

**AGENDA FOR A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF WINTERS SCHEDULED FOR TUESDAY,
APRIL 4, 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:

CONSENT ITEMS:

- A. Approve Minutes of a Regular meeting held Tuesday, March 21, 2006 (pp 1-4)
- B. Adopt Resolution 2006-10 - Declaring Public Nuisance on Specified Parcels (pp 5-10)
- C. Final acceptance of Trestle Bridge Improvements, Project No. 02-07 (pp 11-12)
- D. Budget Adjustment from CARF (Capital Acquisition Recovery Fee) for Purchase of GIS Software (pp 13-14)
- E. Proclamation Recognizing the Contributions of Mike and Janet Kimes to the Business Community of Winters (pp 15-16)
- F. Proclamation Recognizing Dawn Van Dyke, past City Editor of the Winters Express (pp 17-18)
- G. Approve Increased Expenditures for Police Department Computer Purchases (pp 19-20)

PRESENTATION:

Present Proclamation to Mike and Janet Kimes

Present Proclamation to Dawn Van Dyke

DISCUSSION ITEMS:

- 1. Winters Youth Day Fun Run (No Backup) (pp 21-22)
- 2. Rotary Park Expansion - Design Committee (pp 23-24)
- 3. Public Hearing and consideration of Resolution No. 2006-07 approving the issuance of revenue bonds in the amount of \$6,500,000 by the California Municipal Finance Authority for the purpose of financing a multi-family rental housing development to be located at 110 East Baker Street (APN 003-370-15), and approving and directing execution of the joint exercise of powers agreement relating to the authority (pp 25-50)
- 4. Continued 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

**AGENDA FOR A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF WINTERS SCHEDULED FOR TUESDAY,
APRIL 4, 2006 AT 7:30 P.M.**

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 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 Re-zonings; 6) Approval of the Tentative Subdivision Map; 7) Approval of a Lot Line Adjustment; 8) Amendment of 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 51-394)

5. Dry Creek Assessment District / Bank Stabilization (pp 395-396)

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

CITY MANAGER REPORT

COUNCIL/STAFF COMMENTS

INFORMATION ONLY

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*

**AGENDA FOR A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF WINTERS SCHEDULED FOR TUESDAY,
APRIL 4, 2006 AT 7:30 P.M.**

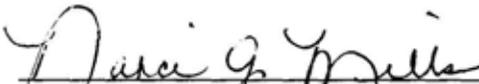
EXECUTIVE SESSION:

1. Meeting with City Manager to Discuss Real Estate Pursuant to Section 54956.8 of the Government Code Regarding Real Estate: APM 003-191-1, 311 First Street.

ADJOURNMENT:

I declare under the penalty of perjury that the foregoing agenda for the April 4, 2006 meeting of the City Council of the City of Winters was posted March 31, 2006 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 FOR A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF WINTERS HELD ON TUESDAY,
MARCH 21, 2006, AT 7:30 P.M.**

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

PLEDGE OF ALLEGIANCE

Present were Council Members Anderson, Fridae, Godden, Stone and Mayor Martinez. Also present were City Manager John Donlevy, City Attorney John Wallace, Chief of Police Bruce Muramoto, Sergeants Terry Van Houten and Sergio Gutierrez, and City Clerk Nanci Mills.

RECOGNIZE AUDIENCE/CORRESPONDENCE: Joe McCabe spoke regarding local commercial space in the new project areas and how to increase the amount of money spent at local businesses. Glenn Devries spoke regarding the re-zoning issue discussed at a prior meeting. City Manager John Donlevy indicated that staff would review current zoning laws and ordinances and bring back findings to a future meeting. Council Member Stone indicated this issue should also be reviewed by the Planning Commission.

MODIFICATION OF AGENDA: Discussion Item #2, Introduction of Grant Avenue Access Study, has been pulled and placed on the April 18, 2006 City Council Agenda.

PRESENTATIONS: Reserve Police Officer Don Shelton was sworn in by City Clerk Nanci Mills. Officer Scott Leach was present to receive the 2005 Officer of the Year award. Officer Jose Ramirez was not present to receive the 2004 Officer of the Year award.

CONSENT ITEMS:

- A. Minutes of the Regular Meeting of the City Council of the City of Winters held March 7, 2006
- B. Proclamation recognizing March 19-25, 2006, as "National Agriculture Week"
- C. Winters Youth Day Parade Route and Street Closure
- D. Contract with Larry Walker & Assoc. - Update 1996 Waste Water Treatment Facility Master Plan

City Manager John Donlevy gave an overview of Consent Items A - D. Council Member Anderson stated he and Mayor Martinez did not participate and were not present during Discussion Items 2 and 7 from the prior meeting's minutes due to possible conflict of interest. These items were Public Hearing and Consideration of Approval for Downtown Master Plan-Resolution 2006-06, and Existing Single-Family Residences in the Central Business District Zone. Council Member Fridae made a motion to accept the modifications to the minutes. Seconded by Council Member Stone. Motion carried unanimously.

**MINUTES FOR A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF WINTERS HELD ON TUESDAY,
MARCH 21, 2006, AT 7:30 P.M.**

DISCUSSION ITEMS:

1. STAFF IS RECOMMENDING THAT THIS ITEM BE CONTINUED TO THE APRIL 4, 2006 COUNCIL MEETING. Continued 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 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 Re-zonings; 6) Approval of the Tentative Subdivision Map; 7) Approval of a Lot Line Adjustment; 8) Amendment of the Rancho Arroyo Storm Drain District Master Plan; 9) Amendment of the Circulation Master Plan; and 10) Amendment of the Bikeway System Master Plan.

2. Introduction of Grant Avenue Access Study. This item has been continued to the April 4, 2006 Council Meeting.

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

CITY MANAGER REPORT: Budget information is being requested by City Manager John Donlevy and Financial Manager Shelly Gunby from all department heads. A workshop is being planned with City Council members and department heads regarding the budget for the upcoming year.

COUNCIL/STAFF COMMENTS: Council Member Anderson will be attending a farm city breakfast in celebration of National Agriculture Week. He will also be attending a CACOG meeting in April or May to discuss with Cal Trans the conditions of and improvements to the Winters/Davis highway. Council Member Stone said he will be accompanying Winters Youth to the State Capitol on Monday, April 3, where

**MINUTES FOR A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF WINTERS HELD ON TUESDAY,
MARCH 21, 2006, AT 7:30 P.M.**

they will be taking a tour and sitting in on a session. Council Member Stone, along with Council Member Godden, will be reviewing a proposal regarding the northwest corner of Main and Railroad. Council Member Godden and Mayor Martinez would support a scheduled joint meeting of the City Council and the Planning Commission and asked City Manager John Donlevy and staff to contact all participants for meeting to be held sometime in April.

INFORMATION ONLY

1. February 2006 Investment Report
2. February 2006 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*

EXECUTIVE SESSION: None

ADJOURNMENT: The meeting was adjourned at 8:15 p.m.

Dan Martinez, MAYOR

ATTEST:

Nanci G. Mills, City Clerk

THIS PAGE LEFT INTENTIONALLY BLANK.



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members

DATE : April 4, 2006

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

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

SUBJECT: Weed Abatement

RECOMMENDATION:

Approve Resolution 2006-10, a Resolution Declaring Weeds and Rubbish on Certain Lots and Parcel within the City of Winters to be a Public Nuisance and Ordering the Institution of Proceedings to Abate said Public Nuisances.

BACKGROUND:

Each year at this time the Winters Fire Department surveys parcels for which weeds or rubbish, or both have been observed.

A public hearing will need to be held by the Council on April 18, 2006 at 7:30 p.m. for the purpose of hearing and considering all objections to the proposed removal of the weeds, rubbish and refuse from the parcels describe in Exhibit A.

FISCAL IMPACT:

None by this action.

