

Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, October 20, 2015

Members of the City Council

*Cecilia Aguiar-Curry, Mayor
Woody Fridae, Mayor Pro-Tempore
Harold Anderson
Wade Cowan
Pierre Neu*

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

5:15 p.m. – Executive Session

AGENDA

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

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

6:30 p.m. – Regular Session

AGENDA

PLEASE NOTE – The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Mayor or Councilmembers. Public comments time may be limited and speakers will be asked to state their name.

Roll Call

Pledge of Allegiance

Approval of Agenda

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS

At this time, any member of the public may address the City Council on matters, which are not listed on this agenda. Citizens should reserve their comments for matter listed on this agenda at the time the item is considered by the Council. An exception is made for members of the public for whom it would create a hardship to stay until their item is heard. Those individuals may address the item after the public has spoken on issues that are not listed on the agenda. Presentations may be limited to accommodate all speakers within the time available. Public comments may also be continued to later in the meeting should the time allotted for public comment expire.

CONSENT CALENDAR

All matters listed under the consent calendar are considered routine and non-controversial, require no discussion and are expected to have unanimous Council support and may be enacted by the City Council in one motion in the form listed below. There will be no separate discussion of these items. However, before the City Council votes on the motion to adopt, members of the City Council, staff, or the public may request that specific items be removed from the Consent Calendar for separate discussion and action. Items(s) removed will be discussed later in the meeting as time permits.

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, October 6, 2015 (pp. 4-8)
- B. Award Contract for Contaminated Soil Placement, Site Restoration and Grading at City-Owned Parking Lot (pp. 9-10)
- C. Project Budget Sheet (Pre-Design Only) for W. Main Sewer Pump Station, Project No. 16-02 (pp. 11-13)

DISCUSSION ITEMS

- 1. Public Hearing, Introduction and Waive the First Reading of Ordinance 2015-04, an Ordinance of the City of Winters Amending Home Occupation Regulations, and;
Public Hearing, Introduction and Waive the First Reading of Ordinance 2015-05, an Ordinance of the City of Winters Amending Second Residential Unit Regulations (pp. 14-29)

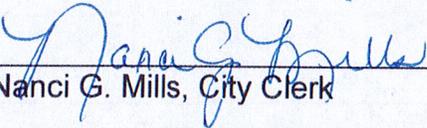
CITY OF WINTERS AS SUCCESSOR AGENCY TO THE WINTERS COMMUNITY DEVELOPMENT AGENCY

- 1. None
-

CITY MANAGER REPORT

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the October 20, 2015 regular meeting of the Winters City Council was posted on the City of Winters website at www.cityofwinters.org and Councilmembers were notified via e-mail of its' availability. A copy of the foregoing agenda was also posted on the outside public bulletin board at City Hall, 318 First Street on October 14, 2015, and made available to the public during normal business hours.



Nanci G. Mills, City Clerk

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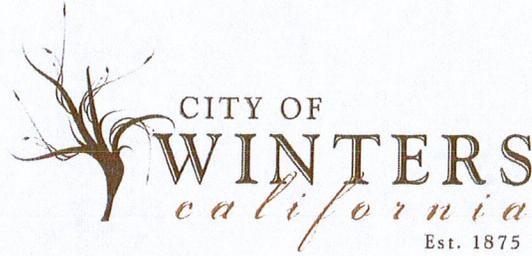
City Hall – Finance Office - 318 First Street

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Wednesday at 10:00 a.m.

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Minutes of the Winters City Council Meeting
Held on October 6, 2015

Mayor Pro Tem Woody Fridae called the meeting to order at 6:30 p.m.

Present: Council Members Harold Anderson, Wade Cowan, Pierre Neu and Mayor Pro Tem Woody Fridae
Absent: Mayor Cecilia Aguiar-Curry
Staff: City Manager John Donlevy, City Attorney Ethan Walsh, City Clerk Nanci Mills, Housing/Economic Development Manager Dan Maguire, Building Official Gene Ashdown, Police Chief Sergio Gutierrez, Director of Financial Management Shelly Gunby and Management Analyst Tracy Jensen.

Dr. Todd Cutler led the Pledge of Allegiance.

Approval of Agenda: City Manager Donlevy requested Consent Item E be removed and Resolution 2015-48 be added to Consent Item F. Motion by Council Member Cowan, second by Council Member Neu to approve the agenda with said changes. Motion carried with the following vote:

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

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS: Dr. Todd Cutler, WJUSD Superintendent, invited Council and staff to attend a "Vision Workshop" on Monday, October 26th from 5:30pm-7:30pm in the Margaret Parsons room at the library. Dr. Cutler is trying to get a collective vision as to where the school district is going and invited those present to participate. He said he has just completed 3 months in Winters, enjoys his job and is looking forward to continuing his work here.

Chad Vickrey voiced his concerns about the tennis courts being utilized for soccer. He claims the courts are being abused and littered with garbage and the nets are being damaged by people sitting on them.

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, September 15, 2015
- B. Minutes of the Special Meeting of the Winters City Council Held on Wednesday, September 23, 2015
- C. Final Acceptance and Notice of Completion of Off-Site Improvements on Mermod Road by JR Builders
- D. Resolution 2015-46, A Resolution of the City Council of the City of Winters Amending the 2015-2016 Adopted Operating Budget for Open Purchase Orders as of June 30, 2015
- E. Professional Services Contract Addendum with Wallace Kuhl for Stockpiled Soil Alternative Disposal at the Downtown Hotel Site **(Item Removed from Agenda)**
- F. Downtown Hotel Soil Disposal Alternative, Informal Bid Contract Award – Resolution 2015-48 added.
- G. Consultant Services Agreement for Winters Highlands Technical Studies & Analysis
- H. Approval of Funding for Design of Grant Avenue & West Main Signal and Pedestrian Improvements, Project No. 16-01
- I. Public Improvement Agreement for PG&E Gas Operation Technical Training Center (GOTTC)

City Manager Donlevy gave an overview and said Item E was being removed from the agenda and Resolution No. 2015-48 was being added to Item F to reject all bids received for the DT Hotel soil disposal. Motion by Council Member Cowan, second by Council Member Neu to approve Items A, C, D, G & H. Motion carried with the following vote:

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

Council Member Anderson then recused himself at 6:47 p.m. for the remaining items. Motion by Council Member Cowan, second by Council Member Neu to approve Items B, F, and I. Motion carried with the following vote:

AYES: Council Members Cowan, Neu, and Mayor Pro Tem Fridae
NOES: None
ABSENT: Council Member Anderson and Mayor Aguiar-Curry
ABSTAIN: None

Council Member Anderson returned to the dais at 6:48 p.m.

