



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, January 17, 2017

Members of the City Council

*Wade Cowan, 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*

5:30 p.m. – Executive Session

AGENDA

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

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

6:30 p.m. – Regular Session

AGENDA

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

Roll Call

Pledge of Allegiance

Approval of Agenda

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS

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

CONSENT CALENDAR

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

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, January 3, 2017 (pp. 5-8)
- B. Resolution 2017-02, a Resolution of the City Council of the City of Winters Approving Plans, Specifications and a Project Budget Sheet, and Authorize the City Engineer to Proceed with the Bidding Process for the Construction of the Main and Grant Signal Improvements, PN 16-01 (pp. 9-13)
- C. Resolution 2017-03, a Resolution of the City Council of the City of Winters Approving Plans and Technical Specifications, and Authorize the City Engineer to Proceed with the Bidding Process for the Construction of the Downtown Water & Storm Drain Improvements, PN 17-01 (pp. 14-18)
- D. Main and Grant Signal Archaeological Services (pp. 19-23)
- E. Resolution 2017-04, a Resolution Amending the October 2015 through October 2017 Firefighter Personnel Rules (pp. 24-46)
- F. Approval of City of Winters – Holiday Pay (Police) (pp. 47-48)
- G. Side Agreement – Amending the October 2015 through October 2017 Winters Miscellaneous Association – Uniform Pay (pp. 49-50)

PRESENTATIONS

DISCUSSION ITEMS

1. Public Hearing, Introduction and Waive the First Reading of Ordinance 2017-01, an Ordinance Amending Chapters 17.04 (Definitions), 17.16 (Applications and Public Hearings), 17.52 (Land Use Regulations: Zoning Matrix), and 17.58 (Second Residential Units) (pp. 51-68)
2. Pension and Unfunded Liabilities (pp. 69-77)

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

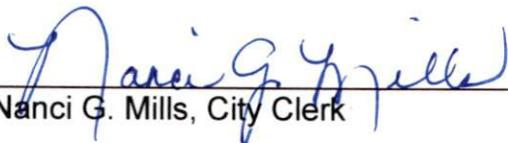
1. Resolution SA-2017-01 of the City of Winters as Successor Agency to the Winters Community Development Agency Adopting a Recognized Obligation Payment Schedule Pursuant to AB1X 26 (pp. 78-84)

CITY MANAGER REPORT

INFORMATION ONLY

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the January 17, 2017 regular meeting of the Winters City Council was posted on the City of Winters website at www.cityofwinters.org and Councilmembers were notified via e-mail of its' availability. A copy of the foregoing agenda was also posted on the outside public bulletin board at City Hall, 318 First Street on January 12, 2017, 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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Winters Library – 708 Railroad Avenue

City Hall – Finance Office - 318 First Street

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

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Wednesday at 10:00 a.m.

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



Minutes of the Regular Meeting of the Winters City Council
Held on January 3, 2017

Mayor Wade Cowan called the meeting to order at 6:30 p.m.

Present: Council Members Harold Anderson, Bill Biasi, Jesse Loren, Pierre Neu, and Mayor Wade Cowan
Absent: None
Staff: City Manager John Donlevy, City Attorney Ethan Walsh, City Clerk Nanci Mills, Director of Financial Management Shelly Gunby, Police Chief John Miller, Police Sergeants Jose Ramirez and Kelly Schroeder, Police Officer Morgan Hatcher, Police Reserve James Hamilton, Community Services Officer Gail Jimenez, and Management Analyst Tracy Jensen.

Police Chief Miller led the Pledge of Allegiance.

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

AYES: Council Members Anderson, Biasi, Loren, Neu, Mayor Cowan
NOES: None
ABSENT: None
ABSTAIN: None

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS: None

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, December 20, 2016
- B. Resolution 2017-01, A Resolution of The City Council of the City of Winters for the Claim of Transportation Development Act Funding from the Sacramento Area Council of Governments

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 Cowan
NOES: None
ABSENT: None
ABSTAIN: None

PRESENTATIONS

Police Chief John Miller introduced Sergeant Kelly Schroeder as a 960 annuitant, hired to fill the vacancy created by Sergeant Jeremy Warren's departure. Sergeant Schroeder comes from the Vallejo Police Department and has had a long and distinguished career that started in 1981. Sergeant Schroeder thanked the Council and the City Manager for giving him the opportunity to serve in Winters and said he brings a skill set to the department. City Clerk Nanci Mills performed the swearing-in ceremony.

Petrea Marchand gave a current status overview of the Yolo Habitat Conservancy (YHC), formerly known as the Yolo County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) Joint Powers Agency and provided Council with a Development Timeline through 2018, with the hopes of releasing a draft in April. As the liaison for YHC, Council Member Neu vouched for the fact that Petrea pushes to get things done and has done a great job bringing him up to speed. Of the total cost of \$350 million dollars, Petrea said \$150 million dollars has been shaved off and with the mitigation fees, development fees, state and federal grants each year, and agreements with Yolo County, Solano County Water Agency and the City of Davis, and \$270 million dollars from developers, it comes out to approximately \$11,200/acre, which is comparable to other surrounding counties mitigation measures. City Manager Donlevy reminded Council that the ¼ acre vernal pool in Walnut Park cost over \$120,000 and commended Petrea and the board members for their hard work.

DISCUSSION ITEMS

1. Liaison Assignments

Mayor Cowan gave an overview and confirmed no changes were necessary for the Chamber, City/WJUSD 2X2, Hispanic Advisory Committee, Lower Putah Creek Council, Oversight Board, Parking Committee, Planning Liaison, Planning Selection Committee, Solano Community College, Winters Affordable Housing, Winters Fire Board, Winters Putah Creek Committee, Yolo County Transportation, Yolo Habitat Conservancy, Yolo Solano Air Quality District, and Yolo Leaders. Mayor Cowan suggested the following changes: Council Member Loren will be the League of California Cities primary, with Mayor Cowan as the alternate; Mayor Cowan will be the primary for LAFCO, with Council Member Anderson as the alternate; Council Member Neu will be the primary for SACOG, with Mayor Cowan as the alternate; Council Member Loren will be the primary for Water Resources Association, with Mayor Cowan as the alternate; Mayor Cowan will be the primary for 10-Year Plan for Homelessness, with Council Member Neu as the alternate; Mayor Cowan will be the primary for Yolo County Housing, which is tied in with New Hope, the non-profit side of housing, and no alternate is required. Council Member Anderson agreed to step down from the City/County 2X2, leaving Mayor Cowan and Council Member Neu as the liaisons. Council Member Neu agreed to step down from the Design Review Committee, leaving Mayor Cowan and Council Member Biasi as the liaisons. Adding Economic Development Committee liaisons are not necessary right now, so this will be determined by Council at a later date.

Motion by Council Member Loren, second by Council Member Anderson to approve the changes to the liaison assignments as discussed. City Manager Donlevy confirmed the change to the Yolo County Housing liaison assignment will come back to Council as a resolution at the next meeting. Motion carried with the following vote:

AYES: Council Members Anderson, Biasi, Loren, Neu, Mayor Cowan
NOES: None
ABSENT: None
ABSTAIN: None

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

1. None

CITY MANAGER REPORT: Had a nice, quiet holiday with the exception of two reported propane leaks.

INFORMATION ONLY

1. November 2016 Treasurer Report
2. November 2016 Investment Report

ADJOURNMENT: Mayor Cowan adjourned the meeting at 7:13 p.m.

Wade Cowan, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: January 17, 2017
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Alan Mitchell, City Engineer
SUBJECT: Updated Project Budget Sheet and Resolution No. 2017-02, Approving Plans and Technical Specifications, and Authorization for the City Engineer to Proceed with the Bidding Process for the Construction of the Grant Avenue/Main Street Signal and Pedestrian Improvements, Project No. 16-01

RECOMMENDATION: Staff recommends the City Council:

1. Approve Updated Project Budget Sheet (PBS) for Grant Avenue/Main Street Signal and Pedestrian Improvements, Project No. 16-01; and
2. Adopt Resolution No. 2017-02 approving plans and technical specifications, and authorize the City Engineer to proceed with the bidding process for the construction of the project.

BACKGROUND: Planned development, including Walnut Ranch (Hudson Ogando), Callahan, and Winters Highlands, in the vicinity of Grant Ave. (Hwy. 128) and Main Street will trigger the need for a new traffic signal and pedestrian improvements at the intersection. Walnut Ranch is currently under construction and one of the Mitigation Measures stipulates that the signal be under construction by occupancy of the 50th house. Also, the Conditions of Approval for Walnut Ranch included pedestrian improvements that were approved by Council to be deferred and included with the signal project.

The Developer (Ashdon Development, LLC) requested the City get started on the design, so that the project can be ready to construct should the economy continue to support project build-out. A Project Number was assigned and a Project Budget Sheet prepared for the design only. On October 6, 2015, the City Council approved the PBS (design only) and authorized the City Manager to expend the approved funds to execute agreements for design services.

DISCUSSION: The build-out and occupancy of Winters Ranch has been steady, and the 50th unit is slated for occupancy this spring, therefore the signal is needed. The project design engineer, Laugenour and Meikle, has completed the plans and specifications for the proposed improvements, and Caltrans issuance of an Encroachment Permit is pending. Attached is a site plan, which shows the proposed improvements. The engineer's estimate for construction of the

improvements is \$1,163,500.

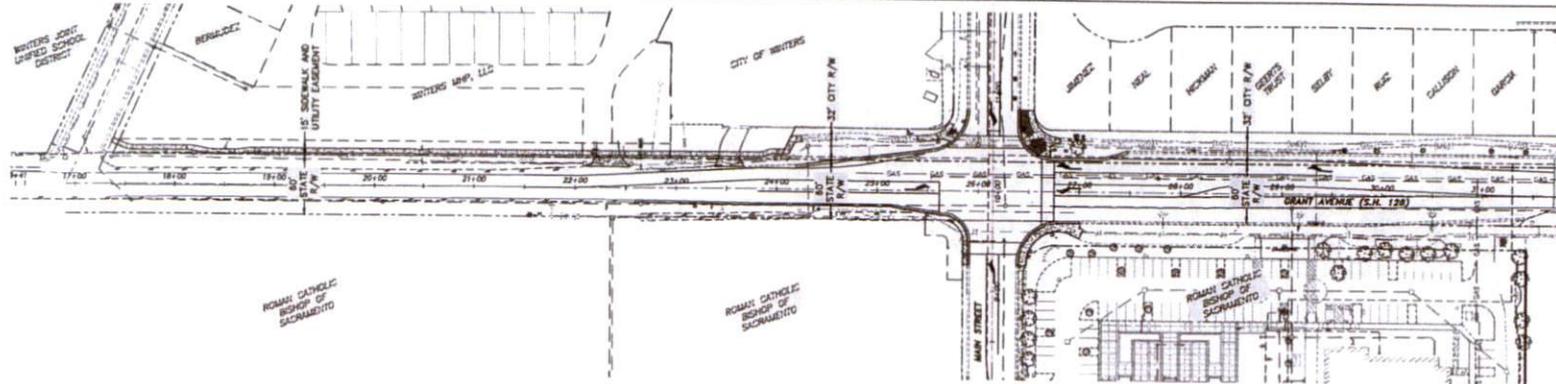
The plans and specifications may be subject to minor technical revisions for clarification as approved by the City Engineer prior to and during the advertisement period that do not affect the size, scope and intent of the project. A complete set of Improvement Plans and Specifications are available for viewing at the Public Works counter in City Hall during normal business hours.

ALTERNATIVES: None recommended by staff.

FISCAL IMPACT: The cost of the Grant Ave./Main St. Signal and Pedestrian Improvements, Project No. 16-01 is being paid through a combination of Street Impact Fees and Developer funds. The signal is included in the City's AB1600 Fee Program. Ashdon Development will front the funds for design and construction, and will receive fee credits against their street impact fee obligation. Ashdon Development is responsible for the design and construction of the pedestrian improvements and will deposit funds with the City.

Attachment: Updated Project Budget Sheet
Resolution No. 2017-02

**IMPROVEMENT PLANS
FOR
GRANT AVENUE/MAIN STREET SIGNAL IMPROVEMENT
PN 16-0428**



SHEET INDEX	
NO. SHEET	TITLE
1	T-1 TITLE SHEET
2	C-1 LEGEND, ABBREVIATIONS, & GENERAL NOTES
3	C-2 GENERAL NOTES
4	C-3 GENERAL NOTES
5	C-4 HORIZONTAL CONTROL PLAN
6	C-5 DEMOLITION PLAN
7	C-6 DEMOLITION PLAN
8	C-7 GRADING PLAN
9	C-8 GRADING PLAN
10	C-9 GRADING PLAN
11	C-10 GRADING PLAN
12	C-11 GRADING PLAN
13	C-12 GRADING PLAN
14	C-13 EROSION CONTROL PLAN
15	CD-1 CONSTRUCTION DETAILS
16	CD-2 CONSTRUCTION DETAILS
17	CD-3 CONSTRUCTION DETAILS
18	CD-4 CONSTRUCTION DETAILS
19	SS-1 SIGNING & STRIPING PLAN
20	E-1 TRAFFIC SIGNAL PLAN GENERAL NOTES, ABBREVIATIONS, AND LEGEND
21	E-2 TRAFFIC SIGNAL INSTALLATION PLAN
22	E-3 TRAFFIC SIGNAL EQUIPMENT AND CONDUCTOR SCHEDULES
23	E-4 TRAFFIC SIGNAL CONTROLLER PAD AND FOUNDATION DETAILS

UTILITY REPRESENTATIVES			
UTILITY	COMPANY	REPRESENTATIVES	PHONE No.
GAS	P.G. & E.	KAREN BELL	(530) 356-9034
ELECTRICITY	P.G. & E.	KAREN BELL	(530) 356-9034
TELEPHONE	AT&T	HEATHER BENDER	(707) 258-5142
CABLE TV	WAVE BROADBAND	EVELYN CORTEZ	(916) 315-3211
USA			(800) 642-2444
WATER, SEWER & DRAINAGE	PUBLIC WORKS DEPARTMENT	CAROL SCIANNA	(530) 795-4910
STREET LIGHTS	PUBLIC WORKS DEPARTMENT	CAROL SCIANNA	(530) 795-4910
FIRE	CITY	ART MENDOZA	(530) 795-4131

CALTRANS NOTES:

- CALTRANS ENDOACHMENT PERMIT NUMBER 0316-N000428. CONTRACTOR SHALL APPLY FOR DOUBLE ENDOACHMENT PERMIT.
- ALL WORK IN CALTRANS RIGHT-OF-WAY SHALL BE IN ACCORDANCE WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) STANDARD PLANS AND SPECIFICATIONS DATED 2015 ALONG WITH ANY ISSUED UPDATES.
- THE CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF ALL EXISTING UNDERGROUND UTILITIES, WHETHER OR NOT THEY ARE SHOWN ON THESE PLANS. THE CONTRACTOR SHALL CONTACT USA (800-642-2444) AT LEAST 48 HOURS BEFORE BEGINNING WORK. THE CONTRACTOR SHALL LOCATE UNDERGROUND UTILITIES BY POT-HOLING PRIOR TO EXCAVATING.
- EXISTING IMPROVEMENTS, INCLUDING SUBSTRUCTURES, THAT ARE DAMAGED BY THE CONTRACTOR, WHICH ARE NOT DESIGNED BY THE PLANS OR SPECIFICATIONS TO BE DISTURBED, SHALL BE RESTORED OR REPAIRED TO THE SATISFACTION OF THE ENGINEER AT THE CONTRACTOR'S EXPENSE.
- PAVING
 - ALL AGGREGATE BASE SHALL BE CALTRANS CLASS 2, 3/4 INCH MAXIMUM. RELATIVE COMPACTION OF BASE AND SUBBASE MATERIALS SHALL NOT BE LESS THAN 95% WTD IN ACCORDANCE WITH THE ASTM D1557 TEST METHOD.
 - ALL ASPHALT CONCRETE SHALL CONFORM TO CALTRANS PERFORMANCE GRADED (PG) SYSTEM MEETING PG 64-16 FOR INLAND VALLEY AREAS. ASPHALTIC CONCRETE (A.C.) SHALL BE PLACED IN 3" MAXIMUM LIFTS.
- CONTRACTOR WILL PROVIDE TRAFFIC CONTROL PLANS AT THE CONTRACTOR SUBMITS FOR DOUBLE PERMIT.
- PHASED CONSTRUCTION OF THE IMPROVEMENTS ARE REQUIRED TO MAINTAIN THROUGH TRAFFIC IN EACH DIRECTION. CONTRACTOR SHALL INCLUDE PROJECT PHASING PLANS AS PART OF TRAFFIC CONTROL PLAN PER NOTE 6.
- CONTRACTOR SHALL COORDINATE AND MAINTAIN INTERIM TRAFFIC CONTROL, TESTING AND STARTUP OF SIGNAL EQUIPMENT WITH BOTH CITY STAFF AND CALTRANS.
- THE CITY WILL PROVIDE A "LATE DISCOVERY PLAN" OUTLINING PROCEDURES TO BE FOLLOWED IN CASE ARCHAEOLOGICAL MATERIALS ARE FOUND DURING CONSTRUCTION.

