



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, August 2, 2016
6:30 p.m.
AGENDA

Members of the City Council

*Cecilia Aguiar-Curry, Mayor
Bill Biasi, Mayor Pro-Tempore
Harold Anderson
Jesse Loren
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, July 19, 2016 (pp. 4-11)
- B. Consideration of Permit Application to US Fish and Wildlife Service for the Yolo Habitat Conservation Plan (pp. 12-23)
- C. Claim Against the City of Winters – Jim Ogando (pp. 24-27)
- D. Street Closure Request by Winters Chamber of Commerce for Annual Earthquake Festival to be Held on August 26, 2016 (pp. 28-30)
- E. Amplified Sound Permit Application – Saint Anthony's Parish's Mexican Fiesta on September 18, 2016 (pp. 31-34)
- F. Resolution 2016-32, a Resolution of the City Council of the City of Winters – Liens on Property (pp. 35-38)

PRESENTATIONS

DISCUSSION ITEMS

- 1. Second Reading and Adoption of *Ordinance 2016-09* - Fairfield Inn & Suites Rezone (Planned Development Overlay) (pp. 39-44)
- 2. Planning Commission Appointment (pp. 45)
- 3. Rancho Arroyo Detention Pond Expansion (pp. 46-47)
- 4. City Hall Conference Room Re-Model (pp. 48-49)

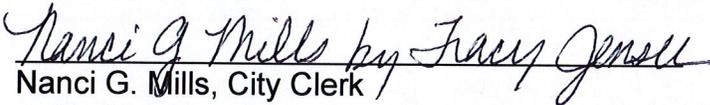
CITY OF WINTERS AS SUCCESSOR AGENCY TO THE WINTERS COMMUNITY DEVELOPMENT AGENCY

- 1.

CITY MANAGER REPORT

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the August 2, 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 July 28, 2016, and made available to the public during normal business hours.


Nanci G. Mills, City Clerk

Questions about this agenda – Please call the City Clerk's Office (530) 794-6701. Agendas and staff reports are available on the city web page www.cityofwinters.org/administrative/admin_council.htm

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.

The city does not transcribe its proceedings. Anyone who desires a verbatim record of this meeting should arrange for attendance by a court reporter or for other acceptable means of recordation. Such arrangements will be at the sole expense of the individual requesting the recordation.

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Any attachments to the agenda that are not available online may be viewed at the City Clerk's Office or locations where the hard copy packet is available.*

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City Council agenda packets are available for review or copying at the following locations:

Winters Library – 708 Railroad Avenue

City Hall – Finance Office - 318 First Street

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

City Council meetings are televised live on City of Winters Government Channel 20 (available to those who subscribe to cable television) and replayed following the meeting.

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 July 19, 2016

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

Present: Council Members Harold Anderson, Bill Biasi, Jesse Loren, Pierre Neu and Mayor Cecilia Aguiar-Curry
Absent: None
Staff: City Manager John Donlevy, City Attorney Ethan Walsh, Economic Development/Housing Manager Dan Maguire, Police Chief Joe Kreins, Police Chief John Miller, Fire Chief Aaron McAlister, Fire Captain Art Mendoza, Contract Planner Dave Dowswell, Associate Planner Jenna Moser, Director of Financial Management Shelly Gunby, Police Officer Jose Hermosillo, Public Works Superintendent Eric Lucero, Building Official Gene Ashdown, and Management Analyst Tracy Jensen.

Fire Chief Aaron McAlister led the Pledge of Allegiance.

Approval of Agenda: Motion by Council Member Neu, second by Council Member Biasi to approve the agenda with no changes. Motion carried with the following vote:

AYES: Council Members Anderson, Biasi, Loren, Neu, Mayor Aguiar-Curry
NOES: None
ABSENT: None
ABSTAIN: None

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS: Wally Pearce clarified there are two senior groups in Winters and he is representing the Winters Senior Foundation. He has provided

a survey to City staff and would like to see it on the City's website in English & Spanish. City Manager Donlevy said Intern Cale Watson is working on it and should have both versions up on the website by the end of the week. Mayor Aguiar-Curry also suggested the Foundation provide an iPad at Fourth Friday Feast to enable people to complete the survey on-site.

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, July 5, 2016
- B. Information Item Regarding CalPERS Unfunded Liability Payments
- C. Winters Chamber/Visitor Center Proposed Lease Agreement
- D. Amendment to City Manager Employment Agreement
- E. Authorize RFP Issuance for Administrative Subcontractor for CDBG and HOME Grants in Conjunction with the Blue Mountain Terrace Senior Housing and Senior Center Project
- F. Consultant Services Agreement for City Engineering Services with Ponticello Enterprises
- G. Winters Putah Creek Committee Appointments

City Manager Donlevy gave an overview. Motion by Council Member Neu, second by Council Member Biasi to approve the Consent Calendar. Motion carried with the following vote:

AYES: Council Members Anderson, Biasi, Loren, Neu, Mayor Aguiar-Curry
NOES: None
ABSENT: None
ABSTAIN: None

PRESENTATIONS

Introduction of Winters Chief of Police John Miller

City Manager Donlevy introduced new Police Chief John Miller, who brings experience from the Vacaville, Vallejo and Pacific Grove Police Departments. As a graduate of the FBI Academy Class 249 and a Metal of Valor winner, Chief Miller brings leadership, mentorship and training to the Winters Police Department. Chief Miller will be sworn in on Monday, July 25th with a transition ceremony to be held at a later date.

Chief Miller thanked the City Council, City Manager Donlevy, and his wife and said all roads led to Winters. He added that he is enthused, honored and humbled to be chosen for this position and in following Chief Kreins, he has some big shoes to fill. This is a challenging time for police officers, but with

honor, integrity and sacrifice, we will overcome this difficult time and offered a quote "Adversity Will Reveal Genius." Chief Miller said that although Chief Kreins has paved the road and laid the foundation, he is not content to just maintain it, but to promote a well-trained and service-oriented department. Council Member Anderson asked Chief Miller to elaborate on FBI Class 249, which represents Session 249, a 10-week National Academy that is held four times a year. On behalf of the Council, Mayor Aguiar-Curry welcomed Chief Miller.

City Manager Donlevy said Chief Kreins has been here only 7 months, but an incredible 7 months it's been! During his tenure, he facilitated a complete reorganization, including work schedules, structure, expanded leadership, Citizen Academy and a Cadet program. His outreach into the organization and the community has been tremendous and he brings professionalism, leadership and know-how, always providing a stellar level of service.

Police Chief Kreins said it has been a pleasure to work in such a wonderful community. It felt like family working together to make it a better place and he has enjoyed working with staff, Council, officers, and the community and thanked the Council for allowing him to be here.

City Manager Donlevy said we have two chiefs that are leaving and said Fire Chief McAlister is leaving on July 29th to take a job with the Contra Costa Fire Protection District as Assistant Chief, which includes 300 firefighters and 25 fire stations. Scott Dozier introduced Aaron to John in December 2010 and said Aaron was the guy to take the department where it needed to go. Aaron possesses the professionalism and commitment to move the department forward, including a 24/7 program, implemented a reserve program, which is a model for the region, and took on the California Emergency Medical Services Authority (EMSA), which has resulted in 24-hour ambulance service in Winters. The department has received nearly \$3 million dollars in grants, which in part has provided a complete replacement of breathing apparatus and a new fire truck. Aaron said it is a two-way deal; he got as much out of it as he put into it. With the grants and fire training, the Department has been able to build a bridge from point A to point B. The City has a well-positioned staff to continue and he is excited to have been a part of it.

Winters Police Department K-9 Program – Officer Jose Hermosillo

Officer Jose Hermosillo gave a Power Point presentation to show the importance of having a K-9 Unit within the Department, which includes assisting officers with the search for missing persons and wanted subjects, search of vehicles, large rural areas and large buildings, assisting outside agencies whenever possible, and providing a greater level of security for the City of Winters. The presence of a K-9 unit also reduces the likelihood of officers and suspect injuries as suspects

are more likely to submit to Police Officers when confronted. City Manager Donlevy commended Officer Hermosillo for bringing a K-9 Unit back to Winters and said the program needed funding. Chief Kreins said there are potential donors and that a citizen anonymously offered to purchase a dog and equipment to get the program started. He added this give the Department an avenue to move forward and Officer Hermosillo has done a spectacular job laying the groundwork. He has gone through the leadership program, which has given him incredible perspective, is President of the WPOA (Winters Police Officers Association), has been named Officer of the Year, and is one of the bright stars within the organization. Mayor Aguiar-Curry said the program comes with a price tag, but if the community sees what it takes, they will come through.

DISCUSSION ITEMS

1. Public Hearing, Introduction and Waive the First Reading of Ordinance 2016-09, an Ordinance of the City of Winters for the Rezone (Planned Development Overlay) for the Fairfield Inn & Suites

Associate Planner Jenna Moser gave an overview and Council Member Biasi confirmed the height and location was acceptable to the Planning Commission, who approved it unanimously.

Mayor Aguiar-Curry opened the public hearing at 7:19 p.m.

Jack Vickrey, P.O. Box 427, Winters, said he has chosen to settle in Winters and has asked Council to take a long look. What kind of town does Winters want to be and what kind is it becoming? There is a delicate balance between tax revenue and preservation.

Ryan Davis, 415 4th St., Winters, voiced his concern about the economic decisions made as we move forward and as things are changing, asked Council to take a strong look at what we're giving up.

Mayor Aguiar-Curry closed the public hearing at 7:25 p.m.