PRESENTATIONS

Mayor Pro Tem Fridae recognized and thanked each sponsor for their generous donations to the 2015 Festival de la Comunidad: Button and Turkovich, Howard Hupe, Aguiar Ranch (Joseph Aguiar), Dixon Ridge Farms (Russ and Kathy Lester), Valerie Whitworth, Don Saylor, Mazza Dental Care, First Northern Bank, PG&E, Mariani Nut Company, V. Santoni, and Adidas. He then presented a Certificate of Appreciation to Howard and Germaine Hupe, who were present in the audience. He then reminded everyone that the Festival de la Comunidad is always the last weekend in September, and in 2016 it will be held on Saturday, September 24, 2016.

DISCUSSION ITEMS

1. Resolution 2015-39, a Resolution of the City Council of the City of Winters Amending the 2015-2016 Adopted Operating Budget for the Building and Code Enforcement Division

Building Official Gene Ashdown thanked Council for the approval of the Building Permit Technician position that has allowed for expanded counter hours and two potential part time inspectors. He also thanked Shelly for helping him with the budget breakdown provided in the Staff Report. Council Member Cowan said the status quo is good and he likes the improvements made in the building department by having a counter technician and having the door open and the lights on more often. In regards to contract inspectors, until there is a tipping point when the City requires additional personnel, he agrees with the current plan. Council Member Neu agreed with Council Member Cowan and said the open door & additional counter hours is a great improvement.

Motion by Council Member Neu, second by Council Member Cowan to approve Resolution 2015-39 amending the 2015-2016 Adopted Operating Budget for the Building and Code Enforcement Division. Motion carried with the following vote:

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

2. Yolo County Animal Services 2-year Agreement

Police Chief Sergio Gutierrez gave an overview and confirmed that the Yolo County Animal Services provides animal control ordinance enforcement on a regular basis, 6 days a week from 8am – 5pm, and are also available on call.

Motion by Council Member Cowan, second by Council Member Anderson to approve the agreement between Yolo County and the City of Winters for Animal Control Services and authorize the mayor to sign the agreement. Motion carried with the following vote:

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

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

1. Resolution SA-2015-07 A Resolution of the Successor Agency to the Dissolved Community Development Agency of the City of Winters, Approving a Recognized Obligation Payment Schedule for the Period January 1, 2016 to June 30, 2016

Agency Chairman Fridae opened the Successor Agency at 7:05 p.m.

Director of Financial Management Shelly Gunby gave an overview and confirmed the Oversight Board has already approved the ROPS for the period 1/1/2016-6/30/2016. Motion by Agency Member Anderson, second by Agency Member Neu to approve Resolution SA-2015-07, approving a ROPS for the period indicated. Motion carried with the following vote:

AYES: Agency Members Anderson, Cowan, Neu, Agency Chair Fridae
NOES: None
ABSENT: Agency Member Aguiar-Curry
ABSTAIN: None

CITY MANAGER REPORT: The PG&E project is scheduled to start on October 21. The Winters Fire Department will conduct training and burn off the property. Mike Olivas of AKM Railroad LLC said he received a letter of intent for financing for the downtown hotel. They have plans and contractors are contacting the City for plan checks, while the City is determining a strategy for the removal of the soil. The City's ISO rating is a big deal and is based on the capability of the City to provide adequate fire suppression within the City. In 2002, the score was 7 (the only thing worse than 7 was if you didn't have water!) In 2009, we saw the score drop to 5 and the current score is now down to 3. Thanks goes out to the

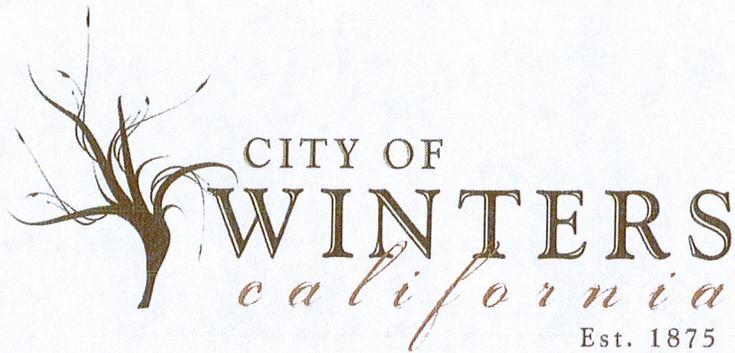
entire team including engineering, financial management and the entire staff. The ribbon cutting for the PG&E GOTTC ground breaking will take place the first week of November, with the exact date TBD. Ethan, Shelly and Alan continue to work on PG&E items.

ADJOURNMENT: Mayor Pro Tem Fridae adjourned the meeting at 7:15 p.m.

Woody Fridae, Mayor Pro Tempore

ATTEST:

Nanci G. Mills, City Clerk



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: October 20, 2015
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Dan Maguire, Economic Development and Housing Manager *DM*
SUBJECT: Contract Award for Contaminated Soil Placement, Site Restoration and Grading at City-owned Parking Lot in conjunction with Downtown Hotel Project

RECOMMENDATIONS:

- 1) Receive the update from staff regarding the downtown hotel project site soil Re-Bid Results for the Downtown Hotel Project,
- 2) Award the contract to the low responsive/responsible bidder, and
- 3) Authorize the City Manager to execute all necessary contracts for alternative soil disposal.

BACKGROUND:

The City is under a Purchase & Sale contract to transfer ownership of property to AKM Railroad LLC in conjunction with the Downtown Hotel project. The City and its' contractors have completed the demolition of the buildings previously on those properties (10-12 Abbey, 314 & 318 Railroad Avenue; aka Fire Department, Cody's, & JJ's). The Purchase and Sale agreement with AKM Railroad LLC calls for the City to deliver a "clean site" at Close of Escrow.