THE CONTRACTOR SHALL POSSESS THE CLASS (OR CLASSES) OF LICENSE AS SPECIFIED IN THE "NOTICE TO BIDDERS."



VICINITY MAP
NOT TO SCALE

DESIGNED BY	Rev No.	Description	Eng. No.	CITY ACCEPTANCE	By	Date
BD						
DRAWN BY						
QC						
CHECKED BY						
BPC						

LM LAUGENOUR AND MEIKLE
CIVIL ENGINEERING, LAND SURVEYING, PLANNING
408 CHURCH STREET, WOODLAND, CALIFORNIA 95692 PHONE: (530) 662-1100
P.O. BOX 824, WOODLAND, CALIFORNIA 95776 FAX: (530) 662-1933
BY: *[Signature]* BRITAN P. BOHNO
DATE: 11-16-2016 P.E. 41804



IMPROVEMENT PLANS
FOR
GRANT AVENUE/MAIN STREET SIGNAL IMPROVEMENT
CITY OF WINTERS CALIFORNIA

SCALE
1"=60'
DATE: 11-16-2016
JOB NO. 780-34

T-1
SHEET
1 OF 23

REDUCED PLOT

City of Winters Public Works Department
GRANT AVENUE/MAIN STREET SIGNAL IMPROVEMENT
Project No.:
Map Coordinates:
Approval:
Facility Code: Drainage Fee:
Checked By:

Approved By: _____
CITY OF WINTERS CITY ENGINEER Date

City of Winters
PUBLIC WORKS DEPARTMENT
GRANT AVENUE/MAIN STREET SIGNAL IMPROVEMENT
Project No.:
Map Coordinates:
Approval:
Facility Code: Drainage Fee:
Checked By:

Main Street and Grant Avenue Signal and Pedestrian Improvements Project Budget Sheet

CIP#: 16-01
Last Updated: January 2017
Project Owner: Public Works
Project Manager: Alan Mitchell

MTIP #
Original Approval: October 2015
Project Resource: Consultant

Description:

Preliminary engineering, environmental review, design, Caltrans permit, consturction, and inspection, for installation of a traffic signal and associated improvements (i.e. sidewalks, bike lanes, crosswalks) at the intersection of Grant Avenue (Hwy. 128) and Main Street.

Authority:

As part of the environmental review process in identifying traffic impacts associated with proposed development along the west end of Main St., one key mitigation requirement was to construct a traffic signal and make geometric modifications at Grant Ave. and Main St. intersection.

Budget:						
Item	%	Amount	Item	%	Amount	
Project Management		\$15,000	Design		\$110,000	
Testing and Inspection		\$25,000	Permits/Services		\$2,000	
Pre-Design		\$12,000	Construction		\$901,000	
Right of Way/Utility Relocation		\$3,000	Contingency		\$90,000	
CEQA/NEPA		\$5,500	Project Total:		\$1,163,500	

Financing Schedule:		Project Start: 2015		Project Completion: 2017			
Phases:	Pre-design, design, permitting, construction						
Fund Code:							
Name:	Impact Fee	Ashdon Dev.	Blank	Blank	Blank	Blank	FY Totals
Previous							\$ -
FY 16/17:	\$ 1,079,500	\$ 84,000					\$ 1,163,500
FY 17/18:							\$ -
Fund Totals:	\$ 1,079,500	\$ 84,000	\$ -	\$ -	\$ -	\$ -	\$ 1,163,500

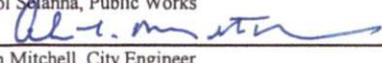
Recommended for Submittal

Recommended for Approval

Finance Department Approval

City Manager Approval

 1/11/17
 Carol Seanna, Public Works (date)

 1/11/17
 Alan Mitchell, City Engineer (date)

 Shelly Gunby, Director of Finance (date)

 John Donlevy, City Manager (date)

RESOLUTION NO. 2017 - 02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
APPROVING THE PLANS AND TECHNICAL SPECIFICATIONS FOR THE GRANT
AVENUE/MAIN STREET SIGNAL AND PEDESTRIAN IMPROVEMENTS**

WHEREAS, Planned-development, including Walnut Ranch (Hudson Ogando), Callahan, and Winters Highlands, in the vicinity of Grant Ave. (Hwy. 128) and Main Street will trigger the need for a new traffic signal and pedestrian improvements at the intersection; and

WHEREAS, On October 6, 2015, the City Council approved a Project Budget Sheet (PBS - design only) for the Grant Avenue/Main Street Signal and Pedestrian Improvements, Project No. 16-01, and authorized the City Manager to expend the approved funds to execute agreements for design services; and

WHEREAS, Walnut Ranch is currently under construction and one of the Mitigation Measures stipulates that the signal be under construction by occupancy of the 50th house, which should occur spring 2017; and

WHEREAS, the project design engineer, Laugenour and Meikle, has completed the plans and technical specifications for the proposed improvements; and

WHEREAS, staff recommends to City Council that said project improvement plans and technical specifications be approved.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Winters as follows:

1. The improvement plans and technical specifications for the above mentioned project are hereby accepted by the City Council, City of Winters, and
2. The City Engineer is authorized to proceed with the bidding process for the construction of the improvements.

PASSED AND ADOPTED by the City Council of the City of Winters, on this 17th day of January, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

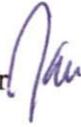
ATTEST:

Wade Cowan, MAYOR

Nanci G. Mills, City Clerk



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: January 17, 2017
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Alan Mitchell, City Engineer
Dan Maguire, Economic Development and Housing Manager
SUBJECT: Resolution No. 2017-03 Approving Plans and Technical Specifications, and Authorization for the City Engineer to Proceed with the Bidding Process for the Construction of the Downtown – Water and Storm Drain Improvements, PN 17-01.

RECOMMENDATION: Staff recommends the City Council adopt Resolution No. 2017-03 approving plans and technical specifications, and authorize the City Engineer to proceed with the bidding process for the construction of the Downtown – Water and Storm Drain Improvements, PN 17-01.

BACKGROUND: In May 2014 the City Council received the staff report on the proposals for development of a downtown hotel, and unanimously approved staff's recommendation to authorize the City to enter into an Agreement with Royal Guest.

In January 2015, the Planning Commission reviewed and approved the Design/Site Plan, Tentative Parcel Map, and Conditional Use Permit for construction of a three-story, approximately 70-unit Hotel with Hotel Lobby, courtyard, retail tenant space and all support functions.

A Disposition and Development Agreement (DDA) was executed on November 18, 2014, between the City and Developer for the Downtown Hotel project.

Per the DDA (see attached excerpt), the City is responsible for public improvements associated with the new Downtown Hotel project, including a new water line in the alley, alley surface improvements, a parking lot with landscaping, curb and gutter and paving along Abbey Street, and new drainage system in the parking lot and along the alley and Abbey Street. The improvements are being designed by the Developer's Engineer, and the City will implement the improvements in phases.

The first phase of improvements includes the water line in the alley. A new 8" water line will replace an old 6" water line, which will provide for better flow and a more reliable pipeline. The first phase also includes a new storm drain system, which will provide drainage for the alley,

new parking lot, and portions of Abbey Street.

On December 6, 2016, Council approved a new Project Budget Sheet (PBS) for the Downtown Hotel - Water and Storm Drain Improvements, in the amount of \$180,000.

DISCUSSION: The project design engineer, Laugenour and Meikle, has completed the plans and specifications for the proposed improvements. Attached is a site plan, which shows the proposed improvements. The engineer's estimate for construction of the improvements is \$130,000.

The plans and specifications may be subject to minor technical revisions for clarification as approved by the City Engineer prior to and during the advertisement period that do not affect the size, scope and intent of the project. A complete set of Improvement Plans and Specifications are available for viewing at the Public Works counter in City Hall during normal business hours.

ALTERNATIVES: None recommended by staff.

FISCAL IMPACT: The approved PBS includes \$130,000 for construction, with \$20,000 contingency, out of Water Capital Fund 612 and Sewer Capital Fund 622.

Attachments: Site Plan
Resolution No. 2017-03

RESOLUTION NO. 2017 – 03

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
APPROVING THE PLANS AND TECHNICAL SPECIFICATIONS FOR THE DOWNTOWN
- WATER AND STORM DRAIN IMPROVEMENTS**

WHEREAS, in May 2014 the City Council received the staff report on the proposals for development of a downtown hotel, and unanimously approved staff's recommendation to authorize the City to enter into an Agreement with Royal Guest; and

WHEREAS, in January 2015, the Planning Commission reviewed and approved the Design/Site Plan, Tentative Parcel Map, and Conditional Use Permit for construction of a three-story, approximately 70-unit Hotel; and

WHEREAS, a Disposition and Development Agreement (DDA) was executed on November 18, 2014, between the City and Developer for the Downtown Hotel project; and

WHEREAS, per the DDA, the City is responsible for public improvements associated with the new Downtown Hotel project, including a new water line in the alley and a new drainage system in the parking lot and along the alley and Abbey Street; and .

WHEREAS, the project design engineer, Laugenour and Meikle, has completed the plans and technical specifications for the proposed improvements; and

WHEREAS, staff recommends to City Council that said project improvement plans and technical specifications be approved.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Winters as follows:

1. The improvement plans and technical specifications for the above mentioned project are hereby accepted by the City Council, City of Winters, and
2. The City Engineer is authorized to proceed with the bidding process for the construction of the improvements.

PASSED AND ADOPTED by the City Council of the City of Winters, on this 17th day of January, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Resolution 2017-03
Water & Storm Drain
Improvements

Wade Cowan, MAYOR

ATTEST:

Nanci G. Mills, City Clerk

Approved as to form:

Ethan Walsh, City Attorney



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: January 17, 2016
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Carol Scianna, Environmental Services Manager *CS*
SUBJECT: Main Street Signal Far Western Archaeological Services

RECOMMENDATION: Staff recommends Council authorize the City manager to execute a contract with Far Western Anthropological Research Group (Far Western) for Archaeological Services on the Hwy 128/Main St. Signal Project in the amount not to exceed \$5,500

BACKGROUND: The City has been required by Caltrans to provide archaeological monitoring during ground disturbance activities as part of the Hwy 128/ Main St. Signal Project. As per Caltrans direction Far Western conducted a survey of the project area in 2008 as part of an inventory of rural conventional highways, which included a geoarchaeological assessment for potential to encounter buried resources. The study showed the project area is considered a highly sensitive area. This designation is the reasoning from Caltrans for the need to provide onsite archaeological monitoring during ground disturbing activities associated with the signal project. The amount requested included 5% contingency and will come out of the Signal Project Budget

FISCAL IMPACT: Not to exceed \$5,500



FAR WESTERN

ANTHROPOLOGICAL RESEARCH GROUP, INC.

January 5, 2017

Carol Scianna
Environmental Services Manager
318 First Street
Winters, Ca 95694

Re: *SECOND REVISED Archaeological Monitoring for the State Route 128 Signal Project, Yolo County, CA.*

Dear Carol:

The following serves as a REVISED Scope of Work and Cost Estimate for archaeological monitoring during construction of the proposed signal installation project at the intersection of State Route 128 and Main Street in the city of Winters, Yolo County, California. Per your request, this scope removes the preparation of a Late Discovery/Monitoring Plan.

PROJECT UNDERSTANDING

The City of Winters proposes the installation of signals at the intersection of State Route 128 and Main Street (proposed depth of 32± inches below current grade). The project is located within the California Department of Transportation (Caltrans) right-of-way and, thus, requires an encroachment permit prior to construction.

Far Western Anthropological Research Group, Inc. (Far Western) conducted a survey of the project area in 2008 as part of an inventory of rural conventional highways for Caltrans; no surface resources were identified within the proposed project area.¹ This study also included a geoarchaeological assessment for the potential to encounter buried resources. The study shows the project area is in an area considered highly sensitive.²

Given the sensitivity of the project area, Caltrans has requested archaeological monitoring of ground disturbing activities associated with the signal installation.

SCOPE OF WORK

Project Management

The Far Western project manager will oversee quality control, scheduling, adherence to regulatory guidelines, and costs. The project manager will also oversee project administration functions related to staff coordination, billing, and other administrative duties.

¹ Leach Palm, L., P. Mikkelsen, P. Brandy, J. King, L. Hartman, and B. Larson (2008). *Cultural Resources Inventory of the Caltrans District 3 Rural Conventional Highways in Butte, Colusa, El Dorado, Glenn, Nevada, Placer, Sacramento, Sierra, Sutter, Yolo, and Yuba Counties*. Far Western Anthropological Research Group, Inc., Davis, California. Report submitted to California Department of Transportation, North Region, District 3, Marysville, California.

² Meyer, J., and J. S. Rosenthal (2008). *A Geoarchaeological Overview and Assessment of Caltrans District 3*. Cultural Resources Inventory of Caltrans District 3 Rural Conventional Highways. Far Western Anthropological Research Group, Inc., Davis, California. Report submitted to California Department of Transportation, North Region, District 3, Marysville, California.



Task 1: Construction Monitoring

Far Western will monitor all ground-disturbing activities associated with the signal installation project. Monitoring may be suspended in areas that have been previously disturbed (i.e., prior infrastructure) or at the discretion of the monitor. If cultural materials are identified during construction, the archaeological monitor has the authority to stop work until the deposit's significance can be assessed.

Task 2: Post-Monitoring Letter Report

Upon completion of construction, Far Western will prepare a brief letter report documenting monitoring methods employed and results of the field effort.

BUDGET AND SCHEDULE

Far Western will complete construction monitoring and post-monitoring letter report for a price not to exceed \$5,159.39 (see enclosed cost estimate).