Council Member Neu thanked Jack and Ryan for coming to the meeting and speaking. He asked them to talk to their neighbors and friends and ask them to participate and be involved early in the process. Council Member Biasi also thanked them for their comments and said as Council moves forward, they'll keep their comments in mind. Mayor Aguiar-Curry said input is important. The City has been working on these plans since 2002 and has said "no" numerous times.

Motion by Council Member Neu, second by Council Member Loren to introduce Ordinance 2016-09, finding the project consistent with the I-505/Grant Avenue Planning Area Land Use Modifications Project and the Mitigated Negative Declaration adopted for this project on April 25, 2012 and rezoning Parcel C of the Chevron/Starbucks/Fairfield Inn Parcel Map by adding a Planned Development (PD) Overlay Zone. Motion carried with the following vote:

AYES: Council Members Anderson, Biasi, Loren, Neu, Mayor Aguiar-Curry
NOES: None
ABSENT: None
ABSTAIN: None

2. Waive Second Reading and Adopt Ordinance 2016-07, an Ordinance of the City of Winters Amending Chapter 17.80 of the Winters Municipal Code Regarding Signs

City Manager Donlevy gave an overview. Motion by Council Member Anderson, second by Council Member Biasi to waive the second reading and adopt Ordinance 2016-07 amending Chapter 17.80 (Signs) of the Winters Municipal Code (Zoning Ordinance). Motion carried with the following vote:

AYES: Council Members Anderson, Biasi, Loren, Neu, Mayor Aguiar-Curry
NOES: None
ABSENT: None
ABSTAIN: None

3. Waive Second Reading and Adopt Ordinance 2016-08, an Ordinance of the City of Winters Amending Chapters 8.20 and 17.68 of the Winters Municipal Code Regarding Noise Control and Performance Standards

City Manager Donlevy gave an overview. Motion by Council Member Biasi, second by Council Member Neu to waive the second reading and adopt Ordinance 2016-08 amending Chapters 8/20 and 17.68 of the Winters Municipal Code regarding noise control and performance standards. Motion carried with the following vote:

AYES: Council Members Anderson, Biasi, Loren, Neu, Mayor Aguiar-Curry
NOES: None
ABSENT: None
ABSTAIN: None

4. Selection of Mayor and Mayor Pro Tempore

Council Member Neu nominated Mayor Aguiar-Curry to remain as Mayor and City Attorney Walsh clarified Cecilia and Woody were named Mayor and Mayor Pro Tem following the 2014 election. Council Member Anderson confirmed that Council can override the designation process at their discretion and closed the nominations. Council Member Loren seconded the nomination and Mayor Aguiar-Curry said she would be honored to continue to be Mayor.

Council Member Loren nominated Council Member Biasi as Mayor Pro Tempore as he received the most votes in the June 7th election. Council Member Anderson closed the nomination, and then seconded the nomination. Council Member Biasi accepted the Mayor Pro Tempore designation.

5. Designation of a Voting Delegate and Alternates for the League of California Cities Annual Conference

City Manager Donlevy gave an overview. Motion by Council Member Loren, second by Council Member Biasi to designate Pierre Neu to attend as the Voting Delegate and Jesse Loren to attend as the Alternate for the 2016 League of California Cities Annual Conference and Business Meeting. Motion carried with the following vote:

AYES: Council Members Anderson, Biasi, Loren, Neu, Mayor Aguiar-Curry
NOES: None
ABSENT: None
ABSTAIN: None

6. Valley Oak Playground Easement – PG&E Community Pipeline Safety Initiative

Council Member Anderson recused himself due to a possible conflict of interest.

City Manager Donlevy gave an overview. Council Member Biasi said he understood the need to remove the skate park and appreciates PG&E's generous offer of \$100,000 to re-locate a youth-related play area, but asked if the lot could be landscaped based on PG&E's approval. Council Member Loren anticipates illegal dumping on the open site. Amit Pal from PG&E, who confirmed there are transmission lines and not a distribution system on this property, said he understands Council's concerns and will take this back to the project team, who will work with staff.

Motion by Council Member Loren, second by Council Member Biasi to approve Resolution 2016-30, re-conveying a playground easement to certain real property located on Valley Oak Drive to Pacific Gas & Electric Company in adherence to the Community Pipeline Safety Initiative, authorize the re-conveyance and

quitclaim of the playground easement as described and outlined in Attachment A, and authorize the City Manager to execute and record the Quitclaim Deed.
Motion carried with the following vote:

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

Council Member Anderson returned to the dais at this time.

7. Update on AHSC Grant Application (Cap & Trade – Flexible Bus Service)

Economic Development/Housing Manager Dan Maguire gave an overview and said the grant application was submitted prior to the June 20, 2016 deadline, with the grant awards expected to be announced in mid-September, 2016. At the July 5th City Council meeting during public comments, members of the Winters Senior Foundation asked Council to establish a committee to tabulate data from a survey and provide reports to Council on bus service for the community. Dan said staff will be meeting with Domus and Lisa Baker of YCH to hammer out timelines and milestones to be achieved. Mayor Aguiar-Curry asked if this information could be published or posted.

Wally Pearce, P.O. Box 792, Winters, asked whether Meals on Wheels would be utilizing the kitchen at the new Senior Center once it's built. Dan said the Project Manager for Domus provided a site layout to Meals on Wheels to verify whether the design elements of the commercial kitchen would meet the needs of the Elderly Nutrition Program. City Manager Donlevy asked Dan to meet with senior groups to make it clear to everyone that the City will meet the needs of the Elderly Nutrition Program and that there will be one senior group. Sharon Pearce said the survey could be completed on-line and RISE can help Spanish speakers. Dan said staff will follow up on Council direction.

8. City Council Liaison Assignments

Mayor Aguiar-Curry gave an overview. Council Member Loren requested to take Council Member Anderson's place on the City/WJUSD 2 X 2, and Council Member Anderson requested to take Council Member Loren's place on the City / County 2 X 2. Mayor Aguiar-Curry said for the committee assignments where she is the primary, she will mentor the alternate and slowly turn over key appointments. Council Member Anderson asked which committees require FPPC filings and City Attorney Walsh said he would work with staff to determine this. The new liaison assignments will be updated on the City's website.

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

1. None
-

CITY MANAGER REPORT: The parking consultant interviews are going great but it will be a tough decision. Kudos to the parking committee members on the interview panel: Pierre Neu, Chris Turkovich, Sandy & Devon Vickrey, Peter Hunter, Gino Mediati, and Dan Maguire. City Manager Donlevy will be providing new Council Members Loren and Biasi with an orientation, including an overall schedule of one topic per month. Topics will be scheduled during existing meeting times and an orientation calendar will be distributed. Another tour will be scheduled for YECA (Yolo Emergency Communications Agency). City Manager Donlevy said the Police Chief is normally on the YECA board, but he was the previous chairman for 5 years and will remain on the board for another two years and will also be the liaison to the City Manager's Group.

ADJOURNMENT: Mayor Aguiar-Curry adjourned the meeting at 8:13 p.m. in recognition and support of police officers and their families, both locally and across the country, including the people of Turkey, Nice, Baton Rouge, Dallas and Orlando.

Cecilia Aguiar-Curry, MAYOR

ATTEST:

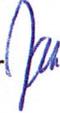
Nanci G. Mills, City Clerk



CITY COUNCIL STAFF REPORT

TO: Mayor and Council Members

FROM: Jenna Moser, Associate Planner
Dave Dowswell, Contract Planner

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

MEETING DATE: August 2, 2016

SUBJECT: ***Consideration of Permit Application to U.S. Fish & Wildlife Service for the Yolo Habitat Conservation Plan***

BACKGROUND

Conservation planning in Yolo County has been ongoing for approximately twenty years. Initial conservation efforts were focused primarily on mitigating impacts to Swainson's hawk foraging habitat resulting from development activity. However, Yolo County and the cities of Davis, West Sacramento, Winters, and Woodland recognized that a more comprehensive approach to conservation planning was needed to address the needs of multiple species and natural communities.

The Yolo County HCP/NCCP Joint Powers Agency (JPA), recently renamed the Yolo Heritage Conservancy, was formed in 2002 to reinforce the commitment of the local governments to develop a regional conservation plan. In 2005, the JPA entered into a Planning Agreement with the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) to support the development of the Yolo HCP/NCCP. A number of significant milestones have occurred since that time and the public review draft plan and environmental impact report and statement are ready to be submitted to CDFW and USFWS in early September.

The USFWS requires that each permittee, which comprises the County of Yolo, the Yolo Heritage Conservancy and all four cities that exist in Yolo County, complete and submit the permit application (Attachment 1).

The Yolo HCP/NCCP permit application will identify seven general categories of activities for which take coverage are sought:

- 1) Urban Development -- The permit will provide incidental take coverage for all covered activities (e.g. planned residential, industrial, and commercial development) consistent with local general plans and related land use and implementation regulations. These projects include the Dunnigan Specific Plan and associated infrastructure, 400 + acres of planned development at U.C. Davis, relocation of the Yolo County Fairgrounds, and planned development (excluding inwater projects) at the Port of West Sacramento.
- 2) Infrastructure - The permit will provide incidental take coverage for various identified/planned private and public infrastructure including roadway improvements, state freeways and highways, bicycle lanes and paths, bridges, airport improvements, utility projects (e.g. water, sewage, natural gas, electivity, solar), recreational facilities, flood control and water conveyance facilities, and port improvements.

These projects include the Woodland Wastewater Treatment Plant, Woodland Water Pollution Control Facility, Woodland Water Channel Project, Davis-Woodland Water Supply Project (excluding in-channel components of the diversion facility), West Sacramento Levee Improvement Project, State Route 16 safety improvements (two segments), County Roads 102 and 98 safety improvements, Woodland-Davis Alternative Transportation Corridor, replacement and rehabilitation of 27 County bridges, three new County bridges, two new PG&E natural gas pipelines, Watts-Woodland Airport and University Airport runway improvements, and various Flood Control and Water Conservation Improvements.