As defined by the Phase 2 Environmental report for City-owned properties, the site had an area that needed to be excavated to address ash and debris under one of the recently demolished buildings, with an additional excavation to confirm and define remediation of a suspected hydraulic lift within one of the buildings formerly on Railroad Avenue. It was subsequently determined by additional excavation that no remediation was required for the suspected hydraulic lift area

The City's Public Works staff did do the excavation, with monitoring and testing performed by specialists from Wallace Kuhl, as authorized by City Council at the June 16, 2015 Council meeting. The contaminated soil was placed on top of a protective barrier of visqueen, with the soil pile covered and protected by an additional layer of plastic to encapsulate it until disposal. Wallace Kuhl subsequently took numerous soil samples to determine the levels of contamination/toxicity of the soil.

At the July 7, 2015 City Council meeting, Council authorized the City Manager to execute contracts on a Not to Exceed basis of \$110,000 for the disposal of an estimated 432 yards (600 tons) of soil. After authorization from City Council at the July 21, 2015 meeting, staff worked with contract consultant BSK Environmental exploring the possibility of an alternate approach whereby the City could be authorized by the California Department of Toxic Substance Control (DTSC) to re-compact the stockpiled materials as part of the building foundation (or under the proposed improved parking lot) under a voluntary clean up agreement.

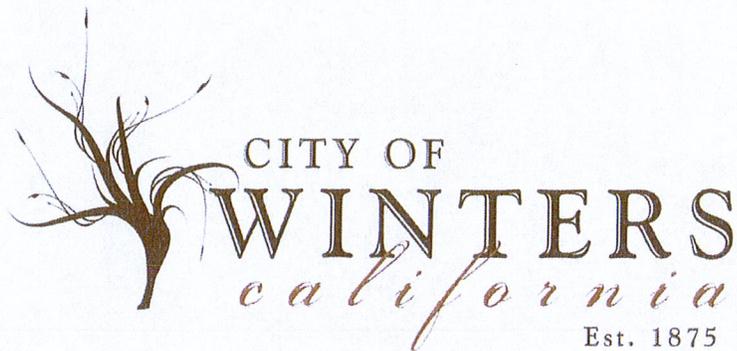
DTSC approved on an expedited basis, this approach which will result in significant cost savings to the City, substantially less than the approved budget of \$110,000. Upon receiving approval to re-compact the stockpiled materials under the current City parking lot from DTSC, staff issued an Informal Bid Request to provide the required soil work on the site. Contractors were invited to bid on the work outlined in the Bid Invitation, which includes excavating soil from the City parking lot (borrow site) to backfill the previously excavated hotel site, then place the stockpiled dirt in the excavated area of the borrow site, with the called upon compaction achieved at the parking lot site.

At the October 6, 2015 City Council meeting, Council adopted Resolution 2015-48 rejecting all bids resulting from the Informal Bid Invitation. Staff subsequently worked with the environmental consultants to revise the bid and put the scope of work out to appropriately licensed contractors.

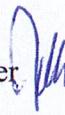
The Bid responses were due back to the City by 3:00 p.m. on Tuesday, October 13, 2015. The City received 3 bids on the project. The low responsive / responsible bidder is Vaca Valley Excavation, at a bid price of \$23,495.00.

FISCAL IMPACTS:

Total contract cost is \$23,495.00. The issuance of the Construction Agreement for the alternative treatment of the soil will have no impact on City's General Fund as it will be treated as an offset to the proceeds of the sale of the property.



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: October 20, 2015
FROM: John W. Donlevy, Jr., City Manager 
Alan L. Mitchell, City Engineer
SUBJECT: Project Budget Sheet (Pre-Design only) - W. Main Sewer Pump Station, Project No. 16-02.

RECOMMENDATION: Staff recommends City Council approve a Project Budget Sheet (PBS) for W. Main Sewer Pump Station, Project No. 16-02.

BACKGROUND: Sewer flows from new development to the north of Grant and W. Main, including Walnut Ranch, Carter Ranch, Callahan, and Winters Highlands, are master-planned to flow into a new sewer pump station and out to the WWTF through a new force main. In order to move forward with development, Winters Highlands and Callahan are conditioned to advance-fund the design and construction of the W. Main Sewer Pump Station and Force Mains projects, if not already completed.

DISCUSSION: The W. Main Sewer Pump Station (W. Main SSPS) project was previously designed in 2007 by Dodson & Associates, and then the economy declined and development did not move forward. Dodsens & Associates are no longer in business but the Design Engineer, Dana Hunt, is now with V.W. Housen. On October 6th, Council authorized the City Manager to execute a Consultant Agreement with V. W. Housen Associates for pre-design technical studies and analysis associated with the W Main Street Pump Station.

The Developer for Winters Highlands would like to move forward and the design criteria and plans need to be updated. Also, the Developer would like to phase the improvements. A Project Number was assigned and a Project Budget Sheet (PBS) prepared for the pre-design only. The PBS will be updated as the project moves forward, prior to design and construction.

Staff recommends the City Council approve the attached PBS.

ALTERNATIVES: None recommended by staff.

FISCAL IMPACT: Regional conveyance facilities and the regional pump station (W. Main SS PS), to support the projects north of Grant and W Main St., are 100-percent funded by new development. The City Engineer will determine the pro-rata share for each benefitting development. The Winters Highlands Developer is fronting the funds to cover the pre-design costs reflected in the attached PBS.

Attachment: Project Budget Sheet

**W. MAIN SEWER PUMP STATION
Project Budget Sheet (Pre-Design Only)**

CIP#: 16-02
Last Updated:
Project Owner: Public Works
Project Manager: Alan Mitchell

MTIP #
Original Approval:
Project Resource: Consultant

Description:

Technical analysis to update the previously prepared design criteria, including regulatory and functional use changes, and evaluate proposed phasing. This work will be used as the basis for updating the previously prepared construction documents.

