



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, November 15, 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, November 1, 2016 (pp. 4-9)
- B. Request for Seed Money for Winters Community Dinner (pp. 10-11)
- C. Request for Street Closure and Parade Permit Application for Chamber of Commerce Tractor Parade/Holiday Tree Lighting Ceremony on Saturday, December 3, 2016 (pp. 12-15)

PRESENTATIONS

- A. Solano Community College Superintendent / President Celia Esposito-Noy

DISCUSSION ITEMS

- 1. Approval of Sole Sourcing Well #9 Pilot Hole Drilling (pp. 16)
- 2. Filling a City Council Vacancy and Appointing a Councilmember to Serve as Mayor (pp. 17-19)

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

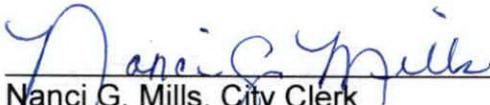
- 1. None

CITY MANAGER REPORT

INFORMATION ONLY

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the November 15, 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 November 10, 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.

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Email Subscription: You may contact the City Clerk's Office to be placed on the list. An agenda summary is printed in the Winters Express newspaper.

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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 Regular Meeting of the
Winters City Council Meeting
Held on November 1, 2016

Mayor Cecilia Aguiar-Curry called the meeting to order.

Present: Council Members Anderson, Biasi, Neu, Mayor Aguiar-Curry
Absent: Council Member Loren
Staff: City Manager John Donlevy, Director of Financial Management
Shelly Gunby, Building Official Gene Ashdown, Environmental
Services Manager Carol Scianna, Management Analyst Tracy
Jensen.

Gene Ashdown led the Pledge of Allegiance.

Approval of Agenda: City Manager Donlevy said there was one modification to the agenda. The Successor Agency will be opened and run concurrently with the City Council meeting. City Council Item #4 and Successor Agency Item #2 will be heard jointly. Motion by Council Member Neu, second by Council Member Biasi to approve the agenda with said modification. Motion carried with the following vote:

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

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS: Kathleen Callison, 704 Ivy Court, whose home backs up to Grant Avenue, spoke out against the truck tractors parked on Grant Avenue that idle loudly each morning for over five minutes. She stated that Air Quality Control prohibits idling for over 5 minutes and asked if the City could restrict parking by resolution. Kathleen said Cal Trans would not install "No Parking"

signs unless the City passes a resolution outlining the parking restrictions in Zone R2, Single Family Residential, where her home is located. Kathleen would like the same consideration for homes backing up to Grant Avenue as the homes that are facing Grant Avenue. Mayor Aguiar-Curry thanked Kathleen for her comments and said staff would review and may bring back to Council.

Wally Pearce of the Winters Senior Foundation distributed a handout listing the "Winters Senior Foundation Values."

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, October 18, 2016
- B. Request for Street Closure and Amplified Sound Permit Application for the Salmon Festival on Saturday, November 5, 2016
- C. Approval to Solicit Bids for the Walnut Roundabout Project

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

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

PRESENTATIONS: None

DISCUSSION ITEMS

1. Resolution 2016-37, a Resolution of the City Council of the City of Winters Amending the City of Winters 2016/2017 Adopted Operating Budget, Project Budget Sheet, Implementation of Phase 1 of the Hexavalent Chromium (Cr6) Treatment Plan, and an Amendment to the Kennedy Jenks Agreement

Environmental Services Manager Carol Scianna gave an overview and said if the Project Budget Sheet is approved, Test Well #9 would be constructed and if the capacity was found to be sufficient, Well #8 may not be necessary. Council Member Biasi asked whether contaminant levels can be obtained from the test well and Mayor Aguiar-Curry asked about costs exceeding the City's water impact fees. Carol said Cr6 levels will be identified and although the City currently doesn't have state funding yet, a financing plan application is being

submitted. Council Member Biasi said effective 10/28/16, the Office of Environmental Health Hazard Assessment (OEHHA) is reviewing public health goals in order to update the contaminant goals, with comments being accepted until 11/28/16. He asked Carol if the OEHHA might revise the maximum contaminant level, and after attending a Groundwater Study Conference, she is not optimistic about the level rolling back. Council asked staff to proceed cautiously as they don't want to spend the money until the mandate is due. City Manager Donlevy said the Cr6 treatment will be the largest capital expenditure in the history of the City of Winters.

