



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, January 19, 2016
6:30 p.m.
AGENDA

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*

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, January 5, 2016 (pp. 5-8)
- B. Waste Management C&D, Green Waste Commercial Rate Increase (pp. 9-11)
- C. Roof Replacement at 201 First Street (Old Library) (pp. 12)
- D. Proclamation Honoring Retired Police Chief Sergio Gutierrez (pp. 13)
- E. Approve a Consultant Services Agreement with Bob Murray and Associates for Executive Recruitment Services for Chief of Police and Authorize the City Manager to Sign the Agreement (pp. 14-15)

PRESENTATIONS

Presentation of Proclamation Honoring Retired Police Chief Sergio Gutierrez

DISCUSSION ITEMS

- 1. Second Reading and Adoption of Ordinance 2016-01, an Ordinance of the City Council of the City of Winters, Approving a Tobacco Retail Permit and an Agreement with Yolo County for Administration in Connection with Permit Services (pp. 16-19)
- 2. Waive the First Reading and Introduce Ordinance 2016-02, an Ordinance of the City Council of the City of Winters Amending the Winters Municipal Code Relating to Regulation of Smoking in the City of Winters (pp. 20-25)
- 3. Safe Harbor Agreement for Valley Elderberry Longhorn Beetle at Winters Putah Creek Park (pp. 26-33)
- 4. Consideration of Field and Pond Project – Road 29 (pp. 34)

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

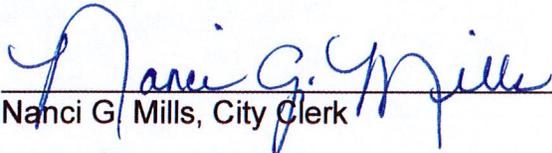
1. Resolution SA-2016-01, a Resolution of the City of Winters as Successor Agency to the Winters Community Development Agency Adopting a Recognized Obligation Payment Schedule for the Period July 1, 2016 Through June 30, 2017 (pp. 35-41)

CITY MANAGER REPORT

INFORMATION ONLY

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the January 19, 2016 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 January 14, 2016, and made available to the public during normal business hours.


Nanci G. Mills, City Clerk

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General Notes: Meeting facilities are accessible to persons with disabilities. To arrange aid or services to modify or accommodate persons with disability to participate in a public meeting, contact the City Clerk.

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

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City Hall – Finance Office - 318 First Street

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

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Wednesday at 10:00 a.m.

Videotapes of City Council meetings are available for review at the Winters Branch of the Yolo County Library.



Minutes of the Winters City Council Meeting
Held on Tuesday, January 5, 2016

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

Present: Council Members Harold Anderson, Woody Fridae, Pierre Neu and Mayor Cecilia Aguiar-Curry
Absent: Council Member Cowan
Staff: City Manager John Donlevy, City Attorney Ethan Walsh, City Clerk Nanci Mills, Interim Police Chief Joe Kreins, Economic Development/Housing Manager Dan Maguire and Management Analyst Tracy Jensen.

Interim Police Chief Joe Kreins led the Pledge of Allegiance.

Approval of Agenda: City Manager Donlevy requested Discussion Item #2, Intergovernmental Agreement with Yolo County Housing ("YCH") for Community Development Block Grant ("CDBG") Technical Assistance be moved to the Consent Calendar as Item D.

Motion by Council Member Fridae, second by Council Member Neu to approve the modification of the agenda as requested. Motion carried with the following vote:

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

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS: None

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, December 15, 2015
- B. Resolution 2016-01, a Resolution of the City Council of the City of Winters Accepting a Grant Deed for Utility Easements – AKM Railroad, LLC (Downtown Hotel), Parcel Map #5080
- C. Project Budget Sheet (Pre-Design/Design Only) and Consultant Services Agreement Amendment for the W. Main Sewer Pump Station, Project No. 16-02
- D. Intergovernmental Agreement with Yolo County Housing (“YCH”) for Community Development Block Grant (“CDBG”) Technical Assistance **(Moved from Discussion Item 2)**

City Manager Donlevy gave an overview. Council Member Anderson recused himself regarding Item B due to a possible conflict of interest.

Motion by Council Member Fridae, second by Council Member Anderson to approve Items A, C and D. Motion carried with the following vote:

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

After Council Member Anderson stepped down from the dais, motion by Council Member Fridae, second by Council Member Neu to approve Item B. Motion carried with the following vote:

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

Council Member Anderson returned to the dais.

PRESENTATIONS: None

DISCUSSION ITEMS

1. Appointment and Employment Agreement for Interim Police Chief

City Manager Donlevy publicly introduced Interim Police Chief Joseph Kreins, who will help maintain continuity in the Police Department following the

retirement of Police Chief Sergio Gutierrez. Chief Kreins will also assist with the transition as well as the recruitment for a new police chief. City Clerk Mills swore in Chief Kreins, who previously served in the Sausalito and Novato Police Departments before retiring, and then became the interim chief for the cities of Vallejo and Benicia, respectively.

2. Intergovernmental Agreement with Yolo County Housing ("YCH") for Community Development Block Grant ("CDBG") Technical Assistance **(Moved to Consent Item D)**
3. Ordinance 2016-01, an Ordinance of the City Council of the City of Winters Regarding a Tobacco Retail Permit and Agreement with Yolo County for Administrative in Connection with Permit Services

City Attorney Ethan Walsh gave an overview. Mayor Aguiar-Curry asked if there will be an educational component included and asked if there will be a permit check program in place. Ethan said the County would work with the Winters Police Department to develop a notice for retailers. The City would create the fees and conduct outreach. The retailers will pay a fee, receive their permit, renew it annually, and receive information to educate their employees. Mayor Aguiar-Curry asked if the City would be reimbursed if the Winters Police Department worked to enforce the program and Ethan said the Winters Police won't be enforcing the program, Yolo County will be. Former Winters High School student Colwyn Martin thanked Council for bringing this subject forward and is hopeful the program will prevent tobacco use in high school, which is where usage usually begins.