Far Western will initiate monitoring upon receipt of a signed contract and notice to proceed from the client. The post-monitoring letter report will be submitted within two weeks of fieldwork completion.

ASSUMPTIONS

Far Western has prepared this scope of work with the following assumptions:

- Far Western will be notified of ground-disturbing activities at least 48 hours in advance of proposed start time.
- Three-hour minimum applies in the event the monitor arrives, but is not needed.
- Work days will not exceed eight hours; overtime will be applied in excess.
- Far Western assumes that this project will require no more than 40 hours of on-site monitoring. Should additional time be required, Far Western will submit an augmented budget.
- Project does not include the presence or coordination of a Native American monitor.
- Post-monitoring report assumes that there will be no/ minimal cultural deposit(s).
- If significant cultural resources are identified, all associated costs, including field visit by Supervisor, will require a budget augment.
- The draft documents will undergo one round of edits with the Client, and one round with Caltrans.
- Writing sections for any environmental document other than the post-monitoring letter report is not included.
- No project meetings are included.
- No additional identification efforts, evaluation or mitigation proposals, resource evaluation, or data recovery investigations are included in the attached cost estimate.
- The Client shall provide all necessary permits and address all access issues to the project area.

If you have any questions, please contact me at 530-756-3941. Thank you for your consideration.

Sincerely,

Melissa Johnson

Project and Proposal Director

Enclosure: Cost Estimate

FAR WESTERN ANTHROPOLOGICAL RESEARCH GROUP, INC. ESTIMATED BUDGET - REVISED

PROJECT TITLE: State Route 128 Signal Installation

CONTRACTOR: City of Winters

PERSON TO CONTACT: Carol Scianna

TASK: Archaeological Monitoring

DATE: **2016-2017**

1/5/2017

A Cost of Living adjustment of up to three percent will be applied annually on October 1.

MANAGEMENT - includes project oversight and client coordination

TITLE	NAME	RATE	HOURS	AMOUNT
Principal Investigator 1100	Ruby, Allika	\$89.54	4	\$358.16
Asst Financial Analyst	Wlasiuk, Maria	\$52.03	3	\$156.09
Contract Administrator	Collier, Jennifer	\$75.02	6	\$450.12
TOTAL MANAGEMENT			13	\$964.37

TASK 1 (Archaeological Monitoring)

TITLE	NAME	RATE	HOURS	AMOUNT
Senior Archaeologist 1000	Hildebrandt, Tod	\$62.92	40	\$2,516.80
TOTAL LETTER REPORT			40	\$2,516.80

TASK 2 (POST-MONITORING LETTER REPORT) - draft and final

TITLE	NAME	RATE	HOURS	AMOUNT
Principal Investigator 200	Mikkelsen, Pat	\$152.20	1	\$152.20
Principal Investigator 1100	Ruby, Allika	\$89.54	8	\$716.32
GIS Assistant 300	Bradeen, Jill	\$54.65	2	\$109.30
Production Supervisor 100	St. John Birney, Nicole	\$96.80	1	\$96.80
Production Assistant 200	Pardee, Michael	\$54.65	4	\$218.60
TOTAL LETTER REPORT			16	\$1,293.22
TOTAL WAGES				<u>\$4,774.39</u>

FAR WESTERN ANTHROPOLOGICAL RESEARCH GROUP, INC. ESTIMATED BUDGET - REVISED

PROJECT TITLE: State Route 128 Signal Installation

CONTRACTOR: City of Winters

PERSON TO CONTACT: Carol Scianna

TASK: Archaeological Monitoring

DATE: **2016-2017** 1/5/2017

A Cost of Living adjustment of up to three percent will be applied annually on October 1.

DIRECT COSTS

ITEMS	RATE	NUMBER	AMOUNT
Gas			\$20.00
Vehicle Rental/Day	\$48.00	5	\$240.00
Communication			\$75.00
Reproduction			\$50.00
SUB TOTAL DIRECT COSTS			\$385.00
FEE ON DIRECT COST		0%	\$0.00
TOTAL DIRECT COSTS			\$385.00

TOTAL BUDGET COSTS

\$5,159.39

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TO: Honorable Mayor and Council Members
DATE: January 17, 2017
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Nanci G. Mills, Director of Administrative Services/City Clerk *Nanci*
SUBJECT: Resolution 2017-04 – Amending the October 2015 through October 2017 Firefighter Personnel Rules

RECOMMENDATION:

Staff recommends the City Council adopt Resolution 2017-04 amending the October 2015 through October 2017 Firefighter Personnel Rules.

BACKGROUND:

Based upon the CalPERS Audit, it states that the City of Winters was incorrectly reporting Uniform Pay and Holiday Pay for Fire personnel. In order to be compliant we have been asked to change the language to correctly reflect the way it is being done. These are the only two Articles that are being amended.

ARTICLE 3, ITEM B1 – UNIFORM ALLOWANCE

In the previously adopted personnel rules Article 3, B1 reads:

Uniform Allowance-Employees are required to wear uniforms as established by the City (Side Letter of Agreement).

In the attached amended personnel rules in reads:

Uniform Allowance – Each employee in the Fire Department shall be eligible to receive new uniforms annually purchased by the City of Winters, and report to CalPERS in an amount not to exceed \$1000.

ARTICLE 9 - HOLIDAYS

In the previously adopted personnel rules Article 9 reads:

A. Employees shall receive the following holidays on a straight time basis:

- | | |
|-----------------------------|---------------------|
| 1. New Year's Day | 7. Independence Day |
| 2. Martin Luther King's Day | 8. Labor Day |

- | | |
|---|-------------------------------|
| 3. President's Day | 9. Veteran's Day |
| 4. Caesar Chavez Day
(Recognized Only – Monday through Friday)
(No additional day off if falls on Saturday or Sunday) | 10. Thanksgiving Day |
| 5. Half Day Good Friday | 11. Day After Thanksgiving |
| 6. Memorial Day | 12. December 24 th |
| | 13. December 25 th |

- A. Every employee shall receive two (2) floating holidays per year. Employees shall receive credit for one floating holiday on July 1, and the other floating holiday on January 1 of each year. If an employee fails to take their floating holidays off, between July 1 and June 30 of the following year, the employee will forfeit their floating holiday credit.
- B. If a holiday falls on an employee's scheduled work day, and the employee is required to work, in addition to the holiday pay at straight time, the employee shall be compensated with overtime at the rate of one and one-half the base hourly wage.
(Side letter of agreement).

An employee who works a shift that begins on New Year's Eve and extends to New Year's Day will be compensated at the overtime rate of one and one-half the base hourly wage for the entire shift.

In the attached amended personnel rules in reads:

ARTICLE 9 – HOLIDAYS

- A. The City observes the following holidays:
- | | |
|---|-------------------------------|
| 1. New Year's Day | 7. Independence Day |
| 2. Martin Luther King's Day | 8. Labor Day |
| 3. President's Day | 9. Veteran's Day |
| 4. Caesar Chavez Day
(Recognized Only - Monday through Friday) | 10. Thanksgiving Day |
| 5. Half Day Good Friday | 11. Day After Thanksgiving |
| 6. Memorial Day | 12. December 24 th |
| | 13. December 25 th |
- B. Each unit member will receive a Holiday Differential as compensation for the holidays specified *above* on a bi-weekly basis regardless of whether or not the unit member is scheduled to work on a City observed holiday as part of their regular schedule. The differential will be based 6% (percent) of the member's straight time base payrate, paid in every pay period. Unit members shall not earn any additional holiday pay above and beyond this differential.

FISCAL IMPACT:
None by this action.



RESOLUTION 2017-04

**FIRE DEPARTMENT
CITY OF WINTERS
PERSONNEL RULES AND BENEFITS**

**Effective
October 2015**

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ARTICLE 1 – DEFINITIONS

- A. ANNIVERSARY DATE: Means the anniversary on an annual basis from the date of hire.
- B. PROMOTION DATE: Means the anniversary on an annual basis from the date appointed to a higher classification.
- C. APPOINTING AUTHORITY: Means the person or group of persons having the lawful power to make appointments to, or to remove persons from, employment. The Appointing Authority for the Winter Fire Dept. is the City Manager or his/her designee.
- D. COMPENSATORY TIME: Means time off with pay to which an employee is entitled in lieu of cash compensation for overtime worked.
- E. ON CALL DUTY: Means the status of an employee who is not required to remain on Fire Department premises, but who shall be required to respond to call of service during their scheduled duty rotation.
- F. OVERTIME: Means the time worked in excess of the regular work period or applicable state or federal law.
- G. PERFORMANCE REPORT: Means the periodic evaluation of an employee's work reflected on forms prescribed by the City.
- H. REGULAR EMPLOYEE: "Regular" employee means full time permanent employees and do not include temporary and/or extra employees.
- I. STEP INCREASE: Means a salary increase, based upon satisfactory performance, recommended by the appointing authority. Step increases shall occur the anniversary date of the appointment to that classification.
- J. SCOPE OF REPRESENTATION: Means wages, hours, and other terms and conditions of employment; except that it excludes merits, necessity of organization of services provided by the City unless such item impacts the wages, hours or other terms and conditions of employment.
- K. SHIFT: Means units of 24 consecutive hours that employees are scheduled to be on duty.
- L. WORK PERIOD: Means calendar days between 7 to 28 days as selected by the City for the purposes of determining overtime as prescribed by the Fair Labor Standards Act.

ARTICLE 2 - LAYOFF PROCEDURES

In the event of work force reduction, an employee with the least seniority shall be laid off first. "Least seniority" is determined by date-of-hire with the exception of employees on initial probation.

- A. Employees shall be given at least forty-five (45) days notice prior to layoff. Employees on probation can be laid off without regard to seniority order or noticing.
- B. The order of layoff of employees shall be as follow: Contract or fee employees; Temporary employees; Probationary employees; Permanent employees. Part-time employees shall be laid off before full-time employees.
- C. No new employee shall be hired in the Firefighter, Engineer and Captain Classification until employees on layoff have been given the opportunity to return to work. Such employees shall be rehired or reinstated to the previous position in reverse order of layoff.
- D. Probationary employees may be rehired without regard to seniority order, only agter regular employees have been rehired. Reinstatement must be exercised within twenty (20) workdays after the City deposits written notice from layoff in the United States mail addressed to the employee's last know address by Certified Mail – Return Receipt Requested.
- E. Employees who ar in the laid off status must maintain all certification for the position they previously held to be considered eligible for rehire. The rehire list shall be maintained for a maximum of 24 months.

ARTICLE 3 - WAGES, MERIT STEPS, BENEFITS, AND WAGE PLAN ADMINISTRATION

- A. Base Wages and Merit Steps: The following schedule provides a wage range with five (5) merit steps also know as base wage steps.

Fire Department Wages effective October 2015

Captain	6183	6492	6817	7158	7516
Engineer	5477	5750	6038	6340	6657
Firefighter	5252	5515	5791	6080	6384

Fire Department Wages effective October 2016

Captain	6338	6655	6987	7337	7704
Engineer	5614	5894	6180	6498	6823
Firefighter	5384	5653	5935	6232	6544

Within the range, all step advancements will be considered on an employee's anniversary date and if an increase is granted, it shall be effective as of the anniversary date. Step increases shall be based on work performance and completion of required length of service in the previous step. New employees will normally be hired at the "A" step. Employees shall spend at least one (1) year in a particular step before being considered for further Step increases; however, the Fire Chief may advance a probationary employee to "B" step at six (6) months, with a corresponding change in anniversary date.

- B. Benefits - The City provides the following benefits pursuant to the terms and conditions noted. Fair Labor Standards Act provisions shall be used to determine which benefits are required to be used in calculating overtime pay.
1. Uniform Allowance- Each employee in the Fire Department shall be eligible to receive new uniforms annually purchased by the City of Winters, and report to CalPERS in an amount not to exceed \$1000.
 2. Bilingual Pay - An employee who is certified to use both English and Spanish, written and/or spoken, on the job, and the use of such skill is required by the City shall receive \$150.00 (one hundred fifty dollars) per month. Employees must be tested and certified pursuant to department standards. Yolo County provides the certification at no cost.
 3. Insurance - Employees shall receive \$900.00 (nine hundred dollars) per month, or up to \$2259.00 per month for a family plan (depending on size of family and plan) to purchase various health, vision, dental, life, etc., insurance which the City may subscribe. The City will cover any increase so there will be no out of pocket expense to the employee if premium increases during this fiscal year. Money left over after an employee has purchased the insurance coverage desired will be paid to the employee. New employees are required to purchase health, vision (employer pays employee, dependent coverage is the responsibility of the employee) and dental insurance which the City may subscribe. Employee's are not required to have health and dental coverage through the City but must show proof of coverage satisfactory to the City. Employees may be required to purchase other insurance pursuant to terms and conditions established by insurance carriers. Life Insurance in the amount of \$30,000 will be paid by the employer. Long Term Disability with a 180 day waiting period will be paid by the employer.
 4. Public Employees Retirement System (PERS) - Employees shall join the PERS system as a condition of employment. The City subscribes to the 2% at 50 retirement plan. The City shall pay the employer rate and the employee shall pay the employee rate of 9%.

5. Social Security (FICA) - Employees are required to join the Federal Social Security System as a condition of employment. The employee shall pay the employee's contribution to Social Security on the employee's applicable wages. The City shall pay the City's contribution on applicable employee wages.
6. Education Incentive - An employee who provides evidence of having received a degree from a recognized college/university or a post certificate which the City deems appropriate to the needs of the job being performed shall receive incentive pay as indicated.

CERTIFICATE/EDUCATION

WAGE INCREASE

AA/AS Degree
BA/BS Degree

4% above base wage
10% above base wage

Employer shall pay up to \$1,000 per semester, per employee, toward continuing college/adult learning education and professional development program

7. Longevity Recognition - An employee who has completed five (5) consecutive years employment is eligible to receive an amount equal to one-half (1/2) month's base wage during the sixth (6th) year and every year of service thereafter until the employee leaves City service. Payment shall be made on the employee's anniversary date. Anniversary date to be January 1st. First longevity incentive will be paid to employee January 1, 2011.
8. Jury Duty - Employees may be excused from the regular responsibilities of their position when called for jury duty. Employees called for jury duty shall notify the Fire Chief of the call. If, in the opinion of the City, the absence of the employee would result in undue disruption of work, the City may direct the employee to request an exemption from jury duty. An employee shall not suffer loss of pay or benefits while actually serving on jury duty. All court approved jury pay received by the employee shall be remitted to the City.
9. Deferred Compensation – Deferred compensation is an arrangement in which a portion of an employee's income is paid out at a date after which that income is actually earned. Examples of deferred compensation include pensions, retirement plans, and stock options. The primary benefit of most deferred compensation is the deferral of tax to the date(s) at which the employee actually receives the income.

An employee who has increased their personal deferred compensation contribution in to a deferred compensation plan offered by the city, the City will contribute up to \$500.00 annually. (Frozen at this time)

11. Health Care Benefit – The City will annually deposit \$2,500 in to an account for each employee with California Government Voluntary Employees' Beneficiary Association (CALGOVEBA) July 1st of each year.

The CALGOVEBA is a 501(c)(9) which contributions are irrevocable and are protected from creditors. This is an individual health reimbursement account All contributions, interest, and reimbursements are tax free. Employees may make unlimited contributions, and all benefits accumulate year to year. There is no "use it or lose it" policy. Benefits are for both active and retired participants, spouse, and qualified dependent. Expenses such as Long Term Care, unreimbursed medical premiums, co-pays and pharmacy charges are all eligible expenses under a VEBA Trust Arrangement.