Mayor Aguiar-Curry opened the public hearing at 6:58 p.m. and closed the public hearing at 6:58 p.m. with no comments.

Motion by Council Member Neu, second by Council Member Anderson to approve staff recommendation approving the Project Budget Sheet, approving Resolution 2016-37 to allow a 2016/2017 budget adjustment in the amount of \$186,000 from the Water Impact Fees, and authorize the City Manager to execute an agreement amendment with Kennedy/Jenks Consultants for engineering services associated with the Well #9 test well. Motion carried with the following vote:

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

2. Waive the Second Reading and Adopt Ordinance 2016-10, an Ordinance of the City Council of the City of Winters to Approve Various Amendments to Title 17, Zoning, in the Winters Municipal Code

City Manager Donlevy gave a brief overview. Motion by Council Member Anderson, second by Council Member Neu to waive the second reading and adopt Ordinance 2016-10 amending Title 17, Zoning, of the Winters Municipal Code. Motion carried with the following vote:

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

3. Waive the Second Reading and Adopt Ordinance 2016-11, an Ordinance of the City Council of the City of Winters to Approve

Various Amendments to Title 19, Code Enforcement, of the Winters
Municipal Code

City Manager Donlevy gave a brief overview and confirmed there were no changes to the portion of the Municipal Code that addresses inoperable vehicles. Council Member Anderson thanked staff for researching off-street vs on-street parking, as well as fencing issues in the Zoning ordinance.

Motion by Council Member Neu, second by Council Member Biasi to waive the second reading and adopt Ordinance 2016-11 amending Title 19, Code Enforcement, of the Winters Municipal Code. Motion carried with the following vote:

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

4. Resolution No. 2016-38, a Resolution of the City Council of the City of Winters for the Transfer of Former Community Development Agency Property from the Successor Agency to the Former Winters Community Development Agency to the City of Winters for Governmental Use

Agency Chairman Biasi opened the Successor Agency at 7:03 p.m. to run concurrently with the City Council meeting, eliminating the requirement of a separate roll call as advised by City Attorney Walsh.

Director of Financial Management Shelly Gunby gave an overview and confirmed the request for property transfer is for the City parking lot property. The property was previously transferred to the Redevelopment Agency, but the money was never passed onto the City and the property was not included in the Long Range Property Management Plan (LRPMP.) Under the redevelopment agency dissolution statute, public parking lots used for governmental use can be transferred from the Successor Agency directly to the City by way of the LRPMP. The Department of Finance does not oversee the LRPMP; the cities do it themselves. As the parking lot is a public parking lot and doesn't generate any revenue, Shelly is asking the Successor Agency to approve the property transfer to the City of Winters as governmental use property.

Once the location of the property was identified (east side of Railroad between Abbey & Main Streets), Agency/Council Member Harold Anderson recused himself due to a possible conflict of interest.

Motion by Agency/Council Member Aguiar-Curry, second by Agency/Council Member Neu to adopt City Council Resolution 2016-38 directing and authorizing acceptance of the transfer of a governmental use property from the Successor Agency to the former Community Development Agency of the City of Winters. Motion carried with the following vote:

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

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

1. Resolution SA-2016-03, a Resolution of the Governing Board of the Successor Agency to the Winters Community Development Agency Authorizing the Successor Agency's Issuance of Tax Allocation Refunding Bonds and Taking Related Actions

Director of Financial Management Shelly Gunby gave an overview and said the attached documents need to be put in place before the City can move forward. Once the DOF reviews and returns the documents, the outstanding bonds can be refunded and a new financing plan can be created without moving the 2038 maturity date. The underwriter will then assemble the documents and facilitate the transaction. Agency Member Biasi asked if the terms will change following the election; the City doesn't have a firm contract until the City Manager executes the bond agreement.