Resolution No. 2006-10

RESOLUTION DECLARING WEEDS AND RUBBISH ON CERTAIN LOTS AND PARCELS WITHIN THE CITY OF WINTERS TO BE A PUBLIC NUISANCE AND ORDERING THE INSTITUTION OF PROCEEDINGS TO ABATE SAID PUBLIC NUISANCES

WHEREAS, Title 4, Division 3, Part 2, Chapter 13, Article 2 of the Government Code, commencing with section 39560 (herein "Weed Abatement Law"). Provides the City Council with an alternative procedure which it may use for the abatement of weed and rubbish on lots and parcels within the City as public nuisances, and

WHEREAS, The City Council desires to utilize the procedures provided in the weed abatement law as a means of abating certain public nuisance conditions located throughout the City consisting of weeds and rubbish on lots and parcels within the City, and

WHEREAS, The Winters Fire District has presented the City Council with a list describing by street name and assessor's parcel number the lots and parcels within the City upon which weeds or rubbish, or both have been observed; and

WHEREAS, The City Council desires to abate weeds growing on said lots as seasonal and recurrent nuisances as provided in Section 39562.1 of the Weed Abatement Law;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WINTERS AS FOLLOWS:

1. That all weeds growing upon the streets, sidewalks and private property and all rubbish and refuse upon parkways, sidewalks and private property within the City are hereby declared to be, a public nuisances subject to abatement as provided in the weed abatement Law and this resolution.
2. That all weeds growing upon streets, sidewalks and private property within the City are also declared to be a seasonal and recurrent nuisance subject to abatement as provided in Section 39562.1 of the weed Abatement Law.
3. That the location of each such lot and parcel upon which a public nuisance has been observed to presently exist, listed by street upon which it fronts and Yolo County Assessor's parcel number, is set forth in Exhibit "A" attached hereto and incorporated herein by reference.
4. That the Fire Chief or his Representative of the Winters Fire District is hereby designated to be the "superintendent" as defined in Section 39560 of the Weed Abatement Law. For purposes of performing the duties imposed by said law within the City. Except that, the City Manager will be responsible for filing all liens and signature approval of the abatement contractor.

5. That a public hearing is hereby set before the City Council to be held at 7:30 P.M. on April 18, 2006 at the City Council Chambers. City Hall 318 First Street, Winters Ca. For the purposes of hearing and considering all objections to the proposed removal of the weeds, rubbish and refuse from the parcels described in Exhibit "A".
6. That the Winters Fire District is hereby directed to give mailed notice of said hearing to all persons owning property described in Exhibit "A" as provided in Section 39567.1 of the Weed Abatement Law. Said mailed notice to be in the form provided for in the Weed Abatement Law for such notice. Said notice shall state that weeds are seasonal and recurrent nuisances as provided in Section 39562.1 of the Weed Abatement Law.
7. The Fire Chief or his representative is hereby authorized and directed to seek informal competitive bids for the performance of said abatement work on lots and parcels through the city and to present to the City Manager for consideration following the conclusion of the public hearing described above. The City Council finds and determines that said work of removing weeds and rubbish as provided in the Weed Abatement Law constitutes on professional services to the City.

PASSED AND ADOPTED THIS 4th DAY OF April 2006 BY THE FOLLOWING VOTE:

**AYES:
NOES:
ABSTAIN:
ABSENT**

Dan Martinez, **MAYOR**

ATTEST:

Nanci G. Mills, **CITY CLERK**

Weed Abatement 2006

003-120-03-1 Roman Catholic Bishop of Sacramento
003-120-04-1 Miller Donald TR
003-151-04-1 Pisani Robert A ETAL
003-152-01-1 Ramos Dolores
003-155-15-1 Platt John & Yolanda
003-160-16-1 Sanchez Jose & Maria E
003-183-49-1 Aguiar Janet M TR
003-204-02-1 Portello William JR/Mary TR
0 00-204-12-1 Barbour Michael G TR
003-224-02-1 Landes Elliot ETAL
003-230-27-01 Michael Barbour
003-241-12-1 Jaurequi Casimiro & Guadalupe
003-241-13-1 Castro George & Marie M TR
003-241-21-1 Larsen Eric ETAL
003-242-13-1 Coman Elizabeth ETAL
003-243-02/03-1 Hemenway Deborah Scholar TR
003-330-13-1 Montosa Donna M TR
003-330-17/18-1 Conway Louis W TR ETAL
003-350-07-1 Lorenzo Aladdin C & Lynda TR
003-360-05-1 Village on the park
003-360-10-1 Floyd Craig A & Patty L
003-360-12-1 Stillwill Cynthia / Junies C
003-360-19-1 Carrion Catherine A TR
003-360-21-1 Morgan Doug & Elaine
003-360-22-1 Carrion Charles R & Sandy
003-370-05-1 Bruhn Robert
003-370-28/29/30-1 John Larry J TR ETAL
003-424-26-1 Briggs Michael & Shaunie
003-430-05-01 Joe R Ogando ETAL
003-430-10/11-1 Country Investors
003-430-12-1 Miller Donald TR
003-430-13-1 Winters Investors LLC
003-450-15/16/17-1 Northern California Assoc LLC
003-450-18-1 Castro George J & Marie M TR
003-467-01-1 Sherwood Joseph J ETAL
003-491-03-1 Gutierrez Ralph & Shirley
003-524-19-1 Carter Phillip & Carmen
030-200-46-01 Gene & Ann Brezknock
030-220-09-1 Alsbury Peter
030-220-10-1 Pinkston Voydell & lois

030-220-17/19/33-01 Granite Bay Holdings
030-220-22-1 Winters Investors LLC
030-220-26-01 LDS Church
030-220-27-1 Statewide Properties Winters
030-220-28-01 Rodolfo Aguilar
030-361-32-01 Merwyn Alsbury
030-372-20-1 Hackley Nancy A
038-050-60-01 Grant Street Investors
038-050-18-1 South Market Court PTN LP
038-050-19-1 Corbett Family trust
038-050-21-1 Benson Linn D TR ETAL
038-050-23-1 Macmillan Wallace T/ETHEL TR
038-050-57-1 Ali Ashraf & Yasmin A
038-050-63-1 Winters LLC
038-070-28/29/30/31/32-1 Jordan Family Partnership II
038-070-35-1 Rabada John S TR
038-190-34-1 Robert Thompson
038-190-35-1 Christie Robert J/Katherine L
038-205-08-1 Fair Paul & Jeanette
All property of the Winters School District in the City limits.

2006 Weed Abatement

- 1) Behind the community center minimum of 20 feet behind the fence all the way to the sewer plant.
- 2) Lot by the hydrant E.Main st. and Creekside way including the walk in front.
- 3) All along Creekside way to the top of the bank all the way to 608 Creekside way to the telephone pole in the back.
- 4) All water wells and corp yard.
- 5) Easement on the north side of Niemann St. from Railroad to Hemenway.
- 6) All along Railroad Ave. from Grant Ave north to the end of the city limits both sides.
+
- 7) Ditch lines all along Grant Ave from Chevron to the corp yard both sides.
- 8) Dutton St. all along the Westside from the road to the fence all the way to the dead end.
- 9) Skate park area as well as the fence to Tomat's
- 10) Behind Roosevelt Ave. ditch line to the top of the bank from dry creek to ogandos property.
- 11) Morgan St and Colby Lane City's easement.



STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: April 4, 2006
THROUGH: John W. Donlevy, Jr., City Manager. *[Signature]*
FROM: Nick Ponticello, City Engineer *[Signature]*
SUBJECT: Railroad Trestle Bridge Improvements, Project No. 02-07

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 the renovation and conversion of the existing railroad trestle bridge over Putah Creek for use by bicyclists and pedestrians. Improvements included a new reinforced concrete deck, safety railings, lighting, signage, approaches and seismic retrofit.

On May 17, 2005, Council authorized the City Manager to execute a Construction Contract with William P. Young Construction, in the amount of \$618,000, and authorized construction expenditures in the amount of \$650,000.

Construction commenced in July and proceeded according to the construction schedule. A grand opening was held on January 14, 2006. Several punchlist items were remedied and the project is now ready for acceptance.

ALTERNATIVES: None recommended by staff.

FISCAL IMPACT: The final construction expenditures totaled \$581,068. The project was funded by Prop 40, Yolo-Solano Air District, Redevelopment, and Solano County's MTC TDA Article 3.

