





**CITY COUNCIL  
STAFF REPORT**

**TO:** Mayor and Council Members  
**DATE:** June 7, 2016  
**THROUGH:** John W. Donlevy, Jr., City Manager   
**FROM:** Jenna Moser – Management Analyst, Planning - GIS   
**SUBJECT:** Approval of Street Names for the Winters Highlands (Stones Throw) Subdivision

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**RECOMMENDATION:** Staff recommends that the City Council take the following actions:

- 1) Receive the staff report;
- 2) Approve Street Names for the Winters Highlands (Stones Throw) Subdivision

**BACKGROUND:** On September 4, 2005 the City Council approved the establishment of the Winters Street Naming Committee. The committee is to make recommendations to City Council on the selection of Street Names for the City of Winters.

Committee members Joann Larkey, Jack Graf, Harold Anderson, and Woody Fridae met on April 7, 2016 and selected Street Names. Later, staff met with Nicki Chapman and Newt Wallace to gather more information about these historic families.

**DISCUSSION:** Attachment 1 illustrates the proposed Street Names on a map. Blue street names are for area context. Attachment 2 describes the unique contributions each historical family has made to the Winters community. Thank you to Jack Graf, Joann Larkey, Nicki Chapman, and Newt Wallace for providing background information. Street names were reviewed by Police and Fire and no conflicts were found.

**NAMES SELCTED:**

Young Street	Ramos Street	Hiramatsu Street	Overhouse Street
Stevenson Street	Kato Street	Bruhn Street	Barker Street
Wyatt Street	Fenley Lane	Richie Lane	

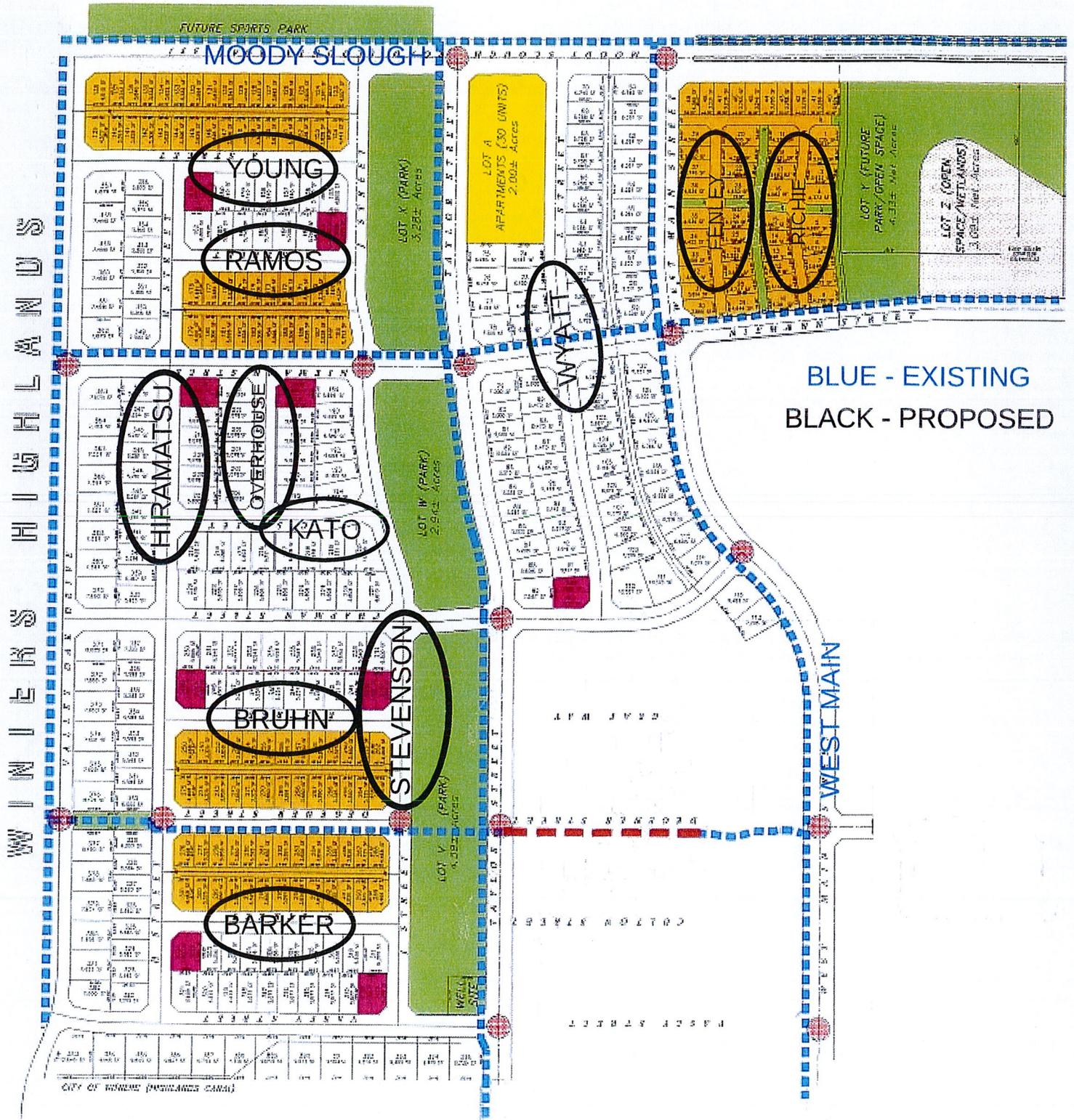
**ALTERNATIVES:** The City Council could reject and request reconsideration of the Street Names selected.

**RECOMMENDATION:** Staff recommends that the City Council make an affirmative motion as follows:

**MOVE THAT THE CITY COUNCIL OF THE CITY OF WINTERS APPROVE THE RECCOMENDED STREET NAMES FOR THE WINTERS HIGHLANDS (STONES THROW) SUBDIVISION.**

**Attachment 1: Map**

# Proposed Street Names



## **Attachment 2: Historical Family Information**

Young – Long time local family. Joe Young was a construction engineer for the railroad. Sons were very talented at football, with Walter Young attending Arizona State for football. The Young family had a ranch outside of Winters on Highway 128.