Authority:

Sewer flows from new development to the north of Grant and W. Main are master-planned to flow into a new sewer pump station and out to the WWTF through a new force main. As part of the environmental review process and entitlement approval for the Winters Highlands and Callahan Estates, the projects were conditioned to fund the W Main SS Pump

Budget:						
Item	%	Amount	Item	%	Amount	
Project Management		\$10,000	Design			
Testing and Inspection			Permits			
Pre-Design		\$83,000	Construction			
Right of Way/Utility Relocation			Other			
CEQA/NEPA						
Project Total:						\$93,000

Financing Schedule:		Project Start:	2015	Project Completion:	2017		
Phases: Pre-Design, Design, Construction							
Fund Code:	Name:		Blank	Blank	Blank	Blank	FY Totals
Previous	WH Dev.						\$ -
FY 15/16:	\$ 93,000						\$ 93,000
FY 16/17:							\$ -
Fund Totals:	\$ 93,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 93,000

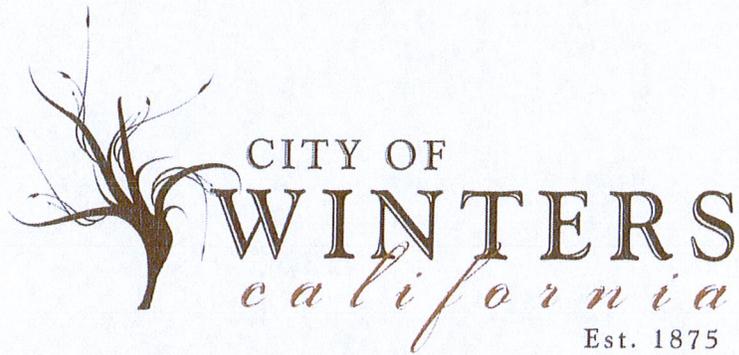
Recommended for Submittal
Recommended for Approval
Finance Department Approval
City Manager Approval

 Carol Scianna, Public Works (date)

 Alan Mitchell, City Engineer (date)

 Shelly Gunby, Director of Finance (date)

 John Donlevy, City Manager (date)



TO: Honorable Mayor and Council Members
DATE: October 20, 2015
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: David Dowswell, Community Development Department
SUBJECT: Various Zoning Text Amendments regarding Second Residential Units and Home Occupations

RECOMMENDED CITY COUNCIL ACTION

1. Receive the staff report, conduct the public hearing, and introduce Ordinance No. 2015-04 deleting Section 17.60.080, Home Occupations, amending Chapter 17.04, Introductory Provisions and Definitions, and adding Chapter 17.94, Home Occupations of the Winters Municipal Code (Zoning Ordinance) and schedule second reading and adoption for November 3, 2015.
2. Receive the staff report, conduct the public hearing, and introduce Ordinance No. 2015-05 deleting Section 17.60.070, Second Residential Units, amending Section 17.16.050, Ministerial Permits, Chapter 17.52, Land Use Regulations/Zoning Matrix, and adding Chapter 17.98, Second Residential Units of the Winters Municipal Code (Zoning Ordinance) and schedule second reading and adoption for November 3, 2015.

BACKGROUND:

Some months ago staff identified certain sections of the Home Occupation and Second Residential Units in the Zoning Ordinance that need updating due to changes in State law.

On May 26, 2015 the Planning Commission held a study session where they discussed possible updates to the City's Home Occupation (HOP) regulations contained in Section 17.060.080 due to the recently adopted Assembly Bill (AB) 1616 (Cottage Food), which allows as a home occupation people to produce/cook items in their home that can be offered for sale. The Commission also discussed amending the HOP regulations to allow the Commission to grant an exception at a noticed public hearing to the certain regulations in the new HOP Section 17.94.

On September 22, 2015 at a noticed public hearing the Planning Commission discussed the proposed ordinance amendments. At the meeting the Commission recommended that the proposed HOP amendments include under Section 17.94.040, Exceptions, allowing more than one (1) home occupation in any dwelling unit. An example of where two HOPs could be allowed is when one of the businesses involves the use of a computer and creates no additional traffic. The Commission recommended no additional changes to the second residential unit regulations (Attachment A).

ANALYSIS:

Home Occupation Amendments

On January 1, 2013 AB 1616 (Cottage Food) went into effect. A cottage food business is defined as a business with less than \$50,000 in gross receipts in a calendar year, and not more than one (1) full-time equivalent employee (not including family members). A permit shall be granted automatically if the cottage food operation complies with local ordinances (parking, noise, spacing and concentration).

Section 17.60.080 of the Winters Municipal Code (Code) provides specific restrictions and types of uses that cannot be approved as a home occupation. For the past ten years the City has not approved home occupations where appointments are taken which allow clients to come to the house where the business takes place due to concerns about compliance with the Americans with Disabilities Act (ADA). ADA, Title III establishes requirements for public accommodations, including service establishments. It is not clear how these requirements apply to home occupations. After discussing this issue with the Building Department and the City Attorney, staff came to the conclusion that in those instances where an applicant requests approval for a home occupation where no new construction is being undertaken to facilitate the business the City should not be obligated to determine if Title II of the ADA had to be met.

The proposed amendments to the HOP regulations are designed to bring them into compliance with the new State law AB 1616. An administration section and a regulation prohibiting someone from using their garage to facilitate the HOP have also been added. The proposed amendments would allow the Planning Commission to consider granting an exception to one or more regulations at a noticed public hearing. In addition to updating the ordinance, staff is proposing moving the HOP regulations from Chapter 17.60 "Residential Densities and Standards" and placing them in a new separate chapter (Chapter 17.94), making them easier to

find when looking for them in the Municipal Code. All of the significant changes are highlighted in the draft ordinance (Attachment B) using ~~strikethrough~~ and underline.

Second Residential Units Amendments

The proposed amendments to the second residential unit regulations are designed to bring them into compliance with State law. The amendments are as follows:

1. Allowing the required parking for a second residential unit to be located within the front yard setback, adjacent to an existing driveway.
2. Requiring the property on which a second residential unit is located to be owner-occupied (see Section 17.98.030M). To ensure the property is owner-occupied the owner will have to record a deed restriction prior to obtaining a certificate of occupancy for the second residential unit. The deed restriction will stipulate they (property owner) will live in one of the two units at all times. The purpose of the restriction is to maintain the distinction between the property being single family, where the owner rents out one of the two units, rather than a duplex, where the owner can rent out both units and not live on the property. State law allows cities to place such a restriction on second residential units. Many cities have this regulation/restriction in their ordinance.