D. SALARY PLAN ADMINISTRATION

1. Employees shall be paid according to a bi-weekly payroll plan which has twenty-six (26) pay periods in a calendar year.
2. Employees shall normally be paid by twelve noon (12:00 noon) on or before every other Friday.
3. When the normal pay day falls during an employee's annual vacation leave, the employee may receive a vacation advance on the last working day prior to beginning vacation leave provided a written request is submitted to the Administrative Services Department at least five (5) working days in advance and the amount requested is less than the employee's regular paycheck, based on straight time hours.
4. Work performance evaluations shall be completed by the employee's supervisor at least ten (10) working days prior to the employee's anniversary date, unless there is a legitimate reason why the performance evaluation cannot be done at this time. At this time consideration may be given for a merit step advance. If the evaluation is not completed in the time required, the performance of the employee shall be deemed to be acceptable. The evaluation shall include the following elements:
 - a. A written record to be reviewed and acknowledged in writing by the employee. No change will be made after this review and without the acknowledgment of both the supervisor and employee.
 - b. A discussion between the supervisor and employee on the content of the performance evaluation.
 - c. A provision whereby an employee may submit a written response to any statement made on the evaluation which must be filed with the evaluation

and forwarded to the supervisor. Such responses, and any written acknowledgement by a reviewing official, shall become attached to the evaluation. If the evaluation is satisfactory or better the employee can be granted a merit increase provided that an increase does not exceed the established range. If the evaluation is "Unsatisfactory" or "Improvement Needed", a step increase will not be granted, provided however that inadequate work performance has been previously documented, and the employee has been made aware of and given the opportunity to remedy deficiencies. A withheld step increase may be granted following any subsequent review period of satisfactory work performance by the employee. The review period shall be no less than ninety (90) days. A step increase granted after this review shall not be retroactive back to the anniversary date.

ARTICLE 4 - PROBATION, NEW CLASSIFICATION, RECLASSIFICATION, ACTING APPOINTMENT, AND PROMOTION

- A. Probation - The probationary period is a time to obtain the best fit for an employee in a new job or classification and for terminating the employer/employee relationship if work performance or adjustment to the City does not meet the expectations of the employee or the City.
 - 1. All original appointments shall be tentative and subject to a probationary period of twelve (12) months for an employee.
 - 2. The probationary period may be extended up to six (6) months in two (2) three (3) month increments as a result of an employee's unfavorable job performance as determined by the Fire Chief. The probationary period may be extended for any leave of absence granted.
 - 3. During the probationary period, an employee will be evaluated every four (4) months. If an employee is under an extended probation the evaluations shall be given each month during the extension.
- B. New Classifications - The City may establish new job classifications. Employees desiring to compete for such positions will be evaluated in the same manner as any candidate aspiring to receive appointment.
- C. Reclassification - Reclassification is a change to an existing job class as a result of changes in the function, duties, and/or responsibilities as determined by the City.
- D. Acting Appointments - The City may temporarily appoint an employee to an acting capacity in a higher job classification. The employee shall receive \$200.00 (two hundred dollars) per month for each full month of service. This amount will be prorated for less than a full month's service.

1. Acting appointments will not continue beyond six (6) months except by mutual agreement of the City and employee.
 2. An employee having served in an acting capacity and subsequently promoted to the position shall establish a new anniversary date as of the first date of formal promotion.
- E. Promotion - The City may advance an employee to a job classification having a higher base wage range.
1. A promoted employee shall receive an increase to the next higher wage step above that currently held provided that the increase does not exceed the wage range established for the promoted classification.
 2. A promoted employee shall be subject to a one (1) year probationary period. An employee rejected during this time shall be reinstated to the job classification previously held at the same wage step the employee had prior to the promotion.
 3. Nothing in this section shall be construed as limiting the City to advertise a promotional position to any candidate desiring to apply. Any qualified employee may apply and will be evaluated in the same manner as any candidate aspiring to receive appointment to the position.

ARTICLE 5 - PERSONNEL RECORDS

Personnel records, except payroll records, are confidential. Access to personnel records shall be limited to the City Manager, Administrative Services Director, and the Fire Chief, or their designated employees. An employee and/or their representative, designated by the employee in writing, will be allowed to review the employee's personnel records during regular business hours (8:00 A.M. - 5:00 P.M., Monday through Friday). An employee shall receive, upon written request, a copy of any document placed in the employee's personnel file. Records of fire personnel which are kept by the Administrative Services Department shall have access restricted as provided by law.

ARTICLE 6 - HOURS OF WORK

- A. Fire Suppression personnel shall work 48/96 schedule.
- B. The 24 – hour shift shall normally commence at 0800 hours and continues through to 2000 hours. Work schedules could be modified.
- C. Fire Suppression personnel may be required to continue to be available to respond to the station for calls for service after duty hours.
- D. Duty Schedule & Rotation – Employees assigned to On Call Duty status will be on a

12 hour, or 24 hour duty schedule on a weekly basis as scheduled by the Fire Chief.

ARTICLE 7 – COMPENSATORY TIME

- A. Due to the fact that the firefighters are exempt of the FLSA coverage at this time all parties have come up with this fair and equitable resolve
- B. The represented employees shall be compensated with compensatory time accrual at the rate of one hour for each hour of call back for calls during off duty hours. The City expects each employee to use reasonable discretion when responding back to duty. Not more than one hundred and twenty (140) hours of compensatory time off may be accumulated. Employees may only cash out one hundred (120) hours. Unused compensatory time on the books shall be paid at termination of employment. Compensatory time off may be taken at the request of the employee, upon the authorization of the Fire Chief or his/her designee and such time shall not cause undo hardship upon the City. Work period, or modified work period established by the City in accordance with the 207k exemption set forth in the Federal regulations interpreting the Fair Labor Standards Act (FLSA).
- C. Staff assigned to call duty that are called out after normal work hours shall receive one hour of compensatory time off for each and every hour on said call. The scheduling of this time off as needed with approval from the Chief and/or designee and scheduled so that it shall not cause undo hardship upon the City.

In lieu of paying overtime for monthly training, the employees shall receive one additional day of compensatory time off per month added to the compensatory time bank of hour.

ARTICLE 8 - SICK LEAVE

- A. Employees shall receive sick leave at the rate of 11.2 hours per month for each calendar month of service. Sick leave time shall accrue on a monthly basis. Sick leave shall not accrue during the first six (6) months of initial probation. At the end of that time, the hours which would have accrued will be credited to the employee's sick leave balance.
- B. Each employee has one (1) hour deducted from the employee's accrued sick leave time for each hour of sick leave taken. There shall be no limit to the amount of sick leave accrued
- C. Sick leave granted by the City and used by an employee shall be deducted from the employee's accrued sick leave balance.
- D. Employees granted a leave of absence or absent from duty when not authorized by the City shall not accrue sick leave. Sick leave shall not be accrued by an employee

absent from duty after separation from City service.

- E. After three (3) consecutive sick days, a physician's certificate or otherwise may be required to determine the adequacy of reasons for the sick leave absence.
- F. Bereavement Leave - Up to three (3) consecutive sick leave days may be granted per incident for death or illness involving members of an employee's family defined as: spouse, mother, father, sister, brother, children, grandparents, grandchildren, mother or father-in-law, and aunt or uncle. Evidence of family relationship may be required before such sick leave is granted. Use of Bereavement Leave shall not be counted as part of the sixty-seven (67) hours Incentive Sick Leave Bonus, but will be subtracted from accrued sick leave.
- G. If an employee dies in the line of duty, that is carrying out their duties and responsibilities during a work shift, then the employee's designated beneficiary shall receive fifty (50) percent of the employee's accumulated sick leave in straight time pay. The formula for such a payment is:

$$\frac{\text{Accumulated Leave}}{2} \times \text{Base Hourly Wage} = \text{Sum Total of Payout}$$
- H. Employees having ten (10) years or more of service with the City, upon retirement shall receive straight time pay for one third (1/3) of their accumulated sick leave hours.
- I. Upon request of an employee and upon approval of the Fire Chief, sick leave credits may be transferred from one or more employees to another employee due to a catastrophic illness, under the following conditions:
 - 1. When the receiving employee faces financial hardship due to injury or the prolonged illness of the employee, employee's spouse or child,
 - 2. The receiving employee has exhausted all leave credits,
 - 3. The donations must be a minimum of eight (8) hours and in additional eight (8) hour increments.
- J. Sick Leave Incentive - An employee who has used sixty-seven (67) hours or less of sick leave in a one (1) year period from December 1 until November 30 shall receive one percent (1%) of their base yearly salary in a separate check payable to the employee during the first week of December of that year.

ARTICLE 9 - HOLIDAYS

A. The City observes the following holidays:

- | | |
|--|-------------------------------|
| 1. New Year's Day | 7. Independence Day |
| 2. Martin Luther King's Day | 8. Labor Day |
| 3. President's Day | 9. Veteran's Day |
| 4. Caesar Chavez Day | 10. Thanksgiving Day |
| (Recognized Only – Monday through Friday) | 11. Day After Thanksgiving |
| (No additional day off if falls on Saturday or Sunday) | 12. December 24th |
| 5. Half Day Good Friday | 13. December 25 th |
| 6. Memorial Day | |

Each unit member will receive a Holiday Differential as compensation for the holidays specified *above* on a bi-weekly basis regardless of whether or not the unit member is scheduled to work on a City observed holiday as part of their regular schedule. The differential will be based 6% (percent) of the member's straight time base payrate, paid in every pay period. Unit members shall not earn any additional holiday pay above and beyond this differential.

ARTICLE 10 – VACATIONS

A. Employees shall earn paid vacation leave on a monthly basis at each pay period during the month. Employees will earn vacation based upon length of government service years as full-time employees.

40 hour week employee

0 – 3 years	96 hours
4 – 6 years	120 hours
7 – 9 years	136 hours
10 – 12 years	160 hours
13 – 16 years	176 hours
17 – 22 years	200 hours
23 + years	216 hours

24 hour shift employee

0 – 3 years	134 hours
4 – 6 years	168 hours
7 – 9 years	190 hours
10 – 12 years	224 hours
13 – 16 years	246 hours
17 – 22 years	280 hours
23 + years	302 hours

- B. Vacations shall be scheduled by the employees with the approval of the Fire Chief, and with regards to the needs of the City. Preference in scheduling shall be based on seniority.
- C. Vacation leave shall not be granted during the first six (6) months of an employee's original probationary period. At the end of that time, the hours which would have accrued will be credited to the employee's vacation balance.

- D. Vacation leave granted by the City and used by an employee shall be deducted from the employee's accrued vacation balance. Vacation leave shall not be granted to an employee after separation from City service.
- E. Employees granted a leave of absence or absent from duty when not authorized by the City shall not earn vacation leave.
- F. In the event that a holiday occurs during an employee's scheduled vacation leave, that holiday shall not be considered as vacation leave.
- G. Employees may cash in up to 80 hours of their accrued vacation hours on approval of the City.
- H. An employee separated from City service shall be compensated for vacation hours on the books.
- I. All employees shall take at least one (1) week (five (5) consecutive working days) away from the job each year, which can be a combination of vacation, CTO, holiday, and floating holiday.

ARTICLE 11 - TRAINING SCHOOLS/FEEES

- A. If, as a condition for continued employment, the City requires attendance at a school or training establishment and fees are charged, such fees shall be paid by the City.
- B. Travel time to and from a mandatory training school will be compensated by the City.

ARTICLE 12 - WORKERS' COMPENSATION INSURANCE

Worker's compensation Benefits shall be provided in accordance with State law, Yolo County Public Agency Risk Management Insurance Authority and any other applicable rules and regulations.

- A. Industrial Injuries and Accidents.
 - 1. Employees shall report any work related injury or illness which requires medical treatment to the appropriate department supervisor as soon as physically possible. Supervisors must complete, by law, an OSHA Form 301 incident report and turn it in to the Administrative Services Department.
 - 2. Employees shall report any work related injury or illness which does not require medical treatment to the appropriate department

supervisor as soon as possible, in any event by the end of the employee's shift during which the injury or illness occurred. Supervisors must complete, by law, an OSHA Form 301 incident report and turn it in to the Administrative Services Department.

- B. Accident Reporting. Employees shall report any accident which results in any injury or property damage to other parties to the appropriate department supervisor as soon as physically possible.
- C. Medical Treatment. Any employee suffering from any work related injury or illness which requires emergency medical treatment shall immediately seek such treatment from a City designated physician or medical facility.
- D. Leave of Absence for Industrial Disability Qualification. An employee suffering a work related injury or illness which disables that employee from the performance of regular job duties, may request a leave of absence for industrial disability. Such a request may be submitted in the form of a worker's compensation claim. Any dispute regarding such claim shall be resolved in the appropriate jurisdiction as defined by statute or policy.
- E. Compensation for any employee on a leave of absence pursuant to the worker's compensation sections of the California Labor code may have accumulated sick leave, vacation, and compensatory hours prorated to supplement temporary disability compensation payments provided that the total amount does not exceed the employee's base monthly salary.
- F. Temporary light duty. The City may make jobs available for the employee who can perform light duty assignments approved by the employee's physician and the City.

ARTICLE 13 - LEAVE OF ABSENCE

A leave of absence is time away from work at the request of the employee. As used in this Article, leave of absence does not include vacation, compensatory time off, sick leave, industrial disability, holiday, or administrative leave.

- A. An employee who has successfully completed the original probationary period may request, and the City may grant, a leave of absence. Requests for leave in excess of thirty (30) days must be approved by the City Manager (Inability to return to work after an employee's sick leave has been exhausted shall be considered an urgent and substantial reason for the granting of a leave of absence).
- B. Employee use of leave of absence for purpose other than that requested shall be considered as an employee's automatic resignation from City service.
- C. The City shall have sole discretion in approving or disapproving any employee

request for a leave of absence or in granting any pay or benefits.

- D. An authorized leave of absence shall not be deemed a break in City service.
- E. As approved by the Fire Chief an employee may return to work prior to the expiration of a leave of absence.
- F. Military leave shall be granted in accordance with the provision of appropriate law. The City shall be allowed the opportunity, within the limits of law and military regulations, to determine when such leave shall be taken.

ARTICLE 14 – DISCIPLINE AND DISCHARGE

No employee shall be disciplined or discharged without just cause.

A. Purpose.

1. To provide regular permanent employees subject to disciplinary actions with all rights to which they are entitled under the Constitution of the United States, the Constitution of the State of California and State and Federal Law including California Government Code and the Firefighters Bill of Rights.
2. To provide an orderly procedure for notice, pre-action response meetings (Skelly), administrative review of minor disciplinary action and formal hearing on appeal of major disciplinary action.

B. Definitions.

1. Major Disciplinary Actions: Actions taken against a regular permanent employee by the appointing authority for just cause which include discharge, demotion, reduction in pay or suspension without pay for more than sixteen (16) hours for the same cause within any twelve (12) month period, or other discipline for which the law mandates notice and an opportunity for a hearing.
2. Minor Disciplinary Actions: Actions taken against a regular permanent employee by the appointing authority for just cause which include written reprimand, disciplinary transfer, disciplinary suspension with pay, or suspension without pay up to and including sixteen (16) hours for the same cause within any twelve (12) month period.
3. Parties: The affected employee, the appointing authority or other members of supervision and management.
4. Response (Skelly) Meeting: An informal meeting in which the employee has the opportunity to respond to proposed charges prior to action. (The response normally is to a person with authority to rescind the proposed actions.)

