



**CITY COUNCIL  
STAFF REPORT**

**TO:** Honorable Mayor and Council members  
**DATE :** April 18, 2006  
**FROM:** John W. Donlevy, Jr., City Manager.   
**SUBJECT:** Industrial Study Areas

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**RECOMMENDATION:**

That the City Council:

1. Approve the development of an Industrial/Business Area study to be conducted to determine the opportunities and constraints of development within each area;
2. Authorize the solicitation of proposals from outside firms and agencies to perform said analysis; and
3. Approve the suspension of the previously authorized North Area Specific Planning until such a time that it is determined feasible to advance industrial and business development within said area; and
4. Authorize Staff to cancel the current reimbursement of costs agreement with Centex Homes to fund the North Area Study and authorize re-payment in full of all funds advanced toward said project.

**BACKGROUND:**

In September, 2005, the City Council approved a plan to begin study areas for five (5) separate locations both north and easterly of the City to plan prospective means for the advancement of job producing development to support the City. Subsequent to this proposal from Staff, Centex Homes offered and the City accepted funding of approximately \$40,000 toward said study.

The current work program and plan has been held due to workload constraints on Staff.

**DISCUSSION:**

The development of a comprehensive plan to advance the concept of job creation within the City of Winters requires the knowledge of the demand which exists within the region, and in particular, the desirability of the Winters locations to attract developers interested in initiating projects within the City. At the present time, there are many unknowns regarding the opportunities and constraints to advancing any one plan

because no legitimate analysis has been conducted to determine the demand for property within the Winters sphere, or a listing of the constraints which would limit interest in our City.

At the present time, there are five (5) locations which have been identified as potential locations for job producing development. These include:

1. Northwest Area of 505 interchange (General Plan Industrial Area).
2. Expanded Northwest Area of 505 (Benson/Montosa Properties)
3. Southwest Area of 505 interchange (McClish Property)
4. Northeast and Southeast Areas of 505 interchange
5. Northwest corner of the City bordered by wastewater ponds and Moody Slough Rd (Rominger Option).

These areas are identified and numbered on Exhibit A.

**Approach:**

Staff is recommending that prior to advancing study areas, the City contact firms and agencies which conduct opportunities and constraints reviews of particular areas. Currently, the California Association for Local Economic Development (CALED) develops an "Assessment Team" which consists of public and private professionals to come into a community and perform an overall assessment of the community based on their experiences, knowledge and industry trends.

The Industrial Area Assessment is to be conducted by Professional Advisory Service Team of 2 to 3 persons, comprised of individuals with expertise in Northern California Industrial Park development and marketing.

Process would start with City providing background materials (local economic data, maps of five (5) proposed locations, & other relevant materials) to CALED.

- PAS team starts 1-day process by interviewing staff.
- Team visits individual sites.
- Contact individual landowners (optional).
- Process findings, then conduct summary meeting with staff.

In the context of a one (1) day process, the PAS team would provide a "broad" view assessment of the potential locations for job producing development, identifying each site's strengths and constraints.

Additionally, Staff is proposing to use information and resources from SACOG, SACTO and the Association of Bay Area Governments (ABAG) to assist in an assessment of the five locations.

Following this analysis, an overall strategy on planning will be developed and advanced.

**Costs/Funding:**

Staff is anticipating two (2) parts to the overall analysis. The first will involve the basic assessment which is described above. This will simply be a market analysis to determine the most desirable areas to be study more extensively.

The second part of the analysis will involve both a fiscal and capital analysis of the selected locations. This would be a very extensive review of the costs to implement an overall strategy to attract development in the indicated areas.

In order to fund these approaches, it is recommended that a budget of \$100,000 be assigned, with reimbursement being provided from the development agreement from the Winters Highlands Project.

**Suspension of Current Planning Approach:**

With the approval of the Winters Highlands Project, the focus on job and industrial development must become the City's highest priority. The proposed project is meant to forward a very specific agenda aimed at addressing the need for industrial and job development within the City.

Based on this approach, Staff is recommending a suspension of the previously approved approach and is recommending the cancellation of the current agreement with Centex Homes for the North Area Specific Planning. Staff is also recommending the return of the their current advance of \$40,000 and cancellation of the Reimbursement Agreement.

Following this process, the concept of planning efforts for the North Area will be re-considered pending the outcome of the planned assessment.

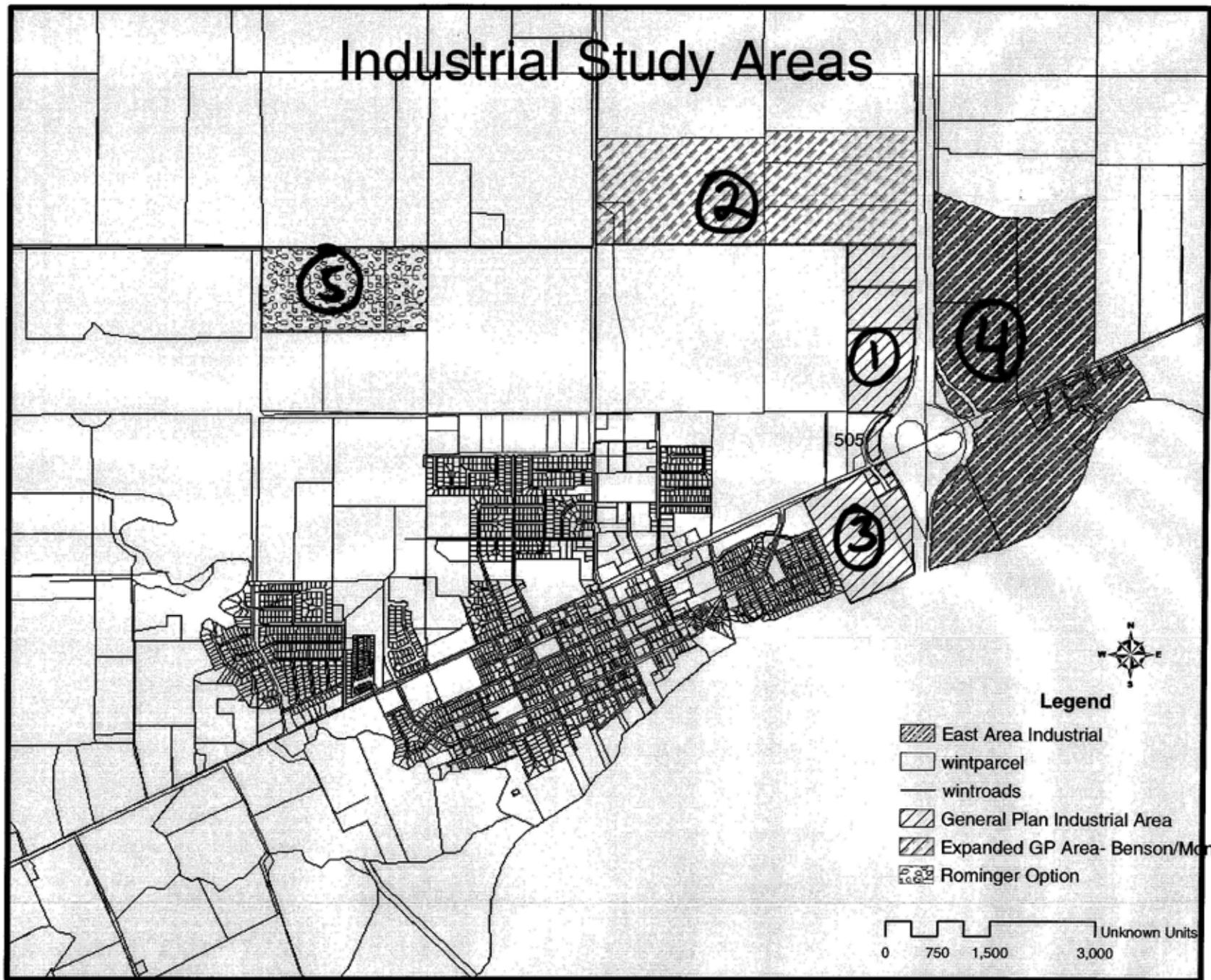
**FISCAL IMPACT:**

\$2,800 PLUS EXPENSES FOR INITIAL PROCESS. DETAILED FULL SCOPE EVALUATION ESTIMATED AT \$20,000.

**ATTACHEMENTS:**

Industrial Study Area Map

# Industrial Study Areas



## Legend

-  East Area Industrial
-  wintparcel
-  wintroads
-  General Plan Industrial Area
-  Expanded GP Area- Benson/Montosa
-  Rominger Option

0 750 1,500 3,000 Unknown Units



**CITY COUNCIL  
STAFF REPORT**

**TO:** Honorable Mayor and Council members  
**DATE :** April 18, 2006  
**FROM:** John W. Donlevy, Jr., City Manager   
**SUBJECT:** Swimming Pool Update

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**RECOMMENDATION:**

That the City Council receive an overview and update of the replacement of the Winters Swimming Pool.

**DISCUSSION:**

Since November, 2005, the City and the Winters Joint Unified School District have been working on a design and funding plan for a new Bobbie Greenwood Aquatic Center to be located at Winters High School. The plan includes the construction of a new community swimming pool and expansion for a facility building.

The project will serve as the foundation for the expansion of aquatic services within Winters. The pool will be multi-dimensional, allowing a variety of activities not currently available in the current configuration. Additionally, it will create an opportunity for the City and the School District to expand our current joint use arrangement.

Gary Cook, Facilities Director for the WJUSD will be at the City Council Meeting to provide an overview of the project. Attached is a copy of the slide presentation which includes many of the specifics of the project.

**FISCAL IMPACT:**

None by this action.

**ATTACHEMENTS:**

Winters Pool

## Winters High School Swimming Pool Project

Design Committee

## WHS Swimming Pool

- Design Team

- Gary Cook
- Bobbie Greenwood
- John Donlevy
- George Griffin
- Gloria Marion

- Engineer Team

- Joe Yee
- Allan Oshima
- Ken Moeller

**Representing**

Winters Joint Unified School District  
Swim Club  
City of Winters  
Winters High School  
City of Winters summer swim program

Oshima and Yee  
Oshima and Yee  
Arch'Pac [www.archpac.com](http://www.archpac.com)

## WHS Swimming Pool

### ● Schedule

| Description of work                    | Complete by    |
|--|----------------|
| - Design and Construction documents    | May 1, 2006    |
| - Division of State Architect approval | August 1, 2006 |
| - Bid process                          | Sept 15, 2006  |
| - Construction                         | March 1, 2007  |

## WHS Swimming Pool

### ● Equipment needs

- Automated equipment system
  - Filtration, heating, vacuum, sanitization
- Lane lines and storage system
- Solar cover and storage system
- Public address system
- Phone for emergency use
- Starting blocks
- Bleachers with shade structure
- Outside shower
- Lap Clock
- Security



## WHS Swimming Pool

- Equipment needs continued

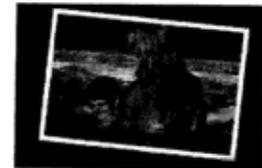
- Lighting
  - Deck
    - Minimal security
    - Evening use
  - In-Pool
- On-deck hose bibs and electrical outlets
- Timing system (budget concern)
- Deck storage area for off season storage



## WHS Swimming Pool

- Operation

- More supportive to:
    - Athletic and physical education programs
    - Community programs
      - Year around swim programs
      - Adult swim programs
        - Aquacise programs
        - Lap swim
  - Assigned CPO\* trained pool mechanic
- \* CPO - Certified Pool Operator

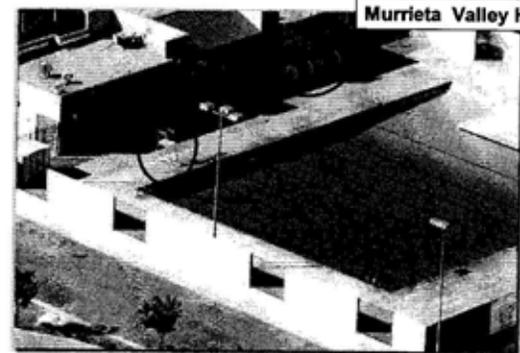


## WHS Swimming Pool

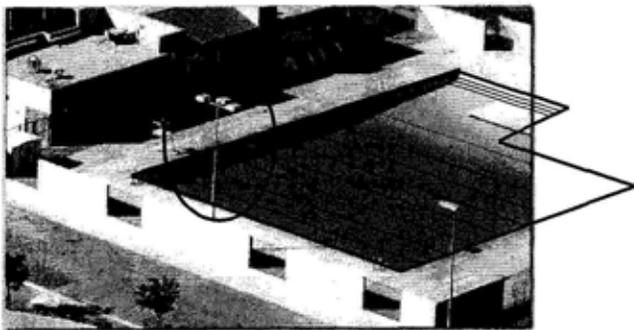
- Configuration

- Single pool supporting competition and community programs
  - Sufficient swimming lanes (desired eight lanes)
  - Expanded shallow training area (approx 800 square feet)
  - Perimeter conducive to pertinent programs (Athletic & Community)
  - Ease of entry and exit to pool
  - Access to Parking lot
  - Americans with Disabilities Act compliant
  - Division of State Architect compliant
  - Consider adjacent area needs
    - Gymnasium
    - Future Library