Staff is also proposing moving the second residential units regulations, which are part of Chapter 17.60 "Residential Densities and Standards", and placing them in a new separate chapter (Chapter 17.98), making them easier to find when looking for them in the Municipal Code. All of the significant changes are highlighted in the draft ordinance (Attachment C) using ~~strikethrough~~ and underline.

ENVIRONMENTAL ASSESSMENT: The proposed project is statutorily and categorically exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15282h (Second Unit Ordinance) and Section 15301 (Existing Facilities).

ATTACHMENTS

- A) Draft Sept 22, 2015 Planning Commission minutes
- B) Ordinance 2015-04, Home Occupation Zoning Text Amendments
- C) Ordinance 2105-05, Second Residential Units Zoning Text Amendments

**MINUTES OF THE WINTERS PLANNING COMMISSION
MEETING HELD SEPTEMBER 22, 2015**

***DISCLAIMER:** These minutes represent the interpretation of statements made and questions raised by participants in the meeting. They are not presented as verbatim transcriptions of the statements and questions, but as summaries of the point of the statement or question as understood by the note taker.*

Chair Bill Biasi called the meeting to order at 6:30 p.m.

PRESENT: Commissioners Adams, Baker, Frazier, Myer, Neal, Riley, and Chair Biasi

ABSENT: None

STAFF: City Manager John W. Donlevy, Jr., Community Development Director Dave Dowswell, City Engineer Alan Mitchell, Management Analyst Jenna Moser

Kathy Cowan led the Pledge of Allegiance.

At this time Nanci Mills, City Clerk, performed the swearing-in of new Commissioner Frank Neal.

CITIZEN INPUT: None at this meeting.

CONSENT ITEM: None. Minutes for the 05/26/15 and 6/11/15 Planning Commission meetings will be available at the next meeting.

COMMISSION REPORTS: Commissioner Neal reported on attending the Napa Earthquake field trip organized by the City. Frazier reported on her attendance at the Chamber of Commerce retail meeting. Myer also reported attending the Chamber retail meeting. Chair Biasi reported on attending several parking committee meetings, and the Design Review Committee.

STAFF REPORTS: Management Analyst Moser requested Item C to be continued to the October 27th, 2015 meeting of the Planning Commission. Commission concurred.

DISCUSSION ITEM:

- A. Public Hearing and Consideration of a Parcel Map (No. 5086) for single parcel (APN's 038-070-037, -038, -039). Project applicant PG&E seeks to subdivide existing single parcel into three private lots and two public lots. (Planning Commission Resolution 15-01)

City Engineer, Alan Mitchell, provided an overview of the staff report.

At 6:37pm Chairman Biasi opened the Public Hearing.

Hearing no comments, at 6:37pm Biasi closed the Public Hearing.

Commissioner Frazier asked for information about the configuration of the roadway and sidewalks. Mitchell provided a description of the ultimate configuration of Grant Avenue, as well as Baker Street. Chair Biasi asked if the City was any closer to getting the McClish family to dedicate a portion of the property they retain for a pathway connecting existing Putah Creek trail to the PG&E segment. Donlevy reported that after the recordation of these maps, the City is on track to secure that portion of the retained property.

**MINUTES OF THE WINTERS PLANNING COMMISSION
MEETING HELD SEPTEMBER 22, 2015**

Baker moved, and Frazier seconded to approve Parcel Map (No. 5086) for single parcel (APN's 038-070-037, -038, -039). Project applicant PG&E seeks to subdivide existing single parcel into three private lots and two public lots. (Planning Commission Resolution 15-01)

AYES: Commissioners Adams, Baker, Frazier, Myer, Neal, Riley, and Chair Biasi

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried unanimously.

- B. Public Hearing and Consideration of a Parcel Map (No. 5097) for the Winters PG&E Gas Operations Technical Training Center (GOTTTC) project. Project applicant PG&E seeks to merge various parcels into one lot. (Planning Commission Resolution 15-02)

City Engineer, Alan Mitchell, provided an overview of the staff report.

At 6:45pm Chairman Biasi opened the Public Hearing. Hearing no comments, at 6:45pm Biasi closed the Public Hearing.

Myer moved, and Riley seconded to approve Parcel Map (No. 5097) for the Winters PG&E Gas Operations Technical Training Center (GOTTTC) project. Project applicant PG&E seeks to merge various parcels into one lot. (Planning Commission Resolution 15-02)

AYES: Commissioners Adams, Baker, Frazier, Myer, Neal, Riley, and Chair Biasi

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried unanimously.

- C. Public Hearing and Consideration of a Tentative Subdivision Map (8 lots) for parcel 003-430-030 near Taylor and Kennedy. Project applicant Joe & Karen Ogando seek to divide parcel 003-430-030, totaling 2.59 acres, into eight (8) lots ranging in size from 10,183 to 16,842 square feet. The Planning Commission will make a recommendation to the City Council to take final action on the project at a future Public Hearing to be noticed separately.

Continued to the October 27, 2015 Planning Commission meeting.

- D. Public Hearing and Consideration of Design/Site Plan Review, for construction of the Yolo Federal Credit Union near the intersection of Grant Avenue and East Street (APN 003-370-044).

**MINUTES OF THE WINTERS PLANNING COMMISSION
MEETING HELD SEPTEMBER 22, 2015**

Management Analyst Moser provided an overview of the staff report and architectural exhibits. Commissioner Neal asked for clarification on the configuration of the roundabout in this vicinity. City Engineer Mitchell provided an overview of the roundabout layout.

At 6:53pm Chairman Biasi opened the Public Hearing. Hearing no comments, at 6:53pm Biasi closed the Public Hearing.