Ramos – Multiple families associated with this name, Frank Ramos is a known WWII Marine. Frank filmed all of the high school football games and initiated the football banquet over 50 years ago. Frank Ramos was also a Lions Club member.

Hiramatsu- Roy Hiramatsu a noted tennis player, military veteran, and famer in later life. Helen Hiramatsu was interned with her family during WWII and after the war returned with Roy to farm in Winters. Upon his return to Winters Roy asked the City Council for the return of the Japanese School that was turned to other use during the internment. Council granted the return of the school. Dennis Hiramatsu is a local medical doctor of dentistry serving Winters from 1980 to present.

Overhouse- Long time local farming family. W.D. Overhouse had a brick yard operation in Winters that supplied all of the bricks for the Cradwick Building construction in downtown Winters.

Stevenson- Original landowners, planners, and developers of Winters, they were the first to file a map for the City of Winters. The family was from Vacaville and built the extension of the rail line to Winters in 1875.

Kato- Long time local farming family, Henry Kato was interned during WWII. Newt Wallace remembers buying dried apricots from P and Ben Kato.

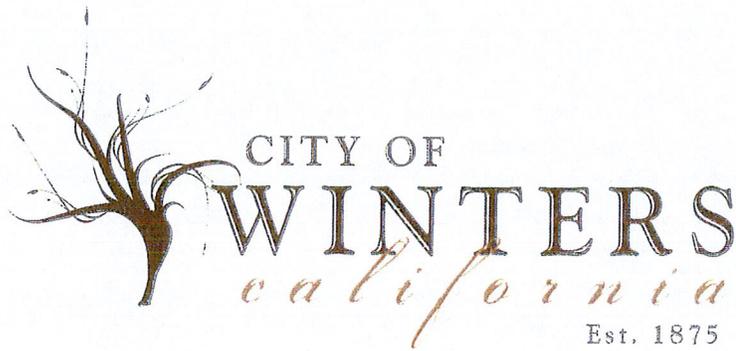
Bruhn- Long time local family, Vernon Bruhn was the Winters Fire Chief. When Vernon Bruhn proposed to Vera, he told her he would never move out of Winters. She needed to know that before she answered the proposal.

Barker- Long time local electrician, son Fred was killed in WWII, son Jim was a B-17 pilot in WWII. Jim was shot down and landed in Holland in WWII and later traveled back to Holland to visit the town and villagers that helped him.. Jim opened an appliance store and started Barkers Electric after WWII. Jim Barker's home was on Russell Street in Winters.

Wyatt- Very large, long time local family, Wyatt was a jeweler and banker. Owned many properties in the core area of Winters in the early days. Clarence Wyatt was a PG&E manager for many years.

Fenley- Fenley Mercantile was originally located in the current Buckhorn Restaurant building. Later located in the current hardware store building on Main Street.

Richie- Long time local home builder, Philip Richie was a superb college athlete and runner at the College of the Pacific. Philip Richie had a home at Russell Street.



CITY COUNCIL  
STAFF REPORT

**TO:** Honorable Mayor and Councilmembers  
**DATE:** June 7, 2016  
**THROUGH:** John W. Donlevy, Jr., City Manager *[Signature]*  
**FROM:** Shelly A. Gunby, Director of Financial Management *[Signature]*  
**SUBJECT:** City of Winters 2016-2017 and 2017-2018 Budget

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**RECOMMENDATION:**

City Council adopt Resolution 2016-12 A Resolution of the City of Winters Approving and Adopting a Budget of Estimated Expenditures for Fiscal Years 2016-2017 and 2017-2018.

**BACKGROUND:**

The City of Winters is required to adopt a budget each fiscal year. This budget is the third two year budget for the City of Winters. The two year budget expands our financial viewpoint and helps prepare for ongoing fiscal issues facing the City of Winters.

Staff has held budget planning meetings, budget review meetings and staff has held a public workshop with the City Council in the preparation of this budget. This budget includes some increases in revenues and expenditures in most areas throughout the budget. The General Fund has seen growth in revenues with the opening of both the AMPM Burger King and the Taco Bell located by I-505. Additional revenue growth is anticipated through the implementation of various economic development projects as well as the anticipation of the building of some single family homes in the upcoming years.

Although we have increased our revenues, we are still working on the structure of our financial position. The General Fund is projected to use fund balance for 2016-2017 (\$129,602) and have a surplus for 2017-2018 \$138,092. The housing and economic development projects should provide some on-going revenues that will allow us to continue having the current expenditures being paid with current revenues if we are cautious in the future.. Attached are the estimated financial sources and uses for the 2016-2018 budget. The budget document will be completed before the end of June 2016, since the attached Resolution 2016-12 is included in the document.

**FISCAL IMPACT:**

The budget gives hiring and spending authority to staff for the Fiscal Years 2016-2017 and 2017-2018

**CITY COUNCIL  
RESOLUTION 2016-12**

**A RESOLUTION OF THE CITY OF WINTERS RESCINDING RESOLUTION APPROVING AND ADOPTING A BUDGET OF ESTIMATED EXPENDITURES FOR FISCAL YEARS 2016-2017 AND 2017-2018.**

**WHEREAS**, every local agency is required to adopt a budget for the subsequent fiscal year for estimated revenues and expenditures; and

**WHEREAS**, every local governmental agency shall file with the county auditor of the county in which the agency conducts its principal operations, a budget for the fiscal year then in progress; and

**WHEREAS**, the City of Winters has determined that a 2 year budget is appropriate for the City to prudently plan it's financial future; and

**WHEREAS**, the City Council and Staff members have thoroughly reviewed and analyzed the proposed budget in order to determine the needs of the City of Winters;

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

A budget for the Fiscal Year 2016-2017 and 2017-2018, a copy of which is on file in the City Clerk's Office, is hereby adopted for the City of Winters as follows;

Section 1. For the Fiscal Year 2016-2017, General Fund estimated revenues of \$4,646,007 use of available fund balance of \$129,602, for a total source of funds of \$4,775,609 and total appropriations of \$4,774,309.

For the Fiscal Year 2017-2018, General Fund estimated revenues of \$5,288,755 , use of available fund balance of \$-0-, for a total source of funds of \$5,288,755 and total appropriations of \$5,150,663.