THIS PAGE LEFT INTENTIONALLY BLANK.



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE : April 4, 2006
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Jen Michaelis, Community Development Administrative Secretary 
SUBJECT: Budget Adjustment Request for GIS Program Software

RECOMMENDATION: Staff recommends that the City Council approve the Budget Adjustment request in the amount of four-thousand dollars (\$4,000.00) to purchase GIS (geographic information system) program software.

BACKGROUND: The City of Winters is preparing to implement a GIS Program. The purchase of ArcView 9.1 is necessary to start building the GIS system. ArcView 9.1 will be used to illustrate and map parcel data, street centerlines, addressing, zoning, general plan land use, water and sewer master plan data. The program will streamline the process of plotting ranges of parcel data for public noticing and the ability to view zoning and general plan land use designations in relation to parcel or address data.

Future uses of this GIS program include analysis of public works data: manhole location, water/sewer lines, line trouble and maintenance, water meter locations, street striping, signage, and sidewalk hazards. The program has the ability to integrate CAD (computer-aided design/drafting) files from the Engineering Department as well as other outside consultants to examine existing infrastructure.

FISCAL IMPACT: Staff is requesting a budget adjustment of four-thousand dollars (\$4,000.00) from Fund 494, Capital Acquisition Recovery Fee, Account 52213, Minor Computer Hardware/Software and Department 410, Community Development.

ALTERNATIVES: The City Council could decide not to purchase the software.

THIS PAGE LEFT INTENTIONALLY BLANK.



COPY

**A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF WINTERS
RECOGNIZING THE CONTRIBUTIONS OF MIKE & JANET KIMES
TO THE BUSINESS COMMUNITY OF WINTERS**

WHEREAS, Mike and Janet Kimes purchased the Taylors Hardware Store in 1978, beginning 27 years of participation in the Winters business community, and;

WHEREAS, Kimes Ace Hardware provided excellent service, extensive product knowledge and a comprehensive array of hardware products to generations of Winters residents, and;

WHEREAS, Kimes Ace Hardware survived during the years of economic depression in the downtown shopping district at a time of numerous business closures, and;

WHEREAS, Mike and Janet Kimes consistently donated to innumerable organizations and community causes, including annual support of Youth Day, Friends of the Library, the Winters Chamber of Commerce, the Winters Participation Gallery, with active participation in the Winters Rotary Club, Beta Alpha Beta, and Soroptimist, and;

WHEREAS, Kimes Hardware publicized, promoted, and sold more tickets to community events than any organization in the history of Winters, and;

WHEREAS, Mike and Janet Kimes provided leadership to the Winters business community for decades, with Janet serving on the Board of Directors of the Winters Chamber, with the Kimes being recognized as the Theodore Winters Award recipient in 1998; and honored as Citizen of the Year in 2000.

THEREFORE, BE IT PROCLAIMED by the Winters City Council that Mike and Janet Kimes be sincerely thanked for their contribution to our community.

PASSED AND ADOPTED this 4th day of April, 2006, by the following roll call vote:

AYES: Council Members Anderson, Fridae, Godden, Stone and Mayor Martinez.
NOES: None
ABSENT: None
ABSTAIN: None

Council Member Harold Anderson

Council Member Woody Fridae

Council Member Steve Godden

Council Member Tom Stone

Mayor Dan Martinez

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills

THIS PAGE LEFT INTENTIONALLY BLANK.



**CITY OF WINTERS PROCLAMATION HONORING DAWN VAN DYKE
FOR HER OUTSTANDING SERVICE TO THE CITY OF WINTERS**

WHEREAS, Dawn Van Dyke is being honored for her service as City Editor of The Winters Express for the past 10 years, and

WHEREAS, during this time Dawn covered the Winters City Council meetings and Winters Planning Commission meeting, and

WHEREAS, Dawn has been committed to reporting these meetings in a fair and objective manner no matter how controversial the issues being discussed; putting much time and effort into writing very detailed articles, and

NOW, THEREFORE, BE IT PROCLAIMED, by the City Council of the City of Winters that Dawn Van Dyke is hereby honored for her outstanding service to the City of Winters and that she be sincerely thanked for her contributions to our community.

PASSED AND ADOPTED, this 4th day of April, 2006.

Councilmember Steven C. Godden

Councilmember Woody Fridae

Councilmember Harold Anderson

Councilmember Tom Stone

Mayor Dan Martinez

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills

THIS PAGE LEFT INTENTIONALLY BLANK.



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: April 4, 2006
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Shelly Gunby, Director of Financial Management 
SUBJECT: Increase budgeted Expenditures for Police Department Computer Purchases

RECOMMENDATION: Approve a budget increase of \$8,055.74 from 253-52213-210, Traffic Safety Grant, Minor Computer Equipment and Software for the Police Department.

BACKGROUND: Prior to 1997, the City of Winters had a State of California Grant for Traffic Safety. The Grant has been closed since 1997, and yet a balance of \$8,066 remains in the fund. The Police Department has a need for two computers, one for the evidence room, and another for the Booking area. Additionally, with the addition of a part time property and evidence clerk, the Police Department is organizing the collection and storage of evidence, and is implementing a computer tracking system for this purpose. The property and evidence clerk is fully trained in the software to be purchased.

FISCAL IMPACT:

No impact on the General Fund. This will deplete the balance that remains in the Traffic Safety Grant Fund.

THIS PAGE LEFT INTENTIONALLY BLANK.

Winters Youth Day Fun Run

(No Backup)

THIS PAGE LEFT INTENTIONALLY BLANK.



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE : April 4, 2006
FROM: John W. Donlevy, Jr., City Manager 
SUBJECT: Rotary Park Expansion- Design Committee

RECOMMENDATION:

That the City Council approve the recruitment and establishment of a Rotary Park Design Committee.

DISCUSSION:

With the construction of the Rotary Park Parking lot, there will include an expansion of the existing park. At the present time, there is no plan or drawing for the ultimate design of the park area.

Staff has been contacted by various individuals, and the Chamber of Commerce regarding working on a plan for the park. In this light, Staff is recommending that we recruit and establish a committee to bring to begin formulating a plan.

FISCAL IMPACT: None by this action.

THIS PAGE LEFT INTENTIONALLY BLANK.



CITY COUNCIL STAFF REPORT

April 4, 2006

TO: Honorable Mayor and Councilmembers

THROUGH: John W. Donlevy, Jr. – City Manager *[Signature]* *[Signature]*

FROM: Dan Sokolow – Community Development Director

SUBJECT: **Public Hearing and consideration of Resolution No. 2006-07, approving the issuance of tax-exempt revenue bonds by the California Municipal Finance Authority (CMFA) in the amount of \$6,500,000 for the purpose of financing the Winters II multi-family project located at 110 East Baker Street (APN 003-370-15), and approving and directing execution of the joint exercise of powers agreement for the CMFA.**

RECOMMENDATION: Staff recommends that the City Council (1) receive the staff report, (2) conduct the public hearing, and (3) adopt Resolution No. 2006-07, approving the issuance of tax-exempt revenue bonds by the California Municipal Finance Authority (CMFA) in the amount of \$6,500,000 for the purpose of financing the Winters II multi-family project located at 110 East Baker Street (APN 003-370-15), and approving and directing execution of the joint exercise of powers agreement for the CMFA.

BACKGROUND: Winters II (New Winters Apartments) is a 34-unit affordable rental project proposed for constructed at 110 East Baker Street (APN 003-370-15). The project developer, Community Housing Opportunities Corporation (CHOC) of Davis, CA, has requested that the City hold a public hearing under the Tax Equity and Fiscal Responsibility Act (TEFRA) for the issuance of tax-exempt financing (revenue bonds) for Winters II and join the CMFA. The CMFA provides tax-exempt conduit financing through tax-exempt loans and leases for qualified projects throughout California.