Motion by Council Member Fridae, second by Council Member Neu to waive the first reading and introduce Ordinance 2016-01 to incorporate Yolo County's Tobacco Retail Licensing Ordinance into the Winters Municipal Code and authorize the City Manager to enter into an agreement with Yolo County for Tobacco Permit Administration Services. Motion carried with the following vote:

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

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

1. None

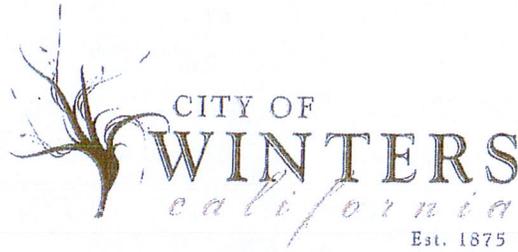
CITY MANAGER REPORT: This will be a great year for the City! The bridge will be finished, with the walk-through taking place on Friday. The hotel project is moving along and the plans have been submitted. The PG&E project is lining up and the general contractor for the project, DPR Construction, is like having a professional football team in town! City staff will be strategizing on a new budget, economic development, and the next phase of the Domas project for senior housing. Dan Maguire added that HOME goes to the review committee on January 29th. This should be a wonderful year for Winters, with the exception of Chromium 6. Mayor Aguiar-Curry asked about alley activation and City Manager Donlevy said this will come into play with the upcoming budget.

ADJOURNMENT: Mayor Aguiar-Curry adjourned the meeting in recognition of and to congratulate Mike Martin, who is now the President of the Board of the Solano Community College and Council is proud of Mike for leading the way.

Cecilia Aguiar-Curry, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: January 19, 2016
THROUGH: John W. Donlevy, Jr., City Manager *[Signature]*
FROM: Carol Scianna, Environmental Services Manager *[Signature]*
SUBJECT: Waste Management- Commercial C & D and Green Waste Rate Increase

RECOMMENDATION: Staff recommends that City Council receive information regarding an increase in Waste Management (WM)- Commercial C & D and Green Waste Rates effective January 1, 2016.

BACKGROUND: The Yolo County Central Landfill (YCCL) has been undergoing changes since last year with their Green Waste and C & D disposal. They recently signed a contract with Zanker for composting, C & D and Inert Material Recovery Services. On December 15, 2015 The Yolo County Board of Supervisors approved a mid-year increase for disposal at Yolo County Landfill (YCCL) for Green Waste and C &D. Below are the new/old tipping fees:

New tipping Fee	Old Tipping Fee
Green Waste \$39/ton	\$36/ton
C & D \$56/ton	\$48/ton

The newly adopted tipping fees are a result of the new Zanker agreement as well as the recent market trends that have taken a downturn for selling recyclable materials.

The increase in disposal fee will not affect the residential rate, however commercial roll off rates will be affected by these percentages:

C & D reflects a 14.29% increase
Green Waste reflects a 8.33% increase

FISCAL IMPACT: None



**CITY OF WINTERS
C&D AND GREEN WASTE PRICE ADJUSTMENT
EFFECTIVE JANUARY 1, 2016**

C&D Disposal Increase	14.29%	A
Green Waste Disposal Increase	8.33%	B

	Approved 7/1/2014 Rate	C&D Disposal Portion of the Current Rate	C&D Disposal Increase	New Monthly Rate eff 1/1/2016
	C	D	E = D * A	F = C + E
Roll Off - C&D				
10 cubic yards - includes 1.75 tons	\$243.50	\$96.76	\$13.82	\$257.33
20 cubic yards - includes 3 tons	\$459.39	\$165.88	\$23.70	\$483.08
25 cubic yards - includes 4 tons	\$558.59	\$221.18	\$31.60	\$590.18
30 cubic yards - includes 5 tons	\$643.85	\$276.47	\$39.50	\$683.35
35 cubic yards - includes 6 tons	\$732.21	\$331.76	\$47.39	\$779.60
40 cubic yards - includes 7 tons	\$812.34	\$387.06	\$55.29	\$867.63

	Approved 7/1/2014 Rate	Green Waste Disposal Portion of the Current Rate	Green Waste Disposal Increase	New Rate Effective 1/1/2016
	C	D	E = D * B	F = C + E
Roll Off - Green Waste				
10 cubic yards - includes 1.75 tons	\$212.33	\$65.88	\$9.41	\$221.74
20 cubic yards - includes 3 tons	\$405.87	\$112.94	\$16.13	\$422.00
25 cubic yards - includes 4 tons	\$487.34	\$150.59	\$21.51	\$508.85
30 cubic yards - includes 5 tons	\$554.89	\$188.24	\$26.89	\$581.78
35 cubic yards - includes 6 tons	\$625.54	\$225.88	\$32.27	\$657.81
40 cubic yards - includes 7 tons	\$687.98	\$263.53	\$37.65	\$725.63

**City of Winters
Yolo County Landfill
Landfill Disposal Increase
Effective July 1, 2013 through June 30, 2014**

C&D - Disposal Adj. Calculation	
Yolo County Landfill	Rate per Ton
Disposal Rate - Eff 1/1/16	\$56.00
Disposal Rate - Eff 7/1/15	\$49.00
Point change	\$7.00
% Change	14.29%

C&D - Disposal History	
Year	Disposal Rate
Rate Effective 1/1/16	\$56.00
Rate Effective 7/1/2015	\$49.00
Initial Disposal Rate	\$47.00

Green Waste - Disposal Adj. Calculation	
Yolo County Landfill	Rate per Ton
Disposal Rate - Eff 1/1/16	\$39.00
Disposal Rate - Eff 7/1/15	\$36.00
Point change	\$3.00
% Change	8.33%

Green Waste - Disposal History	
Year	Disposal Rate
Rate Effective 1/1/16	\$39.00
Rate Effective 7/1/2015	\$36.00
Initial Disposal Rate	\$32.00



STAFF REPORT

TO: Honorable Mayor and Council Members

DATE: January, 19, 2015

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

FROM: Eric Lucero, Public Works Superintendent 

SUBJECT: Replace Roof at 201 First St (Old Library)

RECOMMENDATION: Approve Estimate of \$45,000 to have new roof installed.