## WHS Swimming Pool



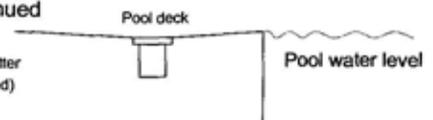
## WHS Swimming pool



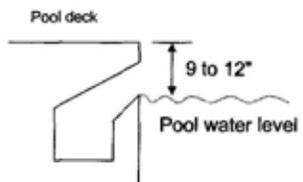
## WHS Swimming Pool

- Configuration continued

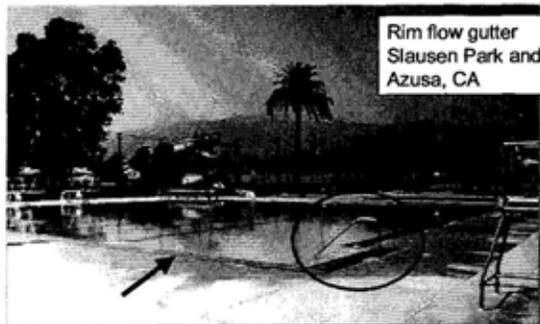
- Perimeter gutter
  - Rim-flow gutter (preferred)



- Cantilever gutter



## WHS Swimming Pool



Rim flow gutter  
Slausen Park and Pool  
Azusa, CA

## WHS Swimming Pool

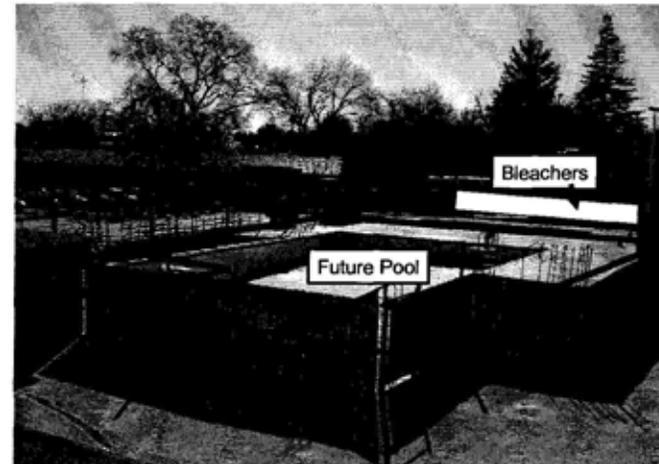
- Configuration continued
  - Ease of entry and exit
    - Steps in shallow area along entire wall
    - Ladders at corners for deep area
  - Compliance with Americans with Disabilities Act
    - Removable electric lift stored on site
  - Security
    - Fencing
      - Steel tube with Architecturally pleasing columns
      - Slatted chain link in less visible areas
    - Primus keying system

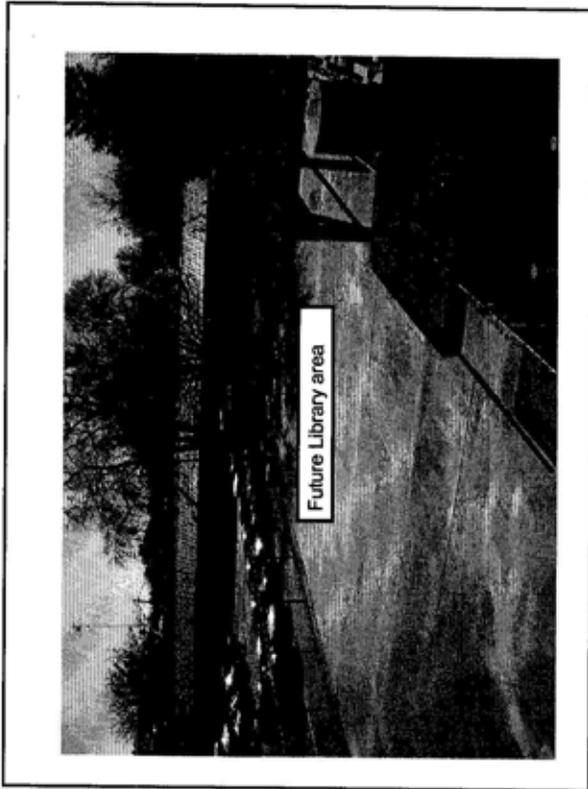
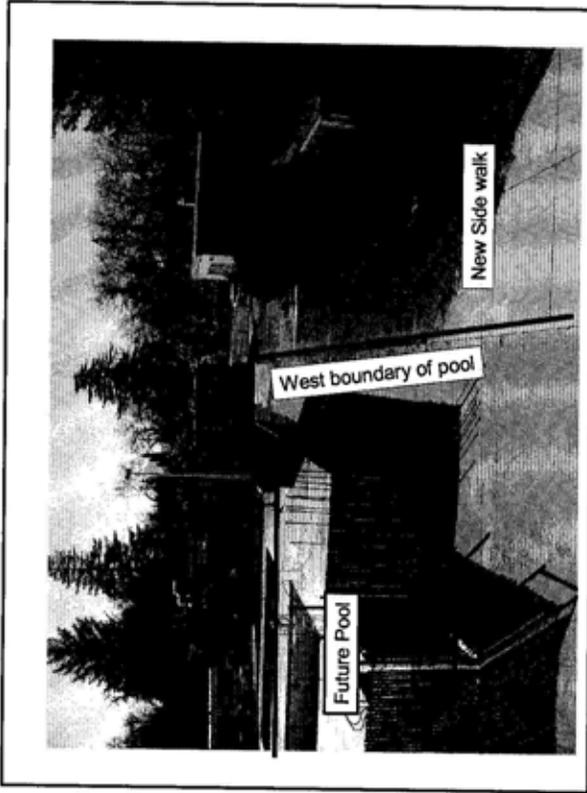


## WHS Swimming Pool

- Building needs
  - Pool Management
    - Ticket booth
      - Supports Pool and Gymnasium
  - Equipment
  - Storage
    - Athletics
    - Physical Education
    - Swim Club
    - Community
  - Changing rooms
  - Restrooms

## WHS Swimming Pool









**CITY COUNCIL  
STAFF REPORT**

**TO:** Honorable Mayor and Council members  
**DATE :** April 18, 2006  
**FROM:** John W. Donlevy, Jr., City Manager   
**SUBJECT:** Major Projects Update

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**RECOMMENDATION:**

That the City Council receive an overview report and provide comments and/or input into pending projects.

**DISCUSSION:**

The Fiscal Year 2006-07 anticipates a very active year of capital projects and effort within the City. The following is a listing of key projects and an update of the status of the main capital projects.

These include as follows:

- **Storm Drain Master Plan Update/Fee Nexus Study-** This project is pending a CEQA review prior to proceeding forward to the City Council.
- **Putah Creek Bridge-** Most funding for the replacement of the car bridge is in place and we will bring a project to the City Council on May 4. There are two alignment possibilities under consideration.
- **Sewer Master Plan Update:** The revision of this plan is complete and is being finalized for presentation to the City Council in May.
- **Water Master Plan Update:** Same as sewer
- **WWTF, Ph. 2 Improvements :** Pending approval of the Winters Highlands Project, staff will then move forward with both a financing plan and a project program for the implementation of this project.
- **Railroad Trestle Bridge Improvements:** A Notice of Completion for this project has been filed within the next 30 days. The project came out under budget (\$85K) and we are generally very satisfied.
- **Rancho Arroyo Detention Pond Upgrades:** This project is under design and is expected to be constructed concurrently with the Callahan Estates subdivision.

- **5-Year CIP** : The CIP will be updated with the development of the FY 2006-07 Budget.
- **Rotary Park Parking Lot** – This project commenced on March 22 and is due to be completed by July 4, 2006.
- **Grant Ave./I-505 SB Ramp Signal** : This project is currently in the design process with Caltrans and is anticipated to be constructed this year. This is a developer financed project which is being administered by the City.
- **West Main Street and Grant Ave. Intersection/Signal Improvements**: This project is in design with the Callahan developers and is expected to be constructed concurrently with the Callahan Estates subdivision.
- **Railroad/Grant Signal** : Staff is still amazed that the signal is still working after the rough start. Overall, the project has been a very positive improvement.
- **Southwest Water Well (Well #7)**: The Project is in design and will be constructed concurrent with the Callahan Estates subdivision. The Test Hole is being constructed at Grant/Main and it is anticipated that if successful, that will be the location of the well site.
- **W. Main Sewer Pump Station** : The Project is in design and will be constructed concurrent with the Callahan Estates subdivision. The relocation of the pump station facility stands to be a significant improvement to the overall plans if located at Main/Grant. This project is in design at this stage.
- **Grant Access Improvements**: Development agreements will provide over \$650,000 for improvements along Grant. Staff is working with Caltrans and anticipates bringing this to the City Council in May/June.
- **Morgan/Grant Ped Improvements**: This Project is part of the Grant Av. Access Improvements. See above.
- **Jackson Street Improvements**: This is a grant funded replacement of one of the worst streets in Winters. There is a chance that we will also include improvements to MacArthur Street. This should be out to bid in summer.
- **WWTF Master Plan** : The City Council approved this project at the March 21, City Council Meeting and it will commence immediately. Larry Walker Associates will begin a revise of cost estimates which will ultimately lead to a revise of the impact fee and the development of a financing program for the expansion.
- **Youth Sports/Linear Parks**: The City has an architect hired and a process for the design is under way. Articles asking for volunteers in the paper have drawn very little interest. We will include each of the youth sports organization as part of the needs assessment for the sports park. The Parks and Recreation Committee and the Master Plan Committees will be participating in the design process. As part of Youth Day, we will have a booth to encourage ideas from the public.
- **Rotary Park Expansion**: A design is in development and it is expected that work will begin on the park in June. A final proposal on the expansion will include

presentations to both the Planning Commission and the City Council. At a minimum, grass and irrigation will be installed in the expanded area in June.

**Facilities:**

The City currently has a number of facilities in design, these include.

- **Fire & Police Facility:** Pending the approval of the Winters Highlands Subdivision, this project will move forward as a design/build option. The tentative program will provide for financing to occur in 2007 and construction to occur in 2008 with occupancy the same year.
- **Winters Library:** The project is in design for a joint-use project to be located on the Winters High School campus. If the Library Bond on the June, 2006 Ballot passes, it is anticipated that construction would occur in 2007.
- **Community Center Patio Cover:** This project is scheduled for award with a completion expected in June.
- **Swimming Pool:** The WJUSD is taking the lead on this project. It will be a 2 phased project, with the pool, then a building to follow. The cost estimate at this point is \$2.2 million. Construction would occur in late 2006 and use to begin in summer of 2007.

**FISCAL IMPACT:**

None by this action.

**ATTACHEMENTS:**

None



**CITY COUNCIL  
STAFF REPORT**

**TO:** Honorable Mayor and Council Members  
**DATE :** April 18, 2006  
**FROM:** John W. Donlevy, Jr., City Manager   
**SUBJECT:** Yolo County Fee Program

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**RECOMMENDATION:**

It is recommended that the City Council :

1. Consider a staff presentation on the current status of the Yolo County Public Facilities Development Impact Fee.
2. Provide staff with observations or policy direction regarding the implementation of the Yolo County Public Facilities Development Impact Fee.

**BACKGROUND:**

The County is currently embarking on a process to update their Facilities Fee, which has not been updated since the year 2000. In November of 2005, the County shared with the cities and the Building Industry Association (BIA) an administrative draft of the "Yolo County Public Facilities Development Impact Fee Study " (the Nexus Study) prepared by Muni Financial. A revised version of the Nexus Study was provided to the BOS on February 28, 2006. On November 17, 2005, the County held a workshop and presented the fee update\_ to the cities and other participants. Another meeting of the cities was held on January 20, 2006, and this issue has been on the agenda of 2 X 2 meetings with West Sacramento, Davis, Winters, and Woodland.

On February 28, 2006, the BOS held a workshop to review the Nexus Study and proposed fee update. At that meeting the BOS directed staff to return with actions necessary to implement the results of the development impact fee study with regards to the base fee, park and open space fee, road fee, as well as determine if the road fee requires additional study. The BOS was originally scheduled to take action on the proposed fee update on March 21, 2006. However, due to the change in schedule, the BOS is now scheduled to take action on the proposed fee update on April 18, 2006.

**ANALYSIS**

From the perspective of Winters, there are three issues related to the Nexus Study and the proposed County Facilities Fee. These issues are the magnitude of the proposed fee increase, the authority of the County to impose fees in the incorporated cities, and the method applied in the calculation of the fee.

**Magnitude of Proposed County Facilities Fee Increase** . The proposed fee is four times the existing County Facilities Fee for single family development and is eleven times the existing fee for retail development. The magnitude of the proposed fee increase is significant and warrants further investigation by the City.

