



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, February 21, 2017
6:30 p.m.
AGENDA

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*

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, February 7, 2017 (pp. 4-9)
- B. Street Closure Request and Amplified Sound Permit Application for a Coffee Festival to be Held on Saturday, March 11th, 2017 from 10am to 5pm Submitted by Steady Eddy's Coffee House (pp. 10-15)
- C. Additional Funds for Well 9 Test Hole Drilling (pp. 16-17)
- D. BSK Amendment No. 4 - Conservation Easement Monitoring (pp. 18-19)
- E. Contract for Re-Design for Walnut Lane Roundabout (pp. 20-24)
- F. Letter of Support for Nature Park Phase 3 Restoration Project for Army Corp Permit (pp. 25-31)
- G. Resolution 2017-10, a Resolution of the City Council of the City of Winters Approving the Purchase of a Chevrolet Tahoe (pp. 32-34)

PRESENTATIONS

DISCUSSION ITEMS

- 1. Second Reading and Adoption of Ordinance 2017-02, and Ordinance Amending Section 17.200.080 Subsection (B)(2)(b) to the Winters Municipal Code To Provide That Silent Second Promissory Notes Executed Pursuant to the City's Inclusionary Housing Ordinance Shall Accrue Simple Interest at an Annual Rate of Three Percent (pp. 35-41)

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

- 1. None

CITY MANAGER REPORT

INFORMATION ONLY

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the February 21, 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 February 16, 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

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

Wednesday at 10:00 a.m.

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



Minutes of the Regular Meeting of the Winters City Council
Held on February 7, 2017

5:30 p.m. – Executive Session

Pursuant to Government Code Section 54956.8 of the Government Code –
Conference with Real Property Negotiators – Property: APN 003-370-043.
Agency Negotiators: Daniel Maguire, John Donlevy and Ethan Walsh;
Negotiating Parties: City of Winters and Blue Mountain Terrance Associates;
Under Negotiation: Terms of Payment

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

Mayor Cowan said there was no reportable action taken in Executive Session.

6:30 p.m. – Regular Session

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 W. Donlevy Jr., City Attorney Ethan Walsh, City
Clerk Nanci Mills, Director of Financial Management Shelly Gunby,
Environmental Services Manager Carol Scianna, Building Official
Gene Ashdown, Economic Development/Housing Manager Dan
Maguire, and Tracy Jensen, Management Analyst.

Megan Curry 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: Anderson, Biasi, Loren, Neu, Mayor Cowan
NOES: None
ABSENT: None

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS: Megan Curry, Winters Chamber President, would like to give a quarterly update to Council and said the Chamber plans to have business roundtables at Steady Eddy's once a month. She spoke of the 128 initiative (www.visit128.com) that Chris Turkovich has been working on. The Chamber is re-branding themselves as "Winters Chamber of Commerce – Discover Winters" to show people what's in Winters, not telling people what's in Winters.

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, January 17, 2017
- B. Reject all bids for the Walnut Avenue Roundabout on State Route 128 (Grant Avenue)
- C. Resolution 2017-05, a Resolution of the City Council of the City of Winters Authorizing the City Manager to Execute an On-Call Storm Drainage Engineering Services Contract with Wood Rodgers
- D. Proclamation of the City Council of the City of Winters Celebrating June 3, 2017 as Elder Day in the City of Winters
- E. Resolution 2017-08, a Resolution of the City Council of the City of Winters Regarding Its Intention to Reimburse Certain Capital Expenditures Made to the City Water System

City Manager Donlevy gave an overview and confirmed that staff will come back to Council at one of the March City Council meetings with a request to re-bid the Walnut Avenue Roundabout on State Route 128 that will include a reduced-scope project and additional funding.

Motion by Council Member Loren, second by Council Member Neu to approve the Consent Calendar. Motion carried with the following vote:

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

PRESENTATIONS

Mayor Cowan read aloud the Proclamation celebrating June 3, 2017 as Elder Day in the City of Winters and presented the Proclamation to Wally Pearce of the Winters Senior Foundation. Council Members Neu and Loren volunteered to represent the Council on a newly formed committee, which will also include members of the Winters Senior Foundation and the Winters Chamber of Commerce.