BACKGROUND: Since purchasing the Rogers building at 201 First St, the City of Winters maintenance staff has done several upgrades and preventative maintenance to the building with all of the labor done by the Public Works Department. The last time the roof has had any kind of major repair is unknown. City staff has tried several times to repair the old roof but because of the poor condition of the roofing material we have been unable find a specific location and continue to chase leaks. The building is in desperate need of a new roof which needs to be installed by a licensed roofing company.

FISCAL IMPACT: Estimate is not to exceed \$45,000



**A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF WINTERS
HONORING POLICE CHIEF SERGIO GUTIERREZ
UPON HIS RETIREMENT FOR HIS SERVICE TO THE CITY OF WINTERS**

WHEREAS, Sergio Gutierrez has been a member of the Winters Police Department since April 22, 1992, when he was hired as a Reserve Police Officer following his graduation from the Napa Valley Police Academy; and became a full time Police Officer on 10/1/1994.

WHEREAS, Sergio attained the rank of Sergeant on 11/23/2003, and with determination and dedication completed the P.O.S.T. (Peace Officer Standards & Training) Management Course for Law Enforcement Officers in 2006 and the eight sessions of the Supervisory Leadership Institute Course in 2007 and 2008; and

WHEREAS, Sergio attained the rank of Lieutenant on 5/18/2010, and became Chief of Police on 11/15/2011; and

WHEREAS, Sergio and his wife of 24 years, Camille, have one daughter, Rosa and two sons, Mario and Michael, and two grandchildren, Angelyka and Xavier; and

WHEREAS, Sergio enjoys the vigorous and competitive sport of racquetball and ran his first 5K race during the 2012 Sacramento CU Sactown 10 Mile Run to raise funds for the Children's Miracle Network ; and

NOW, THEREFORE, BE IT PROCLAIMED that Mayor Cecilia Aguiar-Curry, on behalf of the City Council of the City of Winters, does hereby recognize and thank Sergio Gutierrez for his 23 years of service to the City of Winters and congratulates him on his retirement.

PROCLAIMED, this Nineteenth day of January, 2016.

Mayor Cecilia Aguiar-Curry

City Manager John W. Donlevy, Jr.

ATTEST: City Clerk Nanci G. Mills



TO: Honorable Mayor and Council Members
DATE: January 19, 2016
THROUGH: John W. Donlevy, Jr., City Manager *JD*
FROM: Nanci G. Mills, Director of Administrative Services/City Clerk *Nanci*
SUBJECT: Approve a Consultant Services Agreement with Bob Murray and Associates for Executive Recruitment Services for Chief of Police and Authorize the City Manager to Sign the Agreement

RECOMMENDATION:

It is recommended that the City Council enter in to a consultant services agreement with Bob Murray and Associates and authorize the City Manager to sign.

BACKGROUND:

With the retirement of Police Chief Sergio Gutierrez the City is faced with filling this position. In today's highly competitive market, executive recruiters play an important role in finding and attracting the executive talent needed to fill this critical position.

Executive recruitment service costs include the professional services consulting fee and an expense not to exceed amount. Expenses include the costs of advertising, clerical time, supplies, printing, postage, summary background evaluations, meetings and travel.

The City received three proposals:

Executive Search Firm	Proposal
Bob Murray & Assoc.	\$17,500 plus expenses
Ralph Anderson & Assoc.	\$18,000 plus expenses
Peckham & McKenney	\$18,500 plus expenses

Staff recommends the selection of Bob Murray and Associates with Regan Williams serving as the recruitment team lead for this position. Aside from providing the lowest cost proposal, Bob Murray & Associates is familiar with Yolo County having conducted many recruitments in our region.

FISCAL IMPACT:

Sufficient funds are available in the General Fund budget to implement the Employment Agreement as well as salary savings from having a part-time Interim Police Chief.



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: January 19, 2016
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Ethan Walsh, City Attorney
SUBJECT: Tobacco Retail Permit Ordinance; Second Reading and Adoption

RECOMMENDATION: Staff recommends the City Council (1) waive second reading and adopt Ordinance No. 2016-01, which will incorporate Yolo County’s Tobacco Retail Licensing Ordinance into the Winters Municipal Code.

BACKGROUND: In February 2015, Yolo County Health Department staff made a presentation to the City Council regarding the County’s Tobacco Retail Permit program and encouraged the City Council to consider adoption of a Tobacco Retail Permit ordinance to help ensure compliance with laws that regulate the sales and use of tobacco products within the City of Winters. As part of their presentation, County staff also encouraged the City Council to consider adopting an ordinance banning flavored tobacco in the City, because such flavored products are more appealing to young people who have not previously used tobacco products.

The County adopted a Tobacco Retailer Permit Ordinance in 2006, which established a program pursuant to which any retail business must obtain a tobacco retailer permit from Yolo County in order to sell tobacco products. The fee for the retail permits funds a compliance check program by the County, that ensures tobacco retailers are complying with all tobacco related laws, including prohibitions on sales to minors. The City of Davis adopted the County’s ordinance by reference in 2007, so that retailers within the City also have to obtain a tobacco retail permit from the County, and would be subject to compliance checks to ensure compliance with tobacco related laws. The City of Woodland adopted the County’s ordinance by reference in June 2015.

The Council introduced this ordinance on January 5, 2016. It is now before the Council for adoption.

DISCUSSION: The proposed Ordinance No. 2016-01 would adopt the County’s ordinance by reference, so that the County can enforce its Tobacco Permitting program within the City of Winters. If the Ordinance is adopted, then retailers within the City would have to obtain a Tobacco Retail License from the County and renew that permit each year. It would be a violation of the Winters Municipal Code for retailers to sell tobacco products without a Tobacco Retail Permit.

Upon adoption of the ordinance, the County Health Department would work with the Police Chief to generate a letter and educational materials (ordinance overview, copy of the policy, tips for checking ID for clerks, etc.) that would go out from the City to all tobacco retailers. After this initial implementation/notification regarding the Ordinance, the County would take responsibility for the enforcement of the Ordinance.