**Proposed Single Family County Facilities Fee**

Currently, the County Facilities Fee collected by the City for new single family residential development within Winters is \$1,694 . The proposed County Facilities Fee for single family residential development is \$7,058 within the City limit . Just over half of the proposed fee is for a new traffic facilities component (\$3,741 per single family unit). The County is also proposing to add a parks and open space component of \$229 per single family unit . The remaining four components (public protection, health & human services, library facilities, and admin / planning / public works) are updates to existing fee components. **Table 1** summarizes the components of the proposed fee update.

| <b>Fee Component</b>                    | <b>Amount per Single Family Unit</b> | <b>% of Total Fee</b> | <b>Note</b>                             |
|---|--------------------------------------|-----------------------|---|
| Countywide public protection (1)        | \$1,417                              | 20.1%                 | Included in existing fee, but updated   |
| Health and human services               | \$ 429                               | 6.1%                  | Included in existing fee, but updated   |
| Library Facilities                      | \$ 632                               | 8.9%                  | Included in existing fee, but updated   |
| Admin, IT, Planning, Public Works       | \$ 438                               | 6.2%                  | Included in existing fee, but updated   |
| <b>Subtotal Existing Fee Components</b> | <b>\$2,916</b>                       | <b>41.1%</b>          | <b>Compared to \$1,694 existing fee</b> |
| County Parks & Open Space               | \$ 229                               | 3.2%                  | New fee component                       |
| County Traffic Fee                      | \$3,741                              | 53.0%                 | New fee component                       |
| Administrative Component                | \$ 172                               | 2.5%                  | 2.5% of total fee                       |
| <b>Total Proposed Fee Amount</b>        | <b>\$7,058</b>                       | <b>100.0%</b>         |   |

{1}This component includes facilities, such as jails, offices for the district attorney and the public defender, and animal shelter facilities. It does not include costs for sheriffs patrol facilities, which are allocated entirely to the unincorporated County .

**Proposed Non-Residential County Facilities Fee**

The County is proposing to increase the fee amount for non-residential land uses as shown in **Table 2**. For example, the proposed increase in the retail fee amount from \$407 per 1,000 square feet to \$4,479 per 1,000 square feet would yield an increased fee payment of \$325,760 on an 80,000 square foot retail building. It should be noted that close to 100 percent of the increase in the proposed non-residential fee amounts

are attributable to the new traffic component . The magnitude of the increase in the non-residential component of the proposed County Facilities Fee is substantial.

**Table 2 – Comparison of Proposed Non-Residential Fee Amount**

| Item           | Yolo County Facilities Fee      |                                   | Sample Fee Amount for a 80K Sq Ft Building |                                |                      |
|----------------|---------------------------------|-----------------------------------|--|--------------------------------|----------------------|
|                | Existing<br>(per 1,000 sq .ft.) | Proposed<br>(per 1,000 sq.ft) [1] | Existing Fees<br>(80K sq .ft.)             | Proposed Fees<br>(80K sq .ft.) | Increase in Fee Amt. |
| Com'l (retail) | \$407.00                        | \$4,479 .00                       | \$32,560                                   | \$358,320                      | \$325,760            |
| Office         | \$767.80                        | \$2,061 .00                       | \$61,424                                   | \$164,880                      | \$103,456            |
| Industrial     | \$436.70                        | \$2,218.00                        | \$34,936                                   | \$177,440                      | \$142,504            |
| Warehouse      | \$179.30                        | \$2,162 .00                       | \$14,344                                   | \$172,960                      | \$158,616            |

[1] Almost 100% of the fee increase for non-residential development is due to the proposed traffic component.

**County Authority for Imposition of Fee.** The Mitigation Fee Act (California Government Code Section 66000 et seq or AB 1600) prescribes certain findings that must be made when a jurisdiction imposes development impact fees. These findings are typically established through the creation of a nexus study. However, the Mitigation Fee Act does not, by itself, provide the authority for the imposition of development impact fees. Instead the authority to impose fees is derived from the police power granted to cities and counties by the California Constitution. Article XI, section 7 of the California Constitution states that : "A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws ." Key to this provision is the requirement that police powers be implemented and enforced within the boundaries of a legislative body's own jurisdiction.

The Mitigation Fee Act does not independently provide authority to the counties to impose fees in incorporated cities, . In fact Section 66001 of the Mitigation Fee Act limits the imposition of fees to the jurisdiction approving the development project.

Countywide fee programs that require development within the cities to pay impact fees are typically implemented via individual agreements between each city and county, whereby the *city* agrees to collect the fees on behalf of the county . Cooperation by the cities is required before county fees can be imposed or collected inside incorporated areas.

The following key points were made by the County's regarding the authority for fee imposition . Also included are staff's responses to these comments:

| County Response to Issue of Authority   | Staff Response to County Comment  |
|---|---|
| <p>1. The Mitigation Fee Act provides the statutory basis for imposing a fee on development projects for the impacts created by additional development.</p>             | <p>Staff disagrees with the premise that the Mitigation Fee Act provides the statutory authority for fee imposition. As noted previously, the Mitigation Fee Act prescribes the findings required to be made when a fee program is implemented. Instead, the California Constitution provides the basis for fee implementation within a jurisdiction's boundary.</p>  |
| <p>2. Historically, Yolo County fees have been collected in all incorporated areas within the County since the adoption of the County fee.</p>                          | <p>The historical experience of incorporated cities in Yolo County collecting County fees does not, in and of itself, provide the authority for County imposition of the fees in the future.</p>  |
| <p>3. There is a fiscal impact from the County's decision to preserve agricultural and open space by limiting development.</p>  | <p>There is a fiscal impact to the County for making a policy decision not to develop within the unincorporated areas. This policy decision is beneficial to the cities, and the cities may have a responsibility, from the perspective of regional public policy, to offset the costs of development born by the County. However, this regional public policy responsibility does not provide the statutory authority for the unilateral imposition of impact fees on development within the incorporated cities of Yolo County.</p> |
| <p>4. The current fee program fairly allocates the impacts of new development to new development and not to the existing residents of the unincorporated territory.</p> | <p>This is addressed later in this staff report.</p>  |

**Method of Calculating the Fee.** The Nexus Study was prepared by MuniFinancial on behalf of Yolo County to provide the basis for updating the County Facilities Fee. However, in staffs opinion the fee calculation method does not adequately address the proportionality component outlined in Section 66001(b) of the Mitigation Fee Act, which states the following:

"In any action imposing a fee as a condition of approval of a development project by a local agency on or after January 1, 1989 , the local agency shall determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development which the fee is imposed ."

The proportionality section of the Mitigation Fee Act requires that the fee amount paid by new development be proportional to the impact new development has on the need for the additional facility . There are various methods for determining proportionality when preparing nexus studies . The various methods depend on the type of public facility being funded . For example, Countywide public protection services require facilities to house the public defenders office and other staff that provide judicial services to residents throughout the County. As a result, it is appropriate to calculate the fee for this component by distributing the cost for additional facilities equally throughout the County of Yolo . In this example, new development in West Sacramento would appropriately pay for public protection facilities at a level equivalent to other areas of the County.

However, there are two fee components that are proposed as additions to the County Facilities Fee that require a more sophisticated approach to determining West Sacramento's proportional share of County facilities . Those fee components are the traffic fee and the parks and open space fee.

#### Traffic Fee

When imposing a traffic fee, typically jurisdictions utilize a traffic model to estimate the increase in trips from all types of new development and subsequently to identify needed road improvements required due to new development . A traffic model allows a jurisdiction to vary the fee level within different parts of the community in order to meet the Mitigation Fee Act proportionality test i.e. new development pays a fee level proportional to that development's impact on the circulation system. In Winters, traffic fees for single family residential units range depending on the district that new development occurs within. Additionally, a traffic model allows a jurisdiction to determine the existing level of service on the road network . If existing deficiencies exist i.e. the circulation system has not been improved to the level required to meet city standards, new development cannot be required to fund the improvements necessary to improve the existing deficiencies . A traffic model helps to ensure that new development is not funding existing deficiencies.

The Nexus Study prepared to update the County Facilities Fee does not utilize a traffic model as the basis for its fee calculation . Instead, the County Facilities Fee is calculated by aggregating the replacement cost for both standard and sub-standard County roads and spreading that cost uniformly over all estimated trips in the County. The cost per trip provides the basis for calculating a traffic impact fee throughout the

County. The results are that new development in Esparto, for example, pays \$3,741 per single family unit, which is the same amount that new development in West Sacramento would pay. Furthermore, the process of allocating the replacement cost of all County lane miles on new development throughout the County does not adequately address the potential for apportioning the costs of potential existing deficiencies on new development, should they exist.

The Nexus Study recognizes the limitations of calculating a traffic fee without a traffic model and subsequently reduces the fee amount by an arbitrary 50 percent. However, the reduction is uniform throughout the County and does not attempt to take into account geographic discrepancies regarding the impact of new development on County roads. Additionally, the most recent version of the Nexus Study does not identify a list of road improvements to be funded by the County road fee, which further exacerbates the problem of showing a proportional relationship between the amount of the fee and the impact from new development in West Sacramento.

The County disagrees with staff's concern that the traffic fee is not based on adequate data. The County states that the fee is based on the maintenance of current traffic levels throughout the county and that this is an alternative and acceptable approach to the utilization of a traffic model. For the reasons discussed above, staff does not conclude that the current traffic impact fee methodology is sufficient to provide a reasonable nexus. An interim approach to designing a traffic fee without a traffic impact model would be to utilize a professional panel to identify the relative share of traffic impacts in very broadly defined geographic areas, and then set the fee amount accordingly.

#### Parks and Open Space Fee

The parks and open space fee is also problematic from a methodological standpoint. The fee is not adjusted to account for geographical differences in the impact from new development on proposed new Yolo County park facilities. As proposed, all new development in Yolo County is required to pay the same park fee regardless of that particular area's impact on the County park system. One mechanism for overcoming this issue would be to establish a community park fee that varies by Yolo County community and a regional park fee that is shared by the entire County. This would eliminate the potential for new development in West Sacramento being required to fund a community park in Esparto, for example.

While the methodology of the parks and open space fee could be improved, the fee itself is not of the magnitude that the traffic fee is, and, as a result, it may not warrant as much concern by the City.

#### Comments by Other Parties

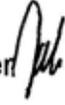
At the February 28, 2006 BOS meeting, the City of Davis and the BIA also expressed their concerns with the proposed fee. Davis expressed concern over the authority of

the County to unilaterally impose fees in the cities but did not take issue with any of the fee components, in particular. The BIA summarized an alternative fee analysis that they commissioned, which indicated a 50% lower maximum fee amount than the one proposed by the County. The BIA also questioned the demographic information in the Nexus Study, and the lack of a traffic study that would form the basis of the traffic fee.

Governmental fees affect the cost and pace of development. If developers in Winters are required to pay fees that are disproportionate to the benefits received they will be at a relative disadvantage to developers in other communities. New development significantly contributes directly and indirectly to the improved financial health of the City of Winters.



**CITY COUNCIL  
STAFF REPORT**

**TO:** Honorable Mayor and Councilmembers  
**DATE :** April 18, 2006  
**FROM:** John W. Donlevy, Jr., City Manager   
**SUBJECT:** Trestle Bridge Name Dedication

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**RECOMMENDATION:**

That the City Council consider the naming of the Winters Trestle Bridge.

**DISCUSSION:**

At the request of City Councilmember Harold Anderson, this item has been placed on the agenda.

The request is that the City Council consider naming the Winters Trestle Bridge. Additional detail will be presented at the meeting.

**FISCAL IMPACT:**

Staff time only.



**CITY COUNCIL  
STAFF REPORT**

**TO:** Honorable Mayor and Council Members  
**DATE :** April 18, 2006  
**THROUGH:** John W. Donlevy, Jr., City Manager *JWD*  
**FROM:** Nanci G. Mills, Director of Administrative Services, City Clerk *Nanci*  
**SUBJECT:** Ordinance 2006-05 Amending Section 2.04.150 of the Winters Municipal Code Relating to Compensation of Council Members

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**RECOMMENDATION:**

It is recommended that the proposed ordinance be introduced for first reading.

**BACKGROUND:**

The current compensation paid to members of the City Council is \$75, which has been the salary since 1966, and \$30 for Community Development meetings. Pursuant to Government Code Section 36516, the City Council may increase the amount of compensation paid to its members, by ordinance.

On October 19, 2004 the City Council approved an increase in City Council compensation to \$150 per month plus \$30 for Community Development meetings.

Any adjustment to City Council compensation will not take effect immediately. Government Code Section 36516.5 provides that a "change in compensation" shall not take effect until one or more Council members begin a new term in office. Accordingly, the proposed increase in compensation will take effect in June 2006, after the June 2006 City Council election. The current compensation has an annual cost of \$6,300, the proposed compensation has an annual cost of \$10,800.