Section 2. For the Fiscal Year 2016-2017, Special Revenues Funds estimated revenues of \$1,851,361 use of available fund balance of \$1,524,672 for a total source of funds of \$3,376,033. and total appropriations of \$3,371,249.

For the Fiscal Year 2017-2018, Special Revenues Funds estimated revenues of \$1,269,336, use of available fund balance of \$186,103 for a total source of funds of \$1,455,439 and total appropriations of \$1,287,410.

Section 3. For Fiscal Year 2016-2017 Capital Revenue Funds estimated revenues of \$1,416,319, use of available fund balance of \$15,434 for total source of funds of \$1,431,753 and total appropriations of \$427,258.

For Fiscal Year 2017-2018 Capital Revenue Funds estimated revenues of \$973,324, use of available fund balance of \$9,500 for total source of funds of \$9,82,824 and total appropriations of \$70,903.

Section 4. For Fiscal Year 2016-2017 Water O & M Fund estimated revenues of \$1,366,322 use of available fund balance of \$204,589 for total source of funds of \$1,570,911 and total expenses of \$1,570,911.

For Fiscal Year 2017-2018 Water O & M Fund estimate estimated revenues of \$1,488,830, use of available fund balance of \$162,152 total source of funds of \$1,650,982 and total expenses of 1,650,982.

Section 5. For Fiscal Year 2016-2017 Sewer O & M estimated revenues of \$1,696,391 use of available fund balance of \$372,631 for a total source of funds of \$2,069,022 and total expenses of \$2,069,022.

For Fiscal Year 2017-2018 Sewer O & M estimated revenues of \$1,845,343, use of available fund balance of \$76,698 for a total source of funds of \$1,922,041 and total expenses of \$1,922,041.

Section 6. For Fiscal Year 2016-2017 Successor Agency to the Dissolved Winters Community Development Agency estimated revenues of \$1,204,595 use of available fund balance of \$-0- for a total source of funds of \$1,204,595 and total expenditures of \$1,204,595.

For Fiscal Year 2017-2018 Successor Agency to the Dissolved Winters Community Development Agency estimated revenues of \$1,214,590 use of available fund balance of \$-0- for a total source of funds of \$1,214,590 and total expenditures of \$1,214,590.

Section 7. For Fiscal Year 2016-2017 Winters Housing Fund estimated revenues of \$-0- use of available fund balance of \$-0- for a total source of funds of \$-0- and total expenditures of \$-0-.

For Fiscal Year 2017-2018 Successor Agency to the Dissolved Winters Community Development Agency estimated revenues of \$-0- use of available fund balance of \$-0- for a total source of funds of \$-0- and total expenditures of \$-0-.

**PASSED AND ADOPTED** by the City of Winters this 7th day of June 2016 by the following vote:

**AYES;**  
**NOES;**  
**ABSTAIN;**  
**ABSENT;**

Cecilia Aguiar-Curry, Mayor

**ATTEST:**

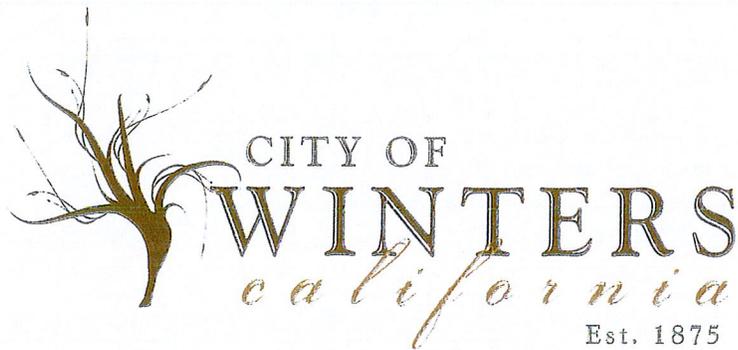
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Nanci G. Mills, City Clerk

**Enterprise Funds  
2016-2018 Summary of Estimated Revenues, Expenses  
and Changes in Retained Earnings  
(For Budgetary Purposes Only)**

