the source and terminus of the drainage, whether the feature is natural or artificial, and what its current and historical purpose is relative to water delivery. Prior to the commencement of work on the Callahan Estates project site, the applicant shall contact the CDFG regarding their potential jurisdiction over habitat or species within the Highland Canal and comply with all requirements, if any, established by CDFG arising from this consultation with the Department. If the Highland Canal is found to be subject to CDFG jurisdiction, it shall also be included in the calculation of total loss of habitat for which City General Plan Policy VI.C.2 requires 1:1 mitigation.

CREEKSIDE ESTATES SUBDIVISION:

Mitigation Measure #4: Focused surveys for Valley Longhorn Elderberry Beetles (VELB) shall be conducted by a qualified biologist to determine presence of the species. The surveys shall be conducted, data collected, and mitigation required according to the USFWS' guidance document Conservation Guidelines for the Valley Elderberry Longhorn Beetle (USFWS 1999). If no plants are found then no further mitigation is required. If plants are found they shall be avoided and a 20-foot buffer from the dripline is required. If the plants can not be avoided then consultation with the USFWS is required and a mitigation plan should be prepared for approval by the Service. At a minimum the mitigation plan should include acquisition of credits at an approved mitigation bank or implementation of onsite mitigation and monitoring plan that includes transplantation of plants and planting elderberry seedlings. If the potential for take is identified following surveys, the project proponent will implement the referenced guidelines through coordination with the USFWS under Section 10 of the federal Endangered Species Act.

Mitigation Measure #5: The project proponent shall mitigate for potential project-related impacts to nesting raptors by conducting a pre-construction survey of all trees suitable for use by nesting raptors on the subject property or within 500 feet of the project boundary as allowable. The preconstruction survey shall be performed no more than 30 days prior to the implementation of construction activities. The preconstruction survey shall be conducted by a qualified biologist familiar with the identification of raptors known to occur in the vicinity of the City of Winters. If active special-status raptor nests (e.g. Swainson's hawk or white-tailed kite) are found during the preconstruction survey, a 0.25-mile (1,320-feet) buffer zone shall be established around the nest and no construction activity shall be conducted within this zone during the raptor nesting season (typically March-August) or until such time that the biologist determines

that the nest is no longer active. The buffer zone shall be marked with flagging, construction lathe, or other means to mark the boundary of the buffer zone. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

Mitigation Measure #6: The project proponent shall mitigate for potential project-related impacts to burrowing owl by conducting a pre-construction survey no more than 30 days prior to the initiation of construction activity. The pre-construction survey shall be conducted by a qualified biologist familiar with the identification of burrowing owls and the signs of burrowing owl activity. If active burrows are found on the project site, the California Department of Fish and Game (CDFG) shall be consulted regarding appropriate mitigation measures for project-related impacts to burrowing owl. Pursuant to the CDFG document entitled "Staff Report on Burrowing Owl Mitigation" (September 25, 1995), it is likely that replacement habitat will be required by CDFG. The guidelines include specific mitigation to protect nesting and wintering owls and to compensate for loss of breeding sites. In general, if the project would remove habitat of an occupied breeding site (e.g., if an active nest and surrounding habitat are removed), the project proponent will be required to compensate by preserving 6.5 acres of suitable habitat for each active nest site. In addition, the project proponent must install artificial burrows to offset the direct loss of the breeding site. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

Mitigation Measure #7: The project proponent shall mitigate for potential project-related impacts to Swainson's hawk foraging habitat by complying with the Yolo County Memorandum of Understanding (MOU) regarding project-related impacts to Swainson's hawk foraging habitat. The MOU requires the project proponent mitigate at a 1:1 ratio for every acre of suitable Swainson's hawk foraging habitat that is impacted by the project. The City shall review the MOU with DFG to determine whether or not the portion of the project area that was planted in orchard is subject to the mitigation fee. A fee shall be collected by the City of Winters for impacts to up to 13.7 acres of potential Swainson's hawk foraging habitat. The fee shall be payable to the Wildlife Mitigation Trust Account. Funds paid into the trust account shall be used to purchase or acquire a conservation easement on suitable Swainson's hawk foraging habitat and for maintaining and managing said habitat in perpetuity. The cost per acre for acquisition and maintenance of foraging habitat is reviewed annually and the project proponent shall be charged at the rate per acre at the time of project approval. Payment shall be made to the trust account prior to the initiation of construction activity and shall be confirmed by the City of Winters prior to the issuance of a grading permit.

HUDSON/OGANDO SUBDIVISION:

Mitigation Measure #4 – The project proponent shall mitigate for potential project-related impacts to burrowing owl by conducting a pre-construction survey no more than 30 days prior to the initiation of construction activity. The pre-construction survey shall be conducted by a qualified biologist familiar with the identification of burrowing owls and the signs of burrowing owl activity. If active burrows are found on the project site, the California Department of Fish and Game (CDFG) shall be consulted regarding appropriate mitigation measures for project-related impacts to burrowing owl. Pursuant to the CDFG document entitled "Staff Report on Burrowing Owl Mitigation" (September 25, 1995), it is likely that replacement habitat will be required by CDFG. The guidelines include specific mitigation to protect nesting and wintering owls and to compensate for loss of breeding sites. In general, if the project would remove habitat of an occupied breeding site (e.g., if an active nest and surrounding habitat are removed), the project proponent will be required to compensate by preserving equivalent suitable habitat for each active nest site. In addition, the project proponent must install artificial burrows to offset the direct loss of the breeding site. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

Mitigation Measure #5 – The project proponent shall mitigate for potential project-related impacts to Swainson's hawk foraging habitat by complying with one of the following:

If the Yolo County Memorandum of Understanding (MOU) regarding project-related impacts to Swainson's hawk foraging habitat is in full force and effect at the time the applicant seeks to satisfy this mitigation, the applicant may pay the appropriate fees allowed by this agreement. The MOU requires the project proponent mitigate at a 1:1 ratio for every acre of suitable Swainson's hawk foraging habitat that is impacted by the project. A fee is collected by the City of Winters for impacts to 15.97 acres of potential Swainson's hawk foraging habitat. The fee shall be payable to the Wildlife Mitigation Trust Account. Funds paid into the trust account shall be used to purchase or acquire a conservation easement on suitable Swainson's hawk foraging habitat and for maintaining and managing said habitat in perpetuity. The cost per acre for acquisition and maintenance of foraging habitat is reviewed annually and the project proponent shall be charged at the rate per acre at the time. Payment shall be made to the trust account prior to the initiation of construction activity and shall be confirmed by the City of Winters prior to the issuance of a grading permit.

If the Yolo County NCCP/HCP has been adopted, the applicant shall mitigate for Swainson's hawk impacts by complying with the terms and requirements of the Plan. Compliance shall occur and be confirmed by the City of Winters prior to the issuance of a grading permit.

If the MOU is not in full force and effect, and if the NCCP/HCP has not yet been adopted, the project applicant shall purchase and set aside in perpetuity, 15.97 acres of Swainson's hawk foraging land in proximity to the City of Winters (as approved by the City) through the purchase of development rights and execution of an irreversible conservation easement to be managed by a qualified party (e.g. Yolo Land Trust). Mitigation shall include an annuity or other mechanism to pay for permanent maintenance and management by the managing entity. Compliance shall occur and be confirmed by the City of Winters prior to the issuance of a grading permit.

Mitigation Measure #6 -- The project proponent shall mitigate for potential project-related impacts to nesting raptors (White-tailed Kite, Northern Harrier, and Loggerhead Shrike) by conducting a pre-construction survey of all trees suitable for use by nesting raptors on the subject property or within 500 feet of the project boundary as allowable. The preconstruction survey shall be performed no more than 30 days prior to the implementation of construction activities. The preconstruction survey shall be conducted by a qualified biologist familiar with the identification of raptors known to occur in the vicinity of the City of Winters. If active special-status raptor nests are found during the preconstruction survey, a 0.25-mile (1,320-foot) buffer zone shall be established around the nest and no construction activity shall be conducted within this zone during the raptor nesting season (typically March-August) or until such time that the biologist determines that the nest is no longer active. The buffer zone shall be marked with flagging, construction lathe, or other means to mark the boundary of the buffer zone. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

Mitigation Measure #7 -- If special-status vernal pool invertebrates are not found at the completion of a full protocol-level survey conducted by qualified biologists, and the USFWS agrees with the findings of the survey, then no further mitigation would be required. If special-status vernal pool invertebrates are found onsite, or if the USFWS disagrees then the mitigation specified below would still be required. The City of Winters shall confirm implementation of this mitigation measure prior to the issuance of a grading permit. The project proponent shall mitigate for potential project-related impacts to federally listed vernal pool invertebrates by complying with U.S. Fish and Wildlife Service (USFWS) guidelines regarding mitigation for project-related impacts to vernal pool invertebrate habitat. The USFWS typically requires a 250-foot setback from the edge of vernal pools to be avoided, however, this setback may be reduced if pools are degraded or no potential adverse effects to the habitat are anticipated with a decreased setback. If vernal pools onsite cannot be avoided, a mitigation plan shall be developed in conjunction with the USFWS to ensure no net negative effect to these species occurs. Likely mitigation measures include onsite or offsite preservation and creation of vernal pools at a ratio acceptable to the USFWS or purchase of credits at a qualified proximate vernal pool mitigation bank as specified by the USFWS and agreed to by the City. Typically, the USFWS in coordination with the Corps requires a 3:1 combination ratio (1:1 preservation and 2:1 creation) of vernal pools that potentially, or are known to support listed invertebrates.

Notwithstanding other federal jurisdiction, the Regional Water Quality Control Board may have jurisdiction over the wetlands, and shall be contacted regarding any separate regulatory authority or requirement they may have. Prior to the commencement of work on the project site, the applicant shall contact the RWCQB regarding their potential jurisdiction over wetlands that exist on the project site and comply with all applicable requirements, if any, established by that agency.

The California Department of Fish and Game (CDFG) retains jurisdiction over State biological resources including wetlands, and shall be contacted regarding any separate regulatory authority or requirement they may have for vernal pool species. Prior to the commencement of work on the project site, the applicant shall contact the CDFG regarding their potential jurisdiction over wetlands that exist on the project site and comply with all requirements, if any, established by CDFG arising from this consultation with the Department.