**FISCAL IMPACT:**

Annual increase of \$4,500.

**ORDINANCE 2006-**

**AN ORDINANCE OF THE CITY OF WINTERS AMENDING  
SECTION 2.04.150 OF THE WINTERS MUNICIPAL CODE  
RELATING TO COMPENSATION OF COUNCIL MEMBERS**

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

Section 1. Government Code Section 36516 allows the City Council, by ordinance, to adjust the amount of compensation paid to its members.

Section 2. There has been no salary adjustment for City Council members since the salary adjustment set forth in Ordinance No. 293, adopted on February 21, 1966, which adjusted Council member's salary to \$75.

Section 3. The City Council desires to adjust its compensation in conformity with Government Code Section 36516.

Section 4. Section 2.04.150 of Title 2, Chapter 2 of the City of Winters Municipal Code is hereby amended to read as follows:

"Section 2.04.150 Compensation of Council Members.

Each member of the council shall receive a monthly salary of one hundred and fifty dollars (\$150.00)."

Section 5: Pursuant to Government Code section 36516.5, the adjustment of the compensation of all members of the Council, in accordance with Section 2.04.150 of the Winters Municipal Code as amended by Section 4 above, shall not take effect until that date in June, 2006 on which new terms of office will begin for three positions on the City Council.

Section 6: The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within (15) days after its passage, in accordance with Section 36933 of the Government Code; shall certify to the adoption of this Ordinance and shall cause this ordinance and her certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 7. This Ordinance shall go into effect and be in full force and effect in 30 days after its passage.

**INTRODUCED** at a regular meeting on April 18, 2006 and **PASSED AND ADOPTED** at a regular meeting of the Winters City Council, County of Yolo, State of California, on the \_\_\_\_\_ 2006, by the following roll call vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Dan Martinez, MAYOR

ATTEST:

\_\_\_\_\_  
Nanci G. Mills, CITY CLERK

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
WINTERS HELD ON TUESDAY, OCTOBER 19TH, 2004 AT 7:30 P.M.**

Ted Winfield also offered answers to Council questions.

Demar Hooper, of the Highlands Project asked questions of staff and Council.

Council Member Stone moved to approve discussion items New #1, and New #2.

Seconded by Council Member Anderson.

AYES: Anderson, Stone, Fridae

NOES: None

ABSENT: Chapman

ABSTAIN: Martinez

Motion carried unanimously with Chapman absent, and Martinez abstaining.

Mayor Martinez returned to the dais.

**3. LAKE BERRYESSA RE-USE PLAN- RESOLUTION IN SUPPORT OF LOCAL OPERATORS.**

City Manager Donlevy gave an overview of his written report, and read the Resolution.

After discussion Council Member Fridae moved to approve resolution Lake Berryessa Re-Use Plan-Resolution in support of local operators with Section 13 added and the amendments provided by the Citizens to Protect Lake Berryessa.

Seconded by Council Member Stone.

AYES: Anderson, Fridae, Stone

NOES: None

ABSENT: Chapman

ABSTAIN: None

Motion carried unanimously with Chapman absent.

**4. REGIONAL SPORTS PARK DESIGN-AUTHORIZATION TO REQUEST DESIGN  
PROPOSALS**

City Manager Donlevy gave an overview of his report.

Council Member Stone moved to approve Regional Sports Park Design-Authorization to request Design Proposals.

Seconded by Fridae.

AYES: Anderson, Fridae, Stone, Mayor Martinez

NOES: None

ABSENT: Chapman

ABSTAIN: None

Motion carried unanimously with Chapman absent.

**5. CITY COUNCIL/PLANNING COMMISSION COMPENSATION.**

City Manager Donlevy gave an overview of his written report.

After discussion Council Member Fridae moved to increase Planning Commission compensation to \$30.00 per meeting.

Seconded by Stone.

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF  
WINTERS HELD ON TUESDAY, OCTOBER 19TH, 2004 AT 7:30 P.M.**

AYES: Anderson, Fridae, Stone, Mayor Martinez  
NOES: None  
ABSENT: Chapman  
ABSTAIN: None

Motion carried unanimously with Chapman absent.

Council Member Anderson moved to increase City Council compensation to \$150.00 per month plus \$30.00 for Community Development Agency.  
Seconded by Council Member Stone.

AYES: Anderson, Stone, Mayor Martinez  
NOES: Fridae  
ABSENT: Chapman  
ABSTAIN: None

Motion carried 3-1 with Chapman absent.

**6. CONTINUED PUBLIC HEARING AND APPROVE CHANGES TO CDBG PROGRAM  
INCOME RE-USE GUIDELINES, TRANSFER \$200,000 IN PROGRAM INCOME FUNDS,  
APPROVE FUNDING SOURCES FOR CITY'S FIRST TIME HOMEBUYER PROGRAM,  
AND APPROVE INTEREST RATE/TERMS AND LOAN AMOUNTS FOR FIRST TIME  
HOMEBUYER PROGRAM**

Community Development Director Dan Sokolow gave an overview of his written report.  
Mayor Martinez opened the Public Hearing at 9:40PM. Mayor Martinez closed the Public Hearing at 9:41PM.

Council Member Anderson moved to Approve Changes to CDBG Program Income Re-Use Guidelines, Transfer \$200,000 in Program Income Funds, Approve Funding Sources for City's First Time Homebuyer Program, and Approve Interest Rate/Terms and Loan Amounts for First Time Homebuyer Program.

Seconded by Council Member Stone.

AYES: Anderson, Fridae, Stone, Mayor Martinez.  
NOES: None  
ABSENT: Chapman  
ABSTAIN: None

Motion carried unanimously with Chapman absent.

**7. DEVELOPER ACQUISITION OF CITY RIGHT-OF-WAY FOR MAIN STREET VILLAGE  
DEVELOPMENT (EAST MAIN STREET) FRONTAGE IMPROVEMENTS**

Community Development Director Dan Sokolow gave an overview of his written report.  
City Engineer Nick Ponticello presented his staff report.

Council Member Fridae moved to approve Acquisition of City Right-Of-Way for Main Street Village Development (East Main Street) Frontage Improvements.

Seconded by Council Member Stone.

36516. (a) A city council may enact an ordinance providing that each member of the city council shall receive a salary, the amount of which shall be determined by the following schedule:

(1) In cities up to and including 35,000 in population, up to and including three hundred dollars (\$300) per month;

(2) In cities over 35,000 up to and including 50,000 in population, up to and including four hundred dollars (\$400) per month;

(3) In cities over 50,000 up to and including 75,000 in population, up to and including five hundred dollars (\$500) per month.

(4) In cities over 75,000 up to and including 150,000 in population, up to and including six hundred dollars (\$600) per month.

(5) In cities over 150,000 up to and including 250,000 in population, up to and including eight hundred dollars (\$800) per month.

(6) In cities over 250,000 population, up to and including one thousand dollars (\$1,000) per month.

For the purposes of this section the population shall be determined by the last preceding federal census, or a subsequent census, or estimate validated by the Department of Finance.

(b) At any municipal election, the question of whether city council members shall receive compensation for services, and the amount of compensation, may be submitted to the electors. If a majority of the electors voting at the election favor it, all of the council members shall receive the compensation specified in the election call. Compensation of council members may be increased beyond the amount provided in this section or decreased below the amount in the same manner.

(c) Compensation of council members may be increased beyond the amount provided in this section by an ordinance or by an amendment to an ordinance but the amount of the increase may not exceed an amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the salary in effect when the ordinance or amendment is enacted. No salary ordinance shall be enacted or amended which provides for automatic future increases in salary.

(d) Unless specifically authorized by another statute, a city council may not enact an ordinance providing for compensation to city council members in excess of that authorized by the procedures described in subdivisions (a) to (c), inclusive. For the purposes of this section, compensation includes payment for service by a city council member on a commission, committee, board, authority, or similar body on which the city council member serves. If the other statute that authorizes the compensation does not specify the amount of compensation, the maximum amount shall be one hundred fifty dollars (\$150) per month for each commission, committee, board, authority, or similar body.

(e) Any amounts paid by a city for retirement, health and welfare, and federal social security benefits shall not be included for purposes of determining salary under this section provided the same benefits are available and paid by the city for its employees.

(f) Any amounts paid by a city to reimburse a council member for actual and necessary expenses pursuant to Section 36514.5 shall not be included for purposes of determining salary pursuant to this section.

36516.5. A change in compensation does not apply to a councilman during his term of office; however, the prohibition herein expressed shall not prevent the adjustment of the compensation of all members of a council serving staggered terms whenever one or more members of such council becomes eligible for a salary increase by virtue of his beginning a new term of office.

Chapter 2.04 CITY COUNCIL

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**Section 2.04.150 Compensation of council members.**

Each member of the council shall receive a monthly salary of seventy-five dollars (\$75.00). (Prior code § 2-1.16)

**ORDINANCE NO. 293**  
**AN ORDINANCE INCREAS-**  
**ING THE SALARIES OF**  
**THE COUNCILMEN OF**  
**THE CITY OF WINTERS**

WHEREAS the Legislature of the State of California has by the provisions of Section 36514 of the Government Code of the State of California empowered this council to enact an ordinance providing that each council member shall receive a salary, and

WHEREAS, this Council hereby finds that the population of the City of Winters is under 5,000, as provided in said section of the Government Code, the population of the City of Winters being 2175 as last estimated by the Director of the Department of Finance.

NOW THEREFORE, the City Council of the City of Winters does ordain as follows:

SECTION 1: Each duly elected, qualified and acting councilman of the City of Winters shall receive a salary of \$75.00 per month.

SECTION 2: This ordinance shall not apply to any present member of this council during his present term of office, provided however, that when any member of the City Council of the City of Winters becomes eligible for the salary herein provided, upon commencing a new term of office, then all of the then members of said Council shall be eligible for such salary notwithstanding

this ordinance's having been adopted during their respective terms of office.

SECTION 3: This ordinance shall become effective thirty (30) days after its passage and shall be published as duly required by law.

State of California )  
 City of Winters ) ss  
 County of Yolo )

I, DOROTHY THOMAS, the duly elected, qualified and acting City Clerk of the City of Winters, do hereby certify that the foregoing ordinance was introduced and read the first time at a regular meeting of the Council of the City of Winters held on the 15th day of February 1966, and that it was thereafter duly and regularly adopted and passed by said City Council at an adjourned meeting held on the 21st day of February 1966, by the following vote:

AYES: Councilmen: Carrion, Graf, Martin, West and Young.

NOES: Councilmen: None.

ABSENT: Councilmen: None.

And I further certify that said Ordinance was presented to and signed and approved by ERNIE A. YOUNG, M. D., the Mayor of the City of Winters, on the 21st day of February, 1966.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the said City of Winters this 21st day of February 1966.

DOROTHY THOMAS,  
 City Clerk of the City  
 (Seal) of Winters



**CITY COUNCIL  
STAFF REPORT**

**TO:** Honorable Mayor and Councilmembers  
**DATE :** April 18, 2006  
**THROUGH:** John W. Donlevy, Jr., City Manager   
**FROM:** Nanci G. Mills, Director of Administrative Services/City Clerk   
**SUBJECT:** Planning Commission Vacancy

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**RECOMMENDATION:**

Staff recommends that the Mayor select a two-member council committee to conduct interviews, and direct staff to place a recruitment article in the Winters Express if that is the Council's desire.

**BACKGROUND:**

The committee shall submit its recommended candidate to the full council for approval at the next regular council meeting.

In the past staff has asked for interested parties to apply by providing an application of interest by way of an article in the Winters Express. We do have a few applications on file from the past recruitment that I have provided under separate cover.

The Commissioner selected would replace the vacancy left by Commissioner Ed Ross until the term ending date of July 1, 2007.

**FISCAL IMPACT:**

None by this action.

**ATTACHMENT:**

Section 2.16.020 of the WMC – Planning Commission Appointment, Term and Reappointment

Chapter 2.16 PLANNING COMMISSION

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**Section 2.16.020 Appointment, term and reappointment.**

The mayor shall establish a rotating list from which council members shall be appointed to serve on a two-member council committee to conduct interviews and recommend among prospective commission candidates. The committee shall submit its recommended candidate to the full council for approval at the next regular council meeting. Commission members shall serve for a four-year term at the end of which they may apply for reappointment by submitting a letter to the council who will consider the reappointment request at their next regular meeting. The council may reappoint or consider other candidates in the same manner as an original appointment. At the end of a second four-year term the mayor shall establish another two-member council committee to conduct interviews and recommend among prospective commission candidates. The commissioner who has served two four-year terms may request consideration for another appointment and shall be evaluated in the same manner as any candidate seeking appointment. If a vacancy occurs other than by expiration, it shall be filled by appointment for the unexpired term. (Ord. 89-06 (part): prior code § 2-3.202)



**CITY COUNCIL STAFF REPORT**  
April 18, 2006

TO: Honorable Mayor and Members of the City Council  
THROUGH: John W. Donlevy, Jr. – City Manager  
FROM: Dan Sokolow – Community Development Director *DS*  
SUBJECT: Citywide Habitat Mitigation Program

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**RECOMMENDATION:** Staff recommends that the City Council Adopt Resolution No. 2006-03, Adopting a Citywide Habitat Mitigation Program.