Commissioner Baker stated that this project was well-received by the Design Review Committee and this project is a great example of an applicant making best use of the Grant Avenue Design Guidelines. Commissioner Frazier asked about hours of operation. Applicant representative Dave Burge responded that the hours are typical of other branch locations, open 6 days a week, 10-6 weekdays and 9-2 Saturdays. Commissioner Riley asked if this parking area is a shared area. Donlevy responded that when the remaining pieces of this project area are developed, a shared parking plan would be developed. Myer asked if the building was to incorporate solar. Burge responded that the design does not incorporate solar, but the building is oriented to accept solar in the future. Neal asked about the durability of exterior materials. Applicant architect Ed Mojica responded that the materials are modern and durable, and went on to describe different brands of materials to be used.

Baker moved, and Riley seconded to approve Design/Site Plan Review, for construction of the Yolo Federal Credit Union near the intersection of Grant Avenue and East Street (APN 003-370-044) with the added condition “To help screen the drive-through, low growing shrubs and/or mounding shall be used in the landscape area along the edge of the driveway” and remove condition 6 (errata).

AYES: Commissioners Adams, Baker, Frazier, Myer, Neal, Riley, and Chair Biasi

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried unanimously.

- E. Public Hearing and Consideration of various amendments to Chapters 17.04, Introductory Provisions and Definitions, 17.16, Applications and Public Hearings, 17.52, Land Use Regulations/Zoning Matrix, 17.60.070, Second Residential Units, and Chapter 17.60.080, Home Occupations, of the Winters Municipal Code (Zoning Ordinance).

Contract Community Development Director Dowswell provided an overview of the report. Riley asked about the provision allowing parking adjacent to the existing driveway – would a curb cut be needed? Dowswell responded that a cut may be needed, but depending on the configuration, it may not. Myer asked what they typical rear-yard setback is. Moser responded 20-25 ft depending on R zone. Riley asked how the enforcement of the Second Unit owner-occupied was done. Dowswell responded that the City has access to tax records that would identify if a property with a second unit was not owner occupied.

At 7:16pm Chairman Biasi opened the Public Hearing. Hearing no comments, at 7:16pm Biasi closed the Public Hearing.

**MINUTES OF THE WINTERS PLANNING COMMISSION
MEETING HELD SEPTEMBER 22, 2015**

Baker brought up thoughts from the prior study-session on this topic and asked staff to potentially return with exception language for more than one home occupation business per address. Moser suggested that the existing exception language could be modified to also apply to multiple home occupations.

D. Myer moved, and Neal seconded to approve various amendments to Chapters 17.04, Introductory Provisions and Definitions, 17.16, Applications and Public Hearings, 17.52, Land Use Regulations/Zoning Matrix, 17.60.070, Second Residential Units, and Chapter 17.60.080, Home Occupations, of the Winters Municipal Code (Zoning Ordinance) with the revision of the words "semi-trailer" to "small trailer" and language to allow for an exception to allow more than one home occupation per address.

AYES: Commissioners Adams, Baker, Frazier, Myer, Neal, Riley, and Chair Biasi

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried unanimously.

COMMISSIONER/STAFF COMMENTS: Dowswell asked the commission their opinion on the use of wood fence posts vs metal posts at the Winters Ranch Subdivision. Commissioners concurred that metal was the preferred material. Donlevy provided project updates.

ADJOURNMENT: Chairman Biasi adjourned the meeting at 7:47pm.

ATTEST: _____

Jenna Moser, Management Analyst

Bill Biasi, Chairman

CITY COUNCIL

ORDINANCE NO. 2015 - 04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
DELETING SECTION 17.60.080 (HOME OCCUPATIONS), AMENDING SECTION 17.52.020
(LAND USE REGULATIONS: ZONING MATRIX) , AND ADDING SECTION 17.94 (HOME
OCCUPATIONS) TO THE WINTERS MUNICIPAL CODE

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

1. Purpose. The purpose of this ordinance is to amend various section of the text in the Zoning Ordinance necessary to regulate Home Occupations and Second Residential Units.

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

3. Amendment to Section 17.04.140B. Section 17.04.140B is hereby amended to read as follows:

“Cottage food operation” means any activity operated as a cottage food enterprise with not more than one full-time equivalent cottage food employee, not including a family member or household member of the cottage food operator living in the home where the cottage food products are prepared or packaged for direct or indirect sale to consumers, as defined and may be amended by the California Department of Public Health, Section 113758 of the Health and Safety Code. Gross annual sales are regulated by the provisions of Section 113758 of Health and Safety Code.

“Cottage food products” means non-potentially hazardous foods, including foods that are limited to and described in Section 114365.5 of the State of California Health and Safety Code and that are prepared for sale in the kitchen of a cottage food operation.

4. Amendment to Title 17. Chapter 17.94 Home Occupations is hereby added to Winters Municipal Code to read as follows:

Chapter 17.94

HOME OCCUPATIONS

Sections:

- 17.94.010 Purpose and intent**
- 17.94.020 Regulations**
- 17.94.030 Administration**
- 17.94.040 Exceptions**

17.94.010 Purpose and intent

The purpose of a home occupation permit is to insure that businesses allowed to be conducted from a home can be done so in a manner without changing the residential character of the neighborhood, subject to the regulations listed in Section 17.102.020.

17.94.020 Regulations.

Any of following regulations, including but not limited to those related to direct sales from a home and permitted employees, which conflict with at-home cottage food operations permitted in Section 113758 of Health and Safety Code.