Mitigation Measure #8 -- (a) Pursuant to General Plan Policy VI.C.2, the applicant must replace loss of riparian and wetland habitat acreage and/or value on at least a 1:1 basis. Replacement entails creating habitat that is similar in extent and ecological value to that displaced by the project. The replacement habitat must consist of locally-occurring, native species and be located either at the City's Community Sports Park site north of Moody Slough Road, at the wetlands site in the northeast corner of the Winters Highlands property, or elsewhere as directed/approved by the City Council. Implementation of this condition shall be based on baseline data concerning existing native species. Study expenses shall be borne by development.

WINTERS HIGHLANDS SUBDIVISION:

Mitigation Measure 4.3-1(a). The applicant shall mitigate for Project-related impacts to 0.67 acre of habitat for federally listed vernal pool invertebrates by complying with U.S. Fish and Wildlife Service (USFWS) guidelines regarding mitigation for Project-related impacts to vernal pool invertebrate habitat. A mitigation plan shall be developed in conjunction with the USFWS to ensure no net negative effect to these species occurs.

Mitigation Measure 4.3-2(a). The applicant will develop and implement a plan to manage the Preserve with the objective of ensuring that the wetland and upland habitats within the Preserve core zone are maintained in perpetuity at their present condition or better, and ensuring that any activities or structures authorized within the Preserve buffer zone are consistent with preserving the integrity of the Preserve core zone.

The Preserve shall cover approximately 7.43 acres in the northeast portion of the Project site and will include both a core zone ("wetlands area") and a buffer zone ("open space area"). The Preserve core zone shall be approximately 3.10 acres and include the 0.99 acre of seasonal wetland/vernal pool habitat and 2.10 acres of immediately adjacent annual grassland habitat. The Preserve buffer zone will cover approximately 4.33 acres and border the Preserve core zone to the north and west and provide an upland buffer to protect the Preserve core zone from adjacent land uses.

The Management Plan shall be consistent with the terms proposed by the applicant as outlined in the EIR, with the following modifications:

1. The conservation easement shall protect the entire 7.43 acres, not just the 3.10-acre core zone.
2. The buffer zone shall be maintained in a natural condition and shall not be planted with non-native vegetation. Irrigation will occur only during the initial establishment of any vegetation planted at the Preserve.
3. The U.S. Army Corps of Engineers does not need to be involved in the decision-making for removal of problematic non-native plant species.
4. No surface runoff from other sources shall be allowed.
5. Approval for the use of pesticides and other chemical agents must go through the U.S. Fish and Wildlife Service but need not go through the U.S. Army Corps of Engineers.

6. "Low impact" activities shall be defined and guidance on activities not allowed shall be provided. The U.S. Army Corps of Engineers need not be involved in the decision-making.
7. The structure of the conservation easement, including parties to the agreement, shall be to the satisfaction of the City of Winters.
8. The U.S. Fish and Wildlife Service rather than the U.S. Army Corps of Engineers shall be given authority to enforce provisions of the Management Plan and conservation easement.
9. The Management Plan shall include provisions for access by the Sacramento-Yolo Mosquito & Vector Control District personnel for routine surveillance of the ponded area(s) and shall identify a procedure for addressing possible vegetation management concerns should the District determine that dense vegetation growth in the wetland(s) may contribute to future mosquito outbreaks.

Mitigation Measure 4.3-3(a). The applicant shall mitigate for potential project-related impacts to Swainson's hawk foraging habitat by complying with one of the following:

i) If the Yolo County Memorandum of Understanding (MOU) regarding project-related impacts to Swainson's hawk foraging habitat is in full force and effect at the time the applicant seeks to satisfy this mitigation, the applicant may pay the appropriate fees allowed by this agreement. The MOU requires the applicant to mitigate at a 1:1 ratio for every acre of suitable Swainson's hawk foraging habitat that is impacted by the project. A fee will be collected by the City of Winters for impacts to 102.6 acres of potential Swainson's hawk foraging habitat. The fee shall be payable to the Wildlife Mitigation Trust Account. Funds paid into the trust account shall be used to purchase or acquire a conservation easement on suitable Swainson's hawk foraging habitat and for maintaining and managing said habitat in perpetuity. The cost per acre for acquisition and maintenance of foraging habitat is reviewed regularly and the applicant shall be charged at the rate per acre in effect at the time. Payment shall be made to the trust account prior to the initiation of construction activity and shall be confirmed by the City of Winters prior to the issuance of a grading permit.

ii) If the Yolo County NCCP/HCP has been adopted, the applicant shall mitigate for Swainson's hawk impacts by complying with the terms and requirements of the Plan. Compliance shall occur and be confirmed by the City of Winters prior to the issuance of a grading permit.

iii) If the MOU is not in full force and effect and if the NCCP/HCP has not yet been adopted, the project applicant shall purchase and set aside in perpetuity 102.6 acres of Swainson's hawk foraging land in proximity to the City of Winters (as approved by the City) through the purchase of the underlying land and/or the development rights and execution of an irreversible conservation easement to be managed by a qualified party (e.g. Yolo Land Trust). Mitigation shall include an endowment or other mechanism to pay for permanent maintenance and management by the managing entity. Compliance shall occur and be confirmed by the City of Winters prior to the issuance of a grading permit. To the extent feasible as determined by the City, identification of acceptable mitigation land shall be coordinated with the Yolo County Habitat Conservation Joint Powers Agency.

Mitigation Measure 4.3-4(a). The applicant shall conduct pre-construction surveys of suitable habitat at the Project site and buffer zone(s) within 30 days prior to initiation of construction activity. If ground disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the Project site shall be resurveyed.

Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the California Department of Fish and Game verifies through non-invasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

If owls must be moved away from the Project site, passive relocation techniques shall be used rather than trapping. At least one or more weeks will be necessary to accomplish this and allow the owls to acclimate to alternate burrows.

Mitigation Measure 4.3-4(b). The loss of foraging and nesting habitat on the Project site will be offset by either acquiring and permanently protecting off-site at a location satisfactory to the City a minimum of 6.5 acres of foraging habitat (calculated on a 100 m {approx. 300 ft.} foraging radius around the burrow) per pair or unpaired resident bird or acquiring the requisite number of acres of credit at an approved mitigation bank satisfactory to the City.

The applicant shall either acquire and protect, or mitigation credits purchased at an approved mitigation bank 19.5 acres of burrowing owl habitat. If the applicant chooses to acquire and protect land for the burrowing owl, the protected lands shall be adjacent to occupied burrowing owl habitat and at a location acceptable to the California Department of Fish and Game and the City.

If the applicant chooses to acquire and protect land for the burrowing owl, existing unsuitable burrows at the protected land shall be enhanced (enlarged or cleared of debris) or new burrows created (by installing artificial burrows) at a ratio of 2:1. This will require that the applicant have the Project site surveyed to determine the number of active burrows being used by the burrowing owl.

The applicant shall provide funding for long-term management and monitoring of the protected lands should the applicant choose to pursue that option. The monitoring plan shall include success criteria, remedial measures, and an annual report to the California Department of Fish and Game and the City of Winters.

Mitigation Measure 4.3-5(a). Pursuant to General Plan Policy VI.C.2 the applicant must replace loss of riparian and wetland habitat acreage and ecological value on at least a 1:1 basis. Replacement entails creating habitat that is similar in extent and ecological value to that displaced by the Project. The replacement habitat must consist of locally occurring, native species and be located either at the City's Community Sports Park site north of Moody Slough Road or elsewhere as directed and approved by the City. Study expenses shall be born by the applicant.

The mitigation ratio for the 0.54 acre of seasonal wetlands that occur in the Highlands Canal shall be at a 1:1 ratio but the mitigation ratio for the 0.81 acre of wetlands that occur outside the Highlands Canal shall be mitigated at a 2:1 ratio (creation of 1.62 acres of new wetlands). The 0.81 acre of seasonal wetlands are dominated by native species and either provide known habitat or potential habitat for federally listed vernal pool crustaceans. These seasonal wetlands represent one of the few areas in the western part of Yolo County and nearby area of Solano County known to support federally listed vernal pool crustaceans.

The applicant shall develop and submit to the City of Winters a written plan that describes the actions to be taken to identify an appropriate site to construct 2.16 acres of seasonal wetlands, the construction procedures and a monitoring plan with performance criteria to document that the constructed seasonal wetlands achieve the desired habitat conditions.

The format of the plan shall follow the format prescribed by the Corps of Engineers for wetland mitigation and monitoring plans. The plan shall contain the following sections:

- Detailed description of the proposed mitigation site, including the location, ownership status, presence of any jurisdictional areas, topography and hydrology of the proposed site, soils (subsurface soil information to confirm that the soils are appropriate for wetland construction), vegetation and wildlife habitat and use of the proposed site, present and historical uses of the proposed mitigation site, and present and planned use of areas adjacent to the proposed mitigation site.
- Description of the seasonal wetland habitat to be created, including the mitigation ratio, long-term goals, anticipated future site topography and hydrology, vegetation, and anticipated wildlife habitat on the proposed mitigation site.
- Performance criteria and monitoring protocol to document that the constructed seasonal wetland habitat are meeting or exceeding the performance criteria, including a detailed description of the monitoring methods and justification of the methods, the monitoring schedule and other means of documenting the development of the mitigation (e.g., photo documentation).
- An implementation plan that describes in detail the physical preparation of the site, the planting plan, irrigation (if necessary) and the implementation schedule. The surface soils at the seasonal wetlands at the Project site that support primarily native species shall be collected and used to inoculate the constructed pools, especially the three largest pools at the Project site.
- A maintenance plan that describes the actions to be taken to address or prevent adverse conditions, such as invasion by undesirable vegetation, control of erosion of bare ground. This plan shall present a maintenance schedule and identify the party responsible for the

maintenance, which will be the applicant unless another party agreeable to the City of Winters is selected.

- A contingency plan that identifies measures to be taken if the constructed seasonal wetlands are not performing according to the established standards. This plan shall be adaptive and identify how monitoring data will be used to define future actions to achieve the performance criteria. The contingency plan shall also identify the funding mechanism for the initial monitoring period and the endowment that will be provided by the applicant for the long-term management of the site.

The applicant shall work with the City of Winters to identify an acceptable third-party entity (e.g., Yolo Land Trust, Wildlife Heritage Foundation) to manage the mitigation site once the initial monitoring period has been completed. The applicant will be responsible for the site until the performance criteria have been met and will work with the third-party entity to develop the long-term management endowment.