**BACKGROUND:** The City Council held two public hearings and reviewed the Citywide Habitat Mitigation Program at its March 7, 2006 and February 21, 2006 meetings. On March 29, 2006, City staff met with the Executive Director of the Yolo County HCP/NCCP JPA and one of the attorneys working with the JPA on the Yolo County HCP/NCCP to discuss out of county mitigation and other habitat mitigation issues.

**DISCUSSION:** As a member of the Yolo County JPA, the City has committed itself to working with other JPA members on establishing an HCP/NCCP in Yolo County. The JPA has expressed concerns about mitigation occurring in Solano County. Recognizing these issues, staff proposes adding the following language to the Habitat Mitigation Program to prioritize habitat mitigation in Yolo County. This language has been added to page 13 of the Habitat Mitigation Program.

While the seven-mile radius includes properties located in both Yolo and Solano Counties, the priority shall be the establishment of mitigation areas in Yolo County. An applicant shall first contact and consult with the Yolo County JPA early in the process. In the event that mitigation areas are not available in Yolo County, an applicant may consider mitigation areas in Solano County and shall provide City staff with documentation of the early contact/consultation with the Yolo County JPA.

**ATTACHMENTS:**

Resolution No. 2006-03 Adopting a Citywide Habitat Mitigation Program  
Habitat Mitigation Program  
Correspondence dated March 7, 2006 from the Executive Director of the Yolo County HCP/NCCP JPA

**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 18th day of April, 2006 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Dan Martinez, Mayor

ATTEST:

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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:

|  |         |
|--|---------|
| State and Federal Framework                          | page 1  |
| Swainson's Hawk                                      |         |
| <u>Other Raptors</u>                                 |         |
| Burrowing Owls                                       |         |
| Valley Elderberry Longhorn Beetle (VELB)             |         |
| Seasonal Wetlands Habitat and Species                |         |
| General Plan Policy Framework                        | page 5  |
| Approved and Proposed Projects                       | page 6  |
| Callahan Estates                                     |         |
| Creekside Estates                                    |         |
| Hudson/Ogando Subdivision                            |         |
| Winters Highlands Subdivision                        |         |
| Summary of Habitat Preservation Acreage Requirements |         |
| Statement of Guiding Values                          | page 9  |
| Mitigation Strategy by Resource                      | page 9  |
| Swainson's Hawk                                      |         |
| <u>Other Raptors</u>                                 |         |
| Burrowing Owls                                       |         |
| Valley Elderberry Longhorn Beetle (VELB)             |         |
| Seasonal Wetlands Habitat and Species                |         |
| Framework for Mitigation                             | page 12 |
| Qualifying Land                                      |         |
| Minimum Standards for the Agreement                  |         |
| Requirements for the Submittal                       |         |

## 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~~<sup>three</sup> significant residential projects (Callahan Estates and Creekside Estates, and Hudson/Ogando) 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. This shall include coordination with the JPA to maximize opportunities for joint benefit. It is the intent of the City to remain a partner and participant in the JPA and that this program be consistent with the efforts of the JPA.
- Be flexible, practical, and efficient with resources and opportunities.
- Ensure that this Habitat Mitigation Program (HMP) has been satisfied as early as possible and no later than 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.
- Where Swainson's Hawk mitigation for less than 40 acres is a requirement of a project, as a last resort where the developer has made a compelling case to demonstrate their inability to purchase land or easements pursuant to the program, the City retains the authority to allow that developer to pay in-lieu fees through the JPA.



## MITIGATION STRATEGY BY RESOURCE

**Overall Vision --** Strategies for each impacted biological resource are provided below. If properly implemented, it is the intent that 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/would be used for Swainson's Hawk mitigation. Mitigation for Burrowing Owl, VELB, and/or seasonal wetlands will/would 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/would be accepted as mitigation under General Plan Policy VI.C.2. Furthermore, this land will/would be managed in a manner that-allowing 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 generally 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~~would be required of the Hudson and Highlands projects (assuming final approvals for Highlands).

Therefore, for all four projects the City position is that the applicants 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 plantings 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 its 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 Appendix B Attachment A). While the seven-mile radius includes properties located in both Yolo and Solano Counties, the first priority shall be the establishment of mitigation areas in Yolo County. An applicant shall first contact the Yolo County JPA early in the process. In the event that mitigation areas are not available in Yolo County, an applicant may consider mitigation areas in Solano County and shall provide City staff with documentation of the early contact/consultation with the Yolo County JPA.
- Isolated mitigation areas are not allowed. They must be contiguous to one another or to other existing preserved land, or as a part of a larger conservation strategy.
- 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.

- Agricultural land may not be taken out of production for the purposes of qualifying land for this program.
- The property may be zoned or designated for any use but must be redesignated to Agriculture, Open Space, or equivalent designation at the applicant's expense.
- 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.
- As a courtesy, notice of the transaction shall be provided by the applicant to the City or County with land use jurisdiction. Evidence of this shall be provided to the City of Winters.
- Preservation shall be ensured through the use of a conservation easement, deed restriction, or other equivalent mechanism, for specified habitat purposes in perpetuity.

- 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 must satisfy the definition of a "qualified organization" under Internal Revenue Code Section 170(h) related to conservation easements and their treatment in the federal tax laws. 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~~ recorded 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 legal 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.

## APPENDICES

A – Project-Level Biological Mitigation Measures (verbatim)

B – 7-Mile Radius Map

## **ATTACHMENT A 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-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 #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.

**YOLO COUNTY**

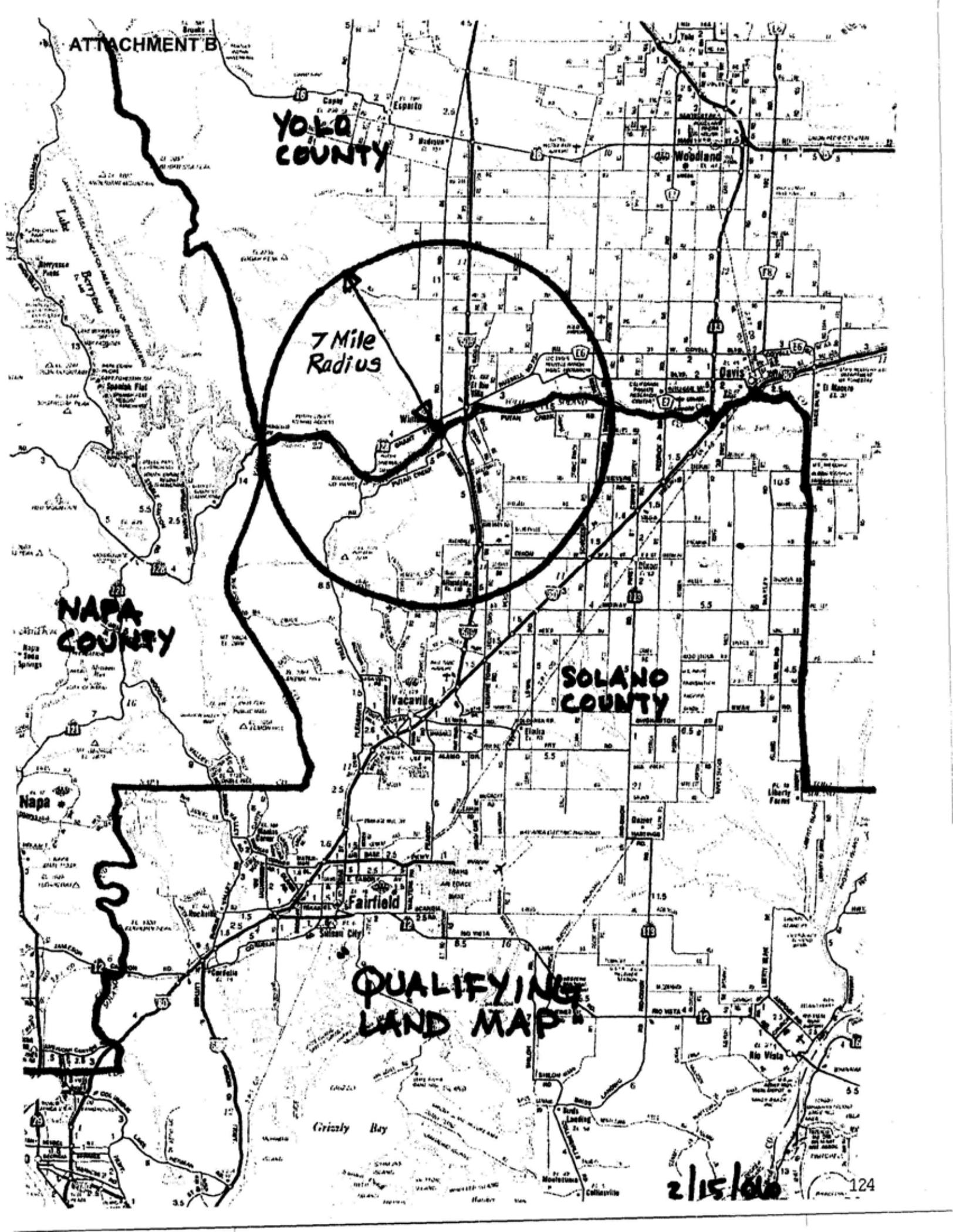
**NAPA COUNTY**

**SOLANO COUNTY**

7 Mile Radius

**QUALIFYING LAND MAP**

2/15/66





## YOLO COUNTY HABITAT/ NATURAL COMMUNITIES CONSERVATION PLAN JOINT POWERS AGENCY

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March 7, 2006

Mayor Dan Martinez  
318 First Street  
Winters, CA 95694

Re: Proposed City-wide Habitat Mitigation Program

Honorable Mayor Martinez and Council members,

The Yolo HCP/NCCP Joint Powers Agency appreciates the opportunity to comment on the City's proposed Habitat Mitigation Program as presented in the Council staff report dated March 7, 2006. The JPA recognizes the importance of habitat and conservation efforts throughout the County and commends the City of Winters for being proactive in this regard.

As the Council is aware, the JPA is in the process of developing a countywide multi-species conservation plan ("HCP/NCCP"). This effort, initiated in 1994, is expected to be completed in 2008 and will cover an estimated 60+ species of concern, including the target species identified in the draft Habitat Mitigation Program. In addition to the primary goal of ensuring the continued presence of the many special status and common species occupying Yolo County, the HCP/NCCP will also confer regulatory assurances and benefits to public and private interests undertaking development activities in the County and the incorporated cities. Over the last 18 months the JPA has made significant progress toward realizing these goals through the strengthening of partnerships and shared visions. The JPA looks forward to continuing its partnership with the City of Winters as we jointly strive for mutual benefits related to conservation.

The JPA offers the following specific comments on the proposed Habitat Mitigation Program:

Proposal to allow mitigation in Solano County. The JPA does not support the mitigation of impacts in Solano County, particularly for Swainson's hawk. Both Solano and Yolo counties are pursuing Habitat Conservation Plans ("HCP's") under the federal Endangered Species Act that

will provide regulatory coverage and take authorization for Swainson's hawk. However, because each of these planning efforts is constrained by a geographic planning boundary, it is not possible for the Solano HCP permittees to confer take authorization and regulatory assurances on projects outside of their planning boundary (ie, in Yolo County). Unless mitigation occurs in an approved bank, this condition could leave project proponents in Winters without the regulatory certainty and assurances that are most valued by private interests, leaving open the question of continued liability. Moreover, mitigation funds expended outside of Yolo County's HCP/NCCP planning boundary will not be credited to the local conservation effort, leaving a shortfall in funding that will need to be remedied through increased local costs.

Benefits of early consultation with JPA: Beginning this summer the JPA will initiate the process of defining conservation strategies and preserve design which will include discussions within the 7 mile zone of interest established with this Program. The JPA strongly encourages continued consultation and cooperation to ensure that mutual benefits are achieved for this area as both planning efforts move forward. In particular, because the JPA is already building relationships with local landowners we can assist in matching local easements needs with willing sellers to maximize the value of early acquisitions to the ultimate preserve configuration. Finally, both efforts can benefit from economies of scale, including shared resources, that will be achieved through the larger HCP/NCCP planning process.

I hope these comments were helpful.

Regards,

Maria B. Wong, AICP  
Executive Director

**JOHN C. WALLACE**

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PHONE (530) 795-4171  
FAX (530) 795-3578

**MEMORANDUM**

Date: April 7, 2006

To: Winters City Council

  
FROM: John C. Wallace,

RE: Preparation of Agenda Packets – Deadlines

Dear Council Members: Council member Harold Anderson has asked that this item be put on the agenda. Current City policy, which is attached, calls for all agenda items and supporting documentation to be turned in to the City Manager's office not later than Tuesday prior to the Council meeting. That way it is possible for staff to prepare the agenda packets by Wednesday. Given staff limitations, and certain topics, that is not always possible. This agenda item is for the Council to consider formally approving the City policy, and for the policy to apply to the City Council. Please call if you have questions.