Motion by Agency Member Neu, second by Agency Member Aguiar-Curry to adopt Resolution 2016-03 authorizing the Successor Agency's issuance of tax allocation refunding bonds, and taking related actions. Motion carried with the following vote:

AYES: Agency Members Aguiar-Curry, Anderson, Neu and Agency Chair Biasi
NOES: None
ABSENT: Agency Member Loren
ABSTAIN: None

2. Resolution SA-2016-04, a Resolution of the Successor Agency to the Former Community Development Agency of the City of Winters Directing and Authorizing the Transfer of a Governmental Use Property to City of Winters

This item was heard concurrently with City Council Discussion Item #4. Motion by Agency/Council Member Neu, second by Agency/Council Member Aguiar-Curry to adopt Successor Agency Resolution SA-2016-04 directing and authorizing acceptance of the transfer of a governmental use property from the Successor Agency to the former Community Development Agency of the City of Winters. Motion carried with the following vote:

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

Agency Chair Biasi closed the meeting of the Successor Agency at 7:19 p.m.

CITY MANAGER REPORT: Saturday is the Inaugural Salmon Festival. This is the best collaboration of groups that deal with the water shed: Solano Water Agency, Winters Putah Creek Committee, Bureau of Reclamation, Lake Berryessa, and State Fish & Wildlife. Events will include a fishing derby at Lake Solano, tours of Putah Creek, interpretive walks, music, and salmon sliders prepared by the Buckhorn. Team City Hall had a good showing at the Relay for Life. The recent Yolo County Coordination meeting with CalTrans was phenomenal. These folks are the ones in charge and were thanked for their maintenance on Hwy. 128 (although there is still no sidewalk on the Hwy 128 overpass!) The pilot program in District 3, where you can plug in and measure use, mileage, speed, etc., measures road miles traveled instead of gas tax. Core group of the Parking Committee is getting together to prepare one more piece and will then send the package to the consultant.

INFORMATION ONLY: None

ADJOURNMENT: Mayor Aguiar-Curry adjourned the meeting at 7:28 p.m. in memory of Adam Davis, who passed away yesterday. Joanne, Jacquelin and the entire Martin Family need our love and support.

Cecilia Aguiar-Curry, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



STAFF REPORT

TO: Honorable Mayor and Council Members
DATE : November 15, 2016
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nanci Mills, Director of Administrative Services/City Clerk
SUBJECT: Seed Money for Winters Community Dinner

RECOMMENDATION: Discuss and approve seed money for the Winters Community Dinner to be held on Thanksgiving Day, Thursday, November 24th, which will benefit many Winters residents. In 2015, over 1,000 residents were served a hot Thanksgiving meal with dessert.

BACKGROUND: Marie Rojo-Heilman and Gwen Pisani are organizing this annual event, and through Mayor Aguiar-Curry it was requested that this item be placed on the agenda in order to request a donation.

Due to higher food costs, monthly expenses and fewer local donations, the Winters Community Thanksgiving Dinner is proposing a donation of \$1,500.

FISCAL IMPACT: \$1,500 – City Council Contingency Fund



Winters Community Dinner
P.O. Box 1232 Winters CA 95694
Info:530-795-4824 or 530-795-4444
TID#26-4502148

Hello Winters Community,

November 9, 2016

It's that time of year to plan our Annual **Winters Community Dinner**. Higher food costs, monthly expenses and less income plus fewer local donations contribute to a much higher number of hungry people here in town. In years past we've organized a sit down meal on Sunday before Thanksgiving at the Community Center feeding up to 1000 folks.

We really want to focus on those most in need of food and a visit from a neighbor on **Thanksgiving Day**.

The purpose of this dinner is a simple opportunity to show our neighbors we care, by serving or delivering a hot full Thanksgiving meal with dessert. There will also make a sit down meal available at the Community Center for those who need it. The majority of folks we serve to are seniors, disabled and folks alone on Thanksgiving Day. Last year we served over 20 families who had nothing to eat on Thanksgiving Day.

We will be cooking the full meal at the Community Center on Thanksgiving Day. Can you donate funds? Help box up a meal? Serve or deliver a dinner to your neighbor? We have an account at First Northern Bank under **Winters Community Dinner**. **I can provide you with a donation letter for taxes as well.** There are donation cans throughout town.

If you would like to help with preparing or serving a meal please **call me directly at 795-4824 or Gwen Pisani at 795-4444 for more information.**

We also have **Red Food Collection Bins** around town at **Anytime Fitness, Camille's, Ace Hardware, First Northern Bank** and the **Community Center** to drop off **canned green beans, canned corn** and **boxed stuffing**. If you would like to **donate a turkey** please call myself or Gwen to arrange to drop it off at the Community Center.