Mitigation Measure 4.3-6(a). The applicant shall mitigate for potential Project-related impacts to nesting raptors by conducting a pre-construction survey of all trees suitable for use by nesting raptors on the subject property or within 500 feet of the Project boundary as allowable. The preconstruction survey shall be performed no more than 30 days prior to the implementation of construction activities. The preconstruction survey shall be conducted by a qualified biologist familiar with the identification of raptors known to occur in the vicinity of the City of Winters. If active raptor nests are found during the preconstruction survey, a 500-foot buffer zone shall be established around the nest and no construction activity shall be conducted within this zone during the raptor nesting season (typically March-August) or until such time that the biologist determines that the nest is no longer active. The buffer zone shall be marked with flagging, construction lathe, or other means to mark the boundary of the buffer zone. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. Implementation of this mitigation measure shall be confirmed by the City of Winters prior to the initiation of construction activity.

If an active Swainson's hawk nest is encountered during the pre-construction surveys, the buffer zone shall be 0.25 miles (1,320 feet) and it shall be fenced. This exclusion zone shall remain active until fledglings have left the nest or until such time that the biologist determines that the nest is no longer active.

Mitigation Measure 4.3-7(a). Implement Mitigation Measure 4.3-3(a).

Mitigation Measure 4.3-8(a). Implement Mitigation Measure 4.3-3(a).

Mitigation Measure 4.3-9(a). The applicant shall prepare and submit to the City for its approval a riparian restoration plan for restoring riparian trees and shrubs along a 50-foot section of Dry Creek on either side of where the outlet from the Highlands Canal is constructed.

This plan shall be similar in content to the wetland mitigation and monitoring plan described for Mitigation Measure 4.3-5(a) and shall be approved by the City prior to issuance of the grading permit. The proposed modifications to Dry Creek shall be coordinated with representatives of the California Department of Fish and Game, U.S. Army Corps of Engineers, and Central Valley Regional Water Quality Control Board, as necessary, to obtain the required permits and authorizations.

MITIGATION BANKS SERVING WINTERS

Mitigation banks are large areas of constructed, restored, enhanced, or preserved habitat set aside for the express purpose of providing mitigation for project impacts to habitats. A bank is authorized to sell credits within an approved service area for various species/habitats. Credits are sold to landowners or others who need to provide compensation for habitat lost to development where avoidance or on-site mitigation is not feasible.

There are five approved (by the California Department of Fish and Game and/or the U.S. Fish and Wildlife Service) mitigation banks that include the City of Winters within their approved service areas (see attached map).

Jenny Farms Mitigation Bank

Location: Solano County, approximately 15 miles south of Davis

Acres: 407 acres

Covered Species: Swainson's Hawk and Burrowing Owl

Operator: Wildlands, Inc.

Comments: Approved bank and nearly up and running. Agreement with DFG to accept funds in escrow while the bank is being entitled.

Contact: Matt Gause
Wildlands, Inc.
3855 Atherton Road
Rocklin, CA 95765
916-435-3555

North Suisun Mitigation Bank

Location: Solano County, just east of Fairfield

Acres: 627 acres

Covered Species: Vernal pools and listed vernal pool invertebrates (preservation and creation credits)

Comments: Approved bank and nearly up and running. Expected very soon.

Operator: Wildlands, Inc.

Contact: Matt Gause
Wildlands, Inc.
3855 Atherton Road
Rocklin, CA 95765
916-435-3555

River Ranch VELB Conservation Bank

Location: Yolo County, approximately 10 miles northeast of Woodland

Acres: 76 acres permitted for VELB

Covered Species: VELB

Comments: Fully entitled, open, and has credits available. The River Ranch Mitigation Bank is 3,600 acres. It will also soon be available for Swainson's Hawk credits.

Operator: Wildlands, Inc.

Contact: Matt Gause
Wildlands, Inc.
3855 Atherton Road
Rocklin, CA 95765
916-435-3555

Elsie Gridley Mitigation Bank

Location: Solano County, approximately 10 miles southeast of Davis

Acres: 1,790 acres

Covered Species/habitats: Wetlands, vernal pools, and listed vernal pool invertebrates.

Comments: Located near the Campbell Ranch.

Operator: Wetland Resources, LLC
Contact: Ed Flynn
Wetland Resources, LLC
3030 Bridgeway #107
Sausalito, CA 94965
415-289-0250

Campbell Ranch Mitigation Bank

Location: Solano County, approximately 10 miles southeast of Davis.

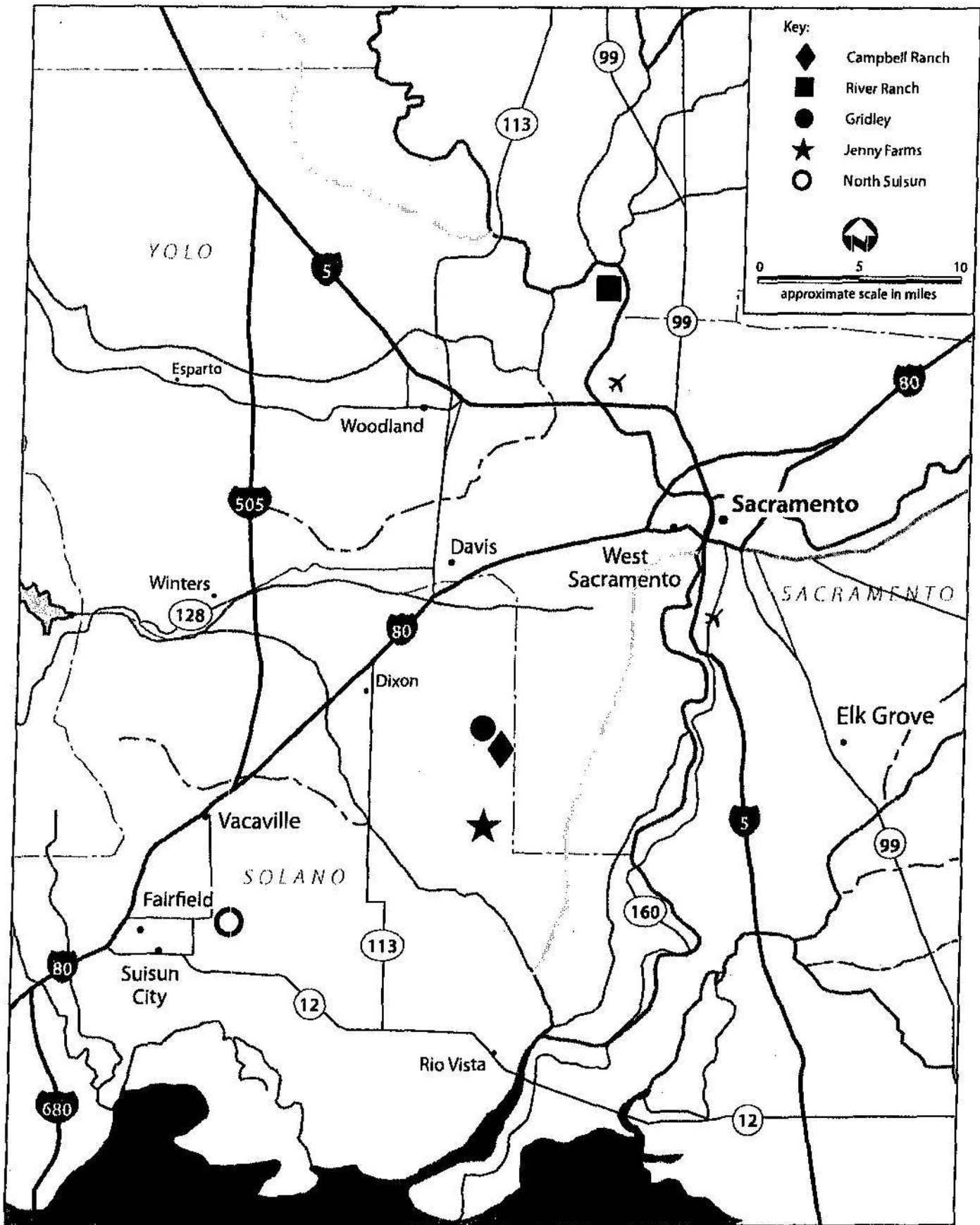
Acres: 160 acres

Covered Species/habitats: Wetlands, vernal pools, listed vernal pool invertebrates.

Operator: RE Solutions

Contact: Dana Floss
R.E. Solutions
350 West A Street
Dixon, CA 95620
707-678-7386

Habitat Mitigation/HMP Mitl Banks Serving Winters Attachment D TSCHUDIN 16Feb06



Approved Mitigation Banks Available to the City of Winters



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council members
DATE : February 21, 2006
FROM: John W. Donlevy, Jr., City Manager *JWD*
SUBJECT: Winters Planning Options-Direction

RECOMMENDATION:

That the City Council provide direction to Staff on reports to return regarding overall planning options to address growth and planning concerns.

BACKGROUND:

At its February 7, 2006 meeting, the a presentation on the topic of Growth Management was presented by Mayor Pro Tem Fridae and Planning Commission Chair Ed Ross and the City Council reviewed a number of options relative to addressing the issues presented. At that meeting, the Council directed Staff to summarize reports for the February 21, 2006 meeting in order to provide direction for future discussion.

DISCUSSION:

Pursuant to the February 7, 2006 meeting, the following information and reports would be presented to the City Council as planning options.

- 1. Flood Area Development**
 - a. How to address issue of building prior to a constructed facility.
- 2. Planning Horizon**
 - a. Process and costs for extension of the horizon
- 3. Phased Growth**
 - a. How it can be achieved through an extended period
 - b. General Plan Amendment
 - c. Specific Planning
- 4. North Area Planning**
 - a. Scope of the Project- Update
 - b. Parameters of how this effort will affect General Plan Implementation
- 5. General Plan Amendment**
 - a. Process
 - b. Costs

c. Ramifications

Staff is requesting a review of this outline to ensure that a complete review is commenced and a complete report is presented.

FISCAL IMPACT:

Contract planning assistance not to exceed \$2,000 which is included in the current budget.



CITY COUNCIL STAFF REPORT
February 28, 2006

TO: Honorable Mayor and Councilmembers

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

FROM: Dan Sokolow – Community Development Director. *DS*

SUBJECT: **Public Hearing and consideration of amendment to Zoning Ordinance to rescind the conditional use permit requirement for multi-family projects in the R-3 (Multi-Family Residential) and R-4 (High Density Multi-Family Residential) Zones.**

RECOMMENDATION: Staff recommends that the City Council (1) receive the staff report, (2) conduct the public hearing, and (3) waive the first reading of Ordinance No. 2006-02 amending the Zoning Ordinance (Title 17 of the Winters Municipal Code) to rescind the conditional use permit requirement for multi-family projects in the R-3 (Multi-Family Residential) and R-4 (High Density Multi-Family Residential) Zones, and (4) schedule the second reading of the ordinance for the March 7, 2006 Council meeting.