JCW/j  
Enc.



**MEMO**

TO: Department Heads

DATE: May 26, 2005

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

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

SUBJECT: Preparation of Council Communications

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Many years ago a format was developed for preparation and presentation of items to the City Council for consideration and approval. Over time with changes in staff, that process has been inconsistently applied. In an effort to reinstitute a consistent process, the old format document has been dusted off and revised. The consistent application of the format helps not only staff, but also the Council to have a clear vision of what the staff is asking for or is providing for Council information.

There is a staff report, which needs to accompany your agenda item as a communication cover sheet, which requires the City Manager's signature. The item will not be placed on the agenda without the signature of the City Manager, or without his verbal okay to either Tracy or myself.

The subject box at the top should indicate briefly what the Communication is in reference to. The Recommended Action should be the exact language requested for adoption. Council reads the Recommended Action verbatim (usually) and utilizes that language as the adoption of the item. It is also the verbiage placed in the minutes. It should be clear, concise and leave no room for assumptions. If calling for the adoption of a Resolution, it should so state. In some instances, the requested action could be extensive. The action could then state, "that the Council adopts the items listed below" or the "recommended action as stated".

The Background gives specific information on the item. Please remember, Council has a lot of material to read and digest. Your Council Communication should contain as much information as is vital for the Council to make informed decisions, but not language and verbiage that are extensive and difficult to understand. Abbreviations should not be used. Remember

initials; such as CEPO mean nothing to anyone other than the person presenting the Council Communication. Citizens, as well as Council and other staff, read these

materials and may not be familiar with the acronyms utilized in house. Also remember not to utilize language that is technical or assumptive. Keep it as simple as possible.

All fonts should be at a minimum 10-point with preference at 12-point. The Department Director should sign all Council Communications. Council Communications and attachments are due in the City Manager's office not later than 5:00 p.m. on the Tuesday prior to the Council meeting. The Agenda packet preparation is very stressful and time consuming for Tracy and I to prepare. Once all items are in, our portion begins. We cannot run part of the packet until everything is in, verified, and approved by the City Manager. Unless the item is an emergency item, it should be held over until the following meeting if not ready in total by 5:00 p.m. on Tuesday deadline.

### Council Communication Templates

In the folder S/City Council Staff Reports/Staff Report Template is the Staff Report Form for you Council Communications. This template should be opened then do "FILE: Save As" and save the template to your file location as a word document (not a template).

If you are a frequent author of Council Communications, a short cut is to save the template for the S Drive into your own document location, enter your name as the author and then saving that Template as a Template in your document folder. This then retains your name and title as the author and you only need to enter a date and subject in the form.

It is your responsibility to add your agenda items under Consent or Discussion to the Preliminary Agenda for the appropriate meetings, by the Monday morning the week before the Council meeting. You can find the preliminary agendas on the S Drive. S/City Council Preliminary Agendas, click on it and then find the meeting date and add your agenda item in the appropriate place.

Please make sure that you share this information with any of your staff that prepares Council Communications.



**WINTERS COMMUNITY DEVELOPMENT AGENCY  
STAFF REPORT**

**TO:** Honorable Chairman and Members of the Board  
**DATE :** April 18, 2006  
**FROM:** John W. Donlevy, Jr., City Manager   
**SUBJECT:** Community Center Patio Cover

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**RECOMMENDATION:**

That the Agency Board:

1. Award the Community Center Shade Structure Project No. 2006-06 to Solano Construction in the amount of \$88,434; and
2. Approve a budget adjustment in the amount of \$60,000 to fund the project.

**BACKGROUND:**

Since October, 2002, the Community Development Agency has been working on the addition of a patio shade cover for the rear area of the Community Center. The project has included the design by local architect Al Vallecillo and the participation of a number of residents and contractors in the process

**DISCUSSION:**

The project had previously become held up due to issues with the structural engineer and design elements of the project.

On April 6, 2006, bids were opened for the actual construction of the project. The bids included as follows:

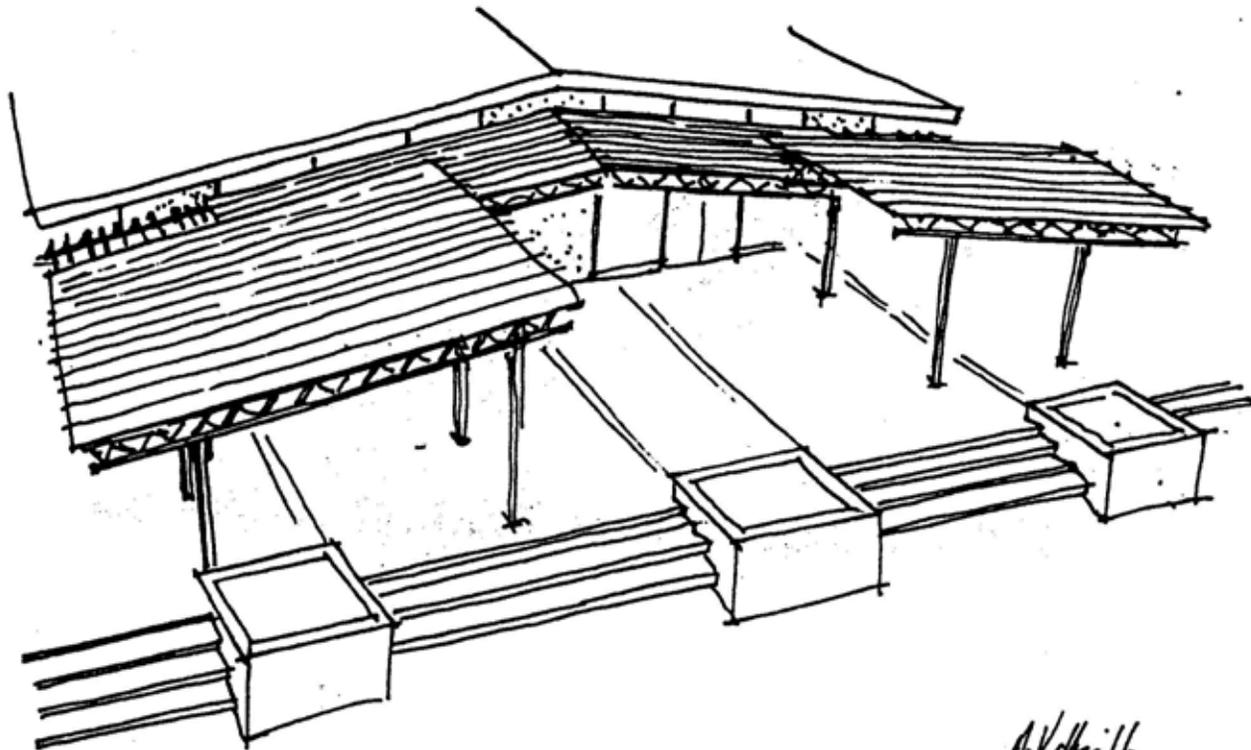
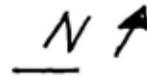
- Solano Construction- \$88,434.00
- JDS Builders, Inc.- \$133,248

Based on this bid, Staff is recommending the award to Solano Construction.

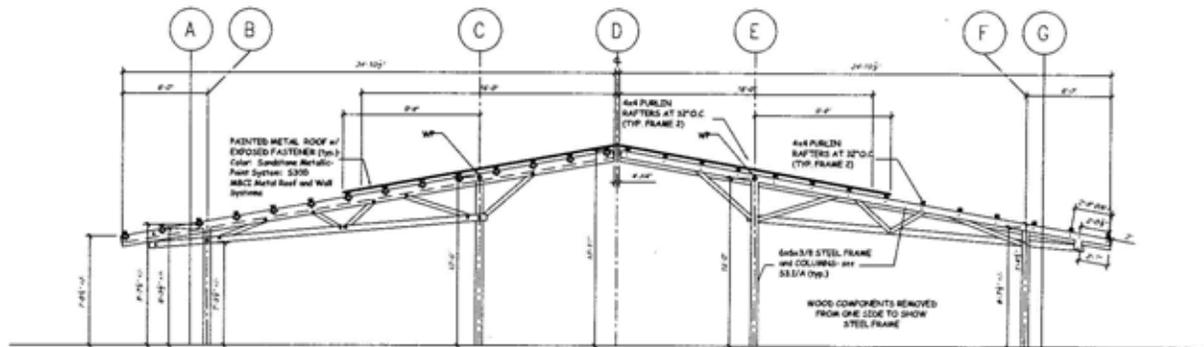
**FISCAL IMPACT:**

This item has previously been held in the CDA Capital Budget and has been included with the Workforce Housing Grant in the amount of \$25,000. A budget allocation is required to fund the project.