ALTERNATIVES: The Council could decline to adopt the ordinance.

FISCAL IMPACT: City Police Department staff will need to spend some time on the initial implementation of the ordinance, in cooperation with the County Health Department staff. After initial implementation, the County Health Department would take responsibility for ongoing implementation and enforcement of the Ordinance, and the Ordinance should not have a significant fiscal or administrative impact on the City.

Attachments: Ordinance No. 2016-01

ORDINANCE NO. 2016-01

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING TITLE 8 OF THE WINTERS MUNICIPAL CODE TO ADD
CHAPTER 8.32 AND TO ADOPT AND INCORPORATE BY REFERENCE
CHAPTER 15 OF TITLE 6 OF THE YOLO COUNTY CODE
CONCERNING TOBACCO RETAIL PERMITS**

WHEREAS, cigarette smoking and other tobacco use is a continuing public health problem; and

WHEREAS, to confront this issue the State of California has adopted numerous laws regulating the retail sale of tobacco; and

WHEREAS, the City has a substantial interest in promoting compliance with laws that regulate the sales and use of tobacco products; and

WHEREAS, in furtherance of this substantial interest, the City desires to adopt a tobacco retail licensing ordinance, which would require tobacco retailers to obtain a local permit to sell tobacco products or tobacco paraphernalia and would allow for the suspension or revocation of the permit for a violation of any tobacco control law; and

WHEREAS, Section 22971.3 of the Business & Professions Code explicitly permits local governments to enact local tobacco retail licensing ordinances, and allows for the suspension or revocation of a local permit for a violation of any State tobacco control law; and

WHEREAS, a permitting requirement for a tobacco retailer will not unduly burden legitimate business activities of retailers who sell or distribute cigarettes or other tobacco products to adults but will permit the City to regulate the operation of lawful businesses to discourage violations of tobacco-related laws; and

WHEREAS, the County of Yolo ("County") has adopted a tobacco retail licensing ordinance, which requires tobacco retailers to obtain a local permit to sell tobacco products or tobacco paraphernalia and allows for the suspension or revocation of the permit for a violation of any tobacco control law ("County Ordinance"); and

WHEREAS, the City desires to incorporate by reference the County Ordinance and desires to have the County administer and enforce its provisions within the City limits as it currently does in the unincorporated areas of Yolo County under the County Ordinance; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WINTERS DOES
HEREBY ORDAIN AS FOLLOWS:**

Section 1. Chapter 8.32 is hereby added to Title 8 of the Winters Municipal Code to read as follows:

**Chapter 8.32
Tobacco Retailer Permit**

8.32.010 Adoption of Yolo County Code Relating to Tobacco Retail Permits

Title 6, Chapter 15 of the Yolo County Code, except sections 6-15.10(b)(2) and 6-15.15(f)(1)(A)(ii), pertaining to tobacco retailer permits, is hereby incorporated, in its entirety, by reference into this code and shall be enforced within the limits of the City.

For purposes of this Chapter, all references to the term "unincorporated areas of the County of Yolo" in Title 6, Chapter 15 of the Yolo County Code shall be to the term "City limits." All references to the term "Chapter" in Title 6, Chapter 15 of the Yolo County Code shall be to this Chapter 8.32. All references to the term "Code" in Title 6, Chapter 15 of the Yolo County Code shall be to the Winters Municipal Code. The reference to the term "County" in Section 6-15.07(c) of the Yolo County Code shall be to the term "City." The reference to the term "County of Yolo" in Section 6-15.15(f) of the Yolo County Code shall be to the term "City." The reference to the term "Board of Supervisors of the County of Yolo" in Section 6-15.16 of the Yolo County Code shall be to the term "City Council."

INTRODUCED at a regular meeting on the 5th day of January, 2016 and **PASSED AND ADOPTED** at a regular meeting of the Winters City Council, County of Yolo, State of California, on the 19th day of November, 2016, by the following vote:

AYES:

NOES:

ABSENT:

Cecilia Aguiar-Curry, Mayor

ATTEST:

Nanci G. Mills, City Clerk

Approved as to Form:

Ethan Walsh, City Attorney



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: January 19, 2016
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Ethan Walsh, City Attorney
SUBJECT: Ordinance Amending Existing Smoking Control Ordinances to address E-Cigarettes

RECOMMENDATION: Staff recommends the City Council waive first reading and introduce Ordinance No. 2016-02, which will amend existing smoking control provisions in the City's Municipal Code to address e-cigarettes and make minor clean up changes.

BACKGROUND: In 2015 the City Council requested that the City Attorney review the City's existing non-smoking provisions of the Municipal Code to see whether those provisions should be expanded to address use of e-cigarettes. The Municipal Code currently prohibits smoking in City owned buildings and vehicles, as well as parks and recreation areas.

E-cigarettes are electronic oral devices that provide a vapor of nicotine and/or other substances, the use or inhalation of which simulates smoking. Although e-cigarettes are too new for any long-term studies that evaluate the health effects of e-cigarettes, current research indicates that chemicals contained in e-cigarettes may be harmful and that vaping releases contents of e-cigarettes into the air. Further, e-cigarettes are made to mimic conventional cigarettes, making enforcement of no-smoking rules difficult and confusing if e-cigarettes are allowed.

DISCUSSION: After reviewing the applicable provisions of the Municipal Code, the City Attorney's office drafted the proposed Ordinance No. 2016-02, which would expand the City's existing restrictions on smoking in City owned buildings and vehicles, as well as parks and recreation areas, to prohibit use of e-cigarettes in those venues. In reviewing the applicable sections of the Municipal Code, I noted that that definitions of "Smoke" and "Smoking" were not the same as applied to City buildings and vehicles, and parks and recreational areas. In order to correct this inconsistency, the proposed Ordinance No. 2016-02 further amends the definition of "Smoke" and "Smoking" in Chapter 2.62 governing parks and recreation areas to be consistent with Chapter 2.60, and makes additional amendments to make clear that smoking of any type is prohibited in parks and recreation areas within the City, rather than only smoking of tobacco.