Winters II is considered a “qualified” project since it would provide affordable multi-family housing for very low-income households; Winters II will also provide housing for low-income households. CMFA will serve as the issuer for the bonds while a California limited partnership formed by CHOC for Winters II will serve as the borrower and will be responsible for repayment and all obligations arising out of the bonds issuance. According to the bond counsel for the issuance, Quint and Thimmig LLP, the City has

no obligation whatsoever with respect to the bonds.

The CMFA was created on January 1, 2004 pursuant to a joint exercise of powers agreement to promote economic, cultural and community development, through the financing of economic development and charitable activities throughout California. To date, the Cities of Vallejo, Petaluma, Oakland, Redding, Milpitas, El Segundo, Carlsbad, Calipatria, and Calexico as well as the counties of Alameda, San Diego, and Imperial have become members of CMFA.

In order for the bonds to be issued for the Winters II project, the City must join the CMFA. Section 147(f) of the Internal Revenue Code of 1986 requires that, in order for the interest on a private activity bond to be excluded from the gross income of the owner of the bond (i.e., tax-exempt), an "applicable elected representative" of the governmental unit issuing the bond must approve the issuance of the bond after a public hearing following reasonable public notice. According to Quint and Thimmig LLP, the City will incur no obligation whatsoever by holding the public hearing and approving issuance of the bonds by the CMFA. Furthermore, the City's participation in the CMFA will not affect the City's appropriations limit ("Gann Limit") and in no way will constitute any type of indebtedness of the City. Once the City holds the required public hearing and adopts the required resolution following the public hearing, and signs the joint exercise of powers agreement of the CMFA, no other participation of the City in the actions of the CMFA or in the bond financing process will be required.

DISCUSSION: Last year, the State conditionally reserved \$2,900,280 in HOME grant funds for the Winters II project; the City will lend these funds to CHOC for the project. The Winters Community Development Agency (CDA) last year approved \$1,600,000 in loan and grant funds for the Winters II project. In addition, the CDA purchased the 1.71-acre project site in 2004 and will lease the property to CHOC. If CHOC is unable to issue tax-exempt revenue bonds for the project, CHOC would need to obtain taxable debt in the form of a conventional loan. In order to do this and attract lenders, CHOC would have to obtain a credit enhancement for the taxable debt. This would increase the debt issuance costs and force CHOC to raise the rents of the apartments. The resulting rents would prevent CHOC from deep targeting lower-income households. Currently, CHOC plans to rent the units to households earning from 30 to 60 percent of the median household income for Yolo County adjusted for household size.

ALTERNATIVES: None offered.

FISCAL IMPACT: The City has incurred minor costs for preparation of the staff report and legal noticing of tonight's public hearing; however, approval of the revenue bonds for the Winters II project and the joint exercise of powers agreement for the California Municipal Finance Authority will not result in any costs for the City. The City will realize an estimated \$3047.00 in revenue if all \$6,500,000 in bonds are issued for the Winters II project. The CMFA shares a portion of its issuance fees with its member communities.

PROJECT NOTIFICATION: A legal notice for tonight's public hearing was published in the Winters Express on Thursday, March 23, 2006.

ATTACHMENTS:

City Council Resolution No. 2006-07

TEFRA request dated February 24, 2006 from CHOC

Correspondence dated March 13, 2006 from Quint & Thimmig LLP

Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority

Legal Notice dated March 23, 2006 from the Winters Express

New Winters Apts/TEFRA CC Stf Rpt 4Apr06

RESOLUTION NO. 2006-07

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS APPROVING THE
ISSUANCE OF REVENUE BONDS BY THE CALIFORNIA MUNICIPAL FINANCE
AUTHORITY FOR THE PURPOSE OF FINANCING A MULTIFAMILY RENTAL HOUSING
DEVELOPMENT TO BE LOCATED AT 110 EAST BAKER STREET (APN 003-370-15),
AND APPROVING AND DIRECTING EXECUTION OF THE JOINT EXERCISE OF
POWERS AGREEMENT RELATING TO THE AUTHORITY**

WHEREAS, the California Municipal Finance Authority (the "Authority") is authorized to issue and sell revenue bonds for the purpose, among others, of financing multifamily rental housing developments; and

WHEREAS, the Community Housing Opportunities Corporation ("CHOC"), on behalf of a limited partnership (the "Borrower") to be formed by CHOC, has requested that the Authority issue and sell revenue bonds in the approximate principal amount of \$6,500,000 (the "Bonds") for the purpose of making a loan to the Borrower, to enable the Borrower to finance the costs of acquisition and construction of a 34 unit residential rental housing development, currently known as Winters II Apartments, to be located at 110 East Baker Street (APN 003-370-15) in the City of Winters (the "Project"); and

WHEREAS, as required by the Internal Revenue Code of 1986, as amended (the "Code"), a portion of the housing units in the Project will be rented to persons and families of very low income; and

WHEREAS, in order for the interest on the Bonds to be tax-exempt, Section 147(f) of the Code requires that an "applicable elected representative" with respect to the Authority hold a public hearing on the issuance of the Bonds and approve the issuance of the Bonds following such hearing; and

WHEREAS, the Authority has determined that the City Council of the City of Winters (the "City") is an "applicable elected representative" to hold said public hearing; and

WHEREAS, notice of said public hearing has been duly given as required by the Code, and this City Council has heretofore held the public hearing at which all interested persons were given an opportunity to be heard on all matters relative to the financing of the Project and the Authority's issuance of the Bonds therefor; and

WHEREAS, it is in the public interest and for the public benefit that the City Council approve the issuance of the Bonds by the Authority for the aforesaid purposes; and

WHEREAS, in order for the Authority to have jurisdiction to issue the Bonds it is necessary for the City to become a members of the Authority; and

WHEREAS, the Joint Exercise of Powers Agreement providing for the Authority (the "Agreement") has been filed with the City Clerk, and the City Council now desires to approve the Agreement and to direct its execution and delivery by the City so that the Bonds can be issued by the Authority to finance the Project.

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

1. The City Council of the City hereby approves the issuance of the Bonds by the Authority for the purpose of providing funds to make a loan to the Borrower to enable the Borrower to finance the Project.
2. The issuance of the Bonds shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a part. The City shall have no responsibility or liability whatsoever with respect to the Bonds.
3. The City Council hereby approves the form of, and authorizes and directs the Mayor, the City Manager or any designee of such officers, to execute the Agreement in the form on file with the City Clerk, and authorizes and directs the City Clerk to attest to such signature.
4. The adoption of this Resolution shall not obligate (i) the City to provide any financing to acquire or construct the Project; (ii) the City, the Community Development Department of the City or any other department of the City to approve any application or request for, or take any other action in connection with, any planning approval, permit or other action necessary for the acquisition, construction or operation of the Project; (iii) the City to make any contribution or advance any funds whatsoever to the Authority; or (iv) the City to take any further action with respect to the Authority or its membership therein.

PASSED AND ADOPTED on the 4th day of April, 2006, at a regular meeting of the Winters City Council, County of Yolo, State of California by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Dan Martinez, Mayor

ATTEST:

Nanci G. Mills, City Clerk

New Winters Apts/TEFRA CC Res 2006-07 4Apr06



Community Housing Opportunities Corporation

February 24, 2006

Mr. Dan Sokolow
Community Development Director
City of Winters
318 First Street
Winters, CA 95694

Re: Winters II Apartments

Dear Mr. Sokolow:

Community Housing Opportunities Corporation (CHOC) requests that the City of Winters hold a hearing under the Tax Equity and Fiscal Responsibility Act (TEFRA) for the issuance of tax-exempt financing for the Winters II Apartments project. CHOC is also requesting that the City of Winters join the California Municipal Financing Authority (CMFA). CMFA will serve as the conduit bond issuer for the Winters II Apartments project.

If you have any questions regarding this request, please contact Paul Ainger, Director of Development, at 757-4444, extension 225.

Sincerely,
COMMUNITY HOUSING OPPORTUNITIES CORPORATION

A handwritten signature in cursive script that reads 'Nancy Conk' with a long horizontal flourish extending to the right.