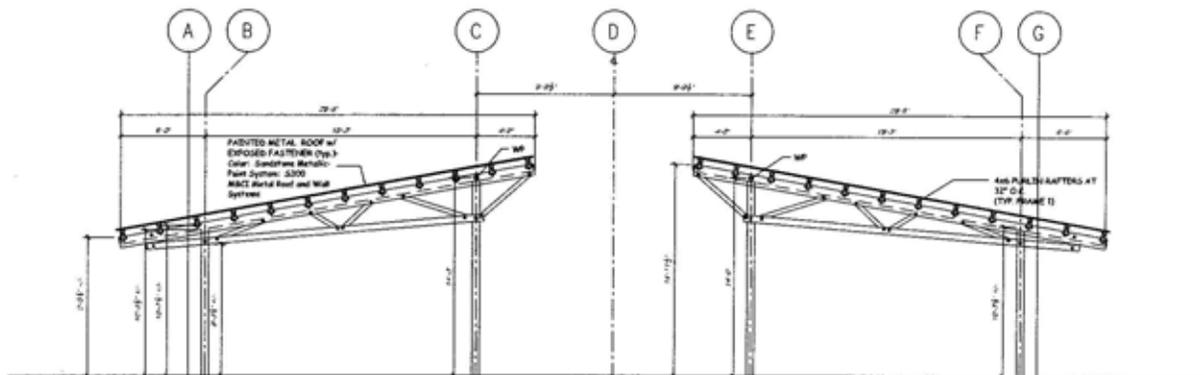
ELEVATION OF  
SHADE COVER



*A. Valtrillo*  
9.8.02



**SHADE STRUCTURE AT BUILDING- FRAME 2**  
 $\frac{1}{4}''=1'-0''$



**SHADE STRUCTURE - WEST & EAST WINGS- FRAME 1**  
 $\frac{1}{4}''=1'-0''$

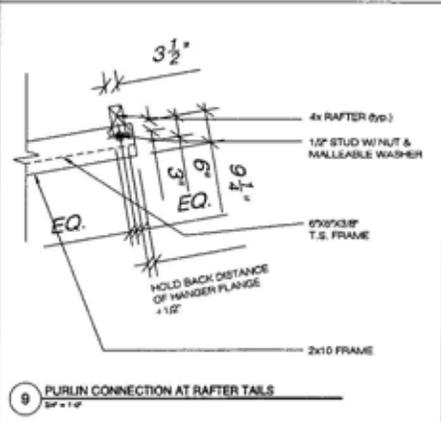
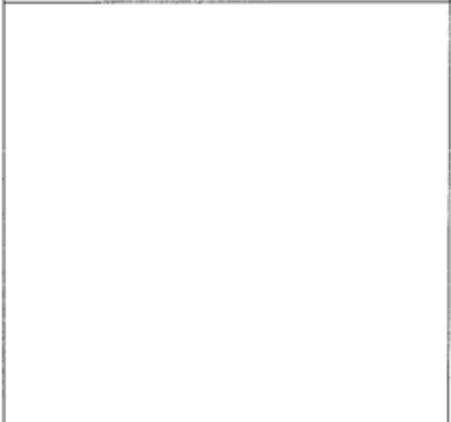
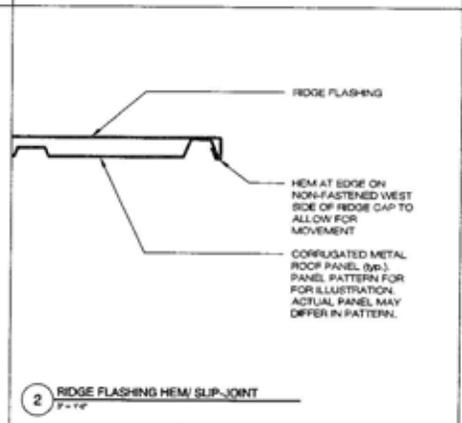
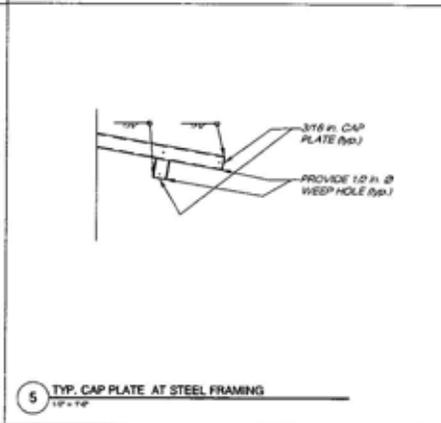
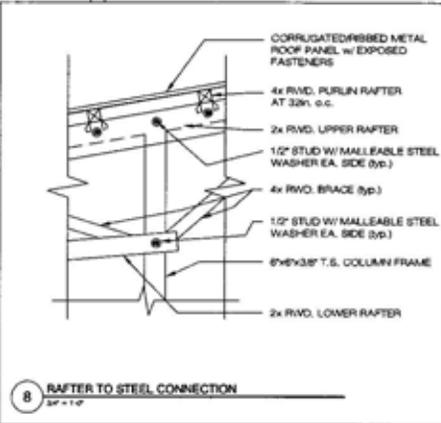
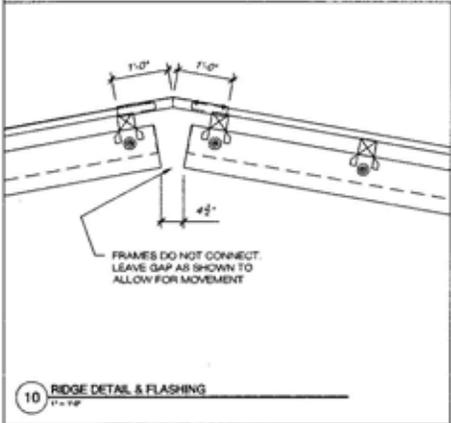
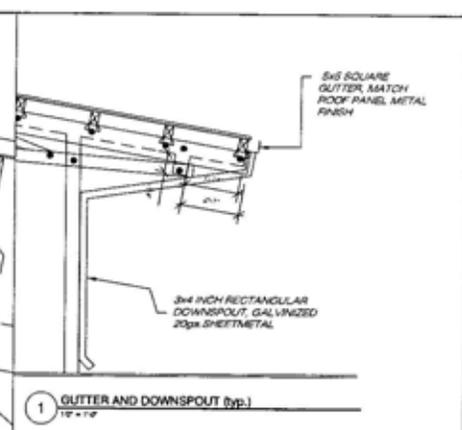
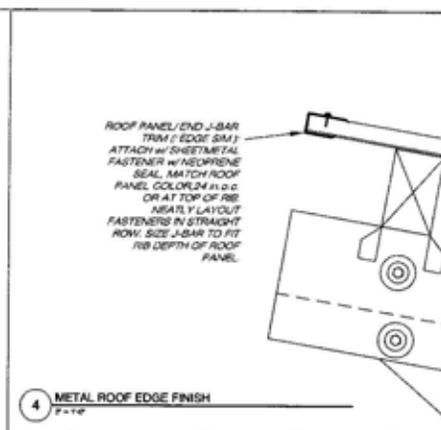
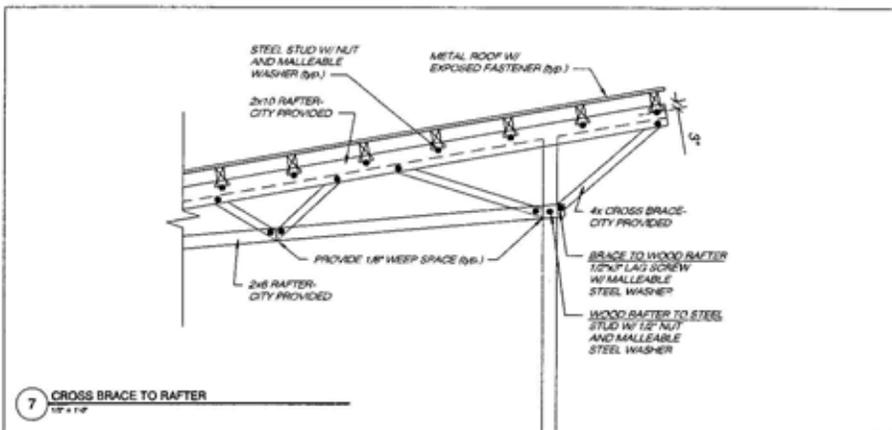
SCALE  
 SCALE  
 Albert Vallecillo  
 210 Main St., Winters, California 95694  
 530/795-1924

COMMUNITY CENTER  
 SHADE STRUCTURE  
 201 Railroad Avenue Winters, California 95694

| REVISIONS |
|-----------|
|           |
|           |
|           |
|           |
|           |

CONSTRUCTION SET  
 FOR 10/11/2011  
 PLAN CHECKED BY  
 DATE: 10/11/11  
 DRAWN BY:

ISSUED FOR CONSTRUCTION elevations  
**A3**  
 3-7



SEAL  
SEAL

Albert Vallecillo  
210 Main St., Winters, California 95694  
530/795-1924

COMMUNITY CENTER  
SHADE STRUCTURE  
201 Railroad Avenue Winters, California 95694

| NO. | REVISIONS |
|-----|-----------|
|     |           |
|     |           |
|     |           |
|     |           |

CONSTRUCTION SET  
TITLE: COMMUNITY CENTER  
PLANNING AND DESIGN SET  
DATE: 10/15/2010  
BY: [Signature]

**details**

**A4**

4-7

REVISIONS FOR CONSTRUCTION

## **Community Center Shade Structure Construction Schedule Solano Construction**

- April 18<sup>th</sup> City Council award of bid
- April 19-21 Sign contract w/ contractor, verify insurance, letter of credit
- April 24 USA mark out for utilities
- April 25-27 saw cut concrete for posts/prep. work for concrete pour
- April 25-26 notify structural engineer 48 hours prior to placing of concrete
- April 28 inspection by structural engineer; concrete pour
- April 28 to May 5 remove old barge rafters; install new barge rafters w/ flashing, sealing, painting
- May 8-12 steel posts & trusses arrive; steel erection done
- May 15-19 trusses & purlins done
- May 22-26 gutters, downspouts, sheet metal, roofing done
- May 26 project complete



**CITY COUNCIL  
STAFF REPORT**

**TO:** Honorable Chairman and Members of the Board  
**DATE :** April 18, 2006  
**FROM:** John W. Donlevy, Jr., City Manager   
**SUBJECT:** Downtown Master Plan Capital Projects- FY 2006-07

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**RECOMMENDATION:**

That the Agency Board review the proposed Capital Projects List for the Downtown Master Plan and provide input on FY 2006-07 Projects.

**BACKGROUND:**

At its March 7, 2006, the Winters Community Development Agency approved the Downtown Master Plan. This document is meant to serve as a catalyst document for a variety of planning, policy, economic development and capital projects within Downtown Winters.

With this approval and the upcoming Fiscal Year 2006-07 Budget, Staff would like to review the proposed list of capital projects and improvements to occur in the coming year. Because it will require additional engineering and staff work to be included in the upcoming budget, this item is being presented prior to the budget workshops to allow input from the Agency Board.

**DISCUSSION:**

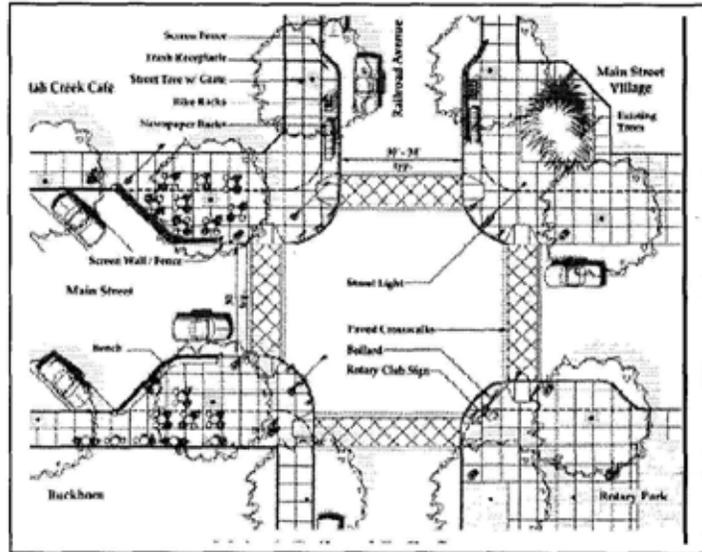
Staff is proposing the implementation of a capital program which focuses on the core area of the downtown. This would specifically include Main St and Railroad Ave. The specific projects and estimated costs are as follows:

| <b>Att.</b> | <b>Project</b>             | <b>Location</b>            | <b>Est. Cost</b> |
|-------------|----------------------------|----------------------------|------------------|
| 1           | Railroad Ave. Streetscape  | Between Main St. and Abbey | \$167,000        |
| 2           | Alley Improvements         | Between Railroad/First     | \$431,000        |
| 3           | Main/Railroad Intersection | Main/Railroad              | \$424,000        |
| 4           | Main St. Streetscape       | Between Railroad/First     | \$250,000        |
|             |                            | Total                      | \$1,272,000      |

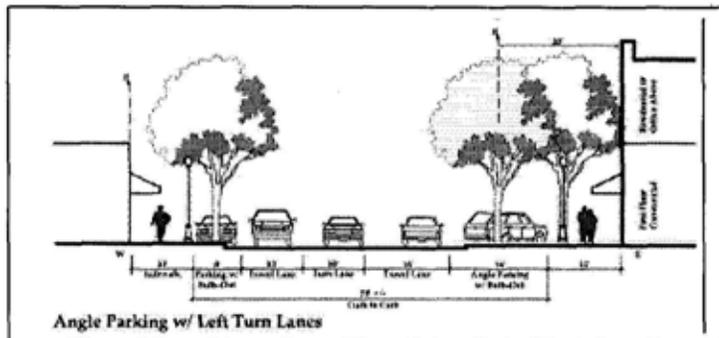
The improvements will follow the concepts approved as part of the Core Block A aspect of the Master Plan.

The improvements to be implemented will include a number of streetscape designs which were discussed and recommended by the Master Plan Committee. These will include the overall Main and Railroad Intersection Plan shown in on this page.

Additionally, the plan will work to implement the alley way improvements which will include the undergrounding of utilities, water and sewer upgrades and the future parking lot which will be located at the current fire station location.



Railroad Ave. will undergo a major renovation with a widening of the street to include diagonal parking and a paseo. At the present time, a CDA Committee is reviewing proposals for the development of the Railroad Parking Lot property. These improvements would occur in conjunction with the development of that site. The street cross section would appear as indicated, right.



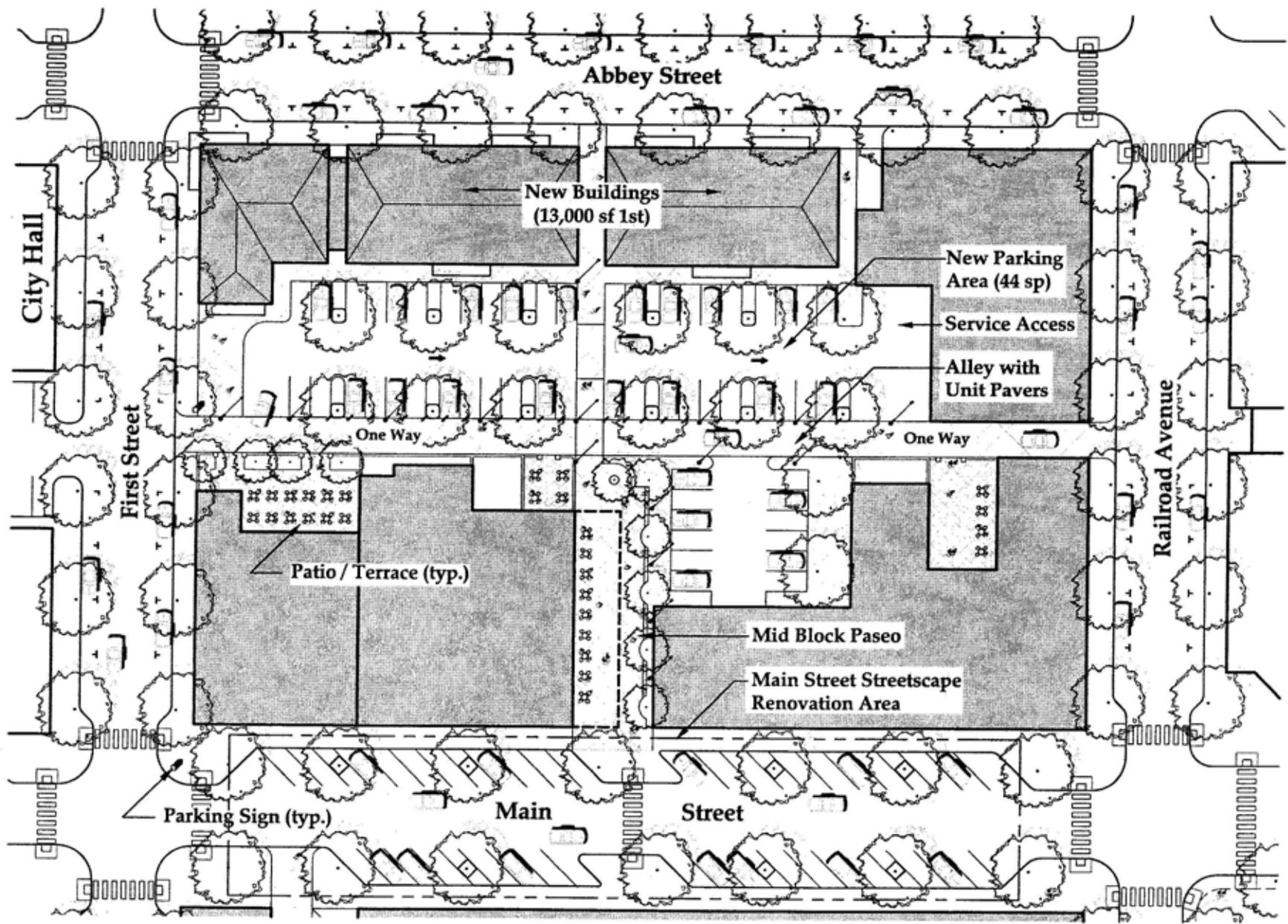
Main Street improvements will include the construction of a central crossing, improvements at Main/First, street planters and other streetscape improvements. Sidewalk improvements will also be made.