DISCUSSION ITEMS

1. Second Reading and Adoption 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)

City Manager Donlevy gave an overview. Motion by Council Member Loren, second by Council Member Neu to adopt Ordinance 2017-01 amending Chapters 17.04 (Definitions), 17.16 (Applications and Public Hearings), 17.52 (Land Use Regulations: Zoning Matrix), and 17.58 (Second Residential Units). Motion carried with the following vote:

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

2. First Reading and Introduction of Ordinance 2017-02, an Ordinance Amending Section 17.200.080 Subsection (B)(2)(b) to the Winters Municipal Code Pertaining to Affordable Housing Requirements

Economic Development/Housing Manager Dan Maguire gave an overview.

Mayor Cowan opened the public hearing at 6:54 p.m. and closed the public hearing at 6:54 p.m. with no public comment.

Motion by Council Member Loren, second by Council Member Anderson to waive the first reading, read by title only and introduce Ordinance 2017-02 amending Section 17.200.080 Subsection (B)(2)(b) to the Winters Municipal Code pertaining to Affordable Housing requirements. Motion carried with the following vote:

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

3. Waste Management Contract

Environmental Services Manager Carol Scianna gave an overview and reviewed the contract changes being proposed by Waste Management (WM): discontinue alley service, green waste cart service with options to provide limited street pile collection, organics collection (future service), street sweeping frequency from weekly to monthly and addition of green waste/organics commercial cart service.

Waste Management Representatives Scott Chamberlain, District Manager, Kayla Rodriguez, Service Manager and Kat Campau, Community Relations Specialist gave a power point presentation and identified the adjusted residential options being presented, including various cart sizes, the elimination of alley service due to the size of the trucks, and an organic program with food and green waste combined. City Manager Donlevy reviewed a spreadsheet that included the current rates and the three options being offered. Kat confirmed there will be only one size green waste container, 96 gallon. Council Member Anderson asked why monthly instead of weekly street sweeping is being proposed. City Manager Donlevy said the weekly option can be brought back. Council Member Loren said it is important to have street cleaning immediately follow street pickup.

Al Vallecillo, 210 Main Street, said he was concerned about the size of the cart and items not fitting. He would also hate to see the alley pickup end. At Al's request, organics was defined as anything you can compost, including food.

Council Member Neu warned of the cost increase of Option 3 when combined with the expected water & sewer rate increase. Council Member Biasi asked about residents who opt to put green waste in the street all month and not use their cart. Kat said the City of Woodland adopted an ordinance that identifies the number of days the green waste can be left in the street prior to pick up. Mayor Cowan asked if the State has forced a mandated container for green waste and whether it is included in the green building code. Carol Scianna confirmed a mandate is in place for populations over 10,000.

Kathy Cowan, 102 Third Street, said she doesn't need a green waste cart and asked why residents should pay for something they don't want or need.

Council Member Biasi said he doesn't like having to put green waste in containers, but it will be mandated soon. His preference is to move toward Option 2 and adjust the street sweeping frequency. Council Members Loren, Anderson and Mayor Cowan all agreed, with Council Member Anderson identifying the need for additional street sweeping following the 4th of July. City Manager Donlevy confirmed that street sweeping following special occasions can be arranged. Council Member Biasi asked if the street sweepers could possibly slow down and actually sweep up the debris and not just spread it around.

Tina Lowden, 320 Niemann, asked if there is a program available based on income for those on a limited income with less waste (seniors). City Manager Donlevy said smaller carts would have smaller fees.

City Manager Donlevy said staff will bring this item back to Council in March after they work with Waste Management, focusing on Option 2 with optional pickup and street sweeping frequency. Council Member Anderson asked if Waste Management provides assistance for seniors or those who are disabled and Kat confirmed they do.