- 3) Agricultural Facilities -- The permit will provide incidental take coverage for typical agricultural support facilities and structures (e.g. barns, fences, wells, farm roads, etc.), planned agricultural commercial and industrial development consistent with the County General Plan, and farm dwellings consistent with the County General Plan.
- 4) Aggregate Mining - The permit will cover aggregate mining and restoration of lower Cache Creek consistent with the County General Plan and Cache Creek Area Plan.
- 5) Operations and Maintenance (Ongoing) - The permit will provide incidental take coverage for identified operations and maintenance activities in the four categories of permanent development described above.
- 6) Implementation of the Yolo HCP/NCCP and Local Conservation Strategy (Conservation) - The permits will provide incidental take coverage for habitat modification, management, and monitoring activities undertaken for the purpose of implementation of the Yolo HCP/NCCP including the Local Conservation Strategy.

- 7) Existing Protected Lands - The County and cities of Yolo have successfully worked to preserve agricultural lands and natural communities for over 60 years without the benefit of an integrated regional conservation strategy. Although this land is protected, much of it is not actively managed to maintain or enhance habitat. Land preservation in Yolo has occurred primarily through deliberate policies that directed growth into established cities and communities and provided very strong protections for agriculture and agricultural activities outside of those areas. As a result, over 88 percent of the County's population lives within the incorporated cities, and almost 98 percent of the unincorporated area is designated for agriculture or open space. These past conservation efforts provide a starting place for the implementation of the Yolo HCP/NCCP.

ANALYSIS

The submittal of the USFWS permit application represents another critical milestone in the Yolo HCP/NCCP process for the JPA. The greatest benefit of a completed Yolo HCP/NCCP to Winters is a comprehensive mitigation plan for the remaining projects in the City that provides more timely and reasonable costs for permitting along with the cultural value of retaining mitigation and conservation within the local county area.

FISCAL IMPACT

Staff's involvement with the Yolo HCP/NCCP is covered under the City's general fund. The permit application fee of \$100 will be covered by existing member agency contributions for fiscal year 2016-17 which are \$8,245 for Winters.

CITY COUNCIL ACTION:

Staff recommends approval of submittal of Permit Application to U.S. Fish & Wildlife Service for the Yolo Habitat Conservation Plan by making an affirmative motion as follows:

I MOVE THAT THE CITY OF WINTERS CITY COUNCIL APPROVE SUBMITTAL OF A PERMIT APPLICATION TO U.S. FISH & WILDLIFE SERVICE FOR THE YOLO HABITAT CONSERVATION PLAN.

ATTACHMENTS

1. Permit Application



Department of the Interior
U.S. Fish and Wildlife Service

OMB Control No. 1018-0094
Expires 01/31/2017

Federal Fish and Wildlife Permit Application Form

[click here for return addresses](#)

Return to: U.S. Fish and Wildlife Service (USFWS)

Type of Activity: Native Endangered and Threatened Species –

Incidental Take Permits Associated with a Habitat
Conservation Plan (HCP)

Complete Sections A or B, and C, D, and E of this application. U.S. address may be required in Section C, see instructions for details.
See attached instruction pages for information on how to make your application complete and help avoid unnecessary delays.

A. Complete if applying as an individual			
1. a. Last name	1. b. First name	1. c. Middle name or initial	1. d. Suffix
2. Date of birth (mm/dd/yyyy)	4. Occupation		5. Affiliation/ Doing business as (see instructions)
6. a. Telephone number	6. b. Alternate telephone number	6. c. Fax number	6. d. E-mail address

B. Complete if applying on behalf of a business, corporation, public agency, tribe, or institution			
1. a. Name of business, agency, tribe, or institution CITY OF WINTERS		1. b. Doing business as (dba) LOCAL AGENCY	
2. Tax identification no.		3. Description of business, agency, tribe, or institution LOCAL AGENCY	
4. a. Principal officer Last name DONLEVY	4. b. Principal officer First name JOHN	4. c. Principal officer Middle name/ initial W.	4. d. Suffix JR.
5. Principal officer title CITY MANAGER		6. Primary contact name JENNA MOSER	
7. a. Business telephone number 530-795-4910	7. b. Alternate telephone number 530-794-6713	7. c. Business fax number 530-795-4935	7. d. Business e-mail address JENNA.MOSER@CITYOFWINTERS.ORG

C. All applicants complete address information					
1. a. Physical address (Street address; Apartment #, Suite #, or Room #; no P.O. Boxes) 318 FIRST STREET					
1. b. City WINTERS	1. c. State CA	1. d. Zip code/Postal code: 95694	1. e. County/Province YOLO	1. f. Country USA	
2. a. Mailing Address (include if different than physical address; include name of contact person if applicable) (SAME AS PHYSICAL ADDRESS)					
2. b. City	2. c. State	2. d. Zip code/Postal code:	2. e. County/Province	2. f. Country	

D. All applicants MUST complete	
1. Attach check or money order payable to the U.S. FISH AND WILDLIFE SERVICE in the amount indicated on pages 2-3 (nonrefundable processing fee). Federal, tribal, State, and local government agencies, and those acting on behalf of such agencies, are exempt from the processing fee – <i>attach documentation of fee exempt status as outlined in instructions.</i> (50 CFR 13.11(d))	
2. Do you currently have or have you ever had any Federal Fish and Wildlife permits? Yes <input type="checkbox"/> If yes, list the number of the most current permit you have held or that you are applying to renew/re-issue: _____ No <input type="checkbox"/>	
3. Certification: I hereby certify that I have read and am familiar with the regulations contained in <i>Title 50, Part 13 of the Code of Federal Regulations</i> and the other <i>applicable parts in subchapter B of Chapter I of Title 50</i> , and I certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to the criminal penalties of 18 U.S.C. 1001.	
Signature (in blue ink) of applicant/person responsible for permit (No photocopied or stamped signatures)	Date of signature (mm/dd/yyyy)

Please continue to next page

**** See page 15 for additional instructions on completing the above form. See page 16 for information on the Paperwork Reduction Act, Privacy Act, and Freedom of Information Act aspects of this application form.**

Section E. ALL APPLICANTS COMPLETE SECTION E. Provide the information outlined in Section E. on the following pages. Be as complete and descriptive as possible. Please do not send pages that are over 8.5" x 11", videotapes, or DVDs.

**INCIDENTAL TAKE PERMITS ASSOCIATED WITH A
HABITAT CONSERVATION PLAN (HCP)**

Have you obtained all required Federal, tribal, State, county, municipal or foreign government approval to conduct the activity you propose? Please be aware that there may be other requirements necessary to conduct this activity such as an import permit, collection permit, permission to work on Federal or tribal lands, Federal bird banding permit, Corps of Engineers permits, Environmental Protection Agency NPDES permits, tribal, State, county or municipal permits, etc.

- Yes. Provide a copy of the approval(s). List the Federal agency, tribe, State, county, municipality or foreign countries involved and type of document required. Include a copy of these documents with the application.
 - I have applied. List the Federal agency, tribe, State, county, municipality or foreign countries involved and type of documents required. Provide the reasons why the permits have not been issued
-

- Not required. The proposed activity is not regulated.

Application Processing Fees

You may update your name, address, telephone number, fax number, or e-mail address in your current application package on file at any time. These changes are considered an administrative change, and no application processing fee is required. If you wish to make an administrative change, please fill out page 1 and indicate the information that you are updating. Then check the box below, provide your permit number, and send the completed pages 1-2 to the appropriate Regional Office (see attached list).

- Administrative change for permit number: _____.

If you wish to make changes other than an administrative change, then an application processing fee is required as described below.

The application processing fee for a new Incidental Take permit, or to renew/substantively amend an existing valid permit (*with major changes*) is \$100. If permit amendment (*with minor changes*) is required at a time other than renewal, the processing fee is \$50. For additional information on the application processing fee and the requirements to qualify for a fee exemption, please see the instructions for section D. on page 15.

If the information in your current application package on file has changed in a manner that triggers a substantive amendment or a change not otherwise specified in the permit, then you must apply for a substantive amendment to your valid permit. For example, such major changes may include changes in location, activity, amount or type of take, or species to be covered by the permit. Please contact our Ecological Services Field Office located closest to your proposed activity for technical assistance in making this determination. The contact information for our Ecological Services Field Offices can be found on the U.S. Fish and Wildlife Service's (Service) office directory web page at <http://www.fws.gov/offices/>.

Check the appropriate box below and enclose check or money order payable to the *U.S. Fish and Wildlife Service* in the amount of:

- \$100 [or fee exempt (attach justification if required)] for a **new** permit. Use Option I. below to provide the required information.

OR

- \$100 [or fee exempt (attach justification if required)] to **renew or substantively amend** my existing valid permit (*with major changes*) using my current application package on file. Use Options I. and II. below to provide the required information. Please indicate the information that you are changing.

OR

\$100 [or fee exempt (attach justification if required)] to **renew/re-issue** my existing valid permit (*without changes*) using my current application package on file. Use Option III. below to provide the requested information.

OR

\$50 [or fee exempt (attach justification if required)] to **amend** my existing valid permit (*with minor changes*) at a time other than permit renewal. Use Options I. and II. below to provide the required information. Please indicate the information that you are changing.

Please check the **type of amendment** you are requesting –

- add species (specify) _____
- add new activity with previously permitted species (specify) _____
- add a geographic area change in personnel
- other (specify) _____

If this application includes **transfer or succession** of a valid Incidental Take permit, please check the box below:

- Transfer or succession of a valid Incidental Take permit associated with a HCP using the current application package on file. No application fee is required.