5. Hearing: A formal hearing held following an appeal of an employee of disciplinary action taken by the appointing authority.
6. Notice: Notice shall be given by personal delivery or by certified mail or, upon mutual agreement of the parties, by fax followed by regular mail.
7. Service/Receipt of Notices/Orders. The date of service/receipt of notices/orders shall be that date when the notice/order is actually received by the employee or that date when the last good faith effort at delivery is made and confirmed. Avoidance of service shall not waive time limits within this section.
8. Day. All days are calendar days unless otherwise specified.

C. Time Limits

1. Time limits specified throughout this procedure shall be strictly observed. Time limits may be modified only by mutual agreement of the parties in writing.

D. Exclusive Procedure.

1. This procedure shall be the exclusive procedure for taking disciplinary actions and appealing disciplinary actions against regular permanent employees.
2. The provisions of this disciplinary procedure shall supersede the procedures of the City ordinances or policies.
3. Disciplinary actions shall be subject to appeal only as outlined in section (h) of this article.

E. Notice of Proposed Discipline.

1. The employee shall be given written notice of a proposed disciplinary action, exclusive of a written reprimand, not less than five (5) days in advance of the date the action is proposed to be taken.
2. In an emergency situation, an employee may be suspended with pay or temporarily reassigned without loss of pay for the period between the date notice is given and the date that action is taken (subject to the provisions of applicable law).
3. The notice shall contain:
 - a. The reasons for the proposed action, including the rule(s) or regulations(s) or ordinance(s) violated and a complete explanation of the reasons.

- b. A copy of the charges and the recommended action.
- c. Notice that the employee is entitled to an opportunity to respond to the charges orally or in writing, or both, personally or by or with a representative, which may be an attorney, at the meeting with the appointing authority (or his/her designee).
- d. The date and the time of the response meeting with the appointing authority during which the employee and his/her representative shall have an opportunity to refute the charges or present facts which may not be known to management. The stated time and date herein may be moved to accommodate the employee's representative and agreed to by both parties.
- e. If the employee chooses not to participate in the response meeting and prefers to advance to appeal, he/she shall notify the appointing authority of his/her decision in writing. If no written response or request to advance to an appeal is received by the appointing authority by the time scheduled for the response meeting and the employee fails to participate in the response meeting, the appointing authority may proceed to order action and the employee shall be deemed to have waived all rights to hearing or appeal from any action taken. Failure to request an opportunity to respond shall constitute a failure to exhaust administrative remedies.
- f. Accompanying material. Copies of material on which the charges and recommendations are based shall accompany the notice.
- g. The employee may copy and inspect his/her personnel file.

F. Scheduling.

The date and time for the response meeting with the appointing authority may be rescheduled for good cause upon mutual agreement of the parties. If a response meeting is rescheduled after the proposed date of the imposition of the disciplinary action, the appointing authority shall not take the proposed action until after full consideration of the information presented at the response meeting.

G. Response (Skelly) Meeting.

1. At the time and place set for the meeting giving the employee opportunity to respond, the employee may respond either orally and/or in writing, personally, or with a representative.
2. Neither the appointing authority nor the employee shall be entitled to call

witnesses or take testimony.

3. At the meeting, the appointing authority may consider information contained in the charges and recommendations and other information, as well as information presented by the employee or his/her representative. If new information relating to new charges or recommendations is introduced or, if a theory constituting a new ground or occurrence as basis for discipline is alleged, the employee shall be entitled to a reasonable continuance to copy materials and respond to these new matters.
4. At the conclusion of the response meeting or within ten (10) days, the appointing authority shall issue an order, taking, amending, or determining not to take the action, and shall give written notice thereof to the employee, which shall include:
 - a. An explanation of the basis for the action;
 - b. The charges upheld or not upheld;
 - c. The effective date(s) of the imposed discipline if any;
 - d. A list of items upon which action is based or new documents, if appropriate; and
 - e. Notice of the employee's right to appeal.

H. Appeal of Minor Disciplinary Suspension.

1. If an employee has requested and participated in a response meeting with the Appointing Authority as set forth above, or notified the appointing authority of his/her desire to advance to appeal, the employee shall have the right to appeal the Appointing Authority's minor disciplinary suspension to the City. Such appeal may include the severity of the penalty imposed.
2. Nothing in this subsection shall prohibit a firefighter from exercising his/her rights under applicable law and/or the Firefighter Bill of Rights.
3. Filing of an appeal shall not stay the effective date of the order of disciplinary action.
4. A written demand for an appeal and hearing must be served on the Appointing Authority by the employee or his/her representative within ten (10) days of receipt of the Appointing Authority's order affirming, reversing or modifying the proposed minor disciplinary suspension.
5. The failure to serve written demand for hearing within the prescribed period shall be deemed a waiver of the right to a hearing and the order of disciplinary action shall be final. Said failure constitutes a failure to exhaust administrative remedies.

6. The demand for hearing shall include:

The specific grounds for appeal; and copies of materials on which the appeal is based.

7. Upon receipt of the written request for a hearing, the City shall schedule the matter for hearing. The employee and Appointing Authority shall have the opportunity to present evidence and argument related to the disciplinary suspension.

8. The hearing shall be conducted as a full evidentiary hearing, with full due process rights, including the right to present witnesses, present evidence, and cross examine opposing witnesses, the right to counsel, and findings to support the decision.

9. The City shall conduct a hearing and shall, within fifteen (15) calendar days of the conclusion of the hearing (and submission of briefs, if any), render a written decision and/or order.

10. Any decision of the City shall be final and binding on the parties and shall not be subject to appeal.

ARTICLE 15 – STRIKE TEAM ASSIGNMENTS AND COMPENSATION

Employees assigned to an engine or a strike team within the State Mutual Aid or Officer of Emergency Services Mutual Aid system shall receive full salary as if he/she is at work at the station. The remaining personnel shall be required to pick up the On Call Duty Schedule while the emergency exists.

ARTICLE 16 - OUTSIDE EMPLOYMENT

(A) The intention, construction and application of this Section shall be to provide guidelines for employees who wish to secure outside employment so that such outside employment does not create the appearance and/or existence of a conflict of interest and/or incompatible activities involving an employee's obligations and responsibilities to the City. Each situation will be determined based upon all factors relevant to that particular situation.

(B) Outside employment is defined as any paid employment performed by an employee in addition to his/her job with the City.

(C) An employee contemplating outside employment shall notify his/her appointing authority in writing in advance of commencing such employment. Any employee currently holding outside employment shall so notify the appointing authority. The notification shall contain the name of the employer (or statement of self-employment), the hours worked, the nature and duration of employment.

The appointing authority shall disapprove outside employment if the employment is in violation of any provisions of this section. In all other instances, the appointing authority shall approve or disapprove outside employment in accordance with this Section.

- (D) The appointing authority shall consider all relevant factors, including but not necessarily limited to the following:
 - (1) Whether such employment would interfere with or be inimitable to the efficient performance of the employee's duties with this City.
 - (2) Whether such employment would involve a conflict of interest or conflict with the employee's duties with the City.
 - (3) Whether such employment would involve the performance of duties that the employee could or should perform as part of his/her employment with the City.
 - (4) Whether such employment would occur during the employee's regular or assigned working hours.
 - (5) Whether such employment would interfere with satisfactory service because of time away from the job or cause physical or mental fatigue, which impairs regular service.
 - (6) Whether such employment would be compatible with the proper discharge of City duties, and shall not tend to impair judgment or action in the performance of such duties.
- (E) An employee shall not utilize in such employment any City tools, equipment, manuals, or other materials, nor shall the employee utilize any documents, reports or other information obtained in the course of his/her employment with the City or otherwise using City tools, equipment, manuals or other materials, which are not made available by the City to the general public upon request
- (F) The outside employment of full-time personnel whose duties are not readily confined to a standard workday and/or workweek may necessarily be restricted. Because of the nature of job duties, flexibility of hours and potential for conflict of interest, certain employees may be restricted from accepting outside employment.
- (G) Employees not following the above provisions are subject to disciplinary action including, but not limited to, written reprimand, suspension without pay, and termination of employment.

ARTICLE 17 - NON-DISCRIMINATION

The City or the Association shall discriminate against any employee or applicant for employment because of race, color, creed, age, sex, or national origin.



TO: Honorable Mayor and Council Members
DATE: January 17, 2017
THROUGH: John W. Donlevy, Jr., City Manager *[Signature]*
FROM: Nanci G. Mills, Director of Administrative Services/City Clerk *Nanci*
SUBJECT: Holiday Policy (Police)

RECOMMENDATION:

Staff recommends the City Council approve the Holiday Pay Policy (Police).

BACKGROUND:

Based upon the CalPERS Audit, it states that the City of Winters was incorrectly reporting Holiday Pay for Police. In order to be compliant we have been asked to adopt amended language to reflect the way it is being handled.

City staff has met with the Winters Police Officer's Association and the Sergeant's Association to discuss the Holiday Policy. They have no issue with the policy and agreed to the change.

If the City Council approves the policy, a side letter will be drafted to amend the Article in the Memorandum of Understanding (MOU).

FISCAL IMPACT:

None by this action.



CITY OF WINTERS – HOLIDAY PAY (POLICE)

Policy Statement:

Effective immediately, if an employee is required to work on an observed Holiday and this Holiday falls on a day the employee is normally scheduled to work, the premium (i.e. the "half" of the applicable "time and a half" rate) must be paid as special compensation to CalPERS. Employee contributions will be deducted from the earnings paid on the premium, in the same manner as regular earnings based on the CalPERS formula in effect for each individual employee. Holiday overtime may no longer be submitted as comp time on timesheets.

On a related note, any time worked on a Holiday in excess of the regular shift is not reportable to CalPERS and must be shown on a separate line on the timesheet.

For example:

- An employee's regular shift is 12 hours, and a regular shift falls on an observed Holiday
- The employee works 14 hours on that observed Holiday
- 12 hours of regular earning and 12 hours of premium will be reported to CalPERS as pensionable compensation (in a combination of regular and special compensation, see above).
 - The additional 2 hours worked in excess of the regular shift is considered overtime and not reportable to CalPERS as pensionable compensation
 - These additional 2 hours should be shown on a separate line on the timesheet



TO: Honorable Mayor and Council Members
DATE: January 17, 2017
THROUGH: John W. Donlevy, Jr., City Manager. *John*
FROM: Nanci G. Mills, Director of Administrative Services/City Clerk *Nanci*
SUBJECT: Side Agreement – Amending the October 2015 through October 2017
Winters Miscellaneous Association – Uniform Pay

RECOMMENDATION:

Staff recommends the City Council approve the Side Agreement amending the October 2015 through October 2017 Winters Miscellaneous Association (WMA) Memorandum of Understanding (MOU) regards Uniform Pay

BACKGROUND:

Based upon the CalPERS Audit, it states that the City of Winters was incorrectly reporting Uniform Pay for Public Works personnel. In order to be compliant we have been asked to change the language to correctly reflect the way it is being done. This is the only Article that is being amended.

In the previously adopted MOU Article 8, Item 1 reads:

ARTICLE 8 – ITEM 1 – UNIFORM PAY

1. Uniform Allowance – The City shall provide Public Works Field Staff with uniform service and two pairs of OSHA approved safety shoes every year (side letter of agreement). The Community Service Officer will receive \$225.00 per quarter.

New Language now reads:

Uniform Allowance – Each employee in the Public Works Department shall be eligible to receive new uniforms annually purchased by the City of Winters, and report to CalPERS in an amount not to exceed \$1100.

FISCAL IMPACT:

None by this action.



SIDE LETTER AGREEMENT
BETWEEN THE
CITY OF WINTERS (CITY) AND
WINTERS MISCELLANEOUS ASSOCIATION (WMA)
ARTICLE 8 – ITEM 1 – UNIFORM ALLOWANCE

The City and the WMA have met and conferred in good faith in accordance to the terms and condition of this Agreement and its implementation and agree to the following:

1. Specific provisions in this Agreement supersede any previous agreement, whether oral and written, regarding the substance of the Agreement. Except as provided in this Agreement, all wages hours and other terms and conditions of employment presently enjoyed by affected WMA – represented employees, and in the MOU, remain in full force and effect.
2. The Parties agree that the following language modifies Article 8-Item 1 of the MOU only as it relates to Uniform Allowance:

Article 8 – Item 1 - Uniform Allowance

Uniform Allowance – Each employee in the Public Works Department shall be eligible to receive new uniforms annually purchased by the City of Winters, and report to CalPERS in an amount not to exceed \$1,000.

Signed,

City of Winters:

John W. Donlevy, Jr., City Manager

Date: _____

Winters Miscellaneous Association

Date: 1-11-17

Nanci G. Mills, Director of Adm. Serv.

Date: _____

Winters Miscellaneous Association

Date: 1-11-17



TO: Honorable Mayor and Council Members
DATE: January 17, 2017
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: David Dowswell, Community Development Department 
SUBJECT: Various Zoning Text Amendments to Title 17 (Zoning Ordinance) regarding Second Residential Units

RECOMMENDED CITY COUNCIL ACTION:

1. Find the proposed amendments Statutorily Exempt from CEQA, Sections 15268 (Ministerial Projects) and 15282h (Second Unit Ordinance).
2. Receive the staff report, conduct the public hearing, and introduce Ordinance No. 2017-01 approving the proposed amendments to Chapters 17.04 (Introductory Provisions and Definitions), 17.16 (Applications and Public Hearings), 17.52 (Land Use Regulations: Zoning Matrix), and 17.98 (Second Residential Units) of the Winters Municipal Code (Zoning Ordinance).

BACKGROUND:

On September 22, 2015 the Planning Commission held a public hearing where they considered amendments to the second residential units and home occupation regulations. At the conclusion of the hearing the Planning Commission unanimously recommended that the City Council approve the proposed ordinance revising the second residential units and home occupation regulations.

On November 3, 2015 the City Council considered the proposed ordinance amending the second residential units and home occupation regulations. At the conclusion of the hearing the Council unanimously adopted the proposed ordinance as recommended by the Planning Commission.

SB 1069 and the companion bill AB 2299 (Accessory Dwelling Units) were signed by the governor on September 27, 2016. These two bills made a number of changes, mostly minor, in regards to second dwelling units. One of the changes was to refer to these types of units as “accessory dwelling units” or ADUs. The bills went into effect on January 1, 2017. Cities which did not have any

regulations governing these types of dwellings by January 1, 2017 will only be able to enforce regulations contained in the two bills. (The City of Winters does have regulations for these types of dwellings.) A third bill, AB 2406 (Junior Accessory Dwelling Units) was signed into law on September 28, 2016. This law, however, is not mandatory and therefore staff did not propose amending the Municipal Code to allow these types of units.

On December 13, 2016 the Planning Commission voted unanimously to recommend that the City Council adopt the proposed amendments to the Second Residential Units regulations as recommended by staff.

ANALYSIS:

The proposed amendments to the accessory dwelling unit (formerly second residential unit) regulations are designed to bring them into compliance with the two new state laws. A summary of the key changes in the state law is attached (Attachment A).