BACKGROUND: The California State Department of Housing and Community Development (HCD) in late March 2005 determined that the City's Housing Element was in conditional compliance. As detailed in the attached correspondence from HCD, the finding of compliance is conditioned on the City's successful completion of two actions by March 31, 2006: (1) removal of the conditional use permit (CUP) requirement on development of multi-family projects in multi-family zones (R-3 and R-4) and (2) approval of the Storm Drain Master Plan Update and Financing Plan. The City's Zoning Ordinance requires approval of a CUP for multi-family projects in the R-3 (Multi-Family Residential) and R-4 (High Density Multi-Family Residential) Zones. Staff purposes that the CUP requirement be rescinded for multi-family projects constructed in the two zones. Multi-family projects in the R-3 and R-4 Zones would still be subject to site plan review at the Planning Commission. The site plan requirement allows the Commission to establish development conditions and also triggers public noticing for a project.

The proposed change would amend Section 17.52.020 (Land Use/Zone Matrix) of the Winters Municipal Code by replacing the "C" (conditional use) with a "P" (permitted use) for multiple family dwellings in the R-3 and R-4 Zones. The Planning Commission at its January 24, 2006 meeting voted 7-0 to recommend approval of the change.

DISCUSSION: HCD was concerned that the CUP requirement for multi-family projects in the R-3 and R-4 created unnecessary processing and financial burdens on applicants – particularly for affordable housing projects. Dropping the CUP requirement will not preclude the Planning Commission from imposing conditions on a multi-family project in either the R-3 or R-4 Zone. Even without the conditional use permit requirement, multi-family projects in the R-3 and R-4 Zones will be subject still to site plan review by the Planning Commission and conditions of approval for the site plan entitlement. In addition, a site plan application triggers a public hearing/noticing requirement. This provides community members and property owners with notification of the project and allows them an opportunity to review the proposal and submit their comments for consideration.

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's Municipal Code and State Planning Law. A legal notice was published in the Winters Express on Thursday, February 9, 2006. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since Wednesday, February 15, 2006.

ENVIRONMENTAL REVIEW: The amendment to the Zoning Ordinance has been reviewed in accordance with the California Environmental Quality Act (CEQA) and is not considered a project. As a result, no further environmental review is required under CEQA.

ATTACHMENTS:

City Council Ordinance No. 2006-02

Letter dated March 23, 2005 from the California Department of Housing and Community Development

Planning Commission/Zoning Ordinance Multi-Fam CUP CC Stf Rpt 21Feb06

**CITY COUNCIL
ORDINANCE NO. 2006-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING THE WINTERS MUNICIPAL CODE, TITLE 17 TO RESCIND THE
CONDITIONAL USE PERMIT REQUIREMENT FOR MULTI-FAMILY PROJECTS IN
THE R-3 (MULTI-FAMILY RESIDENTIAL) AND R-4 (HIGH DENSITY MULTI-FAMILY
RESIDENTIAL) ZONES**

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

1. Purpose. The purpose of this ordinance is to rescind the conditional use permit requirement for multi-family projects in the Multi-Family Residential (R-3) and High Density Multi-Family Residential (R-4) Zones. The Land Use/Zone Matrix contained in Section 17.52.020 of the Winters Municipal Code is amended to replace "C" (conditional use) with a "P" (permitted use) for multiple family dwellings in the R-3 and R-4 Zones.

2. Authority. The City of Winters has authority to adopt this ordinance pursuant to the general police power granted to cities by Article 11, Section 7 of the California Constitution.

3. Effective Date. This ordinance shall take effect thirty (30) days after its adoption.

INTRODUCED at a regular meeting on February 21, 2006 and **PASSED AND ADOPTED** at a regular meeting of the Winters City Council, County of Yolo, State of California, on the 7th day of March 2006, by the following roll call vote:

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

Dan Martinez, MAYOR

ATTEST:

Nanci G. Mills, CITY CLERK

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Division of Housing Policy Development

1800 Third Street, Suite 430
P. O. Box 952053
Winters, CA 94252-2053
(916) 323-3177
FAX (916) 327-2643



March 23, 2005

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

Dear Mr. Donlevy:

RE: Review of the City of Winters' Adopted Housing Element

Thank you for submitting Winters' amended housing element adopted by the City Council on December 14, 2004, and received for review on December 23, 2004. Pursuant to Government Code Section 65585(h), the Department is required to review adopted housing elements and report findings to the locality. Telephone conversations with Mr. Dan Sokolow, Community Development Director, facilitated the review.

The City of Winters' adopted element has been found to adequately address the statutory requirements described in the Department's August 20, 2002 review and therefore is in compliance with State housing element law (Article 10.6 of the Government Code). However, the Department's finding of compliance is conditioned on Winters' successful completion of the following two actions by March 31, 2006: (1) removal of the conditional use permit requirement on development of multifamily projects in multifamily zones and, (2) approval of the *draft* flood control project and financing plan (page A-46). The element states the City Council, in October 2004, reviewed the *draft* flood control and financing plan and found that it may expedite development on some properties. The land inventory indicates the lack of a flood control and financing plan is a constraint to development of some critical sites to accommodate the City's remaining share of regional housing need. Winters must demonstrate development can proceed on sites 16, 18, and 20 or identify alternate sites which can accommodate development at densities projected in Table 40 to meet the City's remaining need for housing for lower-income households.

Pursuant to Government Code Section 65400, Winters must monitor and report on the implementation of the element annually in October. If reports do not indicate the City has adequately addressed the two noted actions by March 31, 2006, the element would require immediate amendment to comply with the law. Failure to submit forthcoming annual reports by the required due date will trigger a review by the Department of the compliance status of the element.

Mr. John W. Donlevy, Jr.
Page 2

Winters is commended for taking action to encourage and facilitate the development of affordable housing by partnering with non-profits to meet the housing needs of lower-income households. Also noteworthy is the City's approval of infill site development that has existing infrastructure and is within walking distance to public transportation and services.

For your information, recently enacted legislation (Chapter 706, Statutes of 2002 and Chapter 10, Statutes of 2004; Government Code Section 65863) requires Winters to ensure its inventory of adequate sites can accommodate its share of the regional housing need throughout the planning period. Government Code Section 65863(b) also prohibits local governments from lowering a residential density used in determining adequate sites under its housing element unless the locality makes certain findings.

Further, Government Code Section 65589.4 was added by Chapter 793 of 2003 (SB 619) to provide more certainty and simplify procedural requirements for approving multifamily projects in multifamily zones. SB 619 requires that multifamily uses not be subject to a conditional use permit in multifamily zones if specific requirements are met.

The Department wishes the City of Winters success in implementing its housing, land-use, and development assistance programs to achieve all of the goals and objectives of the adopted housing element. If the Department can provide any additional assistance in implementing the City's housing element, please contact Don Thomas, of our staff, at (916) 445-5854.

Sincerely,



Cathy E. Creswell
Deputy Director

Enclosure

cc: Dan Sokolow, Community Development Director, City of Winters



**COMMUNITY DEVELOPMENT AGENCY
STAFF REPORT**

TO: Honorable Chairman and Directors
DATE : February 21, 2006
FROM: John W. Donlevy, Jr., Executive Director 
SUBJECT: Railroad Avenue Redevelopment Project- Review Committee

RECOMMENDATION:

That the Agency Board Appoint Two (2) members to assist in the review of proposals regarding the Railroad Ave. Redevelopment Project.

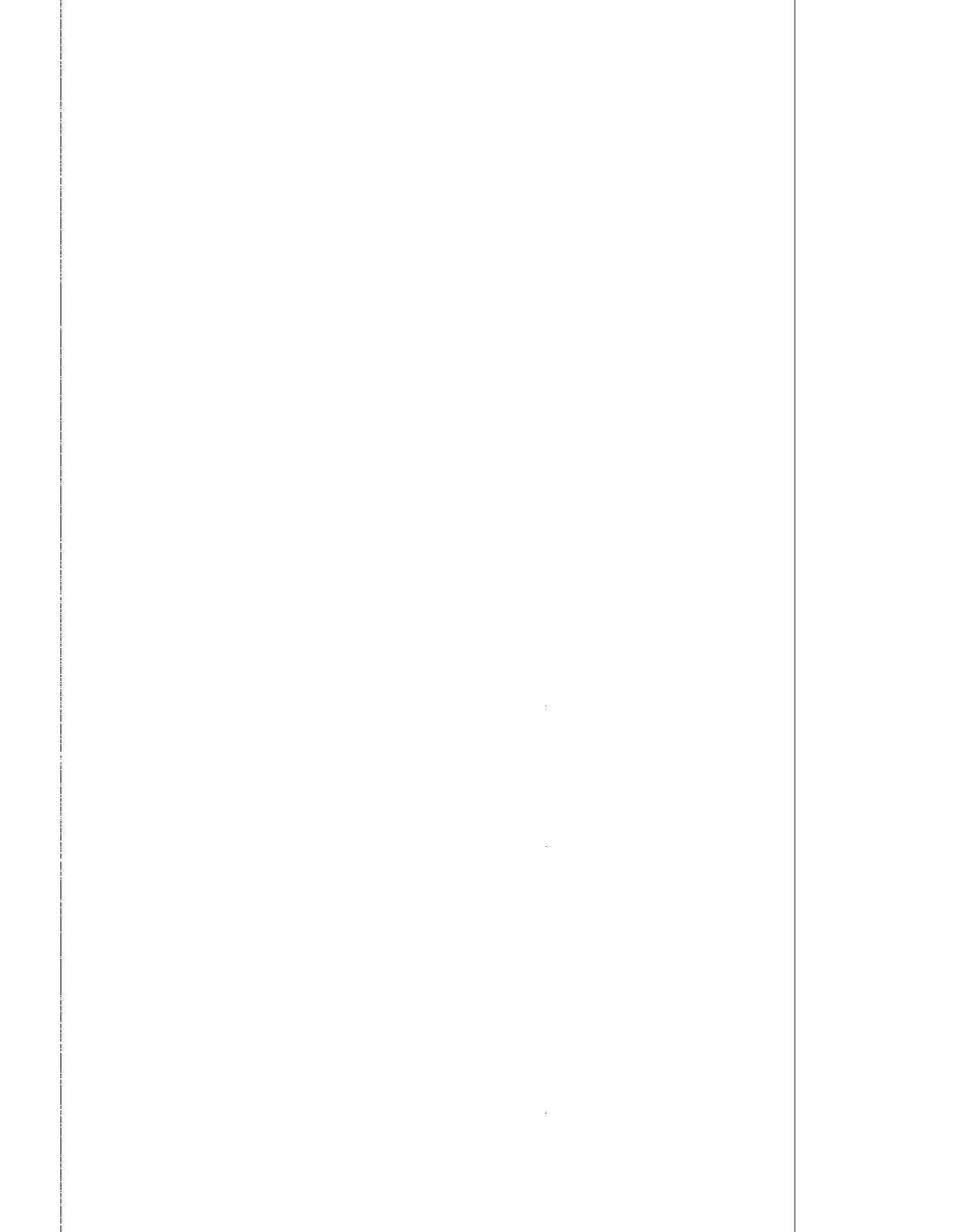
BACKGROUND:

In December, 2005, the Winters Community Development Agency began solicitation of proposals for the development of its Railroad Ave. property. It is anticipated that the CDA will receive two proposals which will require review.