ALTERNATIVES: The Council could decline to adopt the ordinance, or recommend revisions to the ordinance.

FISCAL IMPACT: No fiscal impact.

Attachments: Ordinance No. 2016-02

ORDINANCE NO. 2016-02

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF WINTERS, CALIFORNIA, AMENDING SECTIONS
2.60.020, 2.62.010 AND 2.62.020 OF THE WINTERS
MUNICIPAL CODE RELATING TO REGULATION OF
SMOKING IN THE CITY OF WINTERS**

WHEREAS, the popularity of e-cigarettes has grown and continues to grow across the nation; and

WHEREAS, e-cigarettes are not currently regulated by the Food and Drug Administration, unless they are used for therapeutic purposes; and

WHEREAS, although e-cigarettes are too new for longitudinal studies on their health effects, current research indicates that chemicals contained in e-cigarettes may be harmful and that vaping releases contents of e-cigarettes into the air; and

WHEREAS, e-cigarettes are made to mimic conventional cigarettes, making enforcement of no-smoking rules difficult and confusing if e-cigarettes are allowed; and

WHEREAS, many cities, counties and organizations are putting into place laws or policies that treat e-cigarettes the same as conventional cigarettes when it comes to acceptable locations for usage in public and semi-public places; and

WHEREAS, the City of Winters currently regulates smoking in enclosed places, places of employment, parks and recreational areas; and

WHEREAS, the City of Winters desires to adopt various amendments to Title 2 of the City of Winters Municipal Code to include e-cigarettes in the City's smoking controls and treat them in a manner similar to conventional cigarettes:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WINTERS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 2.60.020 of the Winters Municipal Code is hereby amended to add or amend the following definitions:

The following definition is added:

“E-Cigarette” means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, hookah pen or under any other product name or descriptor.

The following definition is amended to read as follows:

“Smoke or smoking” means the act of burning any tobacco product, weed, filler or plant of any kind in a cigarette, cigar, pipe, hookah or water pipe, or in any other device. “Smoke or smoking” also includes the use of an e-cigarette which creates a vapor, in any manner or in any form, or the use of any oral smoking device.

All other definitions in Section 2.60.020 remain unchanged.

Section 2. Section 2.62.010 of the Winters Municipal Code is hereby amended to add or amend the following definitions:

The following definition is added:

“E-Cigarette” means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, hookah pen or under any other product name or descriptor.

The following definition is amended to read as follows:

“Smoke” or “smoking” means the act of burning any tobacco product, weed, filler or plant of any kind in a cigarette, cigar, pipe, hookah or water pipe, or in any other device, carrying of a lighted pipe, lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind, containing tobacco. “Smoke” or “smoking” also includes the use of an e-cigarette which creates a vapor, in any manner or in any form, or the use of any oral smoking device.

All other definitions in Section 2.62.010 remain unchanged.

Section 3. Section 2.62.020 of the Winters Municipal Code is hereby amended to read as follows:

A. No person shall smoke ~~tobacco~~ or use an e-cigarette within the boundaries of a park or recreational area except in a parking lot.

All other subsections in Section 2.62.020 remain unchanged.

Section 4. CEQA. This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act (“CEQA”) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Yolo in accordance with CEQA Guidelines.

Section 5. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 318 First Street, Winters, CA 95694. The custodian of these records is the City Clerk.

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council of the City of Winters hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 7. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

Section 8. Publication. The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of Winters.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Winters, California, at a regular meeting of the City Council held on the ____ day of _____, 2016.

City of Winters

By: Cecilia Aguilar-Curry, Mayor

ATTEST:

Nanci Mills, City Clerk

APPROVED AS TO FORM:

Ethan Walsh, City Attorney

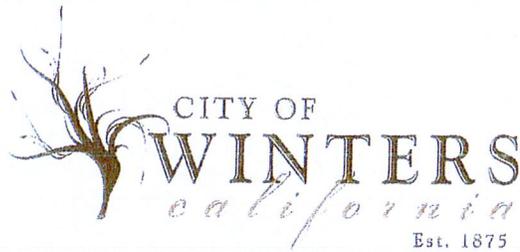
I, Nanci Mills, City Clerk of the City of Winters do hereby certify that the foregoing Ordinance No. _____ is the actual Ordinance No. _____ introduced at a regular meeting of said City Council on the _____ day of _____, 2016 and was finally passed and adopted not less than five (5) days thereafter on the _____ day of _____, 2016 by the following vote to wit:

AYES:

NOES:

ABSENT:

Nanci Mills, City Clerk



STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: January 19, 2016
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Carol Scianna, Environmental Services Manager *CS*
SUBJECT: Safe Harbor Agreement for Valley Elderberry Longhorn Beetle

RECOMMENDATION: Staff recommends that City Council approve recommendation to enter into a Safe Harbor Agreement for the Valley Elderberry Longhorn Beetle (VELB) with US Fish and Wildlife Service (USFWS) at the Winters Putah Creek Park Site.

BACKGROUND: VELB is a protected species under the federal Endangered Species Act (ESA) of 1973; as such their habitat – the Elderberry shrub -- is also protected. The proposed Safe Harbor Agreement between the USFWS, Solano County Water Agency (SCWA) and the City as partners will allow the City to establish existing baseline conditions and conservation measure that will benefit VELB and provide flexibility in managing habitat under ESA Section 10.

Once the agreement is in place, and baselines have been established the City and SCWA will have more flexibility to perform routine maintenance and removal of the Elderberry shrubs when necessary, without the need to obtain a biological opinion and mitigation. Conservation measures will be implemented once the property is enrolled, these tasks include planting more elderberry shrubs to promote connectivity for VELB habitat, removing non-native vegetation and implementing measures to minimize the likelihood that the VELB will be harmed.

The site plan area is 23 acres excluding the 13 acre Conservation Mitigation area. Currently there are 86 existing elderberry shrubs, and there are 197 more plants proposed, this will ensure that number of elderberries never falls below the baseline number. SCWA will be responsible for all monitoring and reporting requirements associated with the agreement. The term of the agreement is 20 years and can be extended upon mutual consent. Participants may withdraw from the agreement and leave the enhancement area intact or return property to baseline conditions.