The key change to the existing second residential unit regulations is to refer to them as “accessory dwelling units”. Other changes include the following:

1. Exempt these uses, in most cases, from complying with the California Environmental Quality Act (CEQA);
2. Require cities to ministerially approve or deny an application within 120 days after an application is deemed complete;
3. Require only one parking space for the ADU and allow it to be located within the front setback or in tandem on the driveway. Currently we require one space and allow it to be located in the front setback to the side of the driveway;
4. Waive the parking requirement if the ADU meets one of the requirements listed in Section 17.98.030I;
5. Allow ADUs to be built above detached garage or accessory structure and not be subject to the maximum allowable height for an accessory building, which is 14 feet but rather be limited by the maximum height for the primary residence, which is 30 feet in an R-1 zone;
6. Not require an ADU built above an existing garage or accessory building to be setback more than 5 feet from the rear and side property line; and
7. Eliminate from the definition that a maximum of only two people can live in the ADU. The city attorney indicated that this limitation is not legal and is not realistic when you consider that the ordinance allows the construction of up to a 1,200 square foot ADU. (This change is not required as result of the new state laws but rather based on case law prohibiting such a restriction.)

The new legislation still permits the City to count the ADU's lot coverage towards the maximum allowable lot coverage and to continue to require the property on which the accessory dwelling unit is located be owner occupied.

Currently the City allows second residential units in R-R, R-1 and R-2 zones. Staff is not proposing to also allow ADUs in R-3 or R-4 zones. The new state laws do not require we allow them in all residential zones.

ENVIRONMENTAL ASSESSMENT: The proposed project is statutorily exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15268 (Ministerial Projects) and Section 15282h (Second Unit Ordinance).

ATTACHMENTS

- A) Summary of changes to state law regarding Accessory Dwelling Units
- B) Ordinance 2017-01, Second Residential Units Zoning Text Amendments



STATE LAW UPDATE ACCESSORY DWELLING UNITS DRAFT

Prepared November 7, 2016

This summary is intended to provide a broad overview of AB 2406, AB 2299 and AB 1069. This memo is not intended to explain all of the complexity of the bills, nor is it legal advice. Jurisdictions should consult appropriate legal counsel before taking any action.

THIS MEMO IS DRAFT AND WILL BE REFINED.

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2. AB 2406 - Junior Accessory Dwelling Units	8

AB 2299 and AB 1069 – Accessory Dwelling Units

Generally, these bills modify a jurisdiction's ability to regulate Accessory Dwelling Units (ADUs) — the new term for Second Units. **The new laws require all local agencies to adopt a new ADU ordinance by January 1, 2017 and to send their new ordinance to HCD within 60 days. If a jurisdiction does not adopt a new ordinance that complies with State law, the jurisdiction's existing law is null and void on January 1, 2017.** In this event, or if a jurisdiction has never adopted a second unit ordinance, ADUs can only be evaluated based on the State standards. Adopting the ADU ordinance is exempt from CEQA.

Below is a summary of key new rules:

Standards Generally

- **Approval Process**
Jurisdictions must approve or deny second units through a ministerial process within 120 days of receiving an ADU application. They may not impose requirements beyond those specified in State law. Ministerial approval of ADU applications is exempt from CEQA.
- **Density**
ADUs do not count against the maximum density of sites.
- **Occupancy Regulations**
Jurisdictions may require one of the units to be owner occupied and may prohibit short-term rentals (less than 30 days). No other occupancy rules are permitted.
- **Other Regulations**
Jurisdictions may not require ADUs to provide fire sprinklers if they are not also required for the primary residence.

Accessory Dwelling Units in Additions or New Accessory Structures

- **Zoning Regulations**
 - Jurisdictions are still allowed to designate some zones for ADUs, and not permit them in other zones.
 - Jurisdictions may regulate height, setback, landscaping, lot coverage, architectural review, maximum size of a unit, and impacts on historic properties.
- **Size Limits**
 - There is some debate about how to interpret the size provisions in the law. The most conservative interpretation is that jurisdictions should allow detached ADUs to be at least 1,200 sf and should allow attached ADUs to be at least 1,200 new square feet or 50% of the main dwelling, whichever is less. (Most likely, jurisdictions may allow larger units as well because local regulations are allowed to be less restrictive). Some jurisdictions have interpreted the law to allow cities to further limit maximum sizes. HCD may offer guidance when they release their interpretation.

- **Parking Requirements**

- ADUs within half a mile of transit, built within an existing structure, located in an historic district, or meeting other criteria defined in the statute do not need to provide parking.
- For other ADUs, at most one parking spot can be required per bedroom or unit. The parking space may be tandem or located in a setback, unless the jurisdiction makes specific findings (e.g. tandem parking or parking in a setback is not allowed anywhere in the jurisdiction; topographical constraints prevent tandem parking, etc.).
- Generally, if a garage is demolished to build a second unit and the jurisdiction requires the homeowner to replace the parking space(s), the homeowner can choose to provide the parking in any configuration (e.g. uncovered, tandem, mechanical lifts, etc.).

- **Fees**

Jurisdictions may require new or separate utility connections for new ADUs, but the fees for the ADU must be proportional to the expected additional water used or sewage generated.

Accessory Dwelling Units Located in Existing Structures

- **Approval Requirements**

Applications must be approved if the ADU is:

- Located in a single family zone,
- Built in an existing legal structure (the main house or an accessory building),
- Provides direct outside access, and
- Has sufficient setbacks for fire safety.

In addition, these ADUs cannot be required to install new or separate utility connections. Jurisdictions may not charge connection fees or capacity charges for ADUs in existing structures. (Note that the statute's definition of "local agencies" does not include water or sewer districts.) No additional parking may be required for these ADUs.

Note: Thank you to Goldfarb & Lipman LLP attorneys for their assistance.

Frequently Asked Questions

Q – Can jurisdictions limit the number of ADUs to one per property?

A – Yes

Q – Are jurisdictions obligated to approve garage conversions?

A – Yes, if they meet the conditions described in the law (e.g. in a single family zone, have direct outside access, etc.)

Q – What is the distinction between a Junior ADU and a regular ADU? Are there advantages to jADUs?

A – Junior ADUs can have a shared bath and smaller kitchen, which could better meet the needs of some homeowners. Communities can choose whether or not to allow jADUs.

Q – Can jurisdictions limit the size of ADUs to smaller than 1,200 sf? Can they permit larger ones?

A – The most conservative answer is that jurisdictions should permit homeowners to build detached ADUs up to 1,200 sf. Attached ADUs can be limited to the smaller of 50% of the existing living area or 1,200 sf. Some jurisdictions may want to allow larger ADUs and because the statute allows communities to adopt an ordinance that is less restrictive than state law, this is likely permissible.

There is language in the law that some jurisdictions interpret to mean they can further limit the size of ADUs, for example by only allowing smaller units. HCD will likely have guidance on this point when they release their analysis.

Q – What is meant by "demolish," when the law says if a garage is demolished, the parking can be permitted in various configurations. Does a garage that is converted to an ADU count as demolished?

A – The conservative interpretation is that a conversion counts as a demolition, but jurisdictions should make their own decisions on this issue in consultation with their legal counsel.

Q – What are the default state standards that are imposed if jurisdictions do not adopt their own ordinance?

A – If a jurisdiction does not adopt an ordinance that meets the requirements of the statute, only the standards established in the statute may be applied to ADU applications. No other local ordinance, policy, or regulation may be the basis for denial of an ADU application.

This likely means that ADUs would be allowed in all residential zones where there is an existing single family home. It is also possible that planning rules such as floor area ratio or lot coverage restrictions would not apply. (Building codes would still apply.)

Q – Are there now three categories of ADUs, attached, detached and “converted”?

A – The State law does not specify if or how jurisdictions categorize ADUs. Some cities may want to use two categories, newly constructed and “converted” ADUs. The statute treats ADUs that are additions or new detached structures almost identically, while setting up very different rules for “converted” ADUs located within existing structures in single family zones. It is up to the jurisdiction to decide if they want to use categories in their local ordinances, and if so, how many categories. Jurisdictions are allowed to have one, two, three or more categories if they prefer. In any case, jurisdictions need to ensure they follow all the new rules regardless of how they categorize the units.

Q – Do the setbacks and other zoning requirements have to be in the same section of code as the ADU ordinance?

A – They can be elsewhere, but they must be referenced in the ADU ordinance. It is important to include an explicit incorporation by reference, for example, “An ADU must comply with all provisions of the underlying zoning district, except as modified in this chapter.”

Q – Does a building permit need to be issued within 120 days of receipt of an application? What is meant by approve?

A – The law is not clear on this point. One interpretation would be that approval means planning approval, but not building approval. Cities may want to simply reference that ADUs will be approved consistent with the timing in Chapter 65852.2, to provide maximum flexibility.

Q – Can jurisdictions require (or not require) a front setback for second units newly constructed on top of garages?

A – Cities are not prohibited from enforcing front setbacks for second units on garages, nor are they explicitly required to have a setback. However, in all single family zones, if an existing second floor over a garage is proposed to be converted to an ADU an additional setback cannot be required.

Q – Will ADUs be subject to creek setback rules?

A – Newly constructed ADUs could be subject to those rules. Converting existing space to an ADU would not, assuming the existing building was constructed legally.

Q – Does this legislation apply to illegal buildings?

A – A jurisdiction could reasonably argue that the law does not apply to illegal structures, but it is not explicit.

Checklist and Next Steps

There are many ways jurisdictions can amend their ordinance to be compliant with State law. Because one of the biggest changes in the new State law relate to rules for ADUs that are built entirely within an existing structure, jurisdictions should consider adding a new subsection solely to deal with these types of ADUs. If this is done, there will likely be fewer edits needed in the ordinance overall.

The following is a checklist to help jurisdictions review their current ordinances. It does not summarize all of the legal requirements and rules regarding ADUs. Cities should not rely on this checklist alone to ensure their ordinance is compliant with State law, and should have their proposed ordinances reviewed by legal counsel.

Does the ordinance:

- Provide for ministerial approval or denial of ADU permits in 120 days;
- Make clear that approval or denial is exempt from CEQA;
- Limit regulation to approved categories (e.g. height, setback, landscaping, lot coverage, non-discretionary architectural review, maximum size of a unit, and impacts on historic properties);
- Not regulate number of occupants or who may live there (however, jurisdictions may require owner occupancy and limit short term rentals);
- Appropriately regulate ADUs size (see discussion above);
- Exempt second units from density rules (e.g. if the zoning says the lot can have one house, then one house and one second unit are permitted);
- Incorporate zoning requirements and other development standards into the ordinance explicitly or by reference;
- Have the following parking rules
 - Have no additional parking requirements for ADUs in certain locations (Within a ½ mile of transit, in existing structures, in historic districts, within one block of car share locations, in areas with residential parking permit rules that do not allow second units to get a permit)
 - For other ADUs, only require one parking spot per bedroom or unit. The spot may be a tandem spot or in a setback, unless the jurisdiction makes specific findings. (E.g. tandem parking or parking in a setback is not allowed anywhere in the city; topographical constraints prevent tandem parking, etc.).
 - Allow provisions regarding replacement of parking spots lost when garages are demolished for ADUs (Generally, if a garage is demolished to build an ADU and the jurisdiction requires the home owner to replace the parking spot, the homeowner can choose to provide the parking in any configuration (e.g. uncovered, tandem, mechanical lifts).)
- Have the following rules regarding sewer and water fees (if the jurisdiction controls these fees)
 - No new connection required for ADUs in existing structures in single family zones, and no related connection fee or capacity charge.
 - Charge fee proportional to the expected additional usage of water or sewer for ADUs not in existing structures.
- Adjust the rules regarding ADUs that meet certain criteria and are in existing structures (the main house or an accessory buildings). These ADUs must be approved ministerially and jurisdictions may not require additional parking or water connection fees. Relevant criteria include:

1. Located in a single family zone
 2. Provides direct outside access
 3. Has sufficient setbacks for fire safety
- Have appropriate setbacks for newly constructed ADUs over garages, no more than five feet from the side and rear lot lines;
 - Refer to the units as Accessory Dwelling Units, not Second Units (or define "second units" as "accessory dwelling units");
 - Consider allowing Junior ADUs (optional)
 - Be sure to provide the Department of Housing and Community Development a copy of the ordinance within 60 days of adoption.*

Additional Resources

- **Chaptered Law** - <http://21elements.com/Download-document/833-Chaptered-Changes-in-Accessory-Unit-Provisions.html>
- **Goldfarb and Lipman Presentation** - http://21elements.com/Download-document/832-Goldfarb_slides_ADU.html (contact abrams@bdplanning.com for audio)
- **Goldfarb and Lipman Law Alert** - <http://21elements.com/Download-document/834-Law-Alert-9-30-16-New-State-Laws-Clear-Path-for-Second-Units-Local-Ordinances-Must-Be-Updated-by-January-2017.html>
- **More resources** at <http://21elements.com/Resources/second-units.html>

AB 2406 - Junior Accessory Dwelling Units (Junior Second Units)

This bill creates a new category of ADU, called a Junior Accessory Dwelling Units. Junior ADUs (jADUs) are small units created out of existing space in a single family house. Jurisdictions are not required to allow jADUs, but if they choose to, the bill sets rules on how to regulate them. The key difference between ADUS and jADUs is that a bathroom can be shared with the main house and the kitchen must be limited. Key points of the legislation are summarized below:

- **Size and Creation** – These units may be up to 500 sf and must be created from space that was formerly part of the single family home.
- **Guidelines** - Junior ADUs must:
 - Have one of the units owner occupied by the owner (the main house or the junior ADU)
 - Have a deed restriction that prevents the sale of Junior ADUs and limits their size as specified in the bill.
 - Be created by including an existing bedroom (e.g. you cannot wall off a living room)
 - Have a door directly to the main house.
 - Have an efficiency kitchen with a sink and a cooking facility with appliances that can run on standard 120 -volt outlets and 1.5 inch drain line.
- **Additional Requirements**
 - The bathroom can be shared with the main house.
 - No additional parking can be required
 - For life safety regulations and sewer/water, junior ADUs are not a new unit (no sewer/water connection fees)
- **Approval** – Junior ADUs must be reviewed through a ministerial process within 120 days

Please see the 21 Elements [summary of Junior Second Units](#), two PowerPoint presentations from a recent 21 Elements meeting, one from [Lily Pad homes](#) and [Novato](#). There are additional requirements in state law about jADUS. Please see your counsel for advice.

CITY COUNCIL

ORDINANCE NO. 2017 - 01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING CHAPTER 17.04 (INTRODUCTORY PROVISIONS AND DEFINITIONS),
CHAPTER 17.16 (APPLICATIONS AND PUBLIC HEARINGS), CHAPTER 17.52 (LAND
USE/ZONE MATRIX) AND CHAPTER 17.98 (SECOND RESIDENTIAL UNITS)
OF THE WINTERS MUNICIPAL CODE

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

1. Purpose. The purpose of this ordinance is to amend various section of the text in the Winters Municipal Code (the "Municipal Code") necessary to regulate Accessory Dwelling Units (formerly known as Second Residential Units).

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

3. Amendments to Title 17. The City hereby makes the following amendments to Title 17 of the Municipal Code:

a. Subdivision (B) of Section 17.04.140 of the Municipal Code is hereby amended to add or delete the following definitions:

1. The following definition is hereby added to Subdivision (B) of Section 17.04.040 of the Municipal Code:

"Accessory dwelling unit" (formerly known as "second residential unit") means a dwelling unit attached or detached from principal permitted dwelling which provides complete and independent living facilities for a maximum of two (2) persons, including living, sleeping, eating, cooking and sanitation facilities, for rent but not for sale.