Staff is requesting that the Agency appoint two members to assist staff and consultants in the review of the proposals for recommendation.

FISCAL IMPACT:

None by this action.



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CITY OF WINTERS WARRANT REGISTER 02-21-2006

| VENDER | DESCRIPTION | WARRANT |
|--------------------------|---------------------------|--------------|
| ABAG POWER | Gas Non-department | \$ 554.00 |
| ACS FIREHOUSE SOLUTIONS | SOFTWARE FOR FIRE & EMS R | \$ 5,737.88 |
| ALPHAGRAPHICS | 1,000 ENVELOPES REGULAR - | \$ 820.99 |
| ARAMARK | UNIFORM SERVICES | \$ 141.69 |
| AVAYA, INC | SERVICE AGREEMENT- OPEN P | \$ 96.00 |
| BIASI'S AUTO REPAIR | REPAIRS FOR CHEVY POOL CA | \$ 1,784.11 |
| BROWNIES | ROTARY PARKING LOT BID PA | \$ 289.90 |
| BSK SACRAMENTO | TESTING | \$ 277.00 |
| CHEM QUIP | OPEN PO FOR CHLORINE | \$ 307.57 |
| CONSECO HEALTH INSURANC | FEBRUARY PREMIUM | \$ 372.40 |
| DON'S NAPA AUTO PARTS | EQUIPMENT REPAIR | \$ 372.81 |
| DEPART OF TRANSPORTATIO | Electricity Parks Depart | \$ 229.22 |
| KATHY DOZIER | REIMB. FOR SOFTWARE & COM | \$ 193.93 |
| DUST-TEX SERVICE, INC | DUST MOP, DOOR MATS, WET | \$ 195.28 |
| EAGLE DRUG | UPS SHIPPING CHARGE TO RE | \$ 8.75 |
| ECO RESOURCES, INC. | SERVICES OVER BUDGET | \$ 5,777.46 |
| SALVADOR LEON DBA | PARKS JANITORIAL SERVICES | \$ 1,775.00 |
| SAMUEL FRENCH, INC | SCRIPTS FOR YOUTH DRAMA | \$ 42.08 |
| G.NEIL | 2006 STATE & FEDERAL COMP | \$ 339.22 |
| SERGIO GUTIERREZ | COMMUTER LUNCH MAMNT COUR | \$ 64.00 |
| HILTON,FARNKOPF & HOBSON | SEWER RATE STUDY | \$ 3,121.25 |
| INTERSTATE OIL COMPANY | GASOLINE | \$ 284.18 |
| JEFF'S STUDIO 9 | PHOTO/PLAQUE - CITY COUNC | \$ 276.75 |
| KLEINFELDER, INC. | MONITORING FOR WWT-DOC. P | \$ 626.00 |
| LARRY WALKER & ASSOC. IN | COPYING FOR SEWER MAPS | \$ 199.07 |
| LEAGUE OF CALIFORNIA | PUBLICATIONS #872, #1604, | \$ 74.00 |
| LEXISNEXIS, M. BENDER &C | MUNI CODE WEBSITE ANNUAL | \$ 500.00 |
| METROCALL | PAGERS CHEIF, SERGIO, TER | \$ 19.95 |
| NAT'L NOTARY ASSOCIATION | ANNUAL MEMBERSHIP, SHELLY | \$ 69.00 |
| PACIFIC ACE HARDWARE | PAINT AT WELLS | \$ 156.67 |
| PERS | PERS Payable PPE 02/11/06 | \$ 15,233.90 |
| PHIL JONES | INSTALL NEW COMPUTER SYST | \$ 523.80 |
| PISANIS AUTO PARTS | STREETS VEHICLE PARTS | \$ 92.49 |
| NICHOLAS J PONTICELLO | PROFESSIONAL SERVICES | \$ 4,329.50 |
| QUILL CORPORATION | MISC. OFFICE SUPPLIES | \$ 937.79 |
| RAINES, MELTON & CARELLA | AMENDMENT NO 2 | \$ 4,391.80 |
| RINKER MATERIALS | ASPHALT/CONCRETE | \$ 122.62 |
| RIVER CITY FIRE EQUIP CO | SERVICE FIRE EXT. CITY HA | \$ 42.00 |
| SAS PLANNING CONSULTING | REDEVELOPMENT CONSULTING | \$ 2,560.00 |
| SAVE OUR SERVICES FUND | CONTRIBUTIONS FOR PPE 2/1 | \$ 17.00 |
| SBC/MCI | Telephone Non-department | \$ 1,287.38 |
| CAROL SCIANNA | PARKING & MILEAGE REIMBUR | \$ 28.89 |

CITY OF WINTERS WARRANT REGISTER 02-21-2006

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|--------------------------|---------------------------|----|------------------|
| IDENTI-KIT SOLUTIONS | MONTHLY IDENTI-KIT RENTAL | \$ | 34.00 |
| STATE STREET BANK & TRUS | Cash With Fiscal Agent | \$ | 1,392.50 |
| SUISUN VALLEY GROWER | EAR PLUGS | \$ | 45.05 |
| SWITZER ENTERPRISES | 10 MONTHS COMPUTER SERVIC | \$ | 2,474.00 |
| TOSHIBA AMERICA INFO SYS | COPIER SYSTEM, MODEL E-35 | \$ | 378.59 |
| VALLEY TOXICOLOGY SERVIC | DRUG & ALCOHOL ANALYSIS | \$ | 150.00 |
| TERRY VAN HOUTEN | COMMUTER LUNCH MNGMNT COU | \$ | 40.00 |
| JOHN WALLACE | CITY ATTORNEY SERVICES | \$ | 3,137.50 |
| WEST COAST EQUIPMENT | PLUGS, FILTERS PARKS | \$ | 100.94 |
| WINTERS AGGREGATE | CONCRETE | \$ | 73.02 |
| WINTERS EXPRESS, L.P. | LEGAL NOTICES | \$ | 564.50 |
| WINTERS POLICE OFFICERS | Association Dues Payable | \$ | 122.50 |
| WINTERS EMPLOYEE ASSN | Association Dues Payable | \$ | 55.00 |
| WINTERS TRUE VALUE | FENCE POST-SEWER | \$ | 433.75 |
| WINTERS FIRE DEPARTMENT | CHAIRS & COMPUTER EQUIPME | \$ | 1,573.04 |
| TED WINFIELD AND ASSOC | EIR TASK 8 & 9 ACTIVITIES | \$ | 6,149.22 |
| SHERIFF-CORONER | SEPTEMBER 2005 BOOKING FE | \$ | 441.90 |
| SHERIFF-CORONER | AUGUST 2005 BOOKING FEES | \$ | 435.17 |
| SHERIFF-CORONER | OCTOBER 2005 BOOKING FEES | \$ | 515.55 |
| | TOTAL | \$ | <u>72,389.56</u> |



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: February 21, 2006
THROUGH: John W. Donlevy, Jr., City Manager *JD*
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Treasurer report for January 2006

RECOMMENDATION:

The City Council receive and file the City of Winters Treasurer's Report for January 2006.

BACKGROUND:

The City of Winters financial policy requires monthly reports regarding receipts, disbursements and fund balances be submitted to the City Council for review.

General Fund:

General Fund revenues are 51% of budgeted. The following items affect how the cash flows into the general fund.

- The first installment of property tax has been received, and is slightly higher than budgeted.
- The first installment of property tax in lieu of sales tax has been received, and is slightly higher than budgeted by \$7,650
- The first installment of property tax in lieu of VLF has been received and it is higher than budgeted by approximately \$53,851 for the current year, plus an additional \$23,310 for the 2004-2005 true up amount
- Sales and Use Taxes are remitted to the City two(2) months after they are received by the State Board of Equalization.
- Municipal Services Tax collections are 58% of budgeted.
- Planning application fees collected are higher than the amount budgeted for the current year.

General Fund Expenditures are 49% of the budgeted expenditures. Staff is closely monitoring expenditures to maintain as much budget savings as possible until we receive the Property tax remittance from the county and determine how accurate revenue projections were in the budget.

Other Funds:

Fund 211: The first installment has been received from Yolo County with the property tax collections.

Fund 262: Street Grant-these revenues are reimbursed upon submittal of a reimbursement request

Fund 294: Payments have begun for the current year.

Funds 411-421: A few building permits have been issued that required the payment of impact fees, and the small amount of revenues are reflected in these financial statements.

Funds 701 and 711: The first installment has been received from Yolo County

Fund 611: Funds have been transferred in from the Reservoir Repair fund as directed at the December 13, 2005 City Council meeting and the new rates were effective January 1, 2006. For the first time in 4 years, the water fund has a positive cash balance. Expenditures are 44% of budgeted.

Fund 621: The Sewer O & M fund expenditures are 45% of budgeted while revenues are 61% of budgeted. . Rate increases effective January 1, 2006 are the reason revenues are higher than originally budgeted.