Application Processing

To expedite a final decision on your application, you are urged to coordinate with us as soon as possible for guidance in assembling a complete application package. If you are renewing or amending a valid permit, your complete application package must be received at least 30 days prior to the expiration of the valid permit. The following estimates of application processing time begin with our acceptance of a complete permit application package and do not include any time required for requesting clarification or additional information about your application.

The time required to process an application for an Incidental Take permit will vary depending on the size, complexity, and impacts of the HCP involved. Procedurally, the most variable factor in application processing is the level of analysis required for the proposed HCP under the National Environmental Policy Act (e.g., whether an application requires preparation of an Environmental Impact Statement, Environmental Assessment, or whether a categorical exclusion applies), although other factors such as public controversy can also affect application processing times. The target processing timeline from when we accept a complete application package to our final decision on a permit application is: up to 3 months for low-effect HCPs (with a 30-day public comment period), 4 to 6 months for HCPs with an Environmental Assessment (with a 60-day public comment period), and up to 12 months for HCPs with a 90-day comment period and/or an Environmental Impact Statement – assuming that the applicant is responsive to the Service's request for information and/or clarification, and the application adequately addresses permit issuance criteria. Although not mandated by law or regulation, these targets are adopted as U.S. Fish and Wildlife Service and National Marine Fisheries Service (NMFS/NOAA Fisheries) policy and all offices are expected to streamline their Incidental Take permit programs, and to meet these targets to the maximum extent practicable.

The information provided in your permit application will be used to evaluate your application for compliance with the Endangered Species Act, its implementing regulations (which may require a 30-, 60-, or 90-day public comment period), and with U.S. Fish and Wildlife Service policy. Receipt and possession of a permit under the Endangered Species Act should be regarded as a privilege, as we must balance permit issuance with our duties to protect and recover listed species.

Up-to-date annual reports and any other required reports under your valid permit(s) must be on file before a permit will be considered for renewal, re-issuance or amendment.

If your activities may affect species under the authority of the National Marine Fisheries Service (NMFS/NOAA Fisheries), then you may need to obtain a separate permit from that agency. In addition we share jurisdiction with NMFS/NOAA Fisheries for sea turtles (e.g., we evaluate applications for permits to conduct activities impacting sea turtles on land, and NMFS/NOAA Fisheries evaluates applications for permits to conduct activities impacting sea turtles in the marine environment). To apply for a permit to conduct activities with sea turtles in the marine environment or other species under NMFS/NOAA Fisheries jurisdiction, please contact them

via their permit web page at <http://www.nmfs.noaa.gov/pr/permits/>.

We cannot issue an Incidental Take permit under Section 10(a)(2)(A) of the Endangered Species Act unless you submit a conservation plan that specifies: (i) the impacts that are likely to result from the incidental take associated with your activity; (ii) what steps the applicant will take to minimize and mitigate such impacts, and the funding that will be available to implement such steps; (iii) what alternative actions to such taking the applicant considered and the reasons why such alternatives are not being utilized; and (iv) such other measures that the Secretary may require as being necessary or appropriate for purposes of the plan.

Our general permit regulations at 50 CFR 13.12(a)(9) allow us to collect such other information as we determine that is relevant to the processing of a permit application. Before you submit an application for an Incidental Take permit, we may require that you conduct biological surveys to determine which species and/or habitat would be impacted by the activities sought to be covered under the permit. Biological surveys provide information necessary to develop an adequate HCP, and to assess the biological impacts of the proposed activities. In addition, the information provided in a biological survey can reduce the applicant's risk of take under Section 9 of the Endangered Species Act by ensuring that affected species and/or habitat are identified and appropriately covered under the permit.

You are required to obtain a Scientific Purposes, Enhancement of Propagation or Survival permit (commonly called a Recovery permit) from us before engaging in any biological survey activities that would take listed species. Contact our Ecological Services Field Office closest to the location of your activity to obtain technical assistance in determining the need for both a biological survey and a Recovery permit for your survey activity. The contact information for our Ecological Services Field Offices can be found on the U.S. Fish and Wildlife Service's office directory web page at <http://www.fws.gov/offices/>.

If a biological survey is required, you will need to send us your complete Recovery permit application package and have it accepted at least 3 months prior to commencement of survey activities to facilitate processing of your Recovery permit application. The Recovery permit application is designated as U.S. Fish and Wildlife Service form # 3-200-55 and can be found on our Endangered Species permit web page at <http://www.fws.gov/forms/3-200-55.pdf>.

We maintain a list of Recovery permittees (such as biological consultants) who have authorized the release of their contact information to third parties for conducting biological surveys on a contract basis. This list is provided to the public at the discretion of each U.S. Fish and Wildlife Service Regional Office as time and workload allow. Please be aware that this list does not represent an endorsement by us of any particular permittee.

If you are not applying as an individual but as a business, corporation, tribe, institution, or non-Federal public agency (block B. on page 1 of the application), the person to whom the permit will be issued (e.g., the landowner, president, director, executive director, or executive officer) is legally responsible for implementing the permit. Although other people under the direct control of the permittee (e.g., employees, contractors, consultants) receive third party take authorization in their capacity as designees of the permittee, the individual named as the permittee ultimately is legally responsible for the permit and any activities carried out under the permit except as otherwise limited in the case of permits issued to State or local government entities under 50 CFR 13.25(e).

If you wish to coordinate the processing of this permit application through an **authorized agent**, and to have that agent represent you as the primary contact with us, check the box below. Sign (**in blue ink**) and date the authorization statement, and provide contact information for your authorized agent.

I hereby authorize the following person to act as an authorized agent on my behalf in the processing of this permit application and to furnish, upon request, supplemental information in support of this permit application.

signature (**in blue ink**)

date

please print name legibly

Your Authorized Agent's Contact Information (please print legibly)

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____

Fax: _____

E-Mail: _____

INCIDENTAL TAKE PERMIT APPLICATION INSTRUCTIONS

You have four options for providing the required information for an Incidental Take permit application.

Incidental Take Permit Application: Option I. New Incidental Take Permit & Supplementary Information for Renewal or Amendment of an Existing Valid Permit (With Changes).

General permit regulations for the U.S. Fish and Wildlife Service can be found at 50 CFR 13. Regulations for an Incidental Take permit under the Endangered Species Act can be found at 50 CFR 17.22(b)(1) for endangered wildlife species and 50 CFR 17.32(b)(1) for threatened wildlife species.

Each landowner who wishes to be covered under a new or amended Incidental Take permit associated with an HCP must sign (in blue ink) and date the Incidental Take Permit Application Certification Notice at the end of this application, unless the landowner will be covered under this U.S. Fish and Wildlife Service Incidental Take permit via another vehicle, such as a certificate of inclusion (50 CFR 13.25(d)). Any change in the language of the Certification Notice must be reviewed by the Department of the Interior, Office of the Solicitor and approved by the U.S. Fish and Wildlife Service. The same person who signs in box D. on page 1 of the application must sign the certification.

If the information in items A. - D. below is already provided in your final HCP (or Implementing Agreement, if applicable), then you do not have to provide it here. Instead, check the box below and use the spaces provided in items A. - D. to indicate the page numbers in your HCP or Implementing Agreement that provide the requested information.

- I am not providing the following information for items A. - D. as part of my Incidental Take permit application, because it is already provided in my final HCP or Implementing Agreement (copy attached or already submitted).

If the requested information in items A. - D. is not provided in your final HCP or final Implementing Agreement, or you are using Option II. to renew or amend your existing valid Incidental Take permit, then attach separate pages for the missing information. In order to assist us in processing your request, please provide the item number (A. 1.a., etc.) of the required information before each of your responses. Thank you.

Please ensure that your final HCP and Implementing Agreement (if applicable) are attached if it has not been previously submitted.

If you have previously submitted a final draft HCP or Implementing Agreement, please indicate the document's date.

Date of final draft HCP _____

Date of final draft Implementing Agreement _____

Applications for an Incidental Take permit associated with an HCP must provide the following specific information (relevant to the activity) under items A.- D. below in addition to the general information on pages 1-5 of this application.

A. Identify species and activity:

1. For a new Incidental Take permit:
 - a. Provide the common and scientific names of the species requested for coverage in the permit and their status (endangered (E), threatened (T), proposed endangered (PE), proposed threatened (PT), candidate for listing (C), or species likely to become a candidate (LC)).
 - b. Provide the number, age, and sex of such species to the extent known.
 - c. Quantify the anticipated effects to their habitat.
 - d. Describe each activity associated with your project that would result in the incidental take of each species.
2. For an amended Incidental Take permit:

- a. Identify the activities and/or species to be added to your valid permit (provide both the scientific, to the most specific taxonomic level, and common names), as well as the species status (see 1.a., above).
- b. Provide the number, age and sex of such species to the extent known.
- c. If any activities requested in this application differ from those in your valid permit, then for each species state the current activity, the requested new activity, and how the new activity will impact each species.
- d. Describe each activity associated with your project that would result in the incidental take of each species.
- e. Quantify any anticipated effects to the habitat of each added species.
- f. Identify activities and/or species to be deleted from your valid permit and the reason(s) for the deletion.