	Water Fund								Sewer Fund								Total Enterprise Funds													
	2013-2014		2014-2015		2015-2016		2016-2017		2017-2018		2013-2014		2014-2015		2015-2016		2016-2017		2017-2018											
	Actual	Estimate	Budget	Budget	Budget	Budget	Budget	Budget	Budget	Budget	Actual	Estimate	Budget	Budget	Budget	Budget	Budget	Budget	Budget	Budget										
<b>Operating Revenues</b>																														
Charges for Services	\$ 1,229,860	\$ 1,199,895	\$ 1,282,517	\$ 1,348,021	\$ 1,470,530					\$ 1,671,484	\$ 1,715,575	\$ 1,629,991	\$ 1,895,191	\$ 1,844,143	\$ 2,801,344	\$ 2,915,170	\$ 2,892,509	\$ 3,043,212	\$ 3,314,673		\$ 2,891,344	\$ 2,915,170	\$ 2,892,509	\$ 3,043,212	\$ 3,314,673					
Other Revenues	74,817	82,377	62,367	6,300	6,300					2,084	1,997	1,200	1,200	1,200	76,911	64,374	63,657	7,500	7,500	76,911	64,374	63,657	7,500	7,500						
<b>Total Operating Revenues</b>	<u>\$ 1,304,677</u>	<u>\$ 1,282,272</u>	<u>\$ 1,344,884</u>	<u>\$ 1,354,321</u>	<u>\$ 1,476,830</u>					<u>\$ 1,673,568</u>	<u>\$ 1,717,572</u>	<u>\$ 1,631,191</u>	<u>\$ 1,896,391</u>	<u>\$ 1,845,343</u>	<u>\$ 2,978,255</u>	<u>\$ 2,979,544</u>	<u>\$ 2,956,066</u>	<u>\$ 3,050,712</u>	<u>\$ 3,322,173</u>		<u>\$ 2,978,255</u>	<u>\$ 2,979,544</u>	<u>\$ 2,956,066</u>	<u>\$ 3,050,712</u>	<u>\$ 3,322,173</u>					
<b>Operating Expenses</b>																														
Allocated Cost	\$ 508,267	\$ 594,319	\$ 665,182	\$ 682,726	\$ 729,704					\$ 428,947	\$ 477,108	\$ 499,347	\$ 567,886	\$ 567,871	\$ 937,213	\$ 1,071,428	\$ 1,164,529	\$ 1,250,412	\$ 1,317,576		\$ 428,947	\$ 477,108	\$ 499,347	\$ 567,886	\$ 567,871					
Salaries and Benefits	228,345	247,104	270,587	317,356	329,287					169,009	317,129	423,398	445,148	480,027	397,354	594,233	683,983	782,503	809,314		169,009	317,129	423,398	445,148	480,027					
Contractual Services	42,883	2,188	-	1,000	1,000					28,349	18,419	20,000	22,000	42,000	29,349	20,605	23,000	43,000	43,000	28,349	18,419	20,000	22,000	42,000						
Professional Services	20,823	21,132	21,000	15,000	17,800					5,873	25,983	24,500	26,000	34,000	28,988	47,015	46,500	61,777	133,616		5,873	25,983	24,500	26,000	34,000					
Supplies and Material	145,875	144,289	122,163	114,000	106,008					132,756	200,601	138,897	139,360	152,386	145,875	344,890	281,060	253,360	258,404		132,756	200,601	138,897	139,360	152,386					
Equipment/Leases	81,569	83,660	82,600	89,597	89,528					178,812	313,934	59,137	72,911	97,778	94,556	397,595	141,737	142,508	167,304		178,812	313,934	59,137	72,911	97,778					
Utilities	94,556	87,654	246,509	243,231	244,756					291,115	228,920	229,459	291,241	292,054	1,680,091	347,711	50,000	536,500	255,000		291,115	228,920	229,459	291,241	292,054					
Insurance	246,556	243,630	15,000	108,500	105,000					20,707	104,081	35,000	426,000	190,000	20,707	314,474	229,459	291,241	292,054		20,707	104,081	35,000	426,000	190,000					
Other Operating Expenses	\$ 1,398,875	\$ 1,478,844	\$ 1,449,115	\$ 1,570,911	\$ 1,650,982					\$ 1,682,985	\$ 1,900,123	\$ 1,487,242	\$ 2,089,022	\$ 1,922,041	\$ 3,061,980	\$ 3,376,987	\$ 2,936,356	\$ 3,639,933	\$ 255,000		\$ 1,682,985	\$ 1,900,123	\$ 1,487,242	\$ 2,089,022	\$ 1,922,041					
<b>Total Operating Expenses</b>	<u>\$ (64,308)</u>	<u>\$ (214,872)</u>	<u>\$ (124,241)</u>	<u>\$ (216,589)</u>	<u>\$ (174,152)</u>					<u>\$ (19,397)</u>	<u>\$ (182,551)</u>	<u>\$ 143,949</u>	<u>\$ (372,631)</u>	<u>\$ (76,898)</u>	<u>\$ (83,705)</u>	<u>\$ (987,423)</u>	<u>\$ 19,708</u>	<u>\$ (589,221)</u>	<u>\$ (250,850)</u>		<u>\$ (19,397)</u>	<u>\$ (182,551)</u>	<u>\$ 143,949</u>	<u>\$ (372,631)</u>	<u>\$ (76,898)</u>					
<b>Operating Income (Loss)</b>																														
Non-Operating Revenues(Expenses)																														
<b>Income(Loss) before Operating Transfers</b>	\$ (64,308)	\$ (214,872)	\$ (124,241)	\$ (216,589)	\$ (174,152)					\$ (19,397)	\$ (182,551)	\$ 143,949	\$ (372,631)	\$ (76,898)	\$ (83,705)	\$ (987,423)	\$ 19,708	\$ (589,221)	\$ (250,850)		\$ (19,397)	\$ (182,551)	\$ 143,949	\$ (372,631)	\$ (76,898)					
Operating Transfers In	143,044	259,161	158,041	12,000	12,000					168,001	385,518	2,243,945	-	-	311,045	623,679	2,401,986	12,000	12,000		168,001	385,518	2,243,945	-	-					
Operating Transfers Out	(150,044)	(1,764,017)	-	-	-					(174,539)	(348,137)	(2,133,945)	-	-	(324,579)	(2,112,154)	(2,133,949)	-	-		(174,539)	(348,137)	(2,133,945)	-	-					
<b>Net Income(Loss)</b>	<u>\$ (71,308)</u>	<u>\$ (1,720,727)</u>	<u>\$ 33,800</u>	<u>\$ (204,589)</u>	<u>\$ (162,152)</u>					<u>\$ (25,832)</u>	<u>\$ (166,170)</u>	<u>\$ 253,949</u>	<u>\$ (372,631)</u>	<u>\$ (76,898)</u>	<u>\$ (97,240)</u>	<u>\$ (1,885,889)</u>	<u>\$ 287,749</u>	<u>\$ (577,221)</u>	<u>\$ (236,850)</u>		<u>\$ (25,832)</u>	<u>\$ (166,170)</u>	<u>\$ 253,949</u>	<u>\$ (372,631)</u>	<u>\$ (76,898)</u>					
<b>Retained Earnings July 1</b>	3,186,534	2,944,036	\$ 1,091,492	\$ 1,125,293	\$ 920,704					3,208,068	3,016,052	2,714,709	2,988,658	2,598,027	6,393,592	5,990,088	3,806,201	4,093,951	3,516,730		3,208,068	3,016,052	2,714,709	2,988,658	2,598,027					
Adjustments	(170,189)	(131,817)	-	-	-					(166,075)	(136,172)	-	-	-	-	-	-	-	-		(166,075)	(136,172)	-	-	-					
<b>Retained Earnings June 30</b>	<u>\$ 2,944,036</u>	<u>\$ 1,091,492</u>	<u>\$ 1,125,293</u>	<u>\$ 920,704</u>	<u>\$ 758,552</u>					<u>\$ 3,016,052</u>	<u>\$ 2,714,709</u>	<u>\$ 2,988,658</u>	<u>\$ 2,598,027</u>	<u>\$ 2,519,328</u>	<u>\$ 5,990,088</u>	<u>\$ 3,806,201</u>	<u>\$ 4,093,951</u>	<u>\$ 3,516,730</u>	<u>\$ 3,277,880</u>		<u>\$ 3,016,052</u>	<u>\$ 2,714,709</u>	<u>\$ 2,988,658</u>	<u>\$ 2,598,027</u>	<u>\$ 2,519,328</u>					