FISCAL IMPACT:

None

City of Winters
Cash and LAIF Balances
As of January 31, 2006

| Fund# | Fund Description | Balance 6/30/2005 | Balance 1/30/2006 |
|-------|---------------------------------|----------------------|----------------------|
| 101 | GENERAL FUND | \$ 3,269,516 | \$ 3,723,773 |
| 211 | CITY WIDE ASSESMENT | 20,549 | (23,161) |
| 212 | FLOOD ASSESSMENT DISTRICT | 3,191 | 3,271 |
| 221 | GAS TAX | (154,345) | (77,510) |
| 223 | PERS TRUST FUND | 340,053 | 348,545 |
| 231 | STATE COPOS 1913 | 201,721 | 240,436 |
| 243 | COPS MORE GRANT | 2,683 | 2,141 |
| 251 | TRAFFIC SAFTEY | 149,231 | 149,501 |
| 252 | ASSET FORFEITURE | 9,284 | 12,880 |
| 253 | TRAFFIC GRANT | 7,869 | 8,066 |
| 254 | VEHICLE THEFT DETERRENT | 25,454 | 26,090 |
| 261 | TRAFFIC CONGESTION RELIEF | | 14,243 |
| 262 | STP AND STIP PROJECTS | (43,179) | (13,470) |
| 271 | PROPOSITION 40 GRANT | (100,361) | (44,000) |
| 273 | TRESTLE BRIDGE GRANT | 30,321 | |
| 291 | BEVERAGE RECYLING FUND | 11,512 | 15,846 |
| 294 | TRANSPORTATION(INCLUDING BUS SE | 31,550 | 87,956 |
| 295 | EMERGENCY PLAN UPDATE GRANT | 1,981 | |
| 321 | EDBG 99-688 BUCKHORN | | (1,164) |
| 351 | RLF HOUSING REHABILITATION | 19,132 | 21,536 |
| 352 | RLF AFFORDABLE HOUSING | 54 | 2,960 |
| 355 | RLF SMALL BUSINESS | 112,445 | 129,946 |
| 411 | STREET IMPACT FEE | 1,862,712 | 1,247,522 |
| 412 | STORM IMPACT FEE | 132,942 | 127,106 |
| 413 | PARKS AND RECREATION IMPACT FEE | 797,663 | 821,406 |
| 414 | POLICE SAFTEY IMPACT FEE | 254,903 | 236,093 |
| 415 | FIRE IMPACT FEE | 163,084 | 168,694 |
| 416 | GENERAL FACILITIES IMPACT FEE | 214,640 | 222,260 |
| 417 | WATER IMPACT FEE | 416,085 | 431,326 |
| 418 | SEWER IMPACT FEE | 621,396 | 642,459 |
| 421 | GENERAL FUND CAPITAL | 480,405 | 492,402 |
| 422 | LANDFILL CAPITAL | 348,887 | 352,301 |
| 424 | PARKS AND RECREATION CAPITAL | 219,354 | 225,741 |
| 427 | CAPITAL EQUIPMENT FUND | 131,164 | 137,954 |
| 481 | GENERAL PLAN 1992 STUDY | (618,561) | (617,239) |
| 482 | FLOOD CONTROL STUDY | 1,080 | 1,107 |
| 492 | RAJA STORM DRAIN | 32,872 | 33,692 |
| 494 | CAPITAL ASSET RECOVERY FEE | 44,685 | 49,406 |
| 496 | STORM DRAIN NON FLOOD | 195 | 200 |
| 501 | GENERAL DEBT SERVICE | 46,182 | 47,653 |
| 502 | GENERAL LTD | 30 | 14,313 |
| 611 | WATER O & M | (128,051) | 77,523 |
| 612 | WATER RESERVE | 244,191 | 22,466 |
| 621 | SEWER O & M | 338,703 | 353,552 |
| 623 | SEWER BOND | 169,983 | 173,271 |
| 651 | CENTRAL SERVICES | 25,077 | |
| 701 | REDEVELOPMENT | 1,849,618 | 2,036,610 |
| 702 | RDA PROJECT AREA | 3,487,163 | 3,133,439 |
| 711 | REDEVELOPMENT LIH | 493,201 | 476,543 |
| 712 | RDA HOUSING PROJECT FUND | 2,613,066 | 2,687,040 |
| 751 | REDEVELOPMENT LTD | 6,748 | 6,748 |
| 801 | TRUST AND AGENCY | | (500) |
| 821 | WINTERS LIBRARY | 427,357 | 438,030 |
| 831 | SWIM TEAM | 61,594 | 74,827 |
| | Total Cash | <u>\$ 18,677,029</u> | <u>\$ 18,741,830</u> |

City of Winters
 Genreal Fund Revenue Summary
 July 1, 2005 through January 31, 2006

% Of Year Completed 58%

| G/L Code | Account Description | Budget | Year to Date | % of Budget |
|-----------------------------|--------------------------------------|------------------|--------------|-------------|
| | | Fiscal 2005-2006 | Actual | Received |
| 101-41101 | Property Tax | 582,120 | 299,484 | 51% |
| 101-41102 | Property Tax in Lieu of Sales Tax | 84,240 | 44,220 | 52% |
| 101-41103 | Property Tax in Lieu of VLF | 378,241 | 239,356 | 63% |
| 101-41401 | Sales & Use Tax | 270,000 | 126,128 | 47% |
| 101-41402 | Prop 172 | 23,776 | 14,452 | 61% |
| 101-41403 | Franchise Fee | 166,798 | 67,299 | 40% |
| 101-41404 | Property Transfer Tax | 15,000 | 21,791 | 145% |
| 101-41405 | Utility Tax | 416,728 | 176,018 | 42% |
| 101-41406 | Municiple Services Tax | 276,840 | 161,676 | 58% |
| 101-41408 | TOT Tax | 3,800 | 1,656 | 44% |
| 101-41511 | Off-Highway VLF | 200 | 262 | 131% |
| 101-46101 | Building Permit Surcharge | 93,500 | 22,447 | 24% |
| 101-41407 | Business Licenses | 17,500 | 15,792 | 90% |
| 101-46102 | Building Permits | 50,140 | 21,966 | 44% |
| 101-46103 | Encroachment Permit | 1,119 | 667 | 60% |
| 101-46104 | Other Licenses & Permits | 14,463 | 10,981 | 76% |
| 101-41507 | Motor Vehicle in Lieu | 52,074 | 16,984 | 33% |
| 101-41508 | Motor Vehicle Licensing Fee-ERAF | 4,825 | | |
| 101-41509 | Homeowners Property Tax Relief | 18,368 | 9,423 | 51% |
| 101-48106 | Post Reimbursement | 2,400 | 3,143 | 131% |
| 101-41511 | Off-Highway Motor Vehicle | | | |
| 101-48107 | State Highway Maint Rte 128 | 4,500 | | |
| 101-42102 | Copy Fees | 200 | 43 | 22% |
| 101-42103 | Plan Check Fees | 32,591 | 23,899 | 73% |
| 101-42104 | Planning Application Fees | 5,000 | 11,218 | 224% |
| 101-42105 | Sales of Maps and Publications | 750 | 135 | 18% |
| 101-42108 | Police Reports | 1,000 | 290 | 29% |
| 101-42109 | Fingerprint Fees | 3,000 | 4,700 | 157% |
| 101-42111 | Towing/DUI Reimbursement | 2,000 | 1,700 | 85% |
| 101-42112 | Ticket Sign Off Fees | 200 | 65 | 33% |
| 101-42201 | Recreation Fees | 4,000 | 3,035 | 76% |
| 101-42203 | Youth Drama Revenues | 2,000 | 4,915 | 246% |
| 101-42205 | Basketball Revenues | 2,500 | 4,290 | 172% |
| 101-42211 | Pool Ticket Sales | 2,000 | 1,242 | 62% |
| 101-42215 | Swim Passes | 200 | 175 | 88% |
| 101-42216 | Swim Lessons | 750 | 750 | 100% |
| 101-42217 | Water Aerobics Fees | 550 | 572 | 104% |
| 101-42218 | Swim Team Reimbursement | 1,700 | | |
| 101-42219 | Life Guard Classes | 200 | | |
| 101-42301 | Park Rental | 500 | 480 | 96% |
| 101-42302 | Library Hall Rental | 1,500 | 505 | 34% |
| 101-42303 | Community Center Rental | 14,000 | 9,006 | 64% |
| 101-42304 | Community Center Insurance Collected | | 458 | |
| 101-43110 | Fines-No Building Permits | | 720 | |
| 101-44101 | Rents/Leases Revenues | 17,396 | 19,369 | 111% |
| 101-44102 | Interest Earnings | 15,350 | 42,363 | 276% |
| 101-46106 | Reinspect Fee | | 50 | |
| 101-49101 | Contributions | | 3,176 | |
| 101-49102 | Reimbursements/Refunds | | 2,233 | |
| 101-49104 | Miscellaneous Revenues | 20,000 | 10,756 | 54% |
| 101-49106 | Cash Over/Short | | (114) | |
| 101-49108 | Commissions on Coke Machine | 100 | 95 | 95% |
| 101-49109 | Developer Planning Reimbursement | 40,000 | 43,165 | 108% |
| 101-49111 | Fireworks Contributions | 3,000 | | |
| 101-49999 | Interfund Operating Transfer | 160,000 | | |
| Total General Fund Revenues | | \$ 2,807,119 | \$ 1,443,036 | 51% |