Page(s) & source document: _____

B. Identify location of the proposed activity:

1. Provide the name of the State, county, tribal land, and the specific location of the proposed activity site(s). Include a formal legal description, section/township/range information, county tax parcel number, local address, or any other identifying property designation that will precisely place the location of the proposed activity site(s). Attach a location map and plat of the project site clearly depicting the project boundaries and the footprint and location of all portions of the property that would be affected by your proposed activities.
2. Provide the total number of acres covered by the HCP _____
 Is this the total acreage of the parcel? (check one) yes no
3. Provide the approximate number of acres to be impacted _____
4. Provide the approximate number of acres to be protected _____
5. Provide a complete description, including timeframes, for implementation of proposed voluntary management activities to enhance, restore, or maintain habitat benefiting federally listed, proposed or candidate species, or other species likely to become candidates. Include schedules for implementing these activities.

Page(s) & source document: _____

C. Describe the proposed activities in the conservation plan:

You must submit a Habitat Conservation Plan. We strongly encourage you to ensure that your HCP is consistent with the Habitat Conservation Planning Handbook, subsequent Handbook addendums, and current policies in order to minimize delays in evaluating your application. The Handbook and other HCP information is available on the U.S. Fish and Wildlife Service's Endangered Species web page at <http://www.fws.gov/endangered/what-we-do/hcp-overview.html>.

Provide a complete description of activity(ies) or reference the applicable HCP or Implementing Agreement page numbers identifying the subject information.

The HCP must specify:

1. The impact that will likely result from the incidental taking. A discussion of the impact that will likely result from the incidental take must include quantification of any anticipated effects to the habitat of the species sought to be covered by the permit.
2. The steps that will be taken to minimize and mitigate such impacts, the funding that will be available to implement such steps, and the procedures to deal with unforeseen circumstances.
3. The steps that will be taken to monitor and report on such impacts, including a copy of the monitoring plan. We are

authorized to require reports of activities conducted under a permit per the U.S. Fish & Wildlife Service's general permit regulations at 50 CFR 13.45.

4. Alternative actions to such incidental taking that have been considered and the reasons why these alternatives are not proposed for use.
5. The biological goals(s) and objectives for the HCP.
6. The duration requested for the proposed permit.

Page(s) & source document: _____

D. Implementing Agreement

An Implementing Agreement

is *is not* (FWS *Regional Office* to circle one)

a part of the permit application for a Habitat Conservation Plan.

This Implementing Agreement must be signed at finalization of the HCP. Are you willing to commit to an Implementing Agreement at finalization of the HCP?

Yes, I am willing to commit to an Implementing Agreement. Please submit any unsigned, draft Implementing Agreement that you have prepared with our Field Office.

No, I am not willing to commit to an Implementing Agreement.

Incidental Take Permit Application: Option II. Renewal or Amendment of an Existing Valid Incidental Take Permit (With Changes)

Up-to-date annual reports and any other required reports under your valid permit(s) must be on file before a permit will be considered for renewal or amendment.

Sign the following statement if you are proposing to renew or amend an existing valid Incidental Take permit, including making major changes. Such major changes may include changes in location, activity, amount or type of take, or species to be covered by the permit.

The individual signing box D. on page 1 of the application must also sign (in blue ink) the following statement. This certification language is required under 50 CFR 13.22(a).

I certify that the statements and information submitted in support of my original application for a U.S. Fish and Wildlife Service Incidental Take permit # _____ are still current and correct, except for the changes listed in Option I. above, and hereby request (please check either renewal or amendment) of that permit.

signature (in blue ink)

date

please print name legibly

Provide a brief description of the changes to your valid permit (answer the appropriate questions for these changes requested under Incidental Take Permit Application Option I. above). Please submit completed pages 1 - 9 of this application form (along with the changed information relative to Option I. above) to our Regional Office (see attached list) covering the location of your proposed activity.



STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: August 2, 2016
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Nanci G. Mills, Director of Administrative Services/City Clerk
SUBJECT: Claim Against the City of Winters – Jim Ogando

RECOMMENDATION:

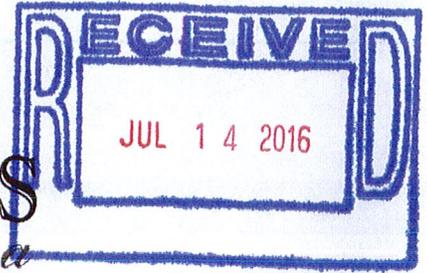
It is recommended that the City Council deny the claim and refer to Yolo County Public Agency Risk Management Insurance Authority (YCPARMIA).

BACKGROUND:

When the City of Winters receives a Claim for Damages to Person or Property, the claim is denied and referred to YCPARMIA to handle the investigation.

FISCAL IMPACT:

Not to exceed the City's \$1,000 deductible, with any costs in excess to come from funds pooled at the JPA.



CLAIM FOR DAMAGES
TO PERSON OR PROPERTY

TO: (Entity) Jim Ogando city of Winters

1. Claims for death, injury to person or to personal property must be filled out not later than six months after the occurrence. (Gov. Code Sec. 911.2)
2. Claims for damages to real property must be filled not later than 1 year after the occurrence.
3. Read entire claim form, both sides, before filing.
4. See page 2 for diagram upon which to locate place of accident.
5. This claim form must be signed on page 2 at bottom.
6. Attach separate sheets, if necessary, to give full details. SIGN EACH SHEET.

NAME OF CLAIMANT <u>Jim A. Ogando Winters CA</u>		Date of Birth of Claimant <u>08-26-1959</u>
Home Address of Claimant <u>510 3rd St WINTERS CA</u>		Occupation of Claimant <u>Safety professional</u>
Business Address of Claimant		Home Telephone Number <u>530-795-0318</u>
		Business Telephone Number <u>916 778-7318</u>
Give address and telephone number to which you desire notices or communications to be sent regarding this claim:		
When did DAMAGE or INJURY occur? Date <u>7-13-16</u> Time <u>8:10 pm</u>		Section 111 of the Medicare Medicaid & S-CHIP Extension Act requires the entity to report certain claims to the federal government. Please indicate if the claimant is: 65 years of age or older, or is receiving Social Security Disability Insurance Benefits for 24 or more months, or has End Stage Renal Disease. If yes, you may be required to provide additional information to process your claim. YES / NO (circle one)
If claim is for Equitable Indemnity, give date claimant served with the complaint: Date <u>7-14-2016</u>		

Where did DAMAGE or INJURY occur? Describe fully, and locate-on-diagram on Page 2. Where appropriate, give street names and address and measurements from landmarks.

Riding my bike N. Bound on Hemmingway N. of Grant Ave.
Describe in detail how the DAMAGE or INJURY occurred:

Names of any employees involved in INJURY or DAMAGE:
Why do you claim the Entity is responsible?

Bike tire & tube was ruined beyond repair

Describe in detail each INJURY or DAMAGE:

The amount claimed, as of the date of presentation of the claim, is computed as follows:

Damages incurred to date (exact)		Estimated prospective damages as far as known	
Damage to property.....	\$ 37.25	Future expenses for medical and hospital care.....	\$ _____
Expenses for medical and hospital care.....	\$ _____	Future loss of earnings.....	\$ _____
Loss of earnings.....	\$ _____	Other prospective special damages.....	\$ _____
Special damages for.....	\$ _____	Total estimate prospective damages.....	\$ _____

General Damages.....\$ _____
 Total damages incurred to date.....\$ _____

Total amount claimed as of date of presentation of the claim: \$ _____

Was damage and/or injury investigated by police? NO If so, what city? _____
 Were paramedics or ambulance called? _____ If so, name city or ambulance _____
 If injured, state date, time, name and address of doctor of your first visit _____

WITNESSES to DAMAGE or INJURY. List all person and addresses of persons known to have information:

Name <u>None</u>	Address _____	Phone _____
Name _____	Address _____	Phone _____
Name _____	Address _____	Phone _____

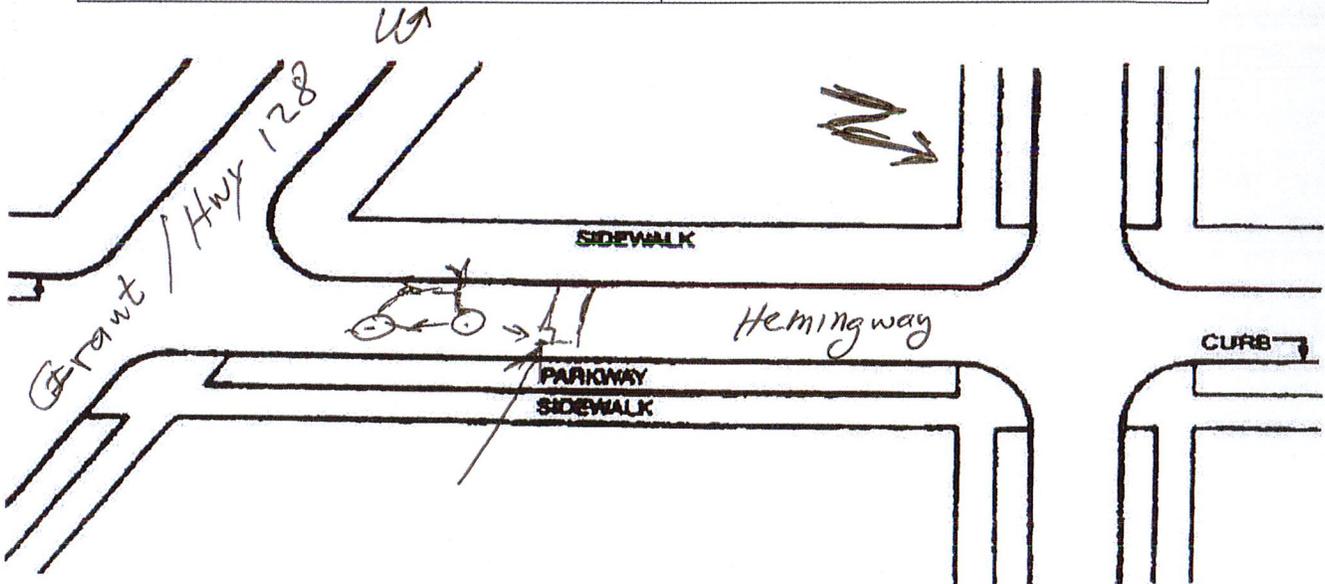
DOCTORS and HOSPITALS

Hospital <u>None</u>	Address _____	Date Hospitalized _____
Doctor _____	Address _____	Date of Treatment _____
Doctor _____	Address _____	Date of Treatment _____

READ CAREFULLY

For all accident claims place on following diagram names of streets, including North, East, South and West. Indicate place of accident by "X" and by showing house numbers or distance to street corners.