**CITY COUNCIL  
STAFF REPORT**

**TO:** Honorable Mayor and Council members  
**DATE:** June 7, 2016  
**THROUGH:** John W. Donlevy, Jr., City Manager *[Signature]*  
**FROM:** Dan Maguire, Housing Programs Manager *DM*  
**SUBJECT:** Reject Bid Protest and Award a Construction Contract for Walnut Park Phase 2 Project

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**RECOMMENDATIONS:**

1) Receive the report from staff updating City Council on the status of the Phase Two Construction of Walnut Park, and 2) Adopt Resolution No. 2016-19, Rejecting the Bid Protest Submitted by Sierra Valley Construction, Inc., and Approving and Awarding a Construction Contract to Empire Landscaping, Inc., in the Amount of \$547,000 for Walnut Park Phase 2 Project No. 11-03.

**BACKGROUND:**

The City is under contract to receive Prop 84 grant funds in the amount of \$865,191 (including \$200,000 for environmental mitigation) from the California State Parks and Recreation Department, and also was awarded \$117,275 in grant funds for the project from the Housing Related Parks Program ("HRPP"). The Walnut Park project previously received CDBG grant funds from the State's CDBG General Allocation Program. Funding from all these sources is being utilized for the development of a new city park to be located on the 5 acre parcel (APN # 003 360 025) between Dutton Street and Walnut Lane due east of the new Orchard Village Apartments. The CDBG grant funds were expended during the construction of Phase One of Walnut Park.

In September of 2015, the City successfully completed the required habitat mitigation for the seasonal wetlands on the park property, purchasing land bank credits. At the November 7, 2015 City Council meeting, the Council authorized an addendum to the Professional Services Contract with Melton Design Group for the preparation of construction bid documents, with those bid documents being finalized over the first quarter of 2016.

The City has budgeted funds to design and construct the second phase of Walnut Park. The 5-acre Park is bordered by Walnut Lane and Dutton Street. The City Council authorized the bid issuance for the Phase Two construction of Walnut Park at the City Council meeting on April 19, 2016. At the May 3, 2016 City Council meeting, Council authorized the purchase of the shade structure for the project to ensure funding available under the Housing Related Parks Program Grant was expended by the June 30, 2016 expenditure deadline. This purchase was reflected in an adjustment to the bid invitation through the issuance of an addendum.

On May 19<sup>th</sup>, 2016, the City received four bids – Empire Landscape, Sierra Valley Construction, Vintage Paving, and Martin General Engineering. The base bids received were as follows:

Empire Landscaping	\$547,000.00
Sierra Valley Construction	\$627,710.00
Vintage Paving	\$764,432.74
Martin General Engineering	\$999,200.00

The revised available budget for construction of the improvements is \$600,793. The low responsible bidder (Empire) submitted a base bid of \$547,000. When the standard 10% construction contingency is included that puts the overall construction budget at \$601,700. It should be noted the project costs will also need to include fees for outside consultants providing services such as wage monitoring, park design and construction oversight, city engineering and that funding is accounted for in the overall project budget.

The base bid exceeds (slightly, when including 10% contingency) the funds available for construction; therefore the following items are included in the construction documents as additive alternates, which will allow the City the flexibility to add depending on unused contingency funds results:

- Boulders - play area and landscape
- Play Area Logs
- Sand Play Area
- Fence at play area
- Drinking Fountain at playground (one currently on site)
- Raised Garden Beds
- Serving Tables at existing group picnic area

Following the bid opening, the City did receive a protest from Sierra Valley Construction, objecting to the low bid received from Empire. However, after consultation with the City Attorney and the City Engineer, staff determined that the bid protest is without merit, and is recommending that the City Council reject the bid protest. The City's response to Sierra Valley is attached to this staff report, and outlines the reasons why City staff believes that the bid protest has no merit.

**FISCAL IMPACTS:**

No impact on City's General Fund as construction will be funded from the Prop 84 Grant, the Housing Related Parks Program Grant, and from the City's Transportation

Development Act Fund ("TDA")

**ATTACHMENTS:**

Resolution No. 2016-19

Sierra Valley Construction Bid Protest Letter dated May 19, 2016

City of Winters Letter of Response to Sierra Valley Construction

**RESOLUTION NO. 2016-19**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS  
REJECTING THE BID PROTEST SUBMITTED BY SIERRA VALLEY  
CONSTRUCTION, INC., AND APPROVING AND AWARDING A  
CONSTRUCTION CONTRACT TO EMPIRE LANDSCAPING, INC., IN THE  
AMOUNT OF \$547,000 FOR WALNUT PARK PHASE 2 PROJECT NO. 11-03**

**WHEREAS**, the City of Winters wishes to enter into a Construction Contract with Empire Landscaping, Inc. (“Empire”), for the City’s Walnut Park Phase 2 Project No. 11-03 (the “Project”); and

**WHEREAS**, the City Council wishes to approve a construction contract contingency of up to 10% (\$54,700); and

**WHEREAS**, the City Council authorized advertisement for bids on April 19, 2016; and the City advertised for bids on April 28 and May 5, 2016; and

**WHEREAS**, on May 19, 2016 the City received 4 bids, and Empire was determined to be the lowest responsive bidder with a base bid of \$547,000; and

**WHEREAS**, the City received a bid protest from Sierra Valley Construction, Inc. (“Sierra Valley”), on May 20, 2016, protesting the bid submitted by Empire; and

**WHEREAS**, the protest requests that the City find Empire’s bid non-responsive because (1) Empire does not hold the appropriate specialty license classifications required to perform the work on the Project, and (2) Empire failed to fully complete the Designation of Subcontractors form; and