City of Winters
Summary of Expenditures
July 1, 2005 through January 31, 2006

| | | % of Year Completed | | | | 58% |
|-------|---|---------------------|-------------------|------------------------|--------------------------------|-------------------------|
| Fund# | Fund Description | Budget FY 05-06 | January Actual | Year to Date Actual | Balance of Budget Available | % of Budget Expended |
| 101 | General Fund Expenditures by Department | | | | | |
| 110 | City Council | \$ 238 | \$ 20 | \$ 111 | \$ 127 | 47% |
| 120 | City Clerk | 11,655 | 483 | 4,459 | 7,196 | 38% |
| 130 | City Treasurer | 334 | 1 | 121 | 213 | 36% |
| 150 | City Attorney | 15,410 | 663 | 7,593 | 7,817 | 49% |
| 160 | City Manager | 20,683 | 1,993 | 11,311 | 9,372 | 55% |
| 170 | Administrative Services | 143,285 | 12,543 | 70,724 | 72,561 | 49% |
| 180 | Finance | 2,036 | 197 | 1,077 | 959 | 53% |
| 210 | Police Department | 1,430,153 | 130,450 | 743,097 | 687,056 | 52% |
| 310 | Fire Department | 230,000 | | 90,000 | 140,000 | 39% |
| 410 | Community Development | 339,233 | 26,998 | 176,254 | 162,979 | 52% |
| 420 | Building Inspections | 122,203 | 17,638 | 61,456 | 60,747 | 50% |
| 610 | Public Works-Administration | 378,684 | 24,406 | 145,483 | 233,201 | 38% |
| 710 | Recreation | 100,358 | 6,114 | 44,118 | 56,240 | 44% |
| 720 | Community Center | 61,000 | 5,388 | 42,672 | 18,328 | 70% |
| 730 | Swimming Pool | 38,699 | | 17,818 | 20,881 | 46% |
| | Total General Fund Expenditure | \$ 2,893,971 | \$ 226,894 | \$ 1,416,294 | \$ 1,477,677 | 49% |
| 211 | City Wide Assessment | 185,261 | 27,109 | 136,552 | 48,709 | 74% |
| 221 | Gas Tax Fund | 119,452 | 9,151 | 60,341 | 59,111 | 51% |
| 231 | State COPS 1913 | 171,399 | 13,342 | 66,540 | 104,859 | 39% |
| 243 | '96 COPS MORE Grant | 600 | | 600 | | 100% |
| 251 | Traffic Safety | 19,400 | 23 | 11,953 | 7,447 | 62% |
| 261 | Traffic Congestion Relief | 29,250 | | | 29,250 | |
| 262 | Street Grants | 966,778 | | 219,526 | 747,252 | 23% |
| 271 | Prop 40 Grant | 124,353 | | 119,621 | 4,732 | 96% |
| 291 | Beverage Recycling Grant | 7,700 | 179 | 992 | 6,708 | 13% |
| 294 | Transportation | 196,304 | 61,444 | 165,497 | 30,807 | 84% |
| 311 | STBG 700 Housing Rehab | 7,845 | 479 | 4,781 | 3,064 | 61% |
| 313 | STBG 96-1043 Housing & Public W | 8,724 | | 3,088 | 5,636 | 35% |
| 321 | EDBG 99-688 Buckhorn | 14,503 | 1,450 | 10,152 | 4,351 | 70% |
| 322 | EDBG 405-Cradwick | | | 1,274 | -1,274 | |
| 411 | Street Impact Fee | 1,000 | 9,361 | 506,516 | -505,516 | 999% |
| 412 | Storm Drain Impact Fee | | | 9,359 | -9,359 | |
| 413 | Park & Recreation Impact Fee | 150,000 | | | 150,000 | |
| 414 | Public Safety Impact Fee | 79,000 | 110 | 25,941 | 53,059 | 33% |
| 415 | Fire Impact Fee | 55,000 | | | 55,000 | |
| 417 | Water Impact Fee | | | 338 | -338 | |
| 418 | Sewer Impact Fee | 900,000 | 285 | 840 | 899,160 | |
| 421 | General Fund Capital | 100,000 | | | 100,000 | |
| 422 | Landfill Capital | 10,000 | | 1,715 | 8,285 | 17% |
| 427 | Equipment Replacement Fund | | | 2,139 | -2,139 | |
| 495 | Monitoring Fee | 17,332 | | 1,322 | 16,010 | 8% |
| 611 | Water O & M | 743,946 | 50,850 | 324,346 | 419,600 | 44% |
| 612 | Water Reserve | | 230,634 | 235,325 | -235,325 | |
| 621 | Sewer O & M | 839,005 | 26,085 | 377,321 | 461,684 | 45% |
| 623 | Sewer Bond | | | 3,125 | -3,125 | |
| 651 | Central Service Overhead | | | -2,200 | 2,200 | |
| 701 | Community Redevelopment | 1,143,967 | -65,028 | 549,782 | 594,185 | 48% |
| 702 | RDA Project Area Fund H | 2,715,000 | 229,658 | 380,522 | 2,334,478 | 14% |
| 711 | Community Redevelopment LIH | 256,505 | 5,224 | 164,194 | 92,311 | 64% |
| 712 | LIH Bond Proceeds | 2,540,000 | | | 2,540,000 | |
| 751 | Community Redevelopment LTD | | | 11,418 | -11,418 | |
| 831 | Swim Team | 60,225 | 1,207 | 48,297 | 11,928 | 80% |
| | Total Expenditures | \$ 14,356,520 | \$ 828,457 | \$ 4,857,511 | \$ 9,499,009 | 34% |

City of Winters
 Summary of Revenues
 July 1, 2005 through January 31, 2006

% of Year Completed 58%

| Fund # | Fund Description | Budget | January | Year to Date | Difference | % of Budget Received |
|----------------|---------------------------------|--------------------|--------------------|--------------------|--------------------|-------------------------|
| | | FY 05-05 | Actual | Actual | | |
| 101 | General Fund | \$2,807,119 | \$ 824,611 | \$ 1,443,037 | \$ 1,364,082 | 51% |
| 211 | City Wide Assessment | 187,958 | 93,855 | 93,855 | 94,103 | 50% |
| 212 | Flood Assessment District | | 31 | 57 | (57) | |
| 221 | Gas Tax | 130,508 | 68,979 | 125,256 | 5,252 | 96% |
| 223 | PERS Trust Fund | 34,250 | 3,300 | 6,080 | 28,170 | 18% |
| 231 | State COPS AB1913 | 102,081 | 2,276 | 103,821 | (1,740) | 102% |
| 243 | '96 COPS MORE Grant | | 19 | 39 | (39) | |
| 251 | Traffic Safety | 6,700 | 6,195 | 7,788 | (1,088) | 116% |
| 252 | Asset Forfeiture | 100 | 3,454 | 3,530 | (3,430) | 999% |
| 253 | Traffic Grant | | 76 | 141 | (141) | |
| 254 | Vehicle Theft Deterrent | 6,200 | 247 | 455 | 5,745 | 7% |
| 261 | Traffic Congestion Relief | | 5,590 | 14,243 | (14,243) | |
| 262 | Street Grants | 1,000,479 | | 315,516 | 684,963 | 32% |
| 273 | TRESTLE BRIDGE GRANT | | | 248 | (248) | |
| 291 | Beverage Recycling | 5,000 | 150 | 5,282 | (282) | 106% |
| 294 | Transportation | 229,000 | 69,133 | 223,979 | 5,021 | 98% |
| 311 | STBG 700 Housing | 7,845 | 479 | 4,781 | 3,064 | 61% |
| 313 | STBG 96-1043 Housing & Public W | 8,724 | | 3,088 | 5,636 | 35% |
| 321 | EDBG 99-688 Buckhorn | 17,403 | 286 | 8,988 | 8,415 | 52% |
| 322 | EDBG 96-405 Cradwick | | | 1,274 | (1,274) | |
| 351 | RLF Housing Rehab | 3,158 | 394 | 2,278 | 880 | 72% |
| 352 | RLF Affordable Housing | 4,807 | 313 | 2,906 | 1,901 | 60% |
| 355 | RLF Small Business | | 2,667 | 16,703 | (16,703) | |
| 411 | Street Impact Fee | 139,422 | 11,893 | 41,041 | 98,381 | 29% |
| 412 | Storm Drain Impact Fee | 6,076 | 1,203 | 2,576 | 3,500 | 42% |
| 413 | Parks & Recreation Impact Fee | 69,288 | 7,776 | 18,084 | 51,204 | 26% |
| 414 | Public Safety Impact Fee | 18,532 | 2,236 | 5,322 | 13,210 | 29% |
| 415 | Fire Impact Fee | 26,852 | 1,597 | 4,452 | 22,400 | 17% |
| 416 | General Facilities Impact Fee | 38,024 | 2,104 | 6,098 | 31,926 | 16% |
| 417 | Water Impact Fee | 90,480 | 4,036 | 12,718 | 77,762 | 14% |
| 418 | Sewer Impact Fee | 100,284 | 6,027 | 17,685 | 82,599 | 18% |
| 421 | General Fund Capital | 5,300 | 4,661 | 8,589 | (3,289) | 162% |
| 422 | Landfill Capital | 3,400 | 3,327 | 6,131 | (2,731) | 180% |
| 424 | Parks & Recreation Capital | 1,800 | 2,137 | 4,831 | (3,031) | 268% |
| 427 | Capital Equipment | 300 | 1,359 | 8,886 | (8,586) | 999% |
| 481 | General Plan 1992 | 17,332 | | 1,322 | 16,010 | 8% |
| 482 | Flood Control Study | 12 | 10 | 19 | (7) | 158% |
| 492 | RAJA Storm Drain | 450 | 319 | 588 | (138) | 131% |
| 494 | CARF | 2,422 | 762 | 4,474 | (2,052) | 185% |
| 495 | Monitoring Fee | 17,332 | | 1,322 | 16,010 | 8% |
| 501 | General Debt Service | 1,000 | 451 | 831 | 169 | 83% |
| 502 | General LTD | | 135 | 136 | (136) | |
| 611 | Water O & M | 524,300 | 287,995 | 556,866 | (32,566) | 106% |
| 612 | Water Reserve | 14,446 | 2,936 | 15,044 | (598) | 104% |
| 621 | Sewer O & M | 709,194 | 70,203 | 431,538 | 277,656 | 61% |
| 623 | Sewer Bond | 24,515 | 1,640 | 3,048 | 21,467 | 12% |
| 701 | Community Redevelopment | 1,441,655 | 673,944 | 711,914 | 729,741 | 49% |
| 702 | RDA Project Area Fund | 35,000 | 24,036 | 56,637 | (21,637) | 162% |
| 711 | Community Redevelopment LIH | 359,118 | 167,620 | 170,695 | 188,423 | 48% |
| 712 | RDA Housing Project Area | 900 | 28,899 | 55,181 | (54,281) | 999% |
| 751 | Community Redevelopment LTD | | | 3,432 | (3,432) | |
| 821 | Winters Library | 4,700 | 4,147 | 7,641 | (2,941) | 163% |
| 831 | Swim Team | 78,300 | 1,916 | 64,045 | 14,255 | 82% |
| Total Revenues | | <u>\$8,281,766</u> | <u>\$2,395,424</u> | <u>\$4,604,491</u> | <u>\$3,677,275</u> | <u>56%</u> |