4. Resolution 2017-07 A Resolution of the City Council of the City of Winters Adopting Tax-Advantaged Bonds Post Issuance Compliance Procedures and Taking Related Actions; and Resolution 2017-06 A Resolution of the City Council of the City of Winters Adopting Continuing Disclosure Compliance Procedures and Taking Related Actions

Director of Financial Management Shelly Gunby gave an overview. Motion by Council Member Neu, second by Council Member Loren to approve Resolution 2017-07 adopting tax-advantaged bonds post issuance compliance procedures and take related actions; and approve Resolution 2017-06 adopting continuing disclosure compliance procedures and taking related actions. Motion carried by the following vote:

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

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

1. Consideration of Resolution SA-2017-02 Authorizing the Issuance of Tax Allocation Refunding Bonds and Taking Related Actions

Successor Agency Chairman Biasi opened the meeting of the Successor Agency at 7:48 p.m.

Director of Financial Management Shelly Gunby gave an overview and said Financial Advisor Eric Scriven was available to answer any questions they may have. Agency Member Cowan asked how soon this process would be completed. Shelly replied mid-March and added that Yolo County has been extremely helpful in the process.

Motion by Agency Member Neu, second by Agency Member Anderson to approve Resolution SA-2017-02 authorizing the issuance of tax allocation refunding bonds and taking related actions. Motion carried with the following vote:

AYES: Agency Members Anderson, Cowan, Loren, Neu and Agency
Chairman Bill Biasi.
NOES: None
ABSENT: None
ABSTAIN: None

Successor Agency Chairman Biasi closed the meeting of the Successor Agency at 7:53 p.m.

CITY MANAGER REPORT: Recent storms and related weather has increased our water tables and asked staff to put a message out on social media that the City's groundwater is at a normal level. Due to the storm preparedness measures taken by the Public Works and Fire Departments, the City has not had any storm-related problems. The Hispanic Advisory Committee recently approached residents regarding safety issues. It was a wonderful meeting that involved input, questions, concerns and showed the leadership and enhanced communication that is emerging. Building Official Gene Ashdown recently attended a code enforcement conference. Staff will sit down and ramp up some issues, how we're going to approach it, and come back to Council with an update. Will be attending the League of California Cities City Managers Department meeting in Monterey Feb. 8-10, and as a member of the executive board, will attend a meeting tomorrow morning at 8:30. Chamber President Megan Curry and Executive Director Carrie Green are starting to work on a couple of ideas on how to move forward and is collaborating with the City. The Chamber is operating like it never has before. Staff will come back to Council for further discussion. Mayor Cowan asked for dates for a goal-setting workshop, which will be forwarded to Council by staff. A conference call with Standard & Poors is scheduled for Monday. It's time to get rated and the City is sitting in a good position.

ADJOURNMENT: Mayor Cowan adjourned the meeting at 8:00 p.m.

Wade Cowan, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: February 21, 2017
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Nanci Mills, Director of Administrative Services/City Clerk
SUBJECT: Street Closure Request and Amplified Sound Permit Application for Coffee Festival to be held on Saturday, March 11, 2017

RECOMMENDATION: Approve the attached Request for Street Closure and Amplified Sound Permit Application submitted by Steady Eddy's Coffee House for a Coffee Festival to be held in Rotary Park on Saturday, March 11, 2017 from 12pm – 5pm.

BACKGROUND: Steady Eddy's is hosting the City's first Coffee Festival in Downtown Winters with the hopes of making it an annual event. Steady Eddy's will be hosting a coffee tasting station, have coffee products on sale, and have local restaurants and local businesses participate on the day of the event, which will include art, music, beer, food, and gifts.

Donations will be made in full to Winters Project Playground, a non-profit organization under the Winters Participation Gallery. Winters Project Playground is expected to be started later this year.

The Winters Chamber of Commerce, Sudwerk Brewery, Mister Sign, and Made in the Shade are proud sponsors of this event.