**WHEREAS**, the City has broad discretion to determine responsiveness and accept a responsive bid even if there are minor irregularities or mistakes, as long as such mistakes do not affect the price of the bid or otherwise give a bidder an unfair competitive advantage (See *Menefee v. County of Fresno* (1985) 163 Cal.App.3d 1175; *Ghilloti Construction Co. v. City of Richmond* (1996) 45 Cal.App.4th 897.); and

**WHEREAS**, Empire holds a Class A, *General Engineering Contractor* license, which permits Empire to perform any work on fixed works requiring specialized engineering knowledge and skill including work on “parks, playgrounds and other recreational works” (Business & Professions Code §7056), and to perform otherwise covered by a Class C-12 specialty license (*Pacific Caisson & Shoring, Inc. v. Bernards Bros Inc.* (2011) 198 Cal.App.4th 681), and therefore holds the license classifications required to perform the work on the Project; and

**WHEREAS**, under the Subletting and Subcontracting Fair Practices Act, the prime contractor is only required to list those subcontractors with subcontracts exceeding 0.5% of the total bid amount, and there were no such subcontractors required to be listed as such by Empire; and

**WHEREAS**, the City informed Sierra Valley of City staff's intent to recommend rejection of the bid protest and award of the contract to Empire as the lowest responsible bidder submitting a responsive bid; and

**WHEREAS**, the City Council wishes to approve and award a Construction Contract to Empire and authorize its execution through adoption of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINTERS AS FOLLOWS:**

Section 1. The above recitals are true and correct and incorporated as if fully set forth herein.

Section 2. The bid protest submitted by Sierra Valley is rejected as meritless.

Section 3. The City Council hereby approves and awards the Construction Contract to Empire and approves a ten percent (10%) construction contingency in the amount of \$54,700. The City Manager is hereby authorized and directed to execute the Construction Contract, subject to City Attorney approval. The City Attorney is hereby authorized to make clarifying and confirming changes so long as the total dollar amount authorized herein does not change.

Section 4. Copies of the Construction Contract are available and on file in the City Clerk's office, and are incorporated herein by reference and made a part of this Resolution.

Section 5. If any section, subsection, sentence, clause, phrase or word of this Resolution is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution.

**I HEREBY CERTIFY** that the foregoing Resolution was adopted by the City Council of the City of Winters at a regular meeting held on the 7th day of June, 2016, by the following vote:

**AYES:**

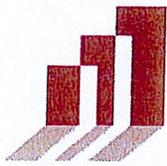
**NOES:**

**ABSENT:**

\_\_\_\_\_  
Cecilia Aguiar-Curry, Mayor  
City of Winters

ATTEST:

\_\_\_\_\_  
Nanci G. Mills, City Clerk



**SIERRA VALLEY  
CONSTRUCTION, INC.**

3302 Swetzer Road, Suite E  
Loomis, CA 95650  
(O) 916-772-0800 (F) 916-772-0825  
License #802027

May 19, 2016

City of Winters  
318 First Street  
Winters, CA 95694

Attn: Alan Mitchell, Architect/Project Manager

Re: Walnut Park - Bid Protest

Dear Sirs,

SVC is protesting the award of the Walnut Park project as we find the low bidder to be non-responsive.

We receive the Bid results on Thursday 5/19/16 at the bid opening. We informed the subs we listed of the bid results and we have received calls regarding the non-listing of a fencing and electrical contractor, by the low bidder and their breaches of CSLB license laws.

**Per section 2 – Bid requirements and conditions section 2-8 listing of subcontractors.** This section clearly states that the prime contractor must list any specialty trade which provides service on the project, which the prime does not hold the specific license for, per the CSLB. We have checked the license #811554 which appears to be connected with the low bidder, Empire Landscaping out of Davis, on this project under this license, they possess an “A” license, C-27, and Tree trimming license. Under the CSLB license requirements per these trades, see attached. Their license doesn’t allow for the performance of electrical work called out for in the plans, light standards and a connection to a transformer, per the electrical sheets, as well as the installation of fencing which is defined as a specialty trade. Based on this contractor’s failure to list a qualified contractor for each specified trade as listed by the CSLB. We find this contractor to have breached contractor listing laws and have found them to be non-responsive under public contracting laws.

**Per CSLB C-13 Fencing Contractor,** a fencing contractor constructs, erects, alters, or repairs all types of fences, corrals, runs, railings, cribs, game court enclosures, guard rails and barriers, playground game equipment, backstops, posts, flagpoles, and gates, excluding masonry walls.

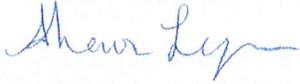
We do not find the apparent low bidder to possess this C-13 license, nor have they listed a specialty contractor as required by public contract listing laws.

**Per CSLB C-10 Electrical Contractor,** an electrical contractor places, installs, erects or connects any electrical wires, fixtures, appliances, apparatus, raceways, conduits, solar photovoltaic cells or any part thereof, which generate, transmit, transform or utilize electrical energy in any form or for any purpose.

We do not find this contractor to possess this C-10 license, nor have they listed a specialty contractor as required by public contract listing laws.

Per the CSLB these are considered specialty trades and we do not find the licenses the apparent low bidder to possess, which disqualifies him from this project.

Sierra Valley Construction, Inc.

A handwritten signature in blue ink, appearing to read "Shawn Lanza", with a stylized flourish at the end.

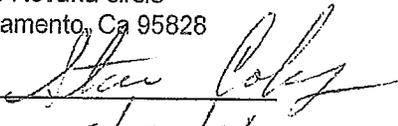
Shawn Lanza  
President

# Bayshore Fence Company

Dear Mr. Lanza

Thank you for the bid results. What concerns us is the fact the contractor you mentioned only listed one sub? We are a small specialty contractor that only performs fencing. We are not allowed to go out and perform other subs trades legally. We would like for you to make sure they have the right license to do our type of work. It is a C-13 license. If not could you please look into this. The CSLB has classifications for each trade just for this reason so our work does not get taken away by a non-qualified non licensed contractor.

Steve Coby  
Bayshore Fence  
8374 Rovana circle  
Sacramento, Ca 95828

Sign. 