Nancy Conk
Executive Director

Quint & Thimmig LLP

Attorneys at Law

One Embarcadero Center, Suite 2420
San Francisco, CA 94111-3737

Telephone: 415/765-1550
Telecopier: 415/765-1555

pthimmig@qtlp.com

March 13, 2006

VIA EMAIL

Dan Sokolow,
Community Development Director
City of Winters
318 First Street
Winters, California 95694
Email: dan.sokolow@cityofwinters.org

Re: Information Regarding the Proposed California Municipal Finance Authority
Financing for Winters II Apartments

Dear Dan:

As you may be aware, the Community Housing Opportunities Corporation ("CHOC") is requesting that the City Council of the City of Winters hold a public hearing regarding the issuance of bonds by the California Municipal Finance Authority (the "Finance Authority") related to the financing of the acquisition and construction of Winters II Apartments, a proposed 34 unit residential rental housing development to be located at 110 East Baker Street in the City. It is proposed that the Finance Authority issue up to \$6,500,000 principal amount of tax-exempt multifamily housing revenue bonds and loan the proceeds of the bonds to a California limited partnership to be sponsored by CHOC. The facility, when constructed, is expected to be managed by Sterling Asset Management Corporation, a subsidiary of CHOC. In order for the Finance Authority to have jurisdiction to issue the bonds, the City must become a member of the Finance Authority.

The Housing Revenue Bonds

The proposed bond program would be administered by the Finance Authority, and the bonds would be payable solely from payments by the partnership on the loan from the Finance Authority, which loan would be repaid from project revenues. The City would have no involvement in the bond program, and no liability or commitment with respect to the administration of the bond program and the repayment of the bonds. No property of the City will, in any way, be subject to any security interest with respect to the bond program and the bondholders will have no recourse whatsoever against the City in the event of a default by the owner of the housing facility responsible for repayment of the bond loan. The City will have no legal, financial or moral obligation or responsibility with respect to the bond issue or any other aspect of the tax-exempt financing. The bond documents will expressly provide that the bonds are payable solely from amounts paid by the owner of the housing facilities being financed, and that the City has no obligation whatsoever with respect to the bonds.

The Finance Authority

The California Municipal Finance Authority was created on January 1, 2004 pursuant to a joint exercise of powers agreement between the County of San Diego and the City of Santa Clarita to promote economic, cultural and community development, through the financing of economic development and charitable activities throughout the State of California. Imperial County and the Cities of Oakland, Vallejo, Redding, El Segundo, Milpitas, Carlsbad and Calexico subsequently have become members of the Finance Authority, and it is expected that the County of Santa Cruz and the County of Alameda will become members of the Finance Authority by the end of April.

The Finance Authority was formed to assist local governments, non-profits and businesses with the issuance of taxable and tax-exempt financing aimed at improving the standard of living in California. The Finance Authority's representatives and its Board of Directors are experienced in tax-exempt bond financing; and, to date, the Finance Authority has completed five financings, including waste management facilities in the County of San Diego and in the Cities of Santa Clarita and Oakland, and multifamily housing financings in the Cities of Vallejo and Redding. The Finance Authority expects to close another multifamily financing in Oakland by the end of March, and has adopted resolutions indicating its intent to issue multifamily housing revenue bonds for housing facilities located in the Cities of Milpitas and Berkeley, and in the County of Santa Cruz.

The Board of Directors of the California Foundation for Stronger Communities, a California nonprofit public benefit corporation, acts as the Board of Directors of the Finance Authority. The Finance Authority shares a portion of its issuance fees with its member communities and donates a portion of these fees to the Foundation for the support of local charities. With respect to Winters II Apartments, it is proposed that a portion of the issuance fee of the Finance Authority (expected to be 25% of such fee) would be contributed by the Finance Authority to the City when and if the bonds are issued. If all \$6,500,000 of bonds are issued by the Finance Authority for the housing facility, the Finance Authority would remit to the City \$3,047.00 following the closing of the bond issue, to be used for any lawful purpose of the City.

CHOC has proposed using the Finance Authority for the Winters II Apartments financing program because the Finance Authority has lower overall fees compared to other possible issuers of the housing bonds, and the Finance Authority is willing to rebate a portion of its issuance fees to the City.

The Public Hearing Requirement

Section 147(f) of the Internal Revenue Code of 1986 requires that, in order for the interest on a private activity bond to be excluded from the gross income of the owner of the bond (i.e., tax-exempt), an "applicable elected representative" of the governmental unit issuing the bond must approve the issuance of the bond after a public hearing following reasonable public notice. The proposed bond issue by the Finance Authority (the proceeds of which will be used by the Finance Authority to make a loan to the partnership that will build Winters II Apartments), is classified as a private activity bond for purposes of the Code. Because the Finance Authority's Board of Directors is not an elected body, Section 147(f)(2)(E)(ii) of the Code provides that a governmental unit with elected representatives and jurisdiction over the area in which the project to be financed is located, in this case the

Dan Sokolow, Community Development Director
City of Winters
March 13, 2006
Page 3

City Council, is an "applicable elected representative" with respect to the bond issue. The City will incur no obligation whatsoever by reason of its holding of the public hearing and approval of the issuance of the bonds by the Finance Authority.

Accompanying this letter is a draft of the public hearing notice and of the resolution for consideration by the City Council following the hearing. The resolution also authorizes the execution by the City of the Finance Authority's joint powers agreement, as discussed below. Once you have established a time and date for the public hearing, they will need to be inserted into the notice prior to its publication. Publication of the notice needs to occur at least 10 days prior to the public hearing in a newspaper circulating in the City, and whoever publishes the notice will need to request three proofs of publication of the notice from the newspaper, one for the City's files, one to be sent to CHOC to be sent to CDLAC, and one to be sent to me.

Execution of the Joint Exercise of Powers Agreement

In order for the Finance Authority to have jurisdiction to issue the bonds for the financing of the housing facility, it is necessary for the City to become a member of the Finance Authority. Accompanying this letter is a copy of the joint exercise of powers agreement that the City will need to execute in order for the Finance Authority to have the power to issue the bonds.

The joint exercise of powers agreement explicitly provides that the Authority is a public entity, separate and apart from the members executing the agreement, and the debts, liabilities and obligations of the Finance Authority do not constitute debts, liabilities or obligations of any of the members executing the agreement. The City will in no way become exposed to any contractual financial liability by reason of its membership in the Finance Authority. In addition, participation by the City in the Finance Authority will not impact the City's appropriations limit and in no way will constitute any type of indebtedness of the City. Once the City holds the required public hearing and adopts the required resolution following the public hearing, and signs the joint exercise of powers agreement of the Finance Authority, no other participation of the City in the actions of the Finance Authority or in the bond financing process will be required.

Section 12 of the joint powers agreement expressly provides that any member may withdraw from the agreement upon written notice to the Board of Directors of the Finance Authority, so long as the withdrawal does not result in the dissolution of the Finance Authority as long as any Finance Authority bonds are outstanding (which would occur if there was to be only one member of the Finance Authority remaining following the withdrawal). In the case of the proposed bond program, the City, if it executes the agreement, could, at any time following the issuance of the bonds, withdraw from the Finance Authority by merely providing notice to the Board of Directors of the Finance Authority of its withdrawal from the agreement, so long as the Finance Authority still has at least two members following the City's withdrawal. The Finance Authority was formed by the County of San Diego and the City of Santa Clarita, and to my knowledge, neither of such entities has ever indicated an intent to withdraw from the Finance Authority.

Dan Sokolow, Community Development Director
City of Winters
March 13, 2006
Page 4

I hope that the foregoing is helpful in connection with the City's consideration of this matter. In any event, please let me know if you or anyone else at the City have any questions regarding the foregoing.

Very truly yours,

A handwritten signature in cursive script that reads "Paul J. Thimmig/cra".