FISCAL IMPACT: None



RECEIVED
 FEB 07 2017
 CITY OF WINTERS

City of Winters Request for Street Closure

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

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

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

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

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

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

Name: Steady Eddy's Coffee House Organization: Coffee Fest/Winters-
 Address: 5 E Main St Winters Mailing Address: _____
 Telephone: 530-745-3598 Today's Date: _____
 Streets Requested: Main St only in between Rotary Park + Steady Eddy's
 Date of Street Closure March 11 Time of Street Closure: 12-5 Festival
 Description of Activity: Coffee tasting, gifts, food, beer, music
+ a charitable event
 Services Requested of City: will provide 4 security guards per
hour
APPROVED: _____ *Police Department* _____ *Public Works Department*

Project
 Playground

City of Winters Request for Street Closure

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

Preserve / Preserve Market

Buckhorn / Putah Creek *Phyllis Zamorik*

Main St

Playground

[Signature]
13 Main St.

Michelle Gage

D. [Signature] Turkovich

Adina Schwedler cloth Corousel 7 & 14man

Beryessa nap SD.

[Signature] chveys Taqueria

Date of Application: 1/20/17 To City Council: _____

Name of Person(s)/ Organization: Steady Eddy's Coffee House Contact: Carla, Capt, or me!

Business Address: S. E. Main St Telephone: 530-795-3588

Telephone: 707 592-9995-cell

Type of Event: Coffee Festival

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

Date/Time of Event: March 11 From: 10 To: 5

Location/Address of Event: Rotary Park

Rated Output of Amplifier in Watts: _____ Number of Speakers: 4

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

Signature: *Carla We*

For City Use Only

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

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

Police Department: Approved Denied

Date: **CITY OF WINTERS**

Authorized Signature: _____

City Council: Approved Denied

Date: _____

Authorized Signature: _____

RECEIVED

FEB 07 2017

COFFEE FEST



WINTERS, CA



SPECIAL EVENT
SPONSORED BY
Steady Eddy's



WHERE:

ROTARY PARK AT GAZEBO
DOWNTOWN WINTERS

SATURDAY
MARCH 11TH
FREE
Admission

Art and Food
Vendors



LOCAL
EVENT!



EDUCATION,

COFFEE TASTING, MUSIC,

GIFTS, FOOD, DRINK,

& MORE!

Coffee
LOVES



facebook.com/events
/147686259061988/

VENDOR INFO:
COFFEESHOP
@STEADY-EDDYS.COM





CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: February 21, 2017
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Carol Scianna, Environmental Services Manager *CS*
SUBJECT: Additional Funds for Well 9 Test Hole Drilling

RECOMMENDATION: Staff requests that Council authorize additional funds for drilling, testing and construction of Test Well No. 9 in the amount not to exceed \$43,000.

BACKGROUND: During initial discussion with our consultants in late 2016 regarding drilling, testing and construction of Test Well No. 9 the cost estimate based on preliminary discussion with several drilling companies was \$150,000. Staff received authorization to sole source with Maggiora Brothers Drilling on November 9, 2016 for this amount. However, once technical specifications were developed providing the detailed requirements for drilling, well construction materials and methods, well development and final testing, front end bid documents were finalized and issued to Maggiora Brothers Drilling, the drilling costs came in at \$212, 535. The following explanation was provided to explain the price difference.

Preliminary cost estimate did not include obtaining construction water, waste disposal, costs affiliated with storing drilling fluid/construction water, and bid and performance bonds. In addition, the initial \$150,000 estimate was provided assuming not requiring a formal bidding process, but more of a purchase order type approach.

Options to reduce the costs were requested from the driller, the following two options were provided:

- Option #1 - On December 30, 2016 consultant revised the bid schedule to reflect the installation of a 680' test well to minimize costs. Drilling costs for a test well (drilled to 1,000', but only constructed/installed/tested to 680' test well) would cost \$167,530 with a performance/bid bond at 50% of the bid (equal to materials and subcontractor costs).