City of Winters
Fund Balance Report
Estimated Fund Balances as of January 31, 2006

| Fund# | Fund Name | Audited Fund | | Current Year Expenditures | Transfers In/(Out) | Ending Fund Balance | Change From 6/30/2005 |
|--------|----------------------------|--------------------------|--------------------------|------------------------------|-----------------------|------------------------|--------------------------|
| | | Balance June 30, 2005 | Current Year Revenues | | | | |
| 101 | General Fund | \$ 3,296,042 | \$ 1,443,037 | \$ 1,416,294 | \$ - | \$ 3,322,785 | \$ 26,743 |
| 211 | City Wide Assessment | 21,942 | 93,855 | 136,552 | - | (20,755) | (42,697) |
| 212 | Flood Assessment District | 3,214 | 57 | - | - | 3,271 | 57 |
| 221 | Gas Tax | (142,425) | 67,756 | 60,341 | 57,500 | (77,510) | 64,915 |
| 223 | PERS Trust Fund | 342,465 | 6,080 | - | - | 348,545 | 6,080 |
| 231 | State COPS 1913 | 203,155 | 103,821 | 66,540 | - | 240,436 | 37,281 |
| 243 | '96 COPS MORE Grant | 2,702 | 39 | 600 | - | 2,141 | (561) |
| 251 | Traffic Safety | 153,666 | 7,788 | 11,953 | - | 149,501 | (4,165) |
| 252 | Asset Forfeiture | 9,349 | 3,530 | - | - | 12,879 | 3,530 |
| 253 | Traffic Grant | 7,925 | 141 | - | - | 8,066 | 141 |
| 254 | Vehicle Theft Deterrent | 25,635 | 455 | - | - | 26,090 | 455 |
| 261 | Traffic Congestion Relief | - | 14,243 | - | - | 14,243 | 14,243 |
| 262 | Street Grants | (109,460) | 315,516 | 219,526 | - | (13,470) | 95,990 |
| 271 | Prop 40 Grant | (100,379) | 176,000 | 119,621 | - | (44,000) | 56,379 |
| 273 | Trestle Bridge Grant | 30,536 | 248 | 30,784 | - | - | (30,536) |
| 291 | Beverage Recycling Grant | 11,556 | 5,282 | 992 | - | 15,846 | 4,290 |
| 294 | Transportation | 13,718 | 223,979 | 107,997 | (57,500) | 72,200 | 58,482 |
| 295 | Emergency Plan Update Gran | 1,981 | 16 | 1,997 | - | - | (1,981) |
| 311 | STBG 700 Housing | - | 4,781 | - | (4,781) | - | - |
| 313 | STBG-96-1043 Housing and P | (29,070) | 3,088 | - | (3,088) | (29,070) | - |
| 321 | EDBG 99-688 Buckhorn | - | 8,988 | - | (10,152) | (1,164) | (1,164) |
| 322 | EDBG 96-405 Cradwick | - | 1,274 | - | (1,274) | - | - |
| 351 | RLF Housing Rehabilitation | 30,901 | 366 | - | 1,913 | 33,180 | 2,279 |
| 352 | RLF Affordable Housing | 17,481 | 37 | - | 2,869 | 20,387 | 2,906 |
| 355 | RLF Small Business | 113,243 | 2,189 | - | 14,514 | 129,946 | 16,703 |
| 411 | Street Impact Fee | 1,807,997 | 41,041 | 506,516 | - | 1,342,522 | (465,475) |
| 412 | Storm Drain Impact Fee | 163,888 | 2,576 | 9,359 | - | 157,105 | (6,783) |
| 413 | Parks & Recreation Impact | 803,322 | 18,084 | - | - | 821,406 | 18,084 |
| 414 | Public Safety Impact Fee | 256,711 | 5,322 | 25,941 | - | 236,092 | (20,619) |
| 415 | Fire Impact Fee | 164,241 | 4,452 | - | - | 168,693 | 4,452 |
| 416 | General Facilities Impact | 216,162 | 6,098 | - | - | 222,260 | 6,098 |
| 417 | Water Impact Fee | 418,945 | 12,718 | 338 | - | 431,325 | 12,380 |
| 418 | Sewer Impact Fee | (390,944) | 17,685 | 840 | - | (374,099) | 16,845 |
| 421 | General Fund Capital | 483,813 | 8,589 | - | - | 492,402 | 8,589 |
| 422 | Landfill Capital | 347,885 | 6,131 | 1,715 | - | 352,301 | 4,416 |
| 424 | Parks and Recreation Capit | 220,910 | 4,831 | - | - | 225,741 | 4,831 |
| 427 | Equipment Replacement Fund | 131,208 | 8,886 | 2,139 | - | 137,955 | 6,747 |
| 481 | General Plan 1992 | (618,561) | - | - | 1,322 | (617,239) | 1,322 |
| 482 | Flood Control Study | (123,912) | 19 | - | - | (123,893) | 19 |
| 492 | RAJA Storm Drain | 23,516 | 588 | - | - | 24,104 | 588 |
| 494 | CARF | 44,932 | 4,474 | - | - | 49,406 | 4,474 |
| 495 | Monitoring Fee | - | 1,322 | - | (1,322) | - | - |
| 496 | Storm Drain Non-Flood | 196 | 3 | - | - | 199 | 3 |
| 501 | General Debt Service | 46,822 | 831 | - | - | 47,653 | 831 |
| 502 | General LTD | 43,998 | 136 | - | - | 44,134 | 136 |
| 611 | Water O & M | 167,584 | 326,238 | 324,346 | 230,628 | 400,104 | 232,520 |
| 612 | Water Reserve | 244,334 | 15,044 | 4,697 | (230,628) | 24,053 | (220,281) |
| 621 | Sewer O & M | 2,886,577 | 431,538 | 377,321 | - | 2,940,794 | 54,217 |
| 623 | Sewer Bond | 48,348 | 3,048 | 3,125 | - | 48,271 | (77) |
| 651 | Central Service Overhead | (2,200) | - | (2,200) | - | - | 2,200 |
| 701 | Community Redevelopment | 1,874,478 | 700,496 | 549,782 | 11,418 | 2,036,610 | 162,132 |
| 702 | RDA Project Area | 3,457,324 | 56,637 | 380,522 | - | 3,133,439 | (323,885) |
| 711 | Community Redevelopment LI | 520,042 | 170,695 | 164,194 | - | 526,543 | 6,501 |
| 712 | RDA Housing Project Area | 2,631,858 | 55,181 | - | - | 2,687,039 | 55,181 |
| 751 | Community Redevelopment LT | 565,077 | 3,432 | - | (11,418) | 557,091 | (7,986) |
| 821 | Winters Library | 430,389 | 7,641 | - | - | 438,030 | 7,641 |
| 831 | Winters Library | 59,080 | 64,045 | 48,297 | - | 74,828 | 15,748 |
| 911 | General Fixed Assets | 4,543,056 | - | - | - | 4,543,056 | - |
| Totals | | \$ 25,371,253 | \$ 4,460,347 | \$ 4,570,129 | \$ 1 | \$ 25,261,472 | \$ (109,781) |



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: February 7, 2006
THROUGH: John W. Donlevy, Jr., City Manager *JD*
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Investment Report for January 2006

RECOMMENDATION:

The City Council receive and file the City of Winters monthly investment report for January 2006

BACKGROUND:

The City of Winters financial policy requires at minimum, quarterly investment earnings reports. The attached report shows the earnings for November 2005, as well as the year to date investment earnings. The City of Winters is invested in Local Agency Investment Funds (LAIF), a savings account at our local First Northern Bank, and receives interest payments on the various CDBG and EDBG funded loans made to residents and businesses within the City of Winters. The investment earnings for January 2006 include revenues from all these investment sources.

FISCAL IMPACT:

None.

City of Winters
Investment Report
As of January 31, 2006

| Fund | Fund Description | January Interest | Year to Date Interest |
|---------------------------|-------------------------------|---------------------|--------------------------|
| 101 | GENERAL FUND | \$ 18,096 | \$ 42,363 |
| 212 | FLOOD ASSESSMENT DISTRICT | 31 | 57 |
| 221 | GAS TAX FUND | | 1 |
| 223 | PERS TRUST FUND | 3,300 | 6,080 |
| 231 | STATE COPS 1913 | 2,276 | 3,821 |
| 243 | COPS MORE GRANT | 19 | 39 |
| 251 | TRAFFIC SAFTEY | 1,368 | 2,586 |
| 252 | ASSET FORFEITURE | 90 | 166 |
| 253 | TRAFFIC GRANT | 76 | 141 |
| 254 | VEHICLE THEFT DETERRENT | 247 | 455 |
| 261 | TRAFFIC CONGESTION RELIEF | 83 | 83 |
| 273 | Railroad Trestle Bridge Grant | | 248 |
| 291 | BEVERAGE RECYCLE GRANT | 150 | 282 |
| 294 | TRANSPORTATION/BUS | 719 | 922 |
| 311 | STBG-700 | 49 | 599 |
| 313 | STBG 96-1043 | | 742 |
| 321 | EDBG 99-688 | 868 | 6,046 |
| 322 | EDBG 96-405 CRADWICK | | 124 |
| 351 | RLF HOUSING REHAB | 202 | 366 |
| 352 | RLF AFFORDABLE HOUSING | 25 | 37 |
| 355 | RLF SMALL BUSINESS | 1,216 | 2,189 |
| 411 | STREET IMPACT FEE | 11,893 | 33,649 |
| 412 | STORM IMPACT FEE | 1,203 | 2,290 |
| 413 | PARKS & REC IMPACT FEE | 7,776 | 14,298 |
| 414 | POLICE IMPACT FEE | 2,236 | 4,320 |
| 415 | FIRE IMPACT FEE | 1,597 | 2,930 |
| 416 | GENERAL FACILITY IMPACT FEE | 2,104 | 3,859 |
| 417 | WATER IMPACT FEE | 4,036 | 7,438 |
| 418 | SEWER IMPACT FEE | 6,027 | 11,105 |
| 421 | GENERAL FUND CAPITAL | 4,661 | 8,589 |
| 422 | LANDFILL CAPITAL | 3,327 | 6,131 |
| 424 | PARKS & REC CAPITAL | 2,137 | 3,931 |
| 427 | EQUIPMENT REPLACEMENT FUND | 1,305 | 2,423 |
| 482 | FLOOD CONTROL STUDY | 10 | 19 |
| 492 | RAJA STORM DRAIN | 319 | 588 |
| 494 | CARF | 462 | 840 |
| 501 | GENERAL DEBT SERVICE | 451 | 831 |
| 502 | GENERAL LONG TERM DEBT | 135 | 136 |
| 612 | WATER RESERVE | 2,359 | 4,347 |
| 621 | SEWER O & M | 2,853 | 5,580 |
| 623 | SEWER BOND | 1,640 | 3,048 |
| 701 | REDEVELOPMENT | 12,394 | 32,721 |
| 702 | RDA PROJECT AREA | 24,036 | 56,637 |
| 711 | REDEVELOPMENT LIH | 3,001 | 5,647 |
| 712 | RDA LIH PROJECT AREA | 28,899 | 55,181 |
| 751 | REDEVELOPMENT LTD | | 3,432 |
| 821 | WINTERS LIBRARY | 4,147 | 7,641 |
| 831 | SWIM TEAM | 709 | 1,307 |
| Total Investment Revenues | | <u>\$ 158,532</u> | <u>\$ 346,265</u> |