Date 5/20/16

Friday, May 20, 2016 AOL: Steveatbayshore

## Shawn Lanza

---

**From:** Jose Diaz <jdiaz@ampleelectricinc.com>  
**Sent:** Friday, May 20, 2016 6:31 AM  
**To:** shawn@sierraconstruct.com  
**Subject:** Walnut Park - Phase 2

Shawn-

We noticed that the low bidder did not list an electrical sub, to my understanding I don't think it's possible to self-perform the electrical installation without a C-10 contractors license. I think it is a good idea to bring this to the city's attention and protest the job. Please let me know what you think?

Jose Diaz  
Ample Electric, Inc.  
19 Main Street  
Winters, CA 95694  
530-219-5058 M | 530-795-9951 F | 530-795-9913 O  
[JDiaz@ampleelectricinc.com](mailto:JDiaz@ampleelectricinc.com)  
<http://ampleelectricinc.com>

**ample**  
**electric** inc.



# Contractor's License Detail for License # 811554

**DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.**

CSLB complaint disclosure is restricted by law (B&P 7124.6) If this entity is subject to public complaint disclosure, a link for complaint disclosure will appear below. Click on the link or button to obtain complaint and/or legal action information.  
Per B&P 7071.17 , only construction related civil judgments reported to the CSLB are disclosed.  
Arbitrations are not listed unless the contractor fails to comply with the terms of the arbitration.  
Due to workload, there may be relevant information that has not yet been entered onto the Board's license database.

Data current as of 5/19/2016 4:19:12 PM

### Business Information

EMPIRE LANDSCAPING INC  
118 HICKORY LANE  
DAVIS, CA 95616  
Business Phone Number:(530) 400-3943

Entity Corporation  
Issue Date 08/16/2002  
Reissue Date 08/29/2011  
Expire Date **08/31/2017**

### License Status

**This license is current and active.**

All information below should be reviewed.

### Classifications

A - GENERAL ENGINEERING CONTRACTOR  
C27 - LANDSCAPING  
C-61 / D49 - TREE SERVICE

### Certifications

HAZ - HAZARDOUS SUBSTANCES REMOVAL

### Bonding Information

#### Contractor's Bond

This license filed a Contractor's Bond with HUDSON INSURANCE COMPANY.  
Bond Number: 30006329  
Bond Amount: \$15,000  
Effective Date: 01/01/2016  
Contractor's Bond History

### Bond of Qualifying Individual

The qualifying individual AHMET GULCU certified that he/she owns 10 percent or more of the voting stock/membership interest of this company; therefore, the Bond of Qualifying Individual is not required.  
Effective Date: 08/29/2011

### Workers' Compensation

This license has workers compensation insurance with the REPUBLIC UNDERWRITERS INSURANCE COMPANY

**Policy Number:** ATW0028910

**Effective Date:** 07/31/2014

**Expire Date:** 07/31/2016

Workers' Compensation History

### Miscellaneous Information

08/29/2011 - LICENSE REISSUED TO ANOTHER ENTITY

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# A - General Engineering Contractor

**Business & Professions Code**  
**Division 3, Chapter 9. Contractors, Article 4. Classifications**

**7056.** A general engineering contractor is a contractor whose principal contracting business is in connection with fixed works requiring specialized engineering knowledge and skill, including the following divisions or subjects: irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, docks and wharves, shipyards and ports, dams and hydroelectric projects, levees, river control and reclamation works, railroads, highways, streets and roads, tunnels, airports and airways, sewers and sewage disposal plants and systems, waste reduction plants, bridges, overpasses, underpasses and other similar works, pipelines and other systems for the transmission of petroleum and other liquid or gaseous substances, parks, playgrounds and other recreational works, refineries, chemical plants and similar industrial plants requiring specialized engineering knowledge and skill, powerhouses, power plants and other utility plants and installations, mines and metallurgical plants, land leveling and earthmoving projects, excavating, grading, trenching, paving and surfacing work and cement and concrete works in connection with the above mentioned fixed works.



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## C-27 - Landscaping Contractor

### California Code of Regulations Title 16, Division 8, Article 3. Classifications

A landscape contractor constructs, maintains, repairs, installs, or subcontracts the development of landscape systems and facilities for public and private gardens and other areas which are designed to aesthetically, architecturally, horticulturally, or functionally improve the grounds within or surrounding a structure or a tract or plot of land. In connection therewith, a landscape contractor prepares and grades plots and areas of land for the installation of any architectural, horticultural and decorative treatment or arrangement.

*Authority cited: Sections 7008 and 7059, Reference: Sections 7058 and 7059 (Business and Professions Code)*



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## D-49 - Tree Service Contractor

### California Code of Regulations Title 16, Division 8, Article 3. Classifications

A tree service contractor prunes trees, removes trees, limbs or stumps (including grinding) and engages in tree or limb guying.



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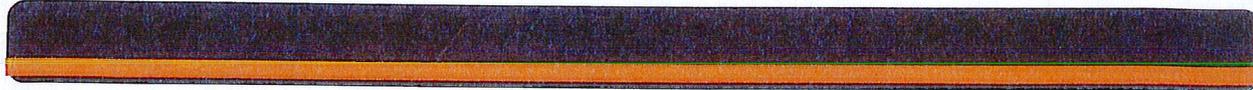
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## C-10 - Electrical Contractor

### California Code of Regulations Title 16, Division 8, Article 3. Classifications

An electrical contractor places, installs, erects or connects any electrical wires, fixtures, appliances, apparatus, raceways, conduits, solar photovoltaic cells or any part thereof, which generate, transmit, transform or utilize electrical energy in any form or for any purpose.

*Authority cited: Sections 7008 and 7059, Reference: Sections 7058 and 7059 (Business and Professions Code)*



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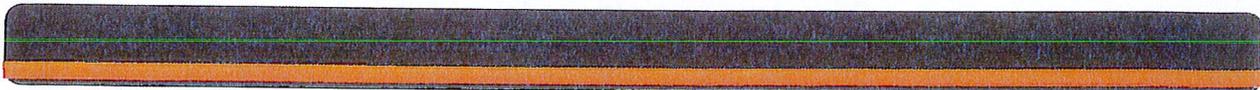
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## C-13 - Fencing Contractor

**California Code of Regulations**  
**Title 16, Division 8, Article 3. Classifications**

A fencing contractor constructs, erects, alters, or repairs all types of fences, corrals, runs, railings, cribs, game court enclosures, guard rails and barriers, playground game equipment, backstops, posts, flagpoles, and gates, excluding masonry walls.