In total, the capital projects proposed will represent an expenditure of approximately \$1.3 million. This will be in conjunction with other projects which will be proposed in the upcoming budget.

**FISCAL IMPACT:**

This item will provide direction for those items to be included in the upcoming CDA FY 2006-07 Budget.

**ATTACHEMENTS:** Core Area A Plan and Budget Estimates by Project



**Core Block A**

**Phase 1 Projects - City of Winters Downtown Revitalization  
 Railroad Avenue Streetscape - Concept-Level Cost Estimate**

Bottomley Design & Planning

4-April-06

| Item No.                     | Item Description                            | Units | Quantity | Unit Price | Amount           |
|------------------------------|---|-------|----------|------------|------------------|
| 1                            | Remove Existing Sidewalk/Lighting           | sf    | 1,700    | 5.00       | \$8,500          |
| 2                            | Remove Existing AC Paving                   | sf    | 2,500    | 4.00       | \$10,000         |
| 3                            | Remove Existing Curb and Gutter             | lf    | 145      | 10.00      | \$1,450          |
| 4                            | Concrete Curb and Gutter                    | lf    | 215      | 30.00      | \$6,450          |
| 5                            | Concrete Sidewalk, incl Bulb-Outs           | sf    | 3,300    | 10.00      | \$33,000         |
| 6                            | Concrete Curb Ramps                         | ea    | 4        | 1,500.00   | \$6,000          |
| 7                            | AC Roadway (replace)                        | sf    | 415      | 6.00       | \$2,490          |
| 8                            | Street Trees in Walk (36" box w/str soil)   | ea    | 2        | 1,500.00   | \$3,000          |
| 9                            | Street Trees in P Zone (36" box w/str soil) | ea    | 8        | 2,000.00   | \$16,000         |
| 10                           | Trees Grates (48" square)                   | ea    | 2        | 1,500.00   | \$3,000          |
| 11                           | Streetlights                                | ea    | NA       | 7,500.00   | \$0              |
| 12                           | Custom Bulb-Out Fence/Bench                 | lf    | NA       | 250.00     | \$0              |
| 13                           | Trash Receptacles                           | ea    | 4        | 1,500.00   | \$6,000          |
| 14                           | Bicycle Racks (eg. Inverted U-Shaped)       | ea    | 2        | 500.00     | \$1,000          |
| 15                           | Storm Drain/Manhole Relocation (allow)      | ea    | NA       | 7,500.00   | \$0              |
| 16                           | Street Oil Seal (for restriping)            | sf    | 1,000    | 1.00       | \$1,000          |
| 17                           | Traffic Striping and Markings               | lf    | 240      | 50.00      | \$12,000         |
| 18                           | Ornamental Crosswalk Paving                 | sf    | 400      | 15.00      | \$6,000          |
| 19                           | Shrubs w/ Irrigation in Planter             | sf    | NA       | 5.00       | \$0              |
| 20                           | Irrigation System, Street Trees             | ea    | 10       | 500.00     | \$5,000          |
| 21                           | Backflow Preventers                         | ea    | 1        | 3,000.00   | \$3,000          |
| <b>Construction Subtotal</b> |   |       |          |            | <b>\$123,890</b> |
| Construction Subtotal        |   |       |          |            | \$123,890        |
| Contingency, A/E, etc @ 35%  |   |       |          |            | \$43,362         |
| <b>Project Total</b>         |   |       |          |            | <b>\$167,252</b> |

**Phase 1 Projects - City of Winters Downtown Revitalization**  
**North Side Alley & Paseo Improvements - Concept-Level Cost Estimate**

Bottomley Design & Planning

4-April-06

| Item No.                     | Item Description                       | Units | Quantity | Unit Price | Amount           |
|------------------------------|--|-------|----------|------------|------------------|
| 1                            | Remove/Grade Paseo Site                | sf    | 4,200    | 5.00       | \$21,000         |
| 2                            | Remove Existing Alley Paving           | sf    | 4,800    | 4.00       | \$19,200         |
| 3                            | Alley Utility Undergrounding           | lf    | 400      | 325.00     | \$130,000        |
| 5                            | Paseo Unit Paving                      | sf    | 4,200    | 10.00      | \$42,000         |
| 5                            | Alley Unit Paving                      | sf    | 4,800    | 10.00      | \$48,000         |
| 11                           | Streetlights (paseo only)              | ea    | 4        | 7,500.00   | \$30,000         |
| 12                           | Benches (allow)                        | ea    | 4        | 1,750.00   | \$7,000          |
| 13                           | Trash Receptacles                      | ea    | 2        | 1,500.00   | \$3,000          |
| 14                           | Bicycle Racks (eg. Inverted U-Shaped)  | ea    | 1        | 500.00     | \$500            |
| 18                           | Paseo Planter PIP                      | lf    | 236      | 50.00      | \$11,800         |
| 19                           | Trees, Shrubs w/ Irrigation in Planter | sf    | 880      | 5.00       | \$4,400          |
| 20                           | Backflow Preventers                    | ea    | 1        | 3,000.00   | \$3,000          |
| <b>Construction Subtotal</b> |  |       |          |            | <b>\$319,900</b> |
| Construction Subtotal        |  |       |          |            | \$319,900        |
| Contingency, A/E, etc @ 35%  |  |       |          |            | \$111,965        |
| <b>Project Total</b>         |  |       |          |            | <b>\$431,865</b> |

**Phase 1 Projects - City of Winters Downtown Revitalization**  
**Main/Railroad Intersection Improvements - Concept-Level Cost Estimate**

Bottomley Design & Planning

4-April-06

| Item No.                     | Item Description                            | Units | Quantity | Unit Price | Amount           |
|------------------------------|---|-------|----------|------------|------------------|
| 1                            | Remove Existing Sidewalk/Lighting           | sf    | 3,100    | 5.00       | \$15,500         |
| 2                            | Remove Existing AC Paving (bulbs)           | sf    | 3,405    | 4.00       | \$13,620         |
| 3                            | Remove Existing AC Paving (grade 1/2)       | sf    | 6,000    | 4.00       | \$24,000         |
| 4                            | Remove Existing Curb and Gutter             | lf    | 300      | 8.00       | \$2,400          |
| 5                            | Concrete Curb and Gutter                    | lf    | 435      | 30.00      | \$13,050         |
| 6                            | Concrete Sidewalk, incl Bulb-Outs           | sf    | 6,505    | 10.00      | \$65,050         |
| 7                            | Concrete Curb Ramps                         | ea    | 8        | 1,500.00   | \$12,000         |
| 8                            | AC Roadway (replace 1/2l)                   | sf    | 6,000    | 6.00       | \$36,000         |
| 9                            | Street Trees in Walk (36" box w/str soil)   | ea    | 6        | 1,500.00   | \$9,000          |
| 10                           | Street Trees in P Zone (36" box w/str soil) | ea    | NA       | 2,000.00   | \$0              |
| 11                           | Trees Grates (48" square)                   | ea    | NA       | 1,500.00   | \$0              |
| 12                           | Streetlights                                | ea    | 4        | 7,500.00   | \$30,000         |
| 13                           | Custom Bulb-Out Fence/Bench                 | lf    | 70       | 250.00     | \$17,500         |
| 14                           | Trash Receptacles                           | ea    | 4        | 1,500.00   | \$6,000          |
| 15                           | Bicycle Racks (eg. Inverted U-Shaped)       | ea    | 2        | 500.00     | \$1,000          |
| 16                           | Storm Drain/Manhole Relocation (allow)      | ea    | 4        | 7,500.00   | \$30,000         |
| 17                           | Street Oil Seal (for restriping)            | sf    | 11,845   | 1.00       | \$11,845         |
| 18                           | Traffic Striping and Markings               | lf    | NA       | 50.00      | \$0              |
| 19                           | Ornamental Crosswalk Paving                 | sf    | 1,400    | 15.00      | \$21,000         |
| 20                           | Shrubs w/ Irrigation in Planter             | sf    | NA       | 5.00       | \$0              |
| 21                           | Irrigation System, Street Trees             | ea    | 6        | 500.00     | \$3,000          |
| 22                           | Backflow Preventers                         | ea    | 1        | 3,000.00   | \$3,000          |
| <b>Construction Subtotal</b> |   |       |          |            | <b>\$313,965</b> |
| Construction Subtotal        |   |       |          |            | \$313,965        |
| Contingency, A/E, etc @ 35%  |   |       |          |            | \$109,888        |
| <b>Project Total</b>         |   |       |          |            | <b>\$423,853</b> |

**Phase 1 Projects - City of Winters Downtown Revitalization  
Main Street Streetscape Improvements - Concept-Level Cost Estimate**

Bottomley Design & Planning

4-April-06

| Item No.                     | Item Description                            | Units | Quantity | Unit Price | Amount           |
|------------------------------|---|-------|----------|------------|------------------|
| 1                            | Remove Existing Sidewalk/Lighting           | sf    | 1,200    | 5.00       | \$6,000          |
| 2                            | Remove Existing AC Paving                   | sf    | 5,350    | 4.00       | \$21,400         |
| 3                            | Remove Existing Curb and Gutter             | lf    | 120      | 8.00       | \$960            |
| 4                            | Concrete Curb and Gutter                    | lf    | 170      | 30.00      | \$5,100          |
| 5                            | Concrete Sidewalk, incl Bulb-Outs           | sf    | 3,700    | 10.00      | \$37,000         |
| 6                            | Concrete Curb Ramps                         | ea    | 2        | 1,500.00   | \$3,000          |
| 7                            | AC Roadway (replace)                        | sf    | 2,000    | 6.00       | \$12,000         |
| 8                            | Street Trees in Walk (36" box w/str soil)   | ea    | NA       | 1,500.00   | \$0              |
| 9                            | Street Trees in P Zone (36" box w/str soil) | ea    | 12       | 2,000.00   | \$24,000         |
| 10                           | Trees Grates (48" square)                   | ea    | NA       | 1,500.00   | \$0              |
| 11                           | Streetlights                                | ea    | NA       | 7,500.00   | \$0              |
| 12                           | Custom Bulb-Out Fence/Bench                 | lf    | 0        | 250.00     | \$0              |
| 13                           | Trash Receptacles                           | ea    | 4        | 1,500.00   | \$6,000          |
| 14                           | Bicycle Racks (eg. Inverted U-Shaped)       | ea    | 1        | 500.00     | \$500            |
| 15                           | Storm Drain/Manhole Relocation (allow)      | ea    | 2        | 7,500.00   | \$15,000         |
| 16                           | Street Oil Seal (for restriping)            | sf    | 22,200   | 1.00       | \$22,200         |
| 17                           | Traffic Striping and Markings               | lf    | 370      | 50.00      | \$18,500         |
| 18                           | Ornamental Crosswalk Paving                 | sf    | 300      | 15.00      | \$4,500          |
| 19                           | Shrubs w/ Irrigation in Planter             | sf    | NA       | 5.00       | \$0              |
| 20                           | Irrigation System, Street Trees             | ea    | 12       | 500.00     | \$6,000          |
| 21                           | Backflow Preventers                         | ea    | 1        | 3,000.00   | \$3,000          |
| <b>Construction Subtotal</b> |   |       |          |            | <b>\$185,160</b> |
| Construction Subtotal        |   |       |          |            | \$185,160        |
| Contingency, A/E, etc @ 35%  |   |       |          |            | \$64,806         |
| <b>Project Total</b>         |   |       |          |            | <b>\$249,966</b> |