Thank you for your consideration and Happy Thanksgiving.

Your Neighbor,
Marie Rojo-Heilman

****PLEASE LIKE US ON FACEBOOK @
WINTERS COMMUNITY THANKSGIVING DINNER**



STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: November 15, 2016
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Nanci Mills, Director of Administrative Services
SUBJECT: Street Closure Request and Parade Permit Application by Winters Chamber of Commerce for the Annual Tree Lighting Ceremony and Tractor Parade to be Held on Saturday, December 3, 2016

RECOMMENDATION:

Approve the closure of East Main Street between Railroad Avenue and Elliot Street to allow for the Winters Chamber of Commerce to hold the Annual Tree Lighting Ceremony in Rotary Park and to approve the Parade Permit Application for the Lighted Tractor Parade.

BACKGROUND:

The Winters Chamber of Commerce will once again hold the Annual Tree Lighting Ceremony in Rotary Park. The Chamber will also hold the 2nd Annual Lighted Tractor Parade, which will celebrate the agricultural heritage in Winters. Vintage and modern tractors bedecked with dazzling lights will parade down Winters' charming Main Street to celebrate the Christmas season.

The Winters Chamber of Commerce has requested the closure of East Main Street between Railroad Avenue and Elliot Street from 4:00 p.m. to 8:00 p.m. (the end of the parade route.) They have also requested that barricades be placed at these intersections.

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).



PARADE PERMIT APPLICATION

Today's Date: 10-11-16 Date & Time of Parade: 12-3-16 @ 6:30 p.m.
Name of Organization: Chamber of Commerce Contact Person: Carrie Green / Kathy Cowan
Phone Number & Email: (530) 795-2329 // director@winterschamber.com
Purpose of Parade: Tractor parade // Holiday tree lighting.
Type of Conveyance: Modern and vintage tractors, and antique trucks.
Number of People or Entries Enrolled: 50
Type of Safety Measures Provided (barricades, etc): Road closures / barricades

City Services Requested: Police, fire

** Attach map with proposed route of parade

Applicant Signature Kathy Cowan

CITY USE ONLY

Fire Signature: _____

Police Signature: _____

APPROVED or DENIED by City Council on (date) _____

NOTES: _____

REV 042913



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: _____	Organization: <u>Chamber of Commerce</u>
Address: <u>201 First Street</u>	Mailing Address: _____
Telephone: <u>(530) 795-2329</u>	Today's Date: <u>11-1-16</u>
Streets Requested: <u>Main Street (1st - Elliot)</u>	
Date of Street Closure: <u>Saturday, December 3</u>	Time of Street Closure: _____
Description of Activity: <u>Tractor Parade and Tree Lighting Ceremony</u>	
Services Requested of City: <u>Road closures; barricades</u>	
APPROVED: _____ Police Department _____ Public Works Department	

Temp. Closure: Railroad at
 Rossell St. at
 Railroad at Abbie St.

City of Winters Request for Street Closure

Please provide a listing of the names and signatures of people living on the street (s) to be closed and acknowledging that they know why the closure is requested and that they agree to the closure. Attach additional sheets if necessary.

John DeLara - First Northern Bank
Trinda
Steph Govey
Steph Govey
John DeLara (Party)
Melva Krenn
Lisa Martin
Samuel Cook - Berryessa Gap
Levante Vanden - Cumites on Main
John - WHF dental
Chap Gurd
Maria J. Tynes - Adry's Boutique
Bruni Adams
James White



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: November 15, 2016
THROUGH: John W. Donlevy, Jr., City Manager *[Signature]*
FROM: Carol Scianna, Environmental Services Manager *[Signature]*
SUBJECT: Sole Sourcing Well 9 Test Hole Drilling

RECOMMENDATION: To minimize capital expenditures, reduce schedule delays, authorize staff to sole source for an estimated amount of \$150,000 to Maggiora Brothers Drilling (who will subcontract with BESST).

BACKGROUND: In order for the City to obtain assurances that Well 9 will be able to be constructed to achieve water quality compliant with the Cr6 Drinking Water maximum contaminant level of 10 ug/L, a special pilot test well method is recommended, known as profiling long screened test well.

BESST technologies have a US Patent for profiling long screened test wells, and have leased this technology for profiling test wells to Maggiora Brothers Drilling (a licensed C-57 driller based in Watsonville, CA).