A use which is clearly incidental and secondary to the residential use of the dwelling may be conditionally approved by the zoning administrator, provided that:

- A. No more than one (1) home occupation shall be permitted in any dwelling unit.
- B. Only the residents of the dwelling may be employed by the home occupation, except as allowed for a cottage food operation.
- C. No more than fifteen (15) percent of the dwelling's gross floor area, to a maximum of four hundred (400) square feet, may be used in connection with the home occupation.
- D. No required parking shall be made unusable in connection with a home occupation.
- E. No mechanical or power-driven equipment other than that customarily used in dwellings shall be used in connection with a home occupation.
- F. No sign for the home occupation shall be displayed on the house or property.
- G. The home occupation may not create vehicular or pedestrian traffic above and beyond that normally generated by residential use of the dwelling unit. For the purposes of determining compliance with this regulation, a home occupation may have no more than an average of four (4) customers and/or deliveries to the residence per day, not to exceed a maximum of six (6) customers and/or deliveries to the residence on any one (1) day.
- H. There shall be no visible exterior evidence of the conduct of a home occupation. A home occupation must be conducted wholly within the dwelling unit or an accessory structure.
- I. Hours of operation where customers come to a home shall be conducted between the hours of 8:00 am and 6:00 pm Monday through Saturday. No customers shall come to a home on Sunday.
- J. Cottage Food Operations shall obtain an annual registration or permit to operate through the Yolo County Health Services prior to commencing operations. Yolo County Health Services

shall review for compliance with the provisions of state law related to a cottage food operation as described below and subject to periodic amendment by the state:

1. A "Class A" cottage food operation is one that may engage only in direct sales of cottage food products from the cottage food operation or other direct sales venue.

2. A "Class B" food operation is one that may engage in both direct and indirect sales of cottage food products from the cottage food operation, from direct sales venues, from offsite events, or from a third-party retail food facility described in the paragraphs below.

K. The following uses are not permitted as home occupations:

1. Those which entail repair, manufacturing, or processing. However, this shall not include -handicraft, millinery, and laundering;
2. Those which entail the harboring, training, or raising of dogs, cats, birds, or other animals;
3. Those which entail automobile, -body and fender repairing or painting;
4. Any use which is hazardous to the public health, safety and welfare or which may create objectionable noise or odors.

17.94.030 Administration

A. Home Occupation Permit Required. No person shall operate a home occupation business, as defined in Chapter 5.04 Business Licenses of the Winters Municipal Code, without first having a home occupation permit.

B. Application. An applicant for a home occupation permit shall submit a completed application form, processing fee (as applicable) and any other information required by the community development director.

-C. Reviewing Body. Home occupation permits shall be reviewed by the zoning administrator subject to the provisions in Section 17.12.030D.2.

17.94.040 Exceptions

The City recognizes that special circumstances may exist which warrant granting a possible exception to some of the regulations. Exceptions to any of the regulations shall be considered by the planning commission at a noticed public hearing in accord with Section 17.16.040C. In considering a request for an exception the planning commission shall weigh the special circumstances against the potential impact to health, safety and welfare of the public. The following are exceptions the planning commission may consider:

A. Allowing more customers to come to the home than permitted in Section 17.94.020G if the business complies with all other regulations in this Chapter.

B. Allowing a small semi-trailer, typically one used for hauling equipment or landscaping materials, to be kept on the site if it can be kept in a place where it is not visible from the street, such as behind a solid fence, and the business complies with all of the other regulations.

C. Allowing more than one (1) home occupation in any dwelling unit.

In granting an exception, the planning commission shall make the following findings:

1. The business cannot easily be conducted where customers do not come to the home.
2. The business can be conducted in such a manner as not to adversely impact parking.
3. The business will not adversely impact the neighborhood.

5. Severability. If any provision or clause of this ordinance or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are declared to be severable.

6. Effective Date and Notice. This ordinance shall take effect thirty (30) days after its adoption and, within fifteen (15) days after its passage, shall be published at least once in a newspaper of general circulation published and circulated within the City of Winters.

INTRODUCED at a regular meeting on the ____ day of _____ 2015 and **PASSED AND ADOPTED** at a regular meeting of the Winters City Council, County of Yolo, State of California, on the ____ day of _____ 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cecilia Aguiar-Curry, Mayor

ATTEST:

Nanci G. Mills, City Clerk

CITY COUNCIL

ORDINANCE NO. 2015 - 05

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
DELETING SECTION 17.60.070 (SECOND RESIDENTIAL UNITS), AMENDING SECTION
17.16.050 (MINISTERIAL PROJECTS), AMENDING SECTION 17.52 (LAND USE
REGULATIONS/ZONING MATRIX) AND ADDING SECTION 17.98 (SECOND RESIDENTIAL
UNITS) TO THE WINTERS MUNICIPAL CODE**

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

1. Purpose. The purpose of this ordinance is to amend various section of the text in the Zoning Ordinance necessary to regulate Home Occupations and Second Residential Units.
2. Authority. The City of Winters has authority to adopt this ordinance pursuant to the general police power granted to cities by Article 11, Section 7 of the California Constitution.
3. Amendment to Section 17.16.050. Section 17.16.050 is hereby amended to read as follows:

17.16.050 Ministerial permits.

A. Purpose.

Ministerial actions, as noted herein, shall be subject to review and approval by the community development director and, as applicable, city engineer, to ensure, project consistency with this title, the municipal code and applicable provisions of state law.

B. Ministerial Projects.

The following is a list of projects which typically are classified as being ministerial. The community development director and/or city engineer retain the authority to seek guidance or discretionary approval from a reviewing body if the nature of a proposed project warrants such action:

1. Building permits and tenant improvements, where the proposed use or structure does not trigger discretionary review under the terms of this title (such as for certain types of remodeling), or when such discretionary review has been completed;
2. Demolition permits;
3. Grading permits where the intended use of land does not trigger discretionary review under the terms of this title, or when such discretionary review has been completed;
4. Site plans in conjunction with a building or grading permit, except where planning commission design review is required as noted elsewhere in this title;

5. Certificates of occupancy;
6. Lot line adjustments; (Note: The community development director and city engineer may refer a lot line adjustment application to the planning commission for action if it is determined that the adjustment has the potential to significantly enhance the developability of one or more lots.)

7. Certificates of compliance;

8. Second residential units; and

89. Voluntary lot mergers. (Ord. 97-03 § 2 (part); prior code § 8-1.4209)

4. Amendment to Section 17.52.020. Section 17.52.020 is hereby added to the Winters Municipal Code to read as follows:

17.52.020 Land Use/Zone Matrix

Add "Second Residential Units" to Table 2 under R-R, R-1 and R-2 as a permitted "P" use.