FISCAL IMPACT: None

City of Winters
Winters Putah Creek Park Site Plan
For The Template Safe Harbor Agreement for the Valley Elderberry Longhorn Beetle
(*Desmocerus californicus dimorphus*)

1. Introduction

This Site Plan for the Template Safe Harbor Agreement (Agreement) for the valley elderberry longhorn beetle (beetle) is between the City of Winters (Participant) and the U.S. Fish and Wildlife Service (Service). This Site Plan, combined with the measures prescribed by the Agreement, may serve as the basis for the Service to issue a Federal enhancement of survival permit (Permit) to the above named Participant pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA). The Agreement is between the Service, the Solano County Water Agency, and, through their respective Site Plans, Participants. The joint and respective responsibilities of the Service and the Solano County Water Agency are detailed in the Agreement. The terms of the Agreement are hereby incorporated by reference.

This Site Plan documents site-specific information detailing the Participant's enrolled property, including the location and management authority of the property, its baseline conditions, existing and, as available, proposed future land-use activities, and the duration of this Site Plan and requested permit. This Site Plan also documents the agreed-upon conservation measures to be undertaken by the Participant on the enrolled property that are expected to benefit the beetle. Additional responsibilities of the Participant that address future, routine management of this Site Plan and the associated permit (e.g., modification, renewal, transfer, and termination) may be found in the Agreement and Permit. These additional responsibilities apply to all Participants enrolled under the Agreement, and are hereby incorporated by reference.

2. Enrolled Property

The property to be enrolled in the agreement is Winters Putah Creek Nature Park (WPCP). The total acreage for the site project is approximately 23 acres, excluding the 13 acre mitigation area along the north bank.

Maps to be provided.

3. Description of Baseline Conditions

The baseline survey for the beetle will document the following:

1. The number of elderberry shrubs having one or more stems that are 1-inch or greater in diameter at the base on the enrolled property at the time the Agreement is signed;
2. A map of all existing and proposed elderberry shrub locations on the enrolled property;

3. Observations of any beetle emergence holes in elderberry stems; and
4. A description of existing riparian habitat and other associated waterways.

Participants may withdraw from the Agreement and leave the habitat enhancement intact, or return their properties to baseline conditions. Participants must give the Service prior notice of at least 30 days to provide an opportunity to relocate, if appropriate, any affected elderberry shrubs. Withdrawal from the program will extinguish the Take authority and assurances provided to the Participant.

4. Conservation Measures and Responsibilities of the Participant

Conservation measures that will be implemented on the enrolled property are as follows:

Planting elderberry shrubs planted as part of riparian restoration efforts on enrolled properties. These restoration efforts will provide new habitat for the beetle as well as connect remnant patches of riparian habitat and increase landscape connectivity for valley elderberry longhorn beetles. Proposed elderberries are located roughly 50-100 feet apart (location subject to change if site location is infeasible), as to encourage effective dispersal of the beetles. This continuity between elderberry bushes will help protect the beetles already there (as well as other species), and promote new breeding grounds for beetles in the future.

Removing non-native, invasive plant species such as Himalayan blackberry (*Rubus armeniacus*), tree of heaven (*Ailanthus altissima*), and arundo (*Arundo donax*). These plant species may out-compete elderberry shrubs. The elderberry shrubs grow equally as well, if not better, than these species in similar habitats along the high banks of the creek.

Implementing avoidance and minimization measures to reduce likelihood that valley elderberry longhorn beetles will be incidentally harmed, harassed, or killed during riparian restoration activities. Avoidance and minimization measures will generally include the following, but will be tailored specifically for each Site Plan:

1. Any elderberry shrubs beyond existing baseline that need to be removed for maintenance or land management purposes will be transplanted to another biologically appropriate area on the property. Shrubs should be transplanted when they are dormant (approximately November through February). This measure may be waived by the Service if transplanting an elderberry shrub is deemed infeasible.
2. The number of elderberries will never fall below the baseline elderberries. There are currently 86 existing elderberries along WPCP (excluding the mitigation zone and the Solano County owned property) and there are 197 proposed elderberry locations. Almost twice as many elderberries are proposed, to ensure that the number of elderberries never comes close to falling below the baseline amount. This ensures landowners that maintaining the elderberries at or above baseline amount will not be of their concern due to the annual reports that the Solano County

Water Agency will provide.

The Participant may hereby remove or relocate any elderberries, if they are a hindrance to land-use activities, after signing the Agreement, without penalty by the Service or the Solano County Water Agency.

5. Site Plan Duration

The Agreement becomes effective upon signing by the Service and Solano County Water Agency, and will be in effect for 20 years. This Agreement may be extended by mutual consent of the Service and the Solano County Water Agency. The Service will issue the 10(a)(1)(A) Enhancement of Survival Permit to Participants. The duration of individual permits will be long enough to result in a net conservation benefit to the beetle and will not be longer than the duration of this Agreement. Authorization of take of the beetle begins upon initiation of conservation measures on the enrolled properties. Participants may opt out of this Agreement at any time without penalty.

6. Management Activities

WPCP has been managed as a nature park with ongoing maintenance to keep the park clean and enjoyable for its visitors. The creek has gradually revived into a thriving waterway since the 2000s when the Solano County Water Agency (SCWA), Lower Putah Creek Coordinating Committee (LPCCC), and other organizations implemented projects to better its health. There was a permanent fund established to monitor fish and wildlife, manage vegetation, control non-native species, and offer improvements to the creek channel. To enhance sustainable fish and wildlife habitat, the natural form of the channel was altered for gravel extraction, floodwater conveyance, and construction of aeration ponds. This helped narrow the channel, providing more public access to the creek among other things. Non-native species like Himalayan blackberry (*Rubus armeniacus*), tree of heaven (*Ailanthus altissima*), and arundo (*Arundo donax*) were removed and replaced with native plant species. The planting of new elderberries continues the consistency of placing native plants along the banks of Putah Creek. WPCP is a valuable resource for fostering environmental stewardship and love of the outdoors, and projects like this continue to increase the health and sustainability of the creek.