Comment [DD1]: Legally the city cannot enforce this restriction. Furthermore, limiting a 1,200 square foot house to only two people isn't realistic.

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2. The following definition is hereby deleted from Subdivision (B) of Section 17.04.040 of the Municipal Code:

"Secondary housing (second residential unit)" means a dwelling unit attached or detached from principal permitted dwelling which provides complete and independent living facilities for a maximum of two (2) persons, including living, sleeping, eating, cooking and sanitation facilities, for rent but not for sale.

b. Section 17.16.050 of the Municipal Code is hereby amended to read as follows:

17.16.050 Ministerial permits.

A. Purpose.

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

B. Ministerial Projects.

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

1. Building permits and tenant improvements, where the proposed use or structure does not trigger discretionary review under the terms of this title (such as for certain types of remodeling), or when such discretionary review has been completed;
2. Demolition permits;
3. Grading permits where the intended use of land does not trigger discretionary review under the terms of this title, or when such discretionary review has been completed;
4. Site plans in conjunction with a building or grading permit, except where planning commission design review is required as noted elsewhere in this title;
5. Certificates of occupancy;
6. Lot line adjustments; (Note: The community development director and city engineer may refer a lot line adjustment application to the planning commission for action if it is determined that the adjustment has the potential to significantly enhance the develop ability of one or more lots.)
7. Certificates of compliance;
8. ~~Second-residential~~ Accessory dwelling units; and
9. Voluntary lot mergers. (Ord. 97-03 § 2 (part): prior code § 8-1.4209)

c. Section 17.52.020 of the Municipal Code is hereby amended to make the following deletions and additions to the Land Use/Zone Matrix:

17.52.020 Land Use/Zone Matrix

Delete "Second Residential Units" from Table 2 under R-R, R-1 and R-2 as a permitted "P" use and add "Accessory Dwelling Units" to Table 2 under R-R, R-1 and R-2 as a permitted "P" use.

d. Chapter 17.98 of the Municipal Code is hereby amended in its entirety to read as follows:

Chapter 17.98

SECOND-RESIDENTIAL ACCESSORY DWELLING UNITS

Sections:

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

17.98.010 Purpose and intent

The purpose of this section is to permit ~~second-residential~~ accessory dwelling units in single-family residential zoning districts consistent with state law (California Government Code Sections 65852.150 through 65852.2). This section is intended to expand housing opportunities by increasing the number of housing units available within existing neighborhoods while maintaining the primarily "single family" residential character of the area. ~~Second-residential~~ Accessory dwelling units are intended to provide livable housing at lower cost while providing greater security, companionship, and family support for the occupants, consistent with the general plan. An accessory dwelling unit must comply with all of the provisions in Chapter 17, except as modified in this chapter.

17.98.020 Administration

A. ~~Second-Residential Accessory Dwelling~~ Unit Permit Required. An approved ~~second residential~~ accessory dwelling unit permit shall be obtained prior to construction, conversion and/or development of an ~~second-residential~~ accessory dwelling unit. Pursuant to California Government Code Section 65852.2, the ~~second-residential~~ accessory unit permit shall be considered ministerial without any discretionary review or a hearing. Accessory dwelling units are exempt from the California Environmental Quality Act.

B. Application.

1. Applications for an ~~second-residential~~ accessory dwelling unit permit shall be filed with the community development director on forms provided by the community development department.
2. An application for an ~~second-residential~~ accessory dwelling unit permit shall be accompanied by a fee established by resolution of the city council to cover the cost of handling the application as prescribed in this subsection.
3. Once an application is deemed complete the application must be approved or denied within one hundred and twenty (120) days.

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

17.98.030 Development Standards

All ~~second-residential~~ accessory dwelling units shall comply with the following development standards:

- A. The maximum area of floor space of any ~~second-residential~~ detached accessory residential unit shall not exceed one thousand two hundred (1,200) square feet of living area on lots with a net lot area of twenty thousand (20,000) square feet or more and seven hundred fifty (750) square feet of living area on lots with a net lot area of less than twenty thousand (20,000) square feet. The maximum area of floor space on an attached accessory residential unit shall not exceed fifty percent (50%) of the living area of the existing principal residence, not to exceed a maximum of one thousand two hundred (1,200) square feet. A second-residential unit may be attached to or detached from the principal residence.
- B. The site on which the proposed ~~second-residential~~ accessory dwelling unit is to be located meets the minimum lot size requirements for the zone in which it is located and in no instance is less than six thousand (6,000) square feet.
- C. Construction under this section shall be subject to zoning requirements applicable to residential construction in single family (R-R, R-1 and R-2) zones, except as modified by the conditions of this section.
- D. The lot on which the ~~second-residential~~ accessory dwelling unit is proposed shall contain a principal residence at the time of construction of the ~~second~~ accessory dwelling unit. In the case of vacant lots, the principal residence and ~~second-residential~~ accessory dwelling unit may be constructed at the same time.
- E. The ~~second-residential~~ accessory dwelling unit is self-contained with its own separate entrance, kitchen and bathroom and shall comply with all applicable building, fire, energy and other health and safety codes.
- F. Only one ~~second-residential~~ accessory dwelling unit shall be allowed for each principal residence per lot. ~~AA~~ An ~~second-residential~~ accessory dwelling unit shall not be permitted on a lot

already having two or more dwelling units located thereon and shall not be permitted in addition to a guest dwelling. A guest dwelling shall not be permitted on any lot developed with an ~~second residential~~ accessory dwelling unit.

G. The ~~second residential~~ accessory dwelling unit shall be in compliance with all current zoning requirements, including structure height and yard setbacks. Consistent with the general plan, ~~second residential~~ accessory dwelling units that front on alleys shall be encouraged. An accessory dwelling unit built above an existing detached garage may be located within five (5) feet of the rear or side property lines, subject to complying with Title 24 of the California Code of Regulations.

H. An accessory building or structure, including a garage, may be converted into an accessory dwelling unit, subject to complying with the Title 24 of the California Code of Regulations.

H~~I~~. One (1) off-street uncovered parking space shall be provided for every ~~second residential~~ accessory dwelling unit in addition to parking required for the principal residence. The off-street uncovered parking space may be provided in the front setback to the side of the existing driveway or in tandem on the driveway, subject to complying with Section 17. ~~60.070E.1098.030I~~. When development of the ~~second residential~~ accessory dwelling unit displaces existing required off-street parking (e.g., conversion of a garage) the required parking shall be concurrently replaced on the property in compliance with the off-street parking regulations in Chapter 17.72.

No additional parking is required if the accessory dwelling unit is located:

1. Within one-half (½) mile of public transit;
2. In an historic district;
3. In part of an existing principal residence or existing accessory building or structure;
4. In an area requiring on-street parking permits but they are not offered to the ADU occupant; or
5. Within one block of a car-sharing vehicle pick-up/drop-off location.

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

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

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

L~~M~~. ~~Second residential~~ Accessory dwelling units shall achieve architectural continuity with the principal residence and with the character of the surrounding neighborhood, as determined by

the community development department. No entrance to an ~~second-residential-accessory dwelling~~ unit shall be located on the front building elevation of the principal residence if the ~~second-residential-accessory dwelling~~ unit is attached to the residence, in order to maintain the appearance of the structure as a single-family unit.

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

NO. Before obtaining an occupancy permit for an ~~second-residential-accessory dwelling~~ unit the owner of an ~~second-residential-accessory dwelling~~ unit shall file with the County Recorder a declaration or agreement, form to be approved by the city attorney, stating the owner shall live in either the principal residence or ~~second-residential-accessory dwelling~~ unit at all times. This restriction shall be removed if the owner eliminates the ~~second-residential-accessory dwelling~~ unit or converts it into a non-dwelling unit or guest dwelling by removing the kitchen facilities.

OP. The size of the ~~second-residential-accessory dwelling~~ unit shall be counted towards the maximum floor area ratio (FAR) for the site.

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

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

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

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

INTRODUCED at a regular meeting on the ____ day of _____, 2016 and **PASSED AND ADOPTED** at a regular meeting of the Winters City Council, County of Yolo, State of California, on the ____ day of _____, 2016 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

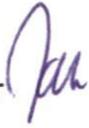
ATTEST:

Cecilia Aguiar-Curry, Mayor

Nanci G. Mills, City Clerk



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: January 17, 2017
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Shelly A. Gunby, Director of Financial Management
SUBJECT: Pension and Unfunded Liabilities

RECOMMENDATION:

Staff recommends that the City Council receive the following information regarding the unfunded liabilities of the City of Winters, respond to proposed strategic plan for managing the unfunded liabilities and provide input and direction.

BACKGROUND:

A critical issue facing local governments throughout the State has been the looming costs of retirement benefits and unfunded liabilities. From a fiscal management standpoint, it has been critical to begin addressing these issues in an incremental and proactive manner to avoid future impacts. The ways to do this is through the following:

- Identifying potential future liabilities and establishing strategies for reducing or eliminating them early with cost savings.
- Enacting or modifying policies which prevent the escalation of liabilities and also reduce costs.
- Establishing funding strategies to reduce the impacts of future fluctuations in costs to protect the City from volatility; ensure the maintenance of benefits and reduces the impacts of increases in demand.
- Developing a predictable and constant funding strategy which is built into fiscal funding and forecasting models which builds into cost allocation.

The City of Winters currently has 3 unfunded liabilities:

1. Accrued leave balances (also known as compensated absences)
2. Postemployment benefits
3. Net Pension Liability

Accrued leave balances are the amount of vacation and comp time earned that remains unused at during the fiscal year. Typically we calculate the value of that unused time at the end of each fiscal year. The dollar amount of the accrued leave balance is impacted by the amount of hours unused as leave, and the pay rate of the individual employee.

Postemployment benefits are the CalPERS required minimum payment for retiree health insurance. The City of Winters allows retired employees to continue health insurance coverage under their CalPERS policy, with the understanding that the City will only pay the minimum payment, and the employee will pay all of the remaining costs of the insurance. For the current fiscal year, the minimum amount required by CalPERS is \$128 per month per retired employee. This liability is impacted by the number of retired employees electing to remain covered under the CalPERS policy, and the rate CalPERS selects as the minimum amount.

Net pension liability is the amount by which CalPERS has determined through an actuarial process, the City of Winters is underfunded on each of the 7 retirement plans the City of Winters has in place. The amount of the liability is affected by the earnings on investment of funds invested by CalPERS, the amount of payroll on which contributions are made, and the pay rate of employees.

City Staff has begun to implement policies that, in time, will limit the amount of these liabilities.

Accrued Leave Balances

Vacation is a compensable benefit for which employees accrue leave throughout the fiscal year based on years of service with the City. Until 2016, the City had not set caps on maximum accrual which facilitated the accumulation of balances which represented outstanding liabilities which are due and payable upon the termination of employment by the employee. The accrual represented a couple issues:

- Leave accruals are mostly unfunded and not budgeted, except through annual salary projections and budgeting. Unless termination occurs, employees will receive paid leave within the scope of existing work periods and the existing budget. Excessive accrual or employees simply not taking vacation creates significant unfunded liabilities unless capped.
- Accrual creates a progressive increase in overall employee costs due to changes in compensation levels. While accrual may occur when an employee is earning one rate of

pay, the cash out may occur at a significantly higher rate, thus creating a compounding of costs.

- The combination of accrual and increases in payroll can create a significant hit to City finances when an employee terminates employment.
- Both a blessing and a burden, the City has many long tenured employees whose vacation accrual amounts facilitated the need for a solution to excessive accrual.

In 2016, the first policy change was the implementation in all MOU's (memorandum of understandings) approved by all employee associations and by the City Council effective October 2015 to limit vacation accruals to 500 hours at the end of each fiscal year.

In Fiscal Year 2015-16, the City purchased existing balances above 500 hours for some employees to reduce the unfunded burden at 2015 pay rates. Additionally, the City has initiated a cap on accrual for all staff and is mandating the use of vacation leave during the fiscal year.

The net benefit was removing the unfunded accruals through the purchase at lower pay scales using one time revenues, thus paying down the liabilities at a reduced rate, while simultaneously capping future accrual amounts. By doing this, the unfunded liability for the accrued leave balance for 6-30-16 was \$467,462.00 instead of a projected \$653,595.10.

Additionally, management is monitoring use of the vacation time and requiring that all employees take a minimum of 5 consecutive days of vacation time. Adhering to this policy will help control the amount of unused leave time liability which accrues on the City balance sheet.

Postemployment Benefits

"Post employment" benefits are payments which accrue to persons who have retired from the City of Winters as members of the California Public Employees Retirement System (CalPERS). In Winters, there is one postemployment benefit and that is a mandated contribution by the City toward health benefits as required by our participation in the CalPERS Health Program.

As a member of the CalPERS Health Program, the City provides health benefits for employees and their families. CalPERS requires that as a member of the Health Program, the City must also make a minimum contribution toward retiree medical premiums. The City has elected to contribute the minimum contribution, which is \$128 per month, per retiree.

The Minimum Employer Contribution was originally established as a specific dollar value with specified increases from calendar years 2004 through 2008. Starting in calendar year 2009, the calculated adjustments are based upon the medical care component of the Consumer Price Index-Urban (CPI-U).

California Government Code Section 22892 of the Public Employees' Medical and Hospital Care Act (PEMHCA) establishes the contracting agencies' minimum health premium

contribution for their participating active membership. In addition, this section provides that “Commencing January 1, 2009, the employer contribution shall be adjusted annually by the board to reflect any change in the medical care component of the CPI-U and shall be rounded to the nearest dollar.”

Minimum Employer Monthly Contribution by Calendar Year	
Calendar Year	Employer Contribution
2013	\$115.00
2014	119.00
2015	122.00
2016	125.00
2017	128.00

In January 2016, the U.S. Bureau of Labor Statistics determined the annual percentage change in the medical care component of the CPI-U for 2015 was 2.6 percent.

The table below provides an inflation comparison of medical care rates.

Medical Care Inflation		
Year	Index	Percent
2011	400.258	3.0
2012	414.924	3.7
2013	425.134	2.5
2014	435.292	2.4
2015	446.752	2.6

Using the 2.6 percent increase in the medical care component of the CPI-U, the minimum employer contribution for Calendar Year 2017 is \$128.00. ($\$125.00 \times 2.6\% = \$3.25 + \$125.00 = \128.25 , rounded to \$128.00).

The postemployment benefit amounts are predictable. Annual cost is determined by the number of retired employees and the rate that CalPERS sets for the minimum monthly amount. Currently the yearly amount is \$9,216 for 6 retired employees. The City pays the current year premiums on a monthly basis to CalPERS and does not prefund the future premiums.

The liability is comprised of an actuarial computation that looks at each individual employee and applies certain actuarial statistics and values to that employee to create an estimate of what the liability for paying the costs of retired employee health insurance in the future will be. Currently, the estimate is that the annual cost for the Postemployment benefit is approximately \$27,400 to be able to have funds set aside for future retiree health insurance.

Staff is looking at an overall policy for preparing for future costs, but, given the relatively small yearly amount needed to provide for future retiree health insurance costs, staff will be seeking to include this amount in the next budget cycle as a standard payment and looking into the proper way to invest and protect those funds so that it is available when needed.