NOTE: If diagrams below do not fit the situation, attach hereto a proper diagram signed by claimant.



Signature of Claimant or person filing on his behalf giving relationship to Claimant:	PRINT Name:	Date:
---	-------------	-------

NOTE: CLAIMS MUST BE FILED WITH THE CLERK OR GOVERNING BOARD (Gov. Code Sec. 915a). Presentation of a false claim is a felony (Pen. Code Sec. 72)

7/14/2016 4:33 PM
Store: 1

Sales Receipt #7910

Mike's Velocity
41 Main Street
Winters Ca 95694

Cashier: Sysadmin

Description	Qty	Price	Ext Price
Conti TourRide Tire	1	\$25.00	\$25.00 T
28' SV Tube	1	\$5.00	\$5.00 T
Labor - Flat Fix	1	\$5.00	\$5.00
		Subtotal:	\$35.00
Local Sales Tax		7.5% Tax	+\$2.25
		RECEIPT TOTAL:	\$37.25

Amount Tended: \$50.00
Change Given: \$12.75

Cash \$50.00
Thanks for shopping with us!



7910

YOUR SAFETY
BUSINESS PARTNER

JIM A. OGANDO
Safety Professional



24207 County Road 100A • Davis, CA 95616
(530) 406-4200 • FAX (530) 406-4299 • Call (916) 778-7318

jogando@teichert.com • www.teichert.com



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: August 2, 2016
THROUGH: John W. Donlevy, Jr., City Manager *JW*
FROM: Dan Maguire, Economic Development and Housing *DM*
SUBJECT: Street Closure Request by Winters Chamber of Commerce for Annual Earthquake Festival to be Held on August 26, 2016

RECOMMENDATION:

Approve the closure of Main Street between Railroad Avenue and First Street and East Main between Railroad Avenue and Elliot Street to allow for the Chamber of Commerce Earthquake Street Festival.

BACKGROUND:

The Winters Chamber of Commerce has requested the closure of Main Street between Railroad Avenue and the mid-block crosswalk and the closure of East Main Street between Railroad Avenue and Elliot Street from 3:00 p.m. to 12:00 a.m. They have requested that barricades be placed at these intersections. The inclusion of the first block of East Main will be the dedicated kid's area of the Festival, which allows for the western half of Main Street (west of the mid-block crossing) to remain open until later in the afternoon.

If approved, closure notification will be posted on all affected streets a minimum of 48 hours prior to the scheduled closures.

Per the City's Street Closure Ordinance, it requires Council approval on identified streets on the attached request form.

FISCAL IMPACT:

To be Determined (Police staff overtime, signage, barricade placement).



City of Winters Request for Street Closure

This application is for citizens or groups that have occasion to request that streets be temporarily closed for such things as bicycle races, running contests, block parties and other such events requiring the re-routing of traffic. For a parade or amplified sound an additional permit is required.

A request to close streets shall be filed with the Police and Public Works Departments at least ten (10) business days prior to the date the street would be closed.

There shall be no closure of the following streets without Council approval:

1. Main Street
2. Railroad Street
3. Grant Avenue
4. Valley Oak Drive
5. Abbey Street

Request to close these streets shall be processed in much the same manner except that the request shall be submitted to the City Council by the Police Department. Requests to close the streets herein listed shall be submitted at least thirty (30) business days prior to the street closure.

Requests for street closures that are not submitted by the minimum time lines may be granted only by the Winters City Council.

Name: Winters Chamber of Commerce Organization: Winters Chamber

Address: 201 First Street Mailing Address: 201 First St.

Telephone: 530-795-2329 Today's Date: 7-6-16

Streets Requested: Main St from Mid Crossing to East Main @ Elliot

Date of Street Closure: 8-26-16 Time of Street Closure: 3pm-12am

Description of Activity: Winters Earthquake Festival

Services Requested of City: Street closure temp. no parking signs + barriers

APPROVED: _____ **Police Department** _____ **Public Works Department**

_____ **Fire Dept.** _____ **Admin. Services**



STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE : August 2, 2016
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Nanci G. Mills, Director of Administrative Services
SUBJECT: Amplified Sound Permit Application Submitted by St. Anthony's Parish for "Mexican Fiesta", September 18, 2016

RECOMMENDATION:

Staff is recommending the approval of the accompanying Amplified Sound Permit Application.

BACKGROUND:

Mary Kessler of Saint Anthony's Parish has requested the approval of the Amplified Sound Permit Application for a "Mexican Fiesta" to be held on Sunday, September 18th from 12:00 p.m. to 8:00 p.m. She has circulated the application to the property owners within 300 feet for their signatures as specified within the application. For those not home at the time, written notification was provided.

FISCAL IMPACT: None

Date of Application: 7/21/16

To City Council: 8/2/16

Name of Person(s)/ Organization: Saint Anthony's Parish

Contact: _____

Business Address: 511 Main St.

Telephone: _____

Winters, Ca. 95694

Telephone: 530-795-2230

Type of Event: Fiesta Mexicana "Mexican Fiesta"

Purpose of Event: (ie; fundraiser, parade, festival, etc.):

Date/Time of Event: Sept. 18, 2016

From: 12:00 pm To: 8:00 pm

Location/Address of Event: 511 Main St.

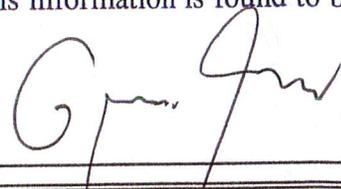
Winters, Ca. 95694

Rated Output of Amplifier in Watts: _____

Number of Speakers: 3

I have provided a list of and contacted all property owners adjacent to and within 300 feet of the event. Their approval of this event is indicated by their signature on the attached petition. Complaints about the sound will result in a warning and a request to reduce the volume. Additional complaints will result in the cessation of amplified sound. All amplified sound must be extinguished no later 10:00 p.m. pursuant to Winters Municipal Code Title VI; Chapter 7-Noise Control. Signing below certifies that all information contained within this application is correct. In the event that any of this information is found to be fraudulent, it may result in an automatic denial of this application.

Signature: _____



For City Use Only

Proof of Insurance: N/A (Not City Property) Yes No

Rental Fee Paid: N/A (Not City Property) Yes No

Police Department: Approved Denied

Date: _____

Authorized Signature: _____

City Council: Approved Denied

Date: _____

Authorized Signature: _____

RECEIVED

JUL 21 2016

CITY OF WINTERS

Address	Owner's Last Name	Object	Approve/Sign	NH*
705 Ivy Ct.	Teresa Maldonado		Teresa Maldonado	
707 Ivy Ct.				
709 Ivy Ct.	Alicia Gonzalez		Alicia Gonzalez	
711 Ivy Ct.	Tricia Parrish		Tricia Parrish	
713 Ivy Ct.	Letter was left			✓
715 Ivy Ct.	Steph Coleman		Steph Coleman	
710 Ivy Ct.	LARRY DATES		LARRY DATES	
722 Ivy Ct.	Sara Lewis		Sara Lewis	
702 Ivy Ct.	Left a letter			✓
516 Main St	Left a letter			✓
419 DRY CREEK	Alfonso Sobos		Alfonso Sobos	✓
417 Dry Creek	Left a letter			✓
415 Dry Creek	Letter left-			✓
413 Dry Creek	Left a letter			✓
411 Dry Creek	left a letter			✓
408 Dry Creek	Left a letter			✓
507 Main St	Fr. Cormack		Fr. Cormack	
488 Main St.	Left a letter			✓
474 Edward St	R. Elliott		R. Elliott	
470 Edward St	Left a Letter			✓
460 Edward St	Navaw		Navaw	
462 Edward St	left a letter			✓
458 Edward St	left a letter			✓
454 Edward St	left a letter			✓
450 Edward St	Left a letter			✓
438 Edward St.	Left a letter			✓
436 Edward St	left a letter			✓

* NH-Attempted to contact but noone was home.



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: August 2, 2016
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Shelly A. Gunby, Director of Financial Management 
SUBJECT: Resolution 2016-32 Confirming Delinquent Utility Bills

RECOMMENDATION:

Staff recommends that the City Council approve Resolution 2016-32 A Resolution of the City Council of the City of Winters Confirming Delinquent Utility Bills.

BACKGROUND:

The City of Winters bills each property owner for water, sewer and municipal services tax on a monthly basis. The Finance Department has procedures in place to collect charges that are not paid on a timely basis., This resolution allows for the unpaid amounts to be placed on the property owner's property as a lien, and be assessed to the property owner on the property tax bill issued by the County of Yolo. Past due amounts are collected by the County of Yolo at the time property taxes are paid, and then remitted to the City of Winters, thereby preventing accounts from becoming uncollectible.