- Option #2 - On February 6, 2017 Maggiora provided a revised bid schedule, including drilling, installation and testing of a 1,000' test well (drilled to 1,000', and constructed/installed/tested to 1,000'). Costs are \$194,270 (assuming a 100% performance/bid bond is needed) or \$192,270 (assuming 50% performance/bid bond is needed).

Staff recommends that option #2 is City's best option, because it will provide more complete information if we do drill, construct and test down to 1000'. Staff is also requesting that the performance bond required be reduced from 100% to 50% which will reduce cost by \$2000. And that Council provides approval for additional funds to cover the difference between Option #2 and the previously approved \$150,000 in the amount not to exceed \$43,000

FISCAL IMPACT: Estimated at \$43,000



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: February 21, 2017
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Carol Scianna, Environmental Services Manager *CS*
SUBJECT: BSK Contract Amendment No.4 - Conservation Easement Monitoring

RECOMMENDATION: Staff recommends the Council approve amendment #4 to Agreement No. 009-16 with BSK Services for the ongoing monitoring and reporting services for the Conservation Easement area in the amount not to exceed \$15,880 for fiscal year 2017. There have been additional tasks required as part of our annual reporting, due to comments received from CalTrans and US Fish and Wildlife Service(USFWS) regarding the monitoring of Conservation Easement Area in the Putah Creek Nature Park.

BACKGROUND: BSK and the City received correspondence from USFWS and CalTrans requesting additional information upon their review of our 2015 Annual Monitoring Report. A contract amendment to address these tasks was executed in the amount of \$9000 in June 2016.

The additional request this evening will include tasks associated with the site meeting in September 2016 with USFWS and CalTrans , and the subsequent changes needed to increase monitoring and complete the 2016 annual report for example:

- The completion of the additional plantings last summer to satisfy the requirements from the biological opinion will require updating the GIS mapping and ongoing monitoring and reporting.
- The draft annual reporting is now reviewed by City staff and CalTrans staff prior to sending the final report to USFWS, which has added an additional layer to this process.

The final report was submitted to USFWS service at the end of December, as of yet we have not received any comments on the final report from USFWS.

FISCAL IMPACT: Funding will be from the General Fund by reclassifying other public works accounts

TASK ORDER ADDENDUM TO AGREEMENT FOR CONSULTING SERVICES

THIS ADDENDUM, effective as of this _____ 21st _____ day of _____ November _____ 20 16 _____, is by and between _____ City of Winters _____ ("Client") and, _____ BSK Associates, Inc. _____ ("Consultant").

THE PROJECT is generally described as:

Winters Putah Creek Conservation Area Elderberry Monitoring Project

and is located at:

Winters Putah Creek Elderberry Conservation Area

Winters, Yolo County, California

("Project Site")

THIS AGREEMENT consists of the following documents which are incorporated herein by reference:

- THE TERMS AND CONDITIONS OF THE "CONSULTANT SERVICES AGREEMENT NO. 009-16" (EFFECTIVE DATE: 6/7/2016); and

Additional Scope of Services (All work would be done for on a time and materials basis):

- Conference Call with City of Winters to discuss mitigation area amendments and on-Site meeting with U.S. Fish and Wildlife Service (\$600)
- Preparation and attendance at on-site meeting with U.S. Fish and Wildlife Service on September 20, 2016 (\$2,100)
- Add City GIS files to map 2016 associate elderberry tagging effort (\$510)
- Revise 2016 Annual Reports with information provided at September 20, 2016 meeting with USFWS (\$3,500)
- Respond to comments received from Caltrans and USFWS on Revised 2016 Annual Report (estimated \$1,000)
- 2016 Mitigation Area monitoring (3 days) for transplants and associate plants (\$6,570)
- Project Management (\$1,600)

Total Addendum Request: **\$15,880**

Company agrees to perform the Services set forth in this Agreement and in accordance with its terms, including all attachments incorporated herein by reference. This Agreement may not be modified or altered, except in writing as specifically described in this Agreement.