Paul J. Thimmig

PJT:cra

cc: *(via email only)*
Ronald H. Jones
Harriet Welch, Esq.
Paul Ainger

**JOINT EXERCISE OF POWERS AGREEMENT
RELATING TO THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY**

THIS AGREEMENT, dated as of January 1, 2004, among the parties executing this Agreement (all such parties, except those which have withdrawn as provided herein, are referred to as the "Members" and those parties initially executing this Agreement are referred to as the "Initial Members"):

WITNESSETH

WHEREAS, pursuant to Title 1, Division 7, Chapter 5 of the California Government Code (in effect as of the date hereof and as the same may from time to time be amended or supplemented, the "Joint Exercise of Powers Act"), two or more public agencies may by agreement jointly exercise any power common to the contracting parties; and

WHEREAS, each of the Members is a "public agency" as that term is defined in Section 6500 of the Joint Exercise of Powers Act; and

WHEREAS, each of the Members is empowered by law to promote economic, cultural and community development, including, without limitation, the promotion of opportunities for the creation or retention of employment, the stimulation of economic activity, the increase of the tax base, and the promotion of opportunities for education, cultural improvement and public health, safety and general welfare; and

WHEREAS, each of the Members may accomplish the purposes and objectives described in the preceding preamble by various means, including through making grants, loans or providing other financial assistance to governmental and nonprofit organizations; and

WHEREAS, each Member is also empowered by law to acquire and dispose of real property for a public purpose; and

WHEREAS, the Joint Exercise of Powers Act authorizes the Members to create a joint exercise of powers entity with the authority to exercise any powers common to the Members, as specified in this Agreement and to exercise the additional powers granted to it in the Joint Exercise of Powers Act and any other applicable provisions of the laws of the State of California; and

WHEREAS, a public entity established pursuant to the Joint Exercise of Powers Act is empowered to issue or execute bonds, notes, commercial paper or any other evidences of indebtedness, including leases or installment sale agreements or certificates of participation therein (herein "Bonds"), and to otherwise undertake financing programs under the Joint Exercise of Powers Act or other applicable provisions of the laws of the State of California to accomplish its public purposes; and

WHEREAS, the Members have determined to specifically authorize a public entity authorized pursuant to the Joint Exercise of Powers Act to issue Bonds pursuant to the Joint Exercise of Powers Act or other applicable provisions of the laws of the State of California; and

WHEREAS, it is the desire of the Members to use a public entity established pursuant to the Joint Exercise of Powers Act to undertake the financing and/or refinancing of projects of any nature, including, but not limited to, capital or working capital projects, insurance, liability or retirement programs or facilitating Members use of existing or new financial instruments and mechanisms; and

WHEREAS, it is further the intention of the Members that the projects undertaken will result in significant public benefits to the inhabitants of the jurisdictions of the Members; and

WHEREAS, by this Agreement, each Member desires to create and establish the "California Municipal Finance Authority" for the purposes set forth herein and to exercise the powers provided herein;

NOW, THEREFORE, the Members, for and in consideration of the mutual promises and agreements herein contained, do agree as follows:

Section 1. Purpose.

This Agreement is made pursuant to the provisions of the Joint Exercise of Powers Act. The purpose of this Agreement is to establish a public entity for the joint exercise of powers common to the Members and for the exercise of additional powers given to a joint powers entity under the Joint Powers Act or any other applicable law, including, but not limited to, the issuance of Bonds for any purpose or activity permitted under the Joint Exercise of Powers Act or any other applicable law. Such purpose will be accomplished and said power exercised in the manner hereinafter set forth.

Section 2. Term.

This Agreement shall become effective in accordance with Section 17 as of the date hereof and shall continue in full force and effect until such time as it is terminated in writing by all the Members; provided, however, that this Agreement shall not terminate or be terminated until all Bonds issued or caused to be issued by the Authority (defined below) shall no longer be outstanding under the terms of the indenture, trust agreement or other instrument pursuant to which such Bonds are issued, or unless a successor to the Authority assumes all of the Authority's debts, liabilities and obligations.

Section 3. Authority.

A. CREATION AND POWERS OF AUTHORITY.

Pursuant to the Joint Exercise of Powers Act, there is hereby created a public entity to be known as the "California Municipal Finance Authority" (the "Authority"), and said Authority shall be a public entity separate and apart from the Members. Its

debts, liabilities and obligations do not constitute debts, liabilities or obligations of any Members.

B. BOARD.

The Authority shall be administered by the Board of Directors (the "Board," or the "Directors" and each a "Director") of the California Foundation for Stronger Communities, a nonprofit public benefit corporation organized under the laws of the State of California (the "Foundation"), with each such Director serving in his or her individual capacity as a Director of the Board of the Authority. The Board shall be the administering agency of this Agreement and, as such, shall be vested with the powers set forth herein, and shall administer this Agreement in accordance with the purposes and functions provided herein. The number of Directors, the appointment of Directors, alternates and successors, their respective terms of office, and all other provisions relating to the qualification and office of the Directors shall be as provided in the Articles and Bylaws of the Foundation, or by resolution of the Board adopted in accordance with the Bylaws of the Foundation.

All references in this Agreement to any Director shall be deemed to refer to and include the applicable alternate Director, if any, when so acting in place of a regularly appointed Director.

Directors may receive reasonable compensation for serving as such, and shall be entitled to reimbursement for any expenses actually incurred in connection with serving as a Director, if the Board shall determine that such expenses shall be reimbursed and there are unencumbered funds available for such purpose.

The Foundation may be removed as administering agent hereunder and replaced at any time by amendment of this Agreement approved as provided in Section 16; provided that a successor administering agent of this Agreement has been appointed and accepted its duties and responsibilities under this Agreement.

C. OFFICERS; DUTIES; OFFICIAL BONDS.

The officers of the Authority shall be the Chair, Vice-Chair, Secretary and Treasurer (defined below). The Board, in its capacity as administering agent of this Agreement, shall elect a Chair, a Vice-Chair, and a Secretary of the Authority from among Directors to serve until such officer is re-elected or a successor to such office is elected by the Board. The Board shall appoint one or more of its officers or employees to serve as treasurer, auditor, and controller of the Authority (the "Treasurer") pursuant to Section 6505.6 of the Joint Exercise of Powers Act to serve until such officer is re-elected or a successor to such office is elected by the Board.

Subject to the applicable provisions of any resolution, indenture, trust agreement or other instrument or proceeding authorizing or securing Bonds (each such resolution, indenture, trust agreement, instrument and proceeding being herein referred to as an "Indenture") providing for a trustee or other fiscal agent, and except as may otherwise be

specified by resolution of the Board, the Treasurer is designated as the depository of the Authority to have custody of all money of the Authority, from whatever source derived and shall have the powers, duties and responsibilities specified in Sections 6505, 6505.5 and 6509.5 of the Joint Exercise of Powers Act.

The Treasurer of the Authority is designated as the public officer or person who has charge of, handles, or has access to any property of the Authority, and such officer shall file an official bond with the Secretary of the Authority in the amount specified by resolution of the Board but in no event less than \$1,000.

The Board shall have the power to appoint such other officers and employees as it may deem necessary and to retain independent counsel, consultants and accountants.

The Board shall have the power, by resolution, to the extent permitted by the Joint Exercise of Power Act or any other applicable law, to delegate any of its functions to one or more of the Directors or officers, employees or agents of the Authority and to cause any of said Directors, officers, employees or agents to take any actions and execute any documents or instruments for and in the name and on behalf of the Board or the Authority.

D. MEETINGS OF THE BOARD.

(1) Ralph M. Brown Act.

All meetings of the Board, including, without limitation, regular, adjourned regular, special, and adjourned special meetings shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code of the State of California), or any successor legislation hereinafter enacted (the "Brown Act").

(2) Regular Meetings.

The Board shall provide for its regular meetings; provided, however, it shall hold at least one regular meeting each year. The date, hour and place of the holding of the regular meetings shall be fixed by resolution of the Board. To the extent permitted by the Brown Act, such meetings may be held by telephone conference.

(3) Special Meetings.

Special meetings of the Board may be called in accordance with the provisions of Section 54956 of the Government Code of the State of California. To the extent permitted by the Brown Act, such meetings may be held by telephone conference.

(4) Minutes.

The Secretary of the Authority shall cause to be kept minutes of the regular, adjourned regular, special, and adjourned special meetings of the Board and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each Director.

(5) Quorum.