The project area ranges from the Winters Car Bridge to the I-505. The total project acreage is approximately 23 acres. Most of the planting will occur along the south bank of Putah Creek. The north bank will be utilized as well, excluding the 13 acre mitigation area (Section 7 Safe Harbor Agreement) in the center of the project (indicated on map). Elderberries will be planted on the west and east of the mitigation boundary, but not on the north and south sides of it. There is due diligence to make sure the project complements the boundary by keeping around it and not overlapping it. If applicable, non-native species like tree of heaven (*Ailanthus altissima*) will be replaced with elderberry bushes. Elderberries are resilient in a variety of conditions, and can even accept the role as a drought resistant plant as well.

7. Reporting and Notification

The Solano County Water Agency will:

1. Ensure that annual monitoring is conducted by a qualified person, as agreed upon by the Service and Solano County Water Agency. Annual reports will be provided to the Service by December 31st of each year that 10(a)(1)(A) permits and this Agreement are in effect. The annual monitoring report will provide the following information:
 - a. A description of the condition of the habitat being managed on each enrolled property and determine if conservation activities could be modified to improve success.
 - b. The number of Participants and total acres of property enrolled under this Agreement.
 - c. A summary of overall baseline conditions and an estimate of all authorized incidental take that occurred on enrolled properties (including any that resulted from Participant's return to baseline conditions).
 - d. Notification to the Service of exit holes and any living individuals or dead specimens of valley elderberry longhorn beetles observed during monitoring activities on the enrolled properties.
 - e. Notification to the Service if Participants are not in compliance with this Agreement or their associated Site Plans or permits, and identified measures to bring any such Participants back into compliance.
 - f. Any other additional information that may be required or appropriate for monitoring of this Agreement and the associated Site Plans and permits.
2. Provide technical assistance to prospective Participants to help establish their baseline conditions and to identify appropriate conservation measures for their properties being considered for enrollment. The Solano County Water Agency will recommend adaptive management measures to Participants, as applicable to avoid or minimize future above-baseline incidental take.

The Service will:

1. Upon execution of the Agreement, issue to Participants a permit in accordance with Section 10(a)(1)(A) of the Act.
2. Provide technical assistance to Participants in the development of Site Plans, when requested.
3. Ensure adequate monitoring through review of the annual report prepared by the Solano County Water Agency.
4. Provide Solano County Water Agency with copies of all final Site Plans upon their execution.

Participants will:

1. Follow the measures described in this Agreement and their individual Site Plan and permit.
2. Notify the Service and Solano County Water Agency 30 days prior to any planned activity that they reasonably anticipate will result in destruction of an elderberry shrub on the enrolled property, and provide the Service or other mutually agreed-upon entity access and opportunity to relocate any affected elderberry shrubs if feasible to do so.

Reports and notifications required by this Site Plan shall be delivered to the appropriate party, as follows:

Winters Putah Creek Park (WPCP)
Winters, CA 95694
(707) 944-5500

Sacramento Fish and Wildlife Office
Safe Harbor Agreement Coordinator
2800 Cottage Way, Room W-2605
Sacramento, California, 95825

8. Regulatory Assurances

Upon signing this Site Plan and issuance of the associated permit, the Service provides the Participant with the following regulatory assurances:

The Service and Participant may agree to modify the conservation measures set forth in this Site Plan if the Service determines that such modifications do not change the Service's prior determination that the measures are reasonably expected to provide a net conservation benefit to the beetle. However, the Service may not require additional or different conservation measures to be undertaken by the Participant without their consent.

Provided that Take is consistent with maintaining the Baseline conditions identified for the enrolled property, Participants and Solano County Water Agency are authorized to take the valley elderberry longhorn beetle incidental to otherwise lawful activities in the following circumstances:

1. Implementing the beneficial activities (identified in Section 5) on the enrolled properties.
2. Conducting riparian restoration management activities on the enrolled property.
3. Conducting ongoing activities on the enrolled property (as described in section 6 of the Agreement).
4. Returning the Enrolled Property to Baseline conditions.

As used herein, "incidental" Take refers to the unintentional or unavoidable killing or injuring of the valley elderberry longhorn beetle in the course of carrying out routine and ongoing activities.

Nothing herein authorizes Participants to capture, collect, or deliberately kill or injure the valley elderberry longhorn beetle.

9. Authorizing Signatures

IN WITNESS WHEREOF, the Participant and Service have caused this Site Plan to be executed on the day and year set forth following their signatures. This Site Plan will be effective and binding on the date of Permit issuance.

Participant

Date

Field Supervisor, Sacramento Field Office
U.S. Fish and Wildlife Service

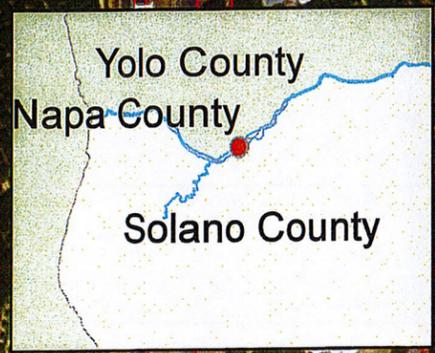
Date

Existing and Proposed Elderberries at Winters Putah Creek Park



- Existing (86)
- Proposed (196)
- Land Owners
- Roads
- Mitigation Area (Excluded)

Total Project Acreage: 23 acres



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



**CITY COUNCIL
STAFF REPORT**

DATE: January 19, 2016
TO: Mayor and City Council
FROM: John W. Donlevy, Jr., City Manager 
SUBJECT: Consideration of Field and Pond Project- Road 29

RECOMMENDATION:

That the City Council consider support of the proposed destination event and farm project called Field and Project on Road 29.

BACKGROUND:

Field and Pond is a 40 acre property on Road 29 which has limited approvals for events and bed and breakfast operations. The property includes a home which has been converted for occupancy, a 2 acre pond, a barn which has been converted for event hosting and landscaped areas.

The remainder of the property is farmland which is proposed for agricultural uses.