CLIENT:

CONSULTANT:

Signature: _____

Print Name: _____

Title: _____

Company: _____

Date: _____

Robert "Tony" Martin, PG

Sacramento Branch Manager

BSK Associates





STAFF REPORT

TO: Honorable Mayor and Councilmembers
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Carol Scianna, Environmental Services Manager
DATE: February 21, 2017
SUBJECT: Contract for Redesign for Walnut Lane Roundabout, Project No. 12-04 *CS*

RECOMMENDATION: Staff recommends that the City Council authorize City Manager to execute contract with Laugenour and Meikle(L &M) for re-design work for the Walnut Ave Roundabout (RAB) on State Route 128 (Grant Ave) – City Project No. 12-04, Federal Project CML-5110 (030) in the amount not to exceed \$15,000

BACKGROUND: The City began the design process with L & M for the RAB in April of 2012, with the award of a \$100,000 design grant from SACOG. At the last Council meeting all bids were rejected and staff began discussion with Caltrans to reduce construction costs by removing elements of the project. The scope of work provided by L & M will revise plans to enable the City to go back out to bid. We expect these changes to reduce construction cost by \$200-300,000.

Staff is continuing their efforts to secure additional funding which will make the project viable for re-bid within our new project design.

Below are the items changes that will be part of the redesign:

- Remove landscaping and irrigation items (installing sleeves only)
- Decorative concrete will be regular concrete
- Decorative lighting will be Caltrans standard cobra heads
- Reducing phasing by allowing partial or full closure, with a detour

FISCAL IMPACT: \$15,000 from Street Construction Funds

EXHIBIT "A"
SCOPE OF SERVICES & COMPENSATION

I. SCOPE OF SERVICES:

A. PROJECT MANAGEMENT & MEETINGS:

- Manage the contract scope, schedule and budget for all project activities.
- Coordination calls with Client.
- Periodic project reviews with Client.
- Provide monthly invoices to Client.
- Assumes 8 hours of engineering time, any additional time will be charged on a time and materials basis.

B. REVISE IMPROVEMENT PLANS FOR ROUNDABOUT RE-DESIGN:

- Revise Improvement Plans and Specifications based on roundabout re-design for the following items:
 - a. Remove landscaping and irrigation items.
 - b. Remove stamped concrete.
 - c. Revise plans to Standard Caltrans Light Poles.
- Detour plan with truck movements for Caltrans review.
- Assumes that the Contractor will provide alternative stage construction drawings to Caltrans for their review and approval prior to obtaining a Caltrans Encroachment Permit.

C. CALTRANS RESUBMITTAL BASED ON REVIEW COMMENTS:

- Revise Improvement Plans and Specifications based on Caltrans review comments.

D. PHOTOMETRIC PLAN BY FEHR & PEERS:

- Photometric Plan by Fehr & Peers for Caltrans review.

II. COMPENSATION:

Our estimated costs for the additional components of this project are as follows:

A. Project Management & Meetings	\$ 1,200.00
B. Revise Improvement Plans for Roundabout Re-Design	\$ 8,160.00
C. Caltrans Resubmittal based on Review Comments	\$ 3,880.00
D. Photometric Plan by Fehr & Peers.....	\$ 1,600.00
PROJECT TOTAL.....	\$14,840.00

These costs are based on the following Laugenour and Meikle Prevailing Wage Rate Schedule (Exhibit "B"). Government agency fees are not included in this cost proposal.