A majority of the Board shall constitute a quorum for the transaction of business. No action may be taken by the Board except upon the affirmative vote of a majority of the Directors constituting a quorum, except that less than a quorum may adjourn a meeting to another time and place.

E. RULES AND REGULATIONS.

The Authority may adopt, from time to time, by resolution of the Board such rules and regulations for the conduct of its meetings and affairs as may be required.

Section 4. Powers.

The Authority shall have the power, in its own name, to exercise the common powers of the Members and to exercise all additional powers given to a joint powers entity under any of the laws of the State of California, including, but not limited to, the Joint Exercise of Powers Act, for any purpose authorized under this Agreement. Such powers shall include the common powers specified in this Agreement and may be exercised in the manner and according to the method provided in this Agreement. The Authority is hereby authorized to do all acts necessary for the exercise of such power, including, but not limited to, any of all of the following: to make and enter into contracts; to employ agents and employees; to acquire, construct, provide for maintenance and operation of, or maintain and operate, any buildings, works or improvements; to acquire, hold or dispose of property wherever located; to incur debts, liabilities or obligations; to receive gifts, contributions and donations of property, funds, services, and other forms of assistance from person, firms, corporations and any governmental entity; to sue and be sued in its own name; to make grants, loans or provide other financial assistance to governmental and nonprofit organizations (e.g., the Members or the Foundation) to accomplish any of its purposes; and generally to do any and all things necessary or convenient to accomplish its purposes.

Without limiting the generality of the foregoing, the Authority may issue or cause to be issued Bonds, and pledge any property or revenues as security to the extent permitted under the Joint Exercise of Powers Act, or any other applicable provision of law; provided, however, the Authority shall not issue Bonds with respect to any project located in the jurisdiction of one or more Members unless the governing body of any such Member, or its duly authorized representative, shall approve, conditionally or unconditionally, the project, including the issuance of Bonds therefor. Such approval may be evidenced by resolution, certificate, order, report or such other means of written approval of such project as may be selected by the Member (or its authorized representative) whose approval is required. No such approval shall be required in

connection with Bonds that refund Bonds previously issued by the Authority and approved by the governing board of a Member.

The manner in which the Authority shall exercise its powers and perform its duties is and shall be subject to the restrictions upon the manner in which a California general law city could exercise such powers and perform such duties. The manner in which the Authority shall exercise its powers and perform its duties shall not be subject to any restrictions applicable to the manner in which any other public agency could exercise such powers or perform such duties, whether such agency is a party to this Agreement or not.

Section 5. Fiscal Year.

For the purposes of this Agreement, the term "Fiscal Year" shall mean the fiscal year as established from time to time by resolution of the Board, being, at the date of this Agreement, the period from July 1 to and including the following June 30, except for the first Fiscal Year which shall be the period from the date of this Agreement to June 30, 2004.

Section 6. Disposition of Assets.

At the end of the term hereof or upon the earlier termination of this Agreement as set forth in Section 2, after payment of all expenses and liabilities of the Authority, all property of the Authority both real and personal shall automatically vest in the Members in the manner and amount determined by the Board in its sole discretion and shall thereafter remain the sole property of the Members; provided, however, that any surplus money on hand shall be returned in proportion to the contributions made by the Members.

Section 7. Bonds.

From time to time the Authority shall issue Bonds, in one or more series, for the purpose of exercising its powers and raising the funds necessary to carry out its purposes under this Agreement.

The services of bond counsel, financing consultants and other consultants and advisors working on the projects and/or their financing shall be used by the Authority. The expenses of the Board shall be paid from the proceeds of the Bonds or any other unencumbered funds of the Authority available for such purpose.

Section 8. Bonds Only Limited and Special Obligations of Authority.

The Bonds, together with the interest and premium, if any, thereon, shall not be deemed to constitute a debt of any Member or pledge of the faith and credit of the Members or the Authority. The Bonds shall be only special obligations of the Authority, and the Authority shall under no circumstances be obligated to pay the Bonds except from revenues and other funds pledged therefor. Neither the Members nor the Authority shall be obligated to pay the principal of, premium, if any, or interest on the Bonds, or other costs incidental thereto, except from the revenues and funds pledged therefor, and neither the faith and credit nor the taxing power of the Members nor the faith and credit of the Authority shall be pledged to the payment of the

principal of, premium, if any, or interest on the Bonds nor shall the Members or the Authority in any manner be obligated to make any appropriation for such payment.

No covenant or agreement contained in any Bond or related document shall be deemed to be a covenant or agreement of any Director, or any officer, employee or agent of the Authority in his or her individual capacity and neither the Board of the Authority nor any Director or officer thereof executing the Bonds shall be liable personally on any Bond or be subject to any personal liability or accountability by reason of the issuance of any Bonds.

Section 9. Accounts and Reports.

All funds of the Authority shall be strictly accounted for. The Authority shall establish and maintain such funds and accounts as may be required by good accounting practice and by any provision of any Indenture (to the extent such duties are not assigned to a trustee of Bonds). The books and records of the Authority shall be open to inspection at all reasonable times by each Member.

The Treasurer of the Authority shall cause an independent audit to be made of the books of accounts and financial records of the Authority by a certified public accountant or public accountant in compliance with the provisions of Section 6505 of the Joint Exercise of Powers Act. In each case the minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code of the State of California and shall conform to generally accepted auditing standards. When such an audit of accounts and records is made by a certified public accountant or public accountant, a report thereof shall be filed as a public record with each Member and also with the county auditor of each county in which a Member is located; provided, however, that to the extent permitted by law, the Authority may, instead of filing such report with each Member and such county auditor, elect to post such report as a public record electronically on a website designated by the Authority. Such report if made shall be filed within 12 months of the end of the Fiscal Year or Years under examination.

The Treasurer is hereby directed to report in writing on the first day of July, October, January, and April of each year to the Board and the Members which report shall describe the amount of money held by the Treasurer for the Authority, the amount of receipts since the last such report, and the amount paid out since the last such report (which may exclude amounts held by a trustee or other fiduciary in connection with any Bonds to the extent that such trustee or other fiduciary provided regular reports covering such amounts.)

Any costs of the audit, including contracts with, or employment of, certified public accountants or public accountants in making an audit pursuant to this Section, shall be borne by the Authority and shall be a charge against any unencumbered funds of the Authority available for that purpose.

In any Fiscal Year the Board may, by resolution adopted by unanimous vote, replace the annual special audit with an audit covering a two-year period.

Section 10. Funds.

Subject to the applicable provisions of any Indenture, which may provide for a trustee or other fiduciary to receive, have custody of and disburse Authority funds, the Treasurer of the Authority shall receive, have the custody of and disburse Authority funds pursuant to the accounting procedures developed under Sections 3.C and 9, and shall make the disbursements required by this Agreement or otherwise necessary to carry out any of the provisions of purposes of this Agreement.

Section 11. Notices.

Notices and other communications hereunder to the Members shall be sufficient if delivered to the clerk of the governing body of each Member; provided, however, that to the extent permitted by law, the Authority may, provide notices and other communications and postings electronically (including, without limitation, through email or by posting to a website).

Section 12. Additional Members/Withdrawal of Members.

Qualifying public agencies may be added as parties to this Agreement and become Members upon: (1) the filing by such public agency with the Authority of an executed counterpart of this Agreement, together with a copy of the resolution of the governing body of such public agency approving this Agreement and the execution and delivery hereof; and (2) adoption of a resolution of the Board approving the addition of such public agency as a Member. Upon satisfaction of such conditions, the Board shall file such executed counterpart of this Agreement as an amendment hereto, effective upon such filing.

A Member may withdraw from this Agreement upon written notice to the Board; provided, however, that no such withdrawal shall result in the dissolution of the Authority so long as any Bonds remain outstanding. Any such withdrawal shall be effective only upon receipt of the notice of withdrawal by the Board which shall acknowledge receipt of such notice of withdrawal in writing and shall file such notice as an amendment to this Agreement effective upon such filing.

Section 13. Indemnification.