5. Deletion of Section 17.60.070. Section 17.60.070 is hereby deleted in its entirety.

6. Addition of Chapter 17.98. Chapter 17.98 is hereby added to the Winters Municipal Code to read as follows:

Chapter 17.98

SECOND RESIDENTIAL UNITS

Sections:

- 17.98.010 Purpose and intent.**
- 17.98.020 Administration**
- 17.98.030 Development Standards**

17.98.010 Purpose and intent

The purpose of this section is to permit second residential units in single-family residential zoning districts consistent with state law (California Government Code Sections 65852.150 through 65852.2). This section is intended to expand housing opportunities by increasing the number of housing units available within existing neighborhoods while maintaining the primarily "single family" residential character of the area. Second residential units are intended to provide livable housing at lower cost while providing greater security, companionship, and family support for the occupants, consistent with the general plan.

17.98.020 Administration

A. Second Residential Unit Permit Required. An approved second residential unit permit shall be obtained prior to construction, conversion and/or development of a second residential unit. Pursuant to California Government Code Section 65852.2, the second residential unit permit shall be considered ministerial without any discretionary review or a hearing.

B. Application.

1. Applications for a second residential unit permit shall be filed with the community development director on forms provided by the community development department.

2. An application for a second residential unit permit shall be accompanied by a fee established by resolution of the city council to cover the cost of handling the application as prescribed in this subsection.

C. Existing Second Residential Units. This section shall in no way validate an illegal second residential unit. An application for a second residential unit permit may be made pursuant to the provisions of this chapter to convert an illegal second residential unit into a lawful second residential unit, or to allow for the replacement, alteration or expansion of an existing nonconforming second residential unit. The conversion of an illegal second residential unit into a lawful second residential unit, or the replacement, alteration or expansion of an existing nonconforming second residential unit shall be subject to the requirements of this chapter.

17.98.030 Development Standards

All second residential units shall comply with the following development standards:

A. The maximum area of floor space of any second residential unit shall not exceed one thousand two hundred (1,200) square feet of living area on lots with a net lot area of twenty thousand (20,000) square feet or more and seven hundred fifty (750) square feet of living area on lots with a net lot area of less than twenty thousand (20,000) square feet. A second residential unit may be attached to or detached from the principal residence.

B. The site on which the proposed second residential unit is to be located meets the minimum lot size requirements for the zone in which it is located, and in no instance is less than ~~seven~~ six thousand ~~(7,000)~~ (6,000) square feet.

C. Construction under this section shall be subject to zoning requirements applicable to residential construction in single-family (R-R, R-1 and R-2) zones, except as modified by the conditions of this section.

D. The lot on which the second residential unit is proposed shall contain a principal residence at the time of construction of the second unit. In the case of vacant lots, the principal residence and second residential unit may be constructed at the same time.

E. The second residential unit is self-contained with its own separate entrance, kitchen and bathroom and shall comply with all applicable building, fire, energy and other health and safety codes.

F. Only one second residential unit shall be allowed for each principal residence per lot. A second residential unit shall not be permitted on a lot already having two or more dwelling units located thereon and shall not be permitted in addition to a guest dwelling. A guest dwelling shall not be permitted on any lot developed with a second residential unit.

G. The second residential unit shall be in compliance with all current zoning requirements, including structure height and yard setbacks. Consistent with the general plan, second residential units that front on alleys shall be encouraged.

H. One off-street uncovered parking space shall be provided for every second residential unit in addition to parking required for the principal residence. The off-street uncovered parking space may be provided in the front setback to the side of the existing driveway, subject to complying with Section 17.60.070E.10. When development of the second residential unit displaces existing required off-street parking (e.g., conversion of a garage) the required parking shall be concurrently replaced on the property in compliance with the off-street parking regulations in Chapter 17.72.

I. Not more than forty (40) percent of the front yard of a parcel, inclusive of second residential unit off-street parking requirements, shall be devoted to a driveway.

J. The second residential unit shall not cause excessive noise, traffic congestion, parking congestion or overloading of public facilities.

K. Separate hookups for city services and/or utilities may be required as determined by city standards as applied by city staff or by the appropriate public utility.

L. Second residential units shall achieve architectural continuity with the principal residence and with the character of the surrounding neighborhood, as determined by the community development department. No entrance to a second residential unit shall be located on the front building elevation of the principal residence if the second residential unit is attached to the residence, in order to maintain the appearance of the structure as a single-family unit.

M. The property owner shall occupy either the principal or second residential unit as their principal or primary residence as defined by the County Assessor. If either unit should become non-owner occupied the second residential unit, upon notification by the city, shall be converted into a non-dwelling unit or guest dwelling by removing the kitchen facilities. To ensure the property is owner-occupied the property owner shall record a deed restriction prior to obtaining a certificate of occupancy for the second residential unit. The deed restriction will stipulate they (property owner) will live in one of the two units at all times.

N. Before obtaining an occupancy permit for a second residential unit the owner of a second residential unit shall file with the County Recorder a declaration or agreement, form to be approved by the city attorney, stating the owner shall live in either the principal residence or second residential unit at all times. This restriction shall be removed if the owner eliminates the second residential or converts it into a non-dwelling unit or guest dwelling by removing the kitchen facilities.

O. The size of the second residential unit shall be counted towards the maximum floor area ratio (FAR) for the site.

P. Second residential unit permits shall not be issued for second residential units that result in adverse impacts to the adequacy of water and sewer services, and/or result in adverse impacts on traffic flow, and/or result in adverse impacts on any real property listed in the California Register of Historic Places.

Q. All new construction or exterior alterations to existing structures proposed under the second residential unit permit may be subject to design review as prescribed in Chapter 17.36, except that design review shall be ministerial without any discretionary review or a hearing.

7. Severability. If any provision or clause of this ordinance or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are declared to be severable.

8. Effective Date and Notice. This ordinance shall take effect thirty (30) days after its adoption and, within fifteen (15) days after its passage, shall be published at least once in a newspaper of general circulation published and circulated within the City of Winters.

INTRODUCED at a regular meeting on the ____ day of _____ 2015 and **PASSED AND ADOPTED** at a regular meeting of the Winters City Council, County of Yolo, State of California, on the ____ day of _____ 2015, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Cecilia Aguiar-Curry, Mayor

Nanci G. Mills, City Clerk