This method will provide a significantly more data regarding, the amount of water quality and water quantity than the traditional methods, zonal sampling or nested monitoring well technologies (which have not proven to be successful in avoiding Cr6 in the Winters area). This proprietary miniaturized profiling technology allows efficient and continuous collection of water quality samples and depth specific assessment of water quantity sampling across the entire length of the test well screen. Traditional zonal sampling methods would cost approximately \$10,000 to \$15,000 per zone which is limited to 10 to 20 foot zones and about 3 to 4 zones. However, the BESST long screened test well technology system, zonal sample costs range from \$1,500 to \$2,500 per zone, which will enable significantly more water quality and quantity analysis to ensure achieving water quality compliant well with adequate water capacity.

FISCAL IMPACT: Estimated at \$150,000



STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: November 15, 2016
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Ethan Walsh, City Attorney
Nanci G. Mills, Director of Administrative Services/City Clerk
SUBJECT: Filling a City Council Vacancy and Appointing a Councilmember to Serve as Mayor

RECOMMENDATION: Discuss the procedure the City Council wishes to use to fill a vacancy on the Winters City Council when Mayor Cecilia Aguilar Curry is sworn into the State Assembly, and to determine who will serve as the new Mayor.

BACKGROUND: Mayor Aguilar Curry has been elected to the serve in the State Assembly. The City Council and State Assembly are incompatible offices, and Mayor Aguilar Curry therefore will resign from her position as Mayor, effective upon her being sworn into the State Assembly, in December 2016.

DISCUSSION:

1. Filling the Mayor's Council Seat

Under the California Government Code, within 60 days after the vacancy occurs, the Winters City Council must either:

1. Appoint a Winters resident to the Winters City Council to fill the Mayor's unexpired term; or

2. Call for a Special Election to fill the term. The Special Election must be held at the next regular election at least 114 days after the call for special election, which means the position would be vacant until the June 2017 election. The City would have to pay the costs to hold the special election, since that is not an election that would typically include any candidates for City Council.

If the City Council decides to call a special election, it does have the option of conducting the election by either a traditional or all mail ballot election. As a general rule, all municipal elections must permit traditional, in person voting. However, the Elections Code outlines a number of exceptions when all mail ballot voting is permitted. In this case, Elections Code section 4004 allows cities with less than 100,000 residents to use all mail ballot voting in a special election to fill a Council vacancy if: (1) the City Council passes a resolution allowing mailed ballots for the election, (2) the election is not held on the same date as any statewide primary or general election, (3) the election is not consolidated with any other election and (4) the return of mailed ballots is conducted pursuant to Elections Code section 3017.

Here, the City meets all of these requirements. First, its current population is well below 100,000. Second, there are no statewide primary or general elections scheduled for 2017. Third, the election will not be consolidated with any other election. Therefore, if the City Council decides to call a special election, it may conduct a traditional or an all-mail ballot election. An all-mail election may reduce the costs somewhat, although it would require that the election be held in June 2017, meaning that the Council seat would be vacant for several months.

If the Council decides to fill the position by appointment, City staff can work with the Council to organize a process for the Council to consider candidates for appointment if desired.

2. Appointing the New Mayor

The City Council has discretion to appoint any one of its members as the new Mayor. Government Code section 36801 requires that after each general municipal election the City Council select one Councilmember to serve as Mayor and one as Mayor Pro Tempore. Despite this, the Mayor and Mayor Pro Tempore are not specific "offices" in the sense that the holders possess special rights to them. Rather, the Mayor and Mayor Pro Tempore both serve at the pleasure of the City Council.

The Mayor Pro Tempore is generally the Council member who received the most votes in the most recent general election, and becomes the mayor when the current Mayor's term is over. The Mayor Pro Tempore also performs the duties of the Mayor if he or she is absent from the meeting. However, the Municipal Code does not specifically provide that the Mayor Pro Tempore will assume the

position of Mayor upon a vacancy. Therefore, the Council may appoint any one of the members as Mayor, if it so chooses.

FISCAL IMPACT: No fiscal impact for appointment of a Council member, or for selection of the Mayor. There are costs associated with a special election, and if the Council is interested in pursuing that option, the City Clerk can determine an estimate of the cost.