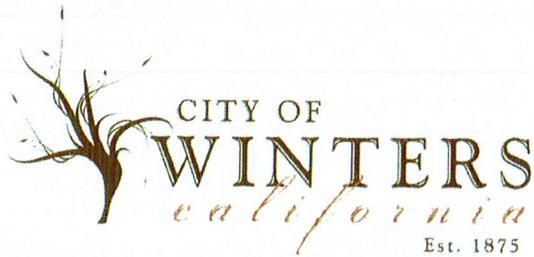
The owners have made application to Yolo County for expanded business use of the property to conduct events at the property.

The Winters Chamber of Commerce Board of Directors has voted to support the project and the applicants are asking others for support.

DISCUSSION:

The genesis of the project is to become a "destination" location for the Winters area. Similar to other projects, Field and Pond will host weddings and other events. The ancillary benefits to the Winters economy are the jobs and visitors which will come to our town for the events. The property owners have asked that the City and others consider support of their project.

FISCAL IMPACT: None by this action



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

TO: Honorable Chairperson and Members of the Successor Agency to the Dissolved Winters Community Development Agency.

DATE: January 19, 2016

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

FROM: Shelly A. Gunby, Director of Financial Management *Shelly*

SUBJECT: Consideration of Resolution SA-2016-01 of the City of Winters as Successor Agency to the Winters Community Development Agency adopting a Recognized Obligation Payment Schedule pursuant to AB1X 26.

RECOMMENDATION:

That the City of Winters as Successor Agency to the Winters Community Development Agency adopt the attached Resolution adopting a Recognized Obligation Payment Schedule in compliance with AB1X 26

SUMMARY:

In accordance with Health and Safety Code Section 34177, added by Assembly Bill 1X 26, the City of Winters as Successor Agency to the Winters Community Development Agency ("Agency") is required to adopt a Recognized Obligation Payment Schedule (ROPS) for each 6 month period beginning January 2012. Legislation approved in 2015 changed the filing requirement from a 6 month ROPS to a 12 month ROPS that is the same time period as the City's Fiscal Year. The legislation requires that the July 1, 2016 through June 30, 2017 ROPS be submitted to the Yolo County Auditor, the Department of Finance and the State Controller's office by February 1, 2016.

DISCUSSION

AB 1X 26 suspended all new redevelopment activities and incurrence of indebtedness by terminating virtually all otherwise legal functions of the Agency and mandating a liquidation of any assets for the benefit of local taxing agencies. Some debts are allowed to be repaid, but any such remittances are to be managed by a successor agency, that would function primarily as a debt repayment administrator. The successor agency cannot continue or initiate any new redevelopment projects or programs. The activities of the successor agency will be overseen by an oversight board, comprised primarily of representatives of other taxing agencies, until such time as the remaining debts of the former redevelopment agency are paid off, all Agency assets liquidated and all property taxes are redirected to local taxing agencies.

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Under Health and Safety Code Section 34177, the ROPS must list all of the “enforceable obligations” of the Agency, and must be certified by an independent external auditor and is subject to approval by the Department of Finance, The State Controller and must be posted on the successor agency’s website. “Recognized obligations” include: bonds; loans legally required to be repaid pursuant to a payment schedule with mandatory repayment terms; payments required by the federal government, preexisting obligations to the state or obligations imposed by state law; judgments, settlements or binding arbitration decisions that bind the agency; legally binding and enforceable agreements or contracts; and contracts or agreements necessary for the continued administration or operation of the agency, including agreements to purchase or rent office space, equipment and supplies.

FISCAL IMPACT:

Without the approved ROPS, the City, as successor agency would not be able to pay the obligations of the former redevelopment agency, including making debt service payments on the 2004 and 2007 tax allocation bonds.

ATTACHMENTS:

Recognized Obligations Payment Schedule 16-17
Resolution SA-2016-01

RESOLUTION NO. SA-2016-01

**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 JULY 1, 2016 THROUGH JUNE 30, 2017**

WHEREAS, pursuant to Health and Safety Code section 34173(d), the City of Winters (“RDA Successor Agency”) is the successor agency to the dissolved Community Development Agency of the City of Winters (“Agency”), confirmed by Resolution 2012-02 adopted on January 17, 2012; and

WHEREAS, Health and Safety Code Section 34179(a) provides that each successor agency shall have an oversight board composed of seven members; and

WHEREAS, The Department of Finances requires the Recognized Obligation Payment Schedule (ROPS 16-17) for the period July 1, 2016 through June 30, 2017 be adopted and submitted to the Department of Finance no later than February 1, 2016.

**NOW, THEREFORE, THE SUCCESSOR AGENCY TO THE FORMER
COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WINTERS DOES
HEREBY RESOLVE AS FOLLOWS:**

The Successor Agency hereby approves and adopts the ROPS 16-17 attached to this Resolution as Exhibit A.

APPROVED AND ADOPTED by the Successor Agency to the former Community Development Agency of the City of Winters at a regular meeting held on the 19th day of January 2016, by the following vote.

AYES:

NOES:

ABSENT:

ATTEST:

W. Keith Fridae, Chair

Secretary

Recognized Obligation Payment Schedule (ROPS 16-17) - Summary

Filed for the July 1, 2016 through June 30, 2017 Period

Successor Agency: Winters
 County: Yolo

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)		16-17A Total	16-17B Total	ROPS 16-17 Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding				
A	Sources (B+C+D):	\$ -	\$ -	\$ -
B	Bond Proceeds Funding	-	-	-
C	Reserve Balance Funding	-	-	-
D	Other Funding	-	-	-
E	Enforceable Obligations Funded with RPTTF Funding (F+G):	\$ 599,795	\$ 599,795	\$ 1,199,590
F	Non-Administrative Costs	474,795	474,795	949,590
G	Administrative Costs	125,000	125,000	250,000
H	Current Period Enforceable Obligations (A+E):	\$ 599,795	\$ 599,795	\$ 1,199,590

Certification of Oversight Board Chairman:
 Pursuant to Section 34177 (o) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named successor agency.

 Name Title
 /s/ _____
 Signature Date