FISCAL IMPACT:

None

RESOLUTION 2016-32

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS CONFIRMING DELINQUENT UTILITY BILLS AND REQUESTING COLLECTION OF CHARGES ON TAX ROLL

WHEREAS, the City of Winters provides utility services within the city limits;
and

WHEREAS, the Municipal Code of the City of Winters by its terms provides that the owners of the respective real properties are the recipient of said services, and liable for the costs therefor; and

WHEREAS, several of said property owners have failed to pay for said utility services; AND

WHEREAS, the County has required as a condition of the collection of said charge that the City warrant the legality of said charges and defend and indemnify the County from any challenge to the legality thereof,

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

1. The City of Winters has delinquent accounts in the amounts included on Attachment A.
2. The Auditor-Controller of Yolo County is requested to attach for collection on the County tax rolls those taxes, assessments, fees and/or charges attached hereto.
3. The City warrants and represents that the taxes, assessment, fees and/or charges imposed by the City and being requested to be collected by Yolo County comply with all requirements of state laws, including but not limited to Articles XIII C and XIII D of the California Constitution (Proposition 218)
4. The City releases and discharges County, and its officers, agents and employees from any and all claims, demands, liabilities, costs and expenses damages, causes of action, and judgements, in any manner arising out of the collection by County of any taxes, assessments, fees and/or charges on behalf of the City.
5. The City agrees to and shall defend, indemnify and hold harmless the County, its officers, agents and employees (the "Indemnified Parties) from any and all claims, demands, liabilities, costs and expenses, damages, causes of action and judgements, in any manner arising out of the collection by County of any of City's said taxes, assessments, fees and/or charges requested to be collected by County for the City, of in any manner arising out of City's establishment and imposition of said taxes, assessments, fees and/or charges. City agrees that , in the event a judgement is entered in court of law against any of the Indemnified Parties as a result of the collection of one of the City's taxes, assessments, fees and/or charges, the County may offset the amount of the

judgment from any other monies collected by the County on behalf of City, including property taxes.

6. The City agrees that its officers, agents and employees will cooperate with the County in answering questions referred to City by County from any person concerning the City's taxes, assessments fees and/or charges and that City will not refer such persons to County officers and employees for response
7. The City agrees to pay such reasonable and ordinary charges as the County may prescribe to recoup its costs in placing on the tax rolls and collecting the taxes, assessment, fees and/or charges, as provided Government Code sections 29304 and 51800.

PASSED AND ADOPTED by the City Council, City of Winters, this 2ne day of August 2016 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Cecilia Aguiar-Curry, Mayor

ATTEST:

Nanci G. Mills, CITY CLERK

Attachment A Resolution 2016-32

APN #	AMOUNT DUE
003-492-020-000	\$ 336.30
003-182-069-000	\$ 89.15
003-272-010-000	\$ 412.27
003-276-010-000	\$ 594.80
003-273-007-000	\$ 67.10
003-501-003-000	\$ 382.72
003-370-026-000	\$ 273.62
003-271-002-000	\$ 104.46
003-273-001-000	\$ 345.16
003-342-023-000	\$ 105.48
003-492-054-000	\$ 313.48
003-492-056-000	\$ 207.54
003-424-010-000	\$ 113.32
003-502-012-000	\$ 351.40
038-203-008-000	\$ 114.07
003-182-081-000	\$ 392.76
003-192-003-000	\$ 394.11
003-203-007-000	\$ 69.90
003-463-009-000	\$ 232.09
003-424-024-000	\$ 669.66
003-503-018-000	\$ 90.68
003-462-012-000	\$ 312.03
003-405-006-000	\$ 122.25
003-471-014-000	\$ 710.03
003-472-011-000	\$ 472.43
003-471-017-000	\$ 157.10
038-202-002-000	\$ 346.18
003-282-024-000	\$ 560.20
003-441-014-000	\$ 152.36
003-480-061-000	\$ 86.11
038-205-014-000	\$ 296.12
003-471-019-000	\$ 307.51
003-472-012-000	\$ 230.29
003-380-004-000	\$ 350.57
003-463-004-000	\$ 117.00
003-466-004-000	\$ 110.47
003-341-029-000	\$ 106.23
038-205-005-000	\$ 402.71



CITY COUNCIL STAFF REPORT

TO: Mayor and Council Members

FROM: Jenna Moser, Associate Planner 
Dave Dowsnell, Contract Planner

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

HEARING: August 2, 2016

SUBJECT: **Second Reading and Adoption of Ordinance 2016-09 - Fairfield Inn & Suites Rezone (Planned Development Overlay)**

BACKGROUND AND SUMMARY OF PROJECT

On June 28, 2016 the Winters Planning Commission unanimously recommended to the City Council approval of the Rezone (Planned Development Overlay) to permit the height of the proposed hotel to increase from a maximum of 30 feet in height, to 46 feet 6 inches in height.

On July 19, 2016 the Winters City Council conducted the public hearing and introduced Ordinance 2016-09, scheduling the adoption for August 2, 2016.

Required approvals:

- Rezone (Planned Development Overlay) Parcel C to increase the height maximum from 30 to 46'6" feet for the Hotel.
- CEQA

CITY COUNCIL ACTION

The staff recommends that the City Council approve the project by taking the following actions:

- Receive the staff report, have Second reading, and adopt Ordinance 2016-09, the Rezone (Planned Development Overlay).

- Find the project consistent with the I-505/Grant Avenue Planning Area Land Use Modifications Project and the Mitigated Negative Declaration adopted for this project on April 25, 2012

LOCATION

Southeast corner of Matsumoto Lane and State Route 128 (Grant Avenue) in Winters California, 95694. APN: 038-050-057, 038-050-060 totaling 6.761 acres. See Attachment 1, Vicinity Map.

DETAILED PROJECT DESCRIPTION

The application is for Rezone (Planned Development Overlay). The Rezone (Planned Development Overlay) would permit the height of the hotel proposed on Parcel C to be increased from 30 to 46 feet 6 inches.

CEQA

In 2012 the City Council approved a General Plan Amendment and Rezoning for the I-505/Grant Avenue Planning Area Land Use Modifications Project, which included a traffic analysis for which the subject property is a part. Included with the approval was adoption of a Mitigated Negative Declaration. The proposed increase in height of the hotel does not impact the adopted Mitigation Negative Declaration.

PLANNED DEVELOPMENT OVERLAY ZONE

Adding a Planned Development (P-D) Overlay Zone to the Parcel C is needed to allow the maximum height of the proposed hotel to be increased from 30 feet to the proposed 46 feet 6 inches. In order to add a P-D overlay zone to an existing zone per Section 17.48.040 of the Zoning Code the minimum site area for a commercial lot needs to be one (1) acre. Parcel C is 2.48 acres. Adding a P-D overlay allowing the height of the hotel to be increased avoids having to increase the building footprint thereby covering more of the lot and preserves more land for landscaping, which reduces the amount of the heat reflection, impervious surface and runoff.

Section 17.48.060 of the Zoning Code requires that six (6) specific findings be made in order to approve adding a P-D overlay zone to an existing parcel.

RECOMMENDED FINDINGS FOR THE FAIRFIELD INN- PD OVERLAY

PD Overlay Findings:

The required findings are listed below:

- A. The development proposed on Parcel C of a Fairfield Inn (Hotel) is consistent with

- the general plan.
- B. The development of the proposed hotel except for the increase in height complies with all of the basic provisions in the Highway Service Commercial Zone. Allowing the deviation to the maximum height improves the project's overall design by reducing the amount of lot coverage, which allows for an increase in landscaping and a reduction in impervious surface and water runoff.
 - C. The proposed development is desirable to the public comfort and convenience because it will provide hotel rooms which will be available for visitors to Winters to stay.
 - D. The requested development, which includes increasing the allowable height of the hotel, will not adversely impact the character of the neighborhood nor will it be detrimental to the public health safety or general welfare.
 - E. There are adequate utilities, access roads, sanitation and other need facilities and services available for this development.
 - F. The development will create a positive fiscal impact on the city to provide the necessary services through the payment of transit occupancy tax by guests staying at the facility.

RECOMMENDATION: Staff recommends Second Reading and Adoption of Ordinance 2016-09, the PD Overlay by making an affirmative motion as follows:

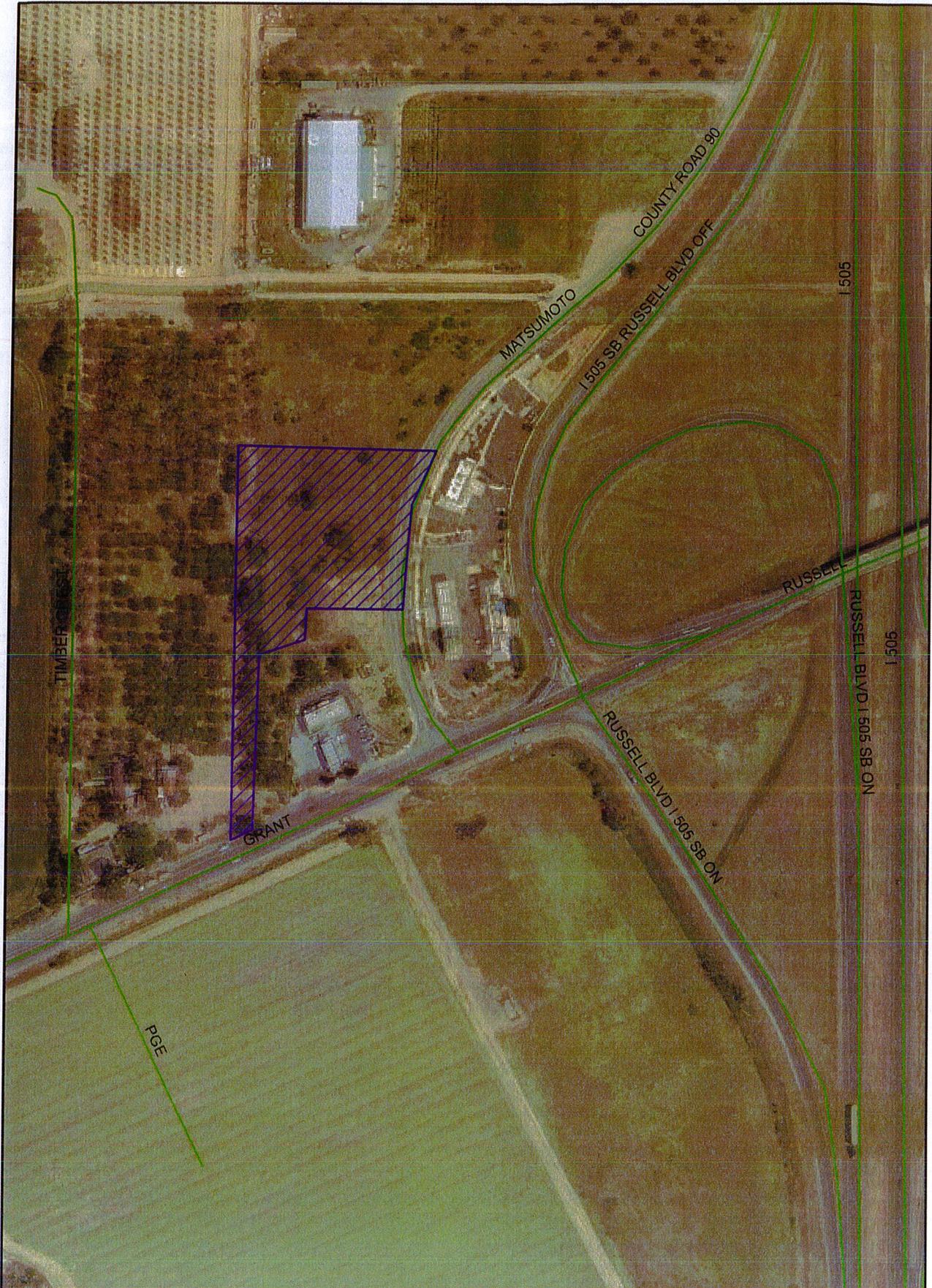
I MOVE THAT THE CITY OF WINTERS CITY COUNCIL APPROVE ORDINANCE 2016-09, THE PD OVERLAY FOR THE CONSTRUCTION OF THE FAIRFIELD INN & SUITES HOTEL BASED ON THE IDENTIFIED FINDINGS OF FACT AND BY TAKING THE FOLLOWING ACTIONS:

- Find the project consistent with the I-505/Grant Avenue Planning Area Land Use Modifications Project and the Mitigated Negative Declaration adopted for this project on April 25, 2012
- Second Reading and Adoption of Ordinance 2016-09, the Rezone (Planned Development Overlay)

ATTACHMENTS

1. Vicinity Map
2. Parcel C Rezone (Planned Development Overlay)
3. Ordinance 2016-09

PD Overlay Vicinity



CITY COUNCIL
ORDINANCE NO. 2016-09

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
REZONING PARCEL C OF THE CHEVRON/STARBUCKS/FAIRFIELD INN PARCEL MAP
(APN 038-050-057 AND 038-050-060) BY ADDING A PLANNED DEVELOPMENT (PD)
OVERLAY ZONE**

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

1. Purpose. The purpose of this ordinance is to rezone Parcel C (Fairfield Inn) of the Chevron/Starbucks/Fairfield Inn parcel map.
2. Authority. The City of Winters has authority to adopt this ordinance pursuant to the general police power granted to cities by Article 11, Section 7 of the California Constitution.
3. Rezoning. The subject property is hereby rezoned as shown on Exhibit A, attached hereto and incorporated herein by this reference to accomplish the following:
 - a) Rezone Parcel C of the Chevron/Starbucks/Fairfield Inn parcel map (APNs 038-050-057 and 038-050-060) by adding a PD Overlay Zone.
4. Effective Date and Notice. This ordinance shall take effect thirty (30) days after its adoption and, within fifteen (15) days after its passage, shall be published at least once in a newspaper of general circulation published and circulated within the City of Winters.

INTRODUCED at a regular meeting on 19th July 2016 and **PASSED AND ADOPTED** at a regular meeting of the Winters City Council, County of Yolo, State of California, on the 2nd day of August 2016, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cecilia Aguiar-Curry, Mayor

ATTEST:

Nanci G. Mills, City Clerk

Exhibits:

A – Rezoning Map



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE : August 2, 2016
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nanci G. Mills, Director of Administrative Services/City Clerk
SUBJECT: Planning Commission Appointment

RECOMMENDATION:

Staff respectfully recommends that the City Council receive the Planning Commission Interview and Selection Committee's recommendation of the new appointment of Gregory Contreras to fill the vacancy due to Bill Biasi being elected to the City Council.

BACKGROUND:

Effective June 7, 2016, Planning Commissioner Bill Biasi was elected to the City Council. At the July 5, 2016 City Council Meeting, Council requested the Planning Commission Interview and Selection Committee bring their recommendation back to Council.

The City Clerk's office placed notices in the Winters Express and the City of Winters website to advise the public of this opening/vacancy.

Following the advertising for the Planning Commission vacancy, the Interview and Selection Committee consisting of Council Member Neu and Council Member Biasi reviewed the Applications of Interest submitted, held interviews, and are bringing back the top two candidates for consideration. Those candidates are Gregory Contreras and Albert Vallecillo.

Applications of Interest to the Planning Commission were submitted by Gregory Contreras, Sally Brown, Michael Gum, and Albert Vallecillo. All applicants have been notified of this recommendation.

FISCAL IMPACT:

None



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: August 2, 2016
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Carol Scianna, Environmental Services Manager *CS*
SUBJECT: Rancho Arroyo Detention Pond Expansion

RECOMMENDATION: Information item only - Rancho Arroyo Detention Pond Expansion Update

BACKGROUND: As part of the Conditions of Approval for the Winters Highlands Project (Highlands), a comprehensive storm drainage plan was prepared. Part of this plan includes the Rancho Arroyo Detention Pond (Pond) which was constructed to accommodate storm water runoff for not only the Highlands Project, but all of the other surrounding housing developments too, including The Cottages, Carter Ranch, Winters Ranch, and Callahan. The Pond was sized and built with the Carter Ranch development back in 2001 based on the drainage standards at the time. With the Highlands project, additional analysis was performed in accordance with current standards.

Wood Rodgers was contracted with the Highlands developer to update the Rancho Arroyo Detention Basin Pump Station plans, which were originally prepared in 2006. The update included run-off analysis from the contributing water-shed, using the updated standards for Yolo County (Yolo County City/County Drainage Manual - February 2010). The results found that the current storage capacity in the pond wasn't large enough to handle the 100-year storm event; an additional 8-acre feet of storage was required.

Staff, consultants, and the developer looked at options to reduce the amount of run off from individual homes, such as adding swales or using permeable pavement materials, but these features were costly and did not provide enough reduction in runoff to address the pond capacity issue. A couple other options were considered including the use part of the planned linear park for additional storage, or making the existing pond larger by going deeper and expanding into the area where there are several existing oak trees. Although the loss of mature oak trees is not desirable, the loss of valuable park space in the linear park was deemed a more valuable asset for the City to retain.

Therefore, the Pump Station design will include expanding the depth and footprint of the Rancho Arroyo Pond, and removal of the oak trees.

The Pond is not an area that residents utilize as open space; whereas the linear park will be a key feature and the only park space in the Highlands neighborhood. Maximizing the park space will enable the development to provide the best amenities to suit the variety of interests of residents. Compromising the space by forcing a large part of the linear park to function as storm water detention area would limit the amenities that the park can provide.

FISCAL IMPACT: None



STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: August 2, 2016
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Eric Lucero Public Works Superintendent/Gene Ashdown Building Official
SUBJECT: Remodel North Side of Old Police Department into a Conference/Training Room

RECOMMENDATION: Approve remodel of Old Police Dept. building into an accessible compliant conference/training/overflow room.

BACKGROUND: City staff is proposing to build an accessible compliant room in the old police department building next to the council chambers that would fit the needs of several different uses. This will be a multipurpose room used for closed session meetings, staff training, preconstruction meetings, administrative meetings and overflow for those special council meetings that bring in the big crowds just to name a few. Staff is asking council to approve the sum of \$74,755 to remodel the north side of the building to fill those needs.

Work to be done will include:

- .1 Demo work, install a new wall and door on the south side of the room, Tape, texture, paint, new electrical, ceiling fans, lights, TV monitors and an ADA ramp (Done by staff)
- .2 Install new carpet, retrofit existing HVAC, replace north side windows and doors (Contracted out)
- .3 Pull Air Quality Control permit, comply to Title 24

FISCAL IMPACT: Estimate is not to exceed: Options

- A. \$67,000 with solid windows
- B. \$74,755 with awning style opening windows



Conference Room At Old Police Department Building

Line Item Estimated Cost for Build Out

Items	Estimated Costs	
Drafting & Energy Calcs	\$ 6,000.00	
Material	\$ 5,000.00	
HVAC	\$ 1,865.00	
Exterior Windows/Door	\$ 23,500.00	ADD/Alt \$7,755 for Awning style opening windows
Fans	\$ 1,000.00	
TV Monitors	\$ 3,000.00	
Carpet	\$ 3,000.00	
Chairs and Tables	\$ 20,000.00	Shelly's estimate was \$28,000
Contengency	\$ 3,500.00	
Total Cost	\$ 66,865.00	