*Authority cited: Sections 7008 and 7059, Reference: Sections 7058 and 7059 (Business and Professions Code)*

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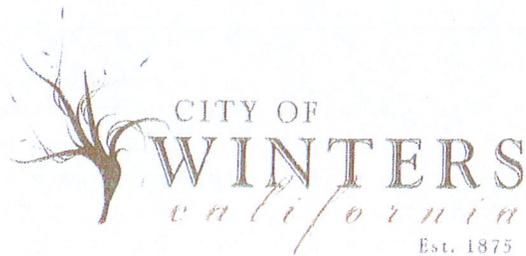
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### CSLB's Headquarters

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May 31, 2016

Sierra Valley Construction, Inc.  
Attn: Shawn Lanza  
3302 Swetzer Road, Suite E  
Loomis, CA 95650

Re: City of Winters – Walnut Park – Phase 2  
Project No: 11-03  
Response to Bid Protest

Dear Mr. Lanza:

The City has reviewed Sierra Valley Construction's ("SVC") bid protest letter dated May 19, 2016, and finds the bid protest meritless. City staff will recommend that the City Council reject the protest and award the contract to the lowest responsible bidder submitting a responsive bid, Empire Landscaping Inc. ("Empire").

As a threshold matter, the City has broad discretion to determine responsiveness and accept a responsive bid even if there are minor irregularities or mistakes, as long as such mistakes do not affect the price of the bid or otherwise give a bidder an unfair competitive advantage. (See *Menefee v. County of Fresno* (1985) 163 Cal. App. 3d 1175; *Ghilloti Construction Co. v. City of Richmond* (1996) 45 Cal.App.4th 897.) SVC argues that Empire's bid is nonresponsive on two grounds. First, Empire notes that Empire's bid is nonresponsive because Empire does not hold the appropriate specialty license classifications required to perform the work on the above-captioned project. Second, SVC argues that Empire improperly failed to fully complete the Designation of Subcontractors form. SVC's allegations are addressed in turn below.

I. *Empire Not Required to Hold Specialty License Classifications*

The City is authorized and required by law to specify the license classifications necessary to bid and perform the project, and a contractor must strictly conform to those classifications. Both Business

318 First Street  
Winters, CA 95694  
Phone: 530.795.4910  
Fax: 530.795.4935

COUNCIL MEMBERS  
Harold Anderson  
Wade Cowan  
Pierre Neu

MAYOR  
Cecilia Aguilar-Curry  
MAYOR PRO TEM  
Woody Fridae

CITY CLERK  
Nanci Mills  
TREASURER  
Michael Sebastian

CITY MANAGER  
John W. Donlevy, Jr.

and Professions Code section 7059 and Public Contract Code section 3300 provide that the awarding body must specify the classification of the contractor's license which a contractor shall possess. Here, the City specified a Class A, *General Engineering Contractor* license. (See Notice Inviting Bids, § 15.) Empire holds a Class A license and is, therefore, responsive to the licensing requirements under the Contract Documents.

SVC's assertion that Empire may not self-perform work otherwise covered by a specialty classification is a misstatement of the contractor licensing laws. Pursuant to Business and Professions Code section 7056, a contractor holding a Class A, *General Engineering Contractor* license may perform any work on fixed works requiring specialized engineering knowledge and skill including work on "parks, playgrounds and other recreational works." Both the California Attorney General and the courts have noted that a contractor holding a Class A, *General Engineering Contractor* license may perform work covered by a specialty license classification. (*Pacific Caisson & Shoring, Inc. v. Bernard's Bros Inc.* (2011) 198 Cal.App.4th 681; 40 Ops.Cal.Atty.Gen 112 (1962).) In *Pacific Caisson*, the court considered whether a contractor holding a Class A license could perform work otherwise covered by a Class C-12 specialty license. The court noted that because the contractor's Class A license encompassed excavation work requiring specialized engineering knowledge and skill, that the license sufficed to allow the contractor to perform excavation work that was also covered by a Class C-12 specialty license.

Here, Empire's Class A license is very clearly responsive to the City's licensing requirements for the project and authorizes it to self-perform the work you note is covered by the Class C-13 and Class C-10 specialty licenses.

2. *City Not Required to Reject Bid for Failure to List All Subcontractors*

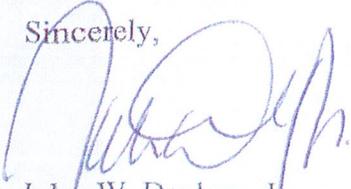
With respect to the listing of all subcontractors in the Designation of Subcontractors form, the purpose of that form is to satisfy the requirements of the Subletting and Subcontracting Fair Practices Act ("Act"). The Act only requires prime contractors to list those subcontractors performing more than 0.5% of the total bid amount on the project.

SVC alleges that Empire was required to list all subcontractors holding specialty license classifications not otherwise held by Empire in the Designation of Subcontractors form. This is, however, not required by the Act or the Contract Documents. As noted above, Empire's Class A license authorizes it to self-perform all work on the project. Further, the Act is an entirely separate body of law relative to the contractor licensing laws and contains no provisions requiring a prime contractor to list every subcontractor that the prime contractor intends to utilize on the project. Only those subcontractors with subcontracts exceeding 0.5% of the total bid amount are required to be listed. Contrary to SVE's erroneous assertions, Empire is not required to list any subcontractor in the Designation of Subcontractors form based on the contractor licensing laws or the Act.

Shawn Lanza  
May 31, 2016  
Page 3

The City Council will consider the award of this contract at its meeting on June 7, 2016. City staff will recommend that the Council reject the bid protest submitted by SVC and award the contract to the lowest responsible bidder submitting a responsive bid, Empire.

Sincerely,

A handwritten signature in blue ink, appearing to read "John W. Donlevy, Jr.", written over a large, stylized initial "JD".

John W. Donlevy, Jr.  
City Manager