One way to set up the payment for future issues is to set up a Section 115 OPEB trust. These are available by a few sources, including CalPERS or PARS (Public Agency Retirement Solutions). Staff is proposing to work with these sources to begin the process of setting up a Section 115 OPEB trust to work towards pre-funding the estimated liability, thus reducing the unfunded liability for the post-employment benefit.

Net Pension Liability

The final piece of the unfunded liability issue is the liability for the CalPERS retirement plan. All full time employees are members of the CalPERS retirement system. As a result, CalPERS charges employees and employers a contribution rate that is supposed to be sufficient to fund the cost of paying the retirement benefits to the employees as they retire.

The City of Winters has 6 active CalPERS plans. Based on the most recent valuation (6-30-15) by CalPERS, the chart below shows the plan, the employer rate for 2017-2018 and 2018-2019, including the yearly payment for the unfunded liability. The table also has the estimated unfunded liability as of 6-30-17 and the percent of the plan funded and the estimated cost to pay off the unfunded liability using one of 3 amortization periods.

City of Winters									
CalPERS Plans Status									
As of June 30, 2015									
	RATE	RATE	Liability Pmt	Liability Pmt	Estimated	Percent	Total Cost	Total Cost	Total Cost
	17-18	18-19	17-18	18-19	Unfunded Liability	Funded	30 year	20 year	15 year
					6/30/2017	6/30/2015	Amortization	Amortization	Amortization
Police Pepra	11.99%	12.00%	\$ 114.00	\$ 286.00	\$ 5,152.00	94.70%	\$ 12,184.00	\$ 10,456.00	\$ 8,786.00
Misc Pepra	6.533%	6.50%	\$ 28.00	\$ 76.00	\$ 1,479.00	94.50%	\$ 3,949.00	\$ 3,562.00	\$ 2,999.00
Fire	14.971%	15.000%	\$ 3,100.00	\$ 4,723.00	\$ 80,628.00	84.40%	\$ 181,782.00	\$ 163,579.00	\$ 137,464.00
Police Classic Tier 2	14.971%	15.000%	\$ 12.00	\$ 154.00	\$ 3,439.00	96.60%	\$ 9,988.00	\$ 8,284.00	\$ 6,975.00
Misc Classic	8.921%	8.900%	\$ 141,352.00	\$ 118,680.00	\$ 1,783,182.00	80.40%	\$ 3,872,726.00	\$ 3,617,823.00	\$ 3,040,241.00
Police Classic	16.842%	16.800%	\$ 162,471.00	\$ 189,662.00	\$ 1,928,802.00	75.40%	\$ 3,784,126.00	\$ 3,288,422.00	\$ 2,758,187.00
Total Estimated Unfunded Liability as of 6-30-17					\$ 3,802,682.00				
Total Estimated Cost to Payoff Unfunded Liability							\$ 7,864,755.00	\$ 7,092,126.00	\$ 5,954,652.00
Savings by shortening Amortization period								\$ 772,629.00	\$ 1,910,103.00

impacted and over a longer term.

The need to enact a long term solution for easing the impacts of future pension liabilities begins now because the costs are significantly less and generate considerable savings toward the future.

The concept is similar to expediting a home mortgage, where a household begins adding additional payments gradually toward the principle payment on a home. Eventually, you turn a 30 year mortgage into a 20 year with considerable savings on interest costs.

One strategic solution is beginning an increased and incremental funding solution which creates such a fund to "smooth" future impacts by having a reserve which pre-funds future costs in the present day. In the case of the City, one option will be to allocate future costs within existing allocation programs, thus pre-funding future payments. This will spread and fund future costs over a significantly longer time period, lessening impacts on the future and establishing a constant funding source. The result will be a lower cost; gradual funding which inevitably will reduce liabilities and stabilize pension costs for the future.

In many respects, we will begin funding the future costs for current employees now instead of later, thus avoid "kicking the can down the road".

Exploring Possibilities:

Staff is now exploring possibilities for preparing for this increase in both rates and unfunded liabilities. The first step is a meeting with CalPERS actuary's in February. As a part of the upcoming CSMFO (California Society of Finance Officer's) annual conference being held in Sacramento in February 2017, arrangements have been made for attendees to meet with the actuary for the agency the attendee represents.

The conversation will include the following areas:

1. For those plans with very small projected unfunded liabilities, what is the process and timing for an agency to pay those unfunded liabilities in full each year? For a very small impact on our yearly budget, we could eliminate the unfunded liability for the Police Pepra, Misc. Pepra, and Police Tier 2 on a yearly basis. This would hopefully keep these funds from building up a significant unfunded liability in the future by dealing with it each year.
2. For those with a larger unfunded liability, but, still a manageable amount, how to see about paying those off over a much smaller period than 15 years. This would be the Fire plan, and hopefully we would be able to pay the amount off after about 5 years or less, and then move to a yearly payoff similar to that of the plans included in item 1.
3. That leaves the issue of the Misc. Classic and the Police Classic plans which have

extremely high unfunded liabilities that will take much more thought and dedication to paying down this amount. There are a few options that we can discuss with the actuary,

- a. Should we decide to move from the 30 year amortization period to the 15 year amortization period, how do we elect to do that?
- b. Should we want to make additional payments above and beyond the amount required under the selected amortization, how do we go about doing that?

In addition to the discussions with CalPERS staff, City Staff will be looking into setting up policies to implement some of the ideas discussed with CalPERS staff. These policies may include looking into working with some company like PARS on a rate stabilization program, or, setting up a budget policy that sets aside amounts in addition to the annual contributions set by CalPERS to pay down the unfunded liability sooner or other options that might be disclosed to us as we have our discussions with the various CalPERS staff, and staff from the other individuals and companies that have worked in this area for many years that staff has not included in this memo.

Regardless of the eventual policies put into place, the unfunded liability will never remain at zero once we have made payments to fund the current amount. The amount changes every year, and decisions are made that are out of our control, however, getting policies and plans in place to begin to address this issue now, will prevent the City of Winters from having catastrophic increases in rates and unfunded liabilities in the future.

Once all the research has been done to help staff begin a framework for the development of a policy on managing the unfunded liabilities, staff will return to the City Council for a review of the policies and approval of implementation of those policies.

Reducing the unfunded liabilities of the City will be a multi-year project, but, once we have a policy and plan in place that can be implemented, the City will be stronger financially, protecting both the services for the citizens of the City of Winters, as well as protecting the retirement benefits of the staff that have served the Winters community for many years.

FISCAL IMPACT:

None at this time

MISC

30-Year Amortization Schedule and Alternatives

Date	Current Amortization Schedule		Alternate Schedules			
	Balance	Payment	20 Year Amortization		15 Year Amortization	
			Balance	Payment	Balance	Payment
6/30/2017	1,783,181	141,352	1,783,181	134,640	1,783,181	163,463
6/30/2018	1,770,363	109,991	1,777,322	138,679	1,747,437	168,367
6/30/2019	1,789,098	131,502	1,766,836	142,839	1,703,928	173,418
6/30/2020	1,786,937	140,315	1,751,249	147,125	1,651,919	178,621
6/30/2021	1,775,476	151,100	1,730,051	151,538	1,590,615	183,979
6/30/2022	1,751,973	155,633	1,702,686	156,084	1,519,157	189,499
6/30/2023	1,722,008	160,302	1,668,556	160,767	1,436,617	195,184
6/30/2024	1,684,954	165,111	1,627,011	165,590	1,341,992	201,039
6/30/2025	1,640,135	170,064	1,577,349	170,558	1,234,200	207,071
6/30/2026	1,586,819	175,166	1,518,813	175,674	1,112,069	213,283
6/30/2027	1,524,215	180,421	1,450,580	180,945	974,338	219,681
6/30/2028	1,451,467	185,834	1,371,767	186,373	819,644	226,272
6/30/2029	1,367,651	191,409	1,281,413	191,964	646,514	233,060
6/30/2030	1,271,768	197,151	1,178,487	197,723	453,361	240,051
6/30/2031	1,162,740	203,065	1,061,869	203,655	238,472	247,253
6/30/2032	1,039,403	195,730	930,356	209,764		
6/30/2033	914,421	187,772	782,644	216,057		
6/30/2034	788,317	179,160	617,329	222,539		
6/30/2035	661,684	169,862	432,895	229,215		
6/30/2036	535,193	159,846	227,707	236,092		
6/30/2037	409,601	77,183				
6/30/2038	360,296	79,498				
6/30/2039	304,893	81,883				
6/30/2040	242,861	84,340				
6/30/2041	173,630	61,032				
6/30/2042	123,373	57,200				
6/30/2043	73,319	40,484				
6/30/2044	36,843	22,714				
6/30/2045	16,057	3,840				
6/30/2046	13,279	13,768				
Totals		3,872,726		3,617,823		3,040,241
Estimated Savings				254,904		832,486

Current CalPERS Board policy prioritizes the order for which lump sum contributions in excess of the required employer contribution shall be applied. Excess contributions shall first be applied toward payment on the plan's side fund, and any remainder shall then be applied toward the plan's share of the pool's unfunded accrued liability.

Please contact the plan actuary before making such a payment to ensure that the payment is applied correctly.

Safety/Police

30-Year Amortization Schedule and Alternatives

Date	Current Amortization Schedule		Alternate Schedules			
	Balance	Payment	15 Year Amortization		10 Year Amortization	
	Balance	Payment	Balance	Payment	Balance	Payment
6/30/2017	1,928,804	162,471	1,928,804	176,813	1,928,804	240,598
6/30/2018	1,905,010	182,573	1,890,141	182,117	1,824,007	247,816
6/30/2019	1,858,590	203,734	1,843,079	187,580	1,703,866	255,250
6/30/2020	1,786,748	215,119	1,786,822	193,208	1,567,007	262,908
6/30/2021	1,697,715	227,442	1,720,512	199,004	1,411,944	270,795
6/30/2022	1,589,227	234,265	1,643,218	204,974	1,237,073	278,919
6/30/2023	1,465,528	138,709	1,553,938	211,123	1,040,664	287,287
6/30/2024	1,431,626	142,870	1,451,586	217,457	820,849	295,905
6/30/2025	1,390,867	147,156	1,334,990	223,981	575,611	304,782
6/30/2026	1,342,608	151,571	1,202,886	230,700	302,777	313,926
6/30/2027	1,286,151	156,118	1,053,907	237,621		
6/30/2028	1,220,746	160,801	886,580	244,750		
6/30/2029	1,145,580	165,625	699,311	252,092		
6/30/2030	1,059,774	170,594	490,384	259,655		
6/30/2031	962,382	175,712	257,947	267,445		
6/30/2032	852,378	168,007				
6/30/2033	742,113	159,682				
6/30/2034	632,209	150,707				
6/30/2035	523,369	141,049				
6/30/2036	416,379	130,676				
6/30/2037	312,120	58,293				
6/30/2038	275,090	60,042				
6/30/2039	233,469	61,843				
6/30/2040	186,858	63,698				
6/30/2041	134,829	45,365				
6/30/2042	97,905	44,129				
6/30/2043	59,494	31,532				
6/30/2044	31,263	18,139				
6/30/2045	14,801	3,915				
6/30/2046	11,852	12,289				
Totals		3,784,126		3,288,522		2,758,187
Estimated Savings				495,604		1,025,938

Current CalPERS Board policy prioritizes the order for which lump sum contributions in excess of the required employer contribution shall be applied. Excess contributions shall first be applied toward payment on the plan's side fund, and any remainder shall then be applied toward the plan's share of the pool's unfunded accrued liability.

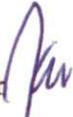
Please contact the plan actuary before making such a payment to ensure that the payment is applied correctly.



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

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

DATE: January 17, 2017

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

FROM: Shelly A. Gunby, Director of Financial Management

SUBJECT: Consideration of Resolution SA-2017-01 of the City of Winters as Successor Agency to the Winters Community Development Agency adopting a Recognized Obligation Payment Schedule pursuant to AB1X 26.

RECOMMENDATION:

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

SUMMARY:

In accordance with Health and Safety Code Section 34177, added by Assembly Bill 1X 26, the City of Winters as Successor Agency to the Winters Community Development Agency ("Agency") is required to adopt a Recognized Obligation Payment Schedule (ROPS) for each 6 month period beginning January 2012. Legislation approved in 2015 changed the filing requirement from a 6 month ROPS to a 12 month ROPS that is the same time period as the City's Fiscal Year. The legislation requires that the July 1, 2017 through June 30, 2018 ROPS be submitted to the Yolo County Auditor, the Department of Finance and the State Controller's office by February 1, 2017.

DISCUSSION

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

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

FISCAL IMPACT:

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

ATTACHMENTS:

Recognized Obligations Payment Schedule 17-18

Resolution SA-2017-01

RESOLUTION NO. SA-2017-01

**A RESOLUTION OF THE SUCCESSOR AGENCY TO THE DISSOLVED
COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF WINTERS
APPROVING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE
FOR THE PERIOD JULY 1, 2017 THROUGH JUNE 30, 2018**

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

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

WHEREAS, The Department of Finances requires the Recognized Obligation Payment Schedule (ROPS 17-18) for the period July 1, 2017 through June 30, 2018 be adopted and submitted to the Department of Finance no later than February 1, 2017.

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

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

APPROVED AND ADOPTED by the Successor Agency to the former Community Development Agency of the City of Winters at a regular meeting held on the 17th day of January, 2016, by the following vote.

AYES:

NOES: None

ABSENT: None

Bill Biasi, Chair

ATTEST:

Secretary

Recognized Obligation Payment Schedule (ROPS 17-18) - Summary
 Filed for the July 1, 2017 through June 30, 2018 Period

Successor Agency: Winters
 County: Yolo

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)	17-18A Total (July - December)	17-18B Total (January - June)	ROPS 17-18 Total
A Enforceable Obligations Funded as Follows (B+C+D):	\$ -	\$ -	\$ -
B Bond Proceeds	-	-	-
C Reserve Balance	-	-	-
D Other Funds	-	-	-
E Redevelopment Property Tax Trust Fund (RPTTF) (F+G):	\$ 590,901	\$ 598,142	\$ 1,189,043
F RPTTF	465,901	473,142	939,043
G Administrative RPTTF	125,000	125,000	250,000
H Current Period Enforceable Obligations (A+E):	\$ 590,901	\$ 598,142	\$ 1,189,043

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

 Name Title
 /s/ _____
 Signature Date

**Winters Recognized Obligation Payment Schedule (ROPS 17-18) - Report of Cash Balances
(Report Amounts in Whole Dollars)**

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see Cash Balance Tips Sheet.

A	B	C	D	E	F	G	H	I	
		Fund Sources							
		Bond Proceeds		Reserve Balance		Other	RPTTF		
		Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, grants, interest, etc.	Non-Admin and Admin		
Cash Balance Information by ROPS Period									
ROPS 15-16B Actuals (01/01/16 - 06/30/16)									
1	Beginning Available Cash Balance (Actual 01/01/16)						92,480		
2	Revenue/Income (Actual 06/30/16) RPTTF amounts should tie to the ROPS 15-16B distribution from the County Auditor-Controller during January 2016						377,592		
3	Expenditures for ROPS 15-16B Enforceable Obligations (Actual 06/30/16)						470,072		
4	Retention of Available Cash Balance (Actual 06/30/16) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)								
5	ROPS 15-16B RPTTF Balances Remaining	No entry required							
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		