To the full extent permitted by law, the Board may authorize indemnification by the Authority of any person who is or was a Director or an officer, employee of other agent of the Authority, and who was or is a party or is threatened to be made a party to a proceeding by reason of the fact that such person is or was such a Director or an officer, employee or other agent of the Authority, against expenses, including attorneys fees, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, if such person acted in good faith in a manner such person reasonably believed to be in the best interests of the Authority and, in the case of a criminal proceeding, had no reasonable cause to believe the conduct of such person was unlawful and, in the case of an action by or in the right of the Authority, acted with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

Section 14. Contributions and Advances.

Contributions or advances of public funds and of the use of personnel, equipment or property may be made to the Authority by the Members for any of the purposes of this Agreement. Payment of public funds may be made to defray the cost of any such contribution or advance. Any such advance may be made subject to repayment, and in such case shall be repaid, in the manner agreed upon by the Authority and the Member making such advance at the time of such advance. It is mutually understood and agreed to that no Member has any obligation to make advances or contributions to the Authority to provide for the costs and expenses of administration of the Authority, even though any Member may do so. The Members understand and agree that a portion of the funds of the Authority that otherwise may be allocated or distributed to the Members may instead be used to make grants, loans or provide other financial assistance to governmental units and nonprofit organizations (e.g., the Foundation) to accomplish any of the governmental unit's or nonprofit organization's purposes.

Section 15. Immunities.

All of the privileges and immunities from liabilities, exemptions from laws, ordinances and rules, and other benefits which apply to the activity of officers, agents or employees of Members when performing their respective functions within the territorial limits of their respective public agencies, shall apply to the same degree and extent to the Directors, officers, employees, agents or other representatives of the Authority while engaged in the performance of any of their functions or duties under the provisions of this Agreement.

Section 16. Amendments.

Except as provided in Section 12 above, this Agreement shall not be amended, modified, or altered, unless the negative consent of each of the Members is obtained. To obtain the negative consent of each of the Members, the following negative consent procedure shall be followed: (a) the Authority shall provide each Member with a notice at least sixty (60) days prior to the date such proposed amendment is to become effective explaining the nature of such proposed amendment and this negative consent procedure; (b) the Authority shall provide each Member who did not respond a reminder notice with a notice at least thirty (30) days prior to the date such proposed amendment is to become effective; and (c) if no Member objects to the proposed amendment in writing within sixty (60) days after the initial notice, the proposed amendment shall become effective with respect to all Members.

Section 17. Effectiveness.

This Agreement shall become effective and be in full force and effect and a legal, valid and binding obligation of each of the Members on the date that the Board shall have received from two of the Initial Members an executed counterpart of this Agreement, together with a certified copy of a resolution of the governing body of each such Initial Member approving this Agreement and the execution and delivery hereof.

Section 18. Partial Invalidity.

If any one or more of the terms, provisions, promises, covenants or conditions of this Agreement shall to any extent be adjudged invalid, unenforceable, void or voidable for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants and conditions of this Agreement shall not be affected thereby, and shall be valid and enforceable to the fullest extent permitted by law.

Section 19. Successors.

This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto. Except to the extent expressly provided herein, no Member may assign any right or obligation hereunder without the consent of the other Members.

Section 20. Miscellaneous.

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

The section headings herein are for convenience only and are not to be construed as modifying or governing the language in the section referred to.

Wherever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

This Agreement shall be governed under the laws of the State of California.

This Agreement is the complete and exclusive statement of the agreement among the Members, which supercedes and merges all prior proposals, understandings, and other agreements, whether oral, written, or implied in conduct, between and among the Members relating to the subject matter of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their duly authorized representatives as of the day and year first above written.

Member:

COUNTY OF SAN DIEGO

By _____

Name:

Title:

ATTEST:

By _____

Name:

Title:

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their duly authorized representatives as of the day and year first above written.

Member:

CITY OF SANTA CLARITA

By _____

Name:

Title:

ATTEST:

By _____

Name:

Title:

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their duly authorized representatives as of the day and year first above written.

Member:

CITY OF WINTERS

By _____

Name: Dan Martinez

Title: Mayor

ATTEST:

By _____

Name: Nanci G. Mills

Title: City Clerk

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their duly authorized representatives as of the day and year first above written.

Member:

CITY OF VALLEJO

By _____
Name:
Title:

ATTEST:

By _____
Name:
Title:

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their duly authorized representatives as of the day and year first above written.

Member:

CITY OF OAKLAND

By _____

Name:

Title:

ATTEST:

By _____

Name:

Title:

3/23/06 P. B6 Winters Express

Notice of Public Hearing

March 23, 2006

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Winters, California (the "City") at its regular meeting on Tuesday, April 4, 2006, will hold a public hearing and consider approval of the issuance by the California Municipal Finance Authority of revenue bonds in a principal amount of approximately Six Million Five Hundred Thousand Dollars (\$6,500,000) for the purpose of financing the acquisition and construction of a multifamily rental housing development to be located in the City, currently known as Winters II Apartments.

The project to be financed is expected to consist of 34 rental housing units located at 110 East Baker Street (Assessor Parcel Number 003-370-15) in the City. The initial owner of the project will be a California limited partnership (the "Borrower") to be formed by the California Housing Opportunities Corporation ("CHOC"), and the initial operator of the project will be Sterling Asset Management Corporation, a subsidiary of CHOC.

All those interested in matters related to either the issuance of the revenue bonds or the location or operation of the project are invited to attend and be heard at the meeting, which will commence at 7:30 p.m. or as soon thereafter as the matter may be heard, and will be held in the City Council Chambers located at 318 First Street, Winters, California. If you have any questions regarding the proposed financing, please call Paul Ainger, Director of Development, Community Housing Opportunities Corporation, at (530) 757-4444, extension 225.

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

ALL INTERESTED PERSONS ARE INVITED TO APPEAR AT THE MEETING DATE(S) IDENTIFIED ABOVE AT 7:30 P.M. IN COUNCIL CHAMBERS TO COMMENT. COPIES OF ALL THE ABOVE PROJECT DESCRIPTIONS, PLANS AND THE COMPLETE FILE, CAN BE VIEWED AT THE OFFICE OF THE COMMUNITY DEVELOPMENT DEPARTMENT, 318 FIRST STREET, CITY HALL, AT LEAST FIVE DAYS PRIOR TO THE HEARING, OR CALL THE STAFF CONTACT PERSON AT (530) 795-4910, EXTENSION 112. ALL INTERESTED PERSONS ARE INVITED TO ATTEND THE HEARING AND EXPRESS THEIR COMMENTS. WRITTEN COMMENTS WILL BE ACCEPTED PRIOR TO, AT, AND DURING THE HEARING. ALL COMMENTS RECEIVED WILL BE GIVEN TO THE CITY COUNCIL FOR THEIR CONSIDERATION.

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

Dan Sokolow - Community Development Director
Published March 23, 2006



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE : April 4, 2006
FROM: John W. Donlevy, Jr., City Manager 
SUBJECT: Dry Creek Assessment District/Bank Stabilization

RECOMMENDATION:

That the City Council authorize Staff to begin discussions with property owners along Dry Creek regarding the disposition of bank stabilization funds.

BACKGROUND:

In 1985 the City of Winters established an assessment district for erosion control measures along Dry Creek. In 1993, the assessment district was suspended by the City Council pending the review of the bank stabilization component of Dry Creek.

Dry Creek channel is located on the westerly edge of the City and includes property both in and outside of the City limits. The properties are almost entirely private with no substantial easements owned by the City.

DISCUSSION:

In a review of the Assessment District Fund, it has been determined that there is approximately \$61,000 in reserve from the Dry Creek Assessment District. These funds can be used for erosion control along this corridor.

Because the AD is no longer active and any projects along Dry Creek would require participation and approval by the property owners, Staff is recommending that a resolution on the disposition of these funds be initiated. In order to begin this process, Staff is requesting authorization from the City Council to contact the property owners and begin a dialogue on the potential uses of the funds to accomplish erosion control. Any recommendations would be brought to the City Council for action.

If approved, the project would commence sometime during the summer of 2006.

FISCAL IMPACT: None by this action.