III. EXCLUSIONS AND/OR RESPONSIBILITIES OF CLIENT OR OTHERS:

1. To provide Geotechnical Reports upon which Consultant can rely in performing services, including provision for review and approval of Consultant's improvement and grading plans by Client's geotechnical consultant, if required.
2. The design of walls, fences, retaining walls, or soundwalls of any kind and calculations as may be required by the public agency to obtain approvals.
3. To provide Consultant with current title reports, including supporting documents for project site and adjacent properties.
4. Design of dry (electric, gas, telephone and cable television) utility systems.
5. Any structural, acoustical, electrical, geotechnical engineering, traffic engineering for signal design or landscape architecture.
6. Client agrees consultant will not perform on-site construction review, construction management, supervision of construction of engineering structures, or other construction supervision for this project unless specifically provided for in another Agreement.
7. All investigations, work responsibilities, duties, or acts related to or involving archeological resources, endangered species or wetlands and asbestos, pollutants, or contaminants in the atmosphere, on the surface, or in the subsurface.
8. All work pertaining to environmental impact report mitigation monitoring, if required.
9. Client agrees to assume complete responsibility and liability for changes in design, construction quantities, project cost, etc., whenever Client uses unsigned or unapproved survey maps or construction drawings for bidding or construction purposes.
10. To bear the cost of excavation and exposing ("potholing") utility locations, and/or video inspections thereof, both on-site and off-site, if, in the opinion of the Consultant, it becomes necessary and desirable to do so in order to ascertain precise utility condition, location or elevation information. Consultant will not be responsible for the condition, location or depth

of existing underground utilities which are shown on the plans based on utility company, agency or Client records.

11. The improvements are designed with the intent that the firm, Laugenour and Meikle, will be performing the construction staking for the complete project. If, however, another firm should be employed to use the design plans for construction staking, Laugenour and Meikle will not assume any responsibility for errors or omissions, if any, which might occur and which could have been avoided, corrected or mitigated if Laugenour and Meikle had performed the staking work.
12. Any regulatory agency related fees for submitting, checking, filing, inspection, performance of services, etc. are the responsibility of the Client.
13. SWPPP implementation and monitoring.

EXHIBIT "B"
RATE SCHEDULE

PERSONNEL CLASSIFICATION

RATE PER HOUR

Principal Engineer	\$150.00
Senior Engineer	\$140.00
Associate Engineer	\$120.00
Senior Surveyor	\$135.00
Surveyor	\$120.00
Assistant Surveyor	\$110.00
Assistant Engineer	\$110.00
Junior Engineer	\$ 90.00
Senior Engineering Technician	\$ 85.00
Engineering Technician	\$ 65.00
Survey Technician	\$ 65.00
Technician	\$ 45.00
Clerical	\$ 50.00
Survey Party, 2-Man*	\$235.00

EQUIPMENT CLASSIFICATION:

Field Materials	—	Charged at cost plus 10%
Reproduction Items	—	Charged at cost plus 10%

* Public Works Prevailing Wage Rate



STAFF REPORT

TO: Honorable Mayor and Councilmembers
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Carol Scianna, Environmental Services Manager *CS*
DATE: February 21, 2017
SUBJECT: Letter of Support for Nature Park Restoration Project Phase III

RECOMMENDATION: Staff recommends that the City Council authorize the City Manager to submit a letter of support to the US Army Corp of Engineers for the Winters Putah Creek Nature Park Channel Realignment and Restoration Project Phase III

BACKGROUND: The proposed project is Phase III of the larger Putah Creek Restoration Project. Phase I and II were completed in 2011. The purpose of the project is to improve the form and function of the creek's floodplain and low-flow channel. This phase of the project will realign approximately 1,200 feet of the low-flow channel and re-contour the elevated Putah Creek floodplain in an area of about 11 acres. The completion of this project will also allow for a continuous pathway along the lower channel on the north bank and a pedestrian access ramp will be installed on the northwestern side of the project area, which will create easier access to the low-water channel.

Previous phases of the project have been instrumental in improving habitat for birds, fish and other wildlife as well as providing more opportunities for the community to access the nature park.

Phase III was required to acquire a permit from the Central Valley Flood Protection Board (CVFPB) and as part of that process it was determined that a US Army Corp of Engineers 408 permit would be needed prior to the issuance of the CVRPB.

The City has been supportive of these restoration projects and staff recommends a letter of support be created to convey our support in granting the 408 permit and moving this project forward to completion.

FISCAL IMPACT: None with the requested action.



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

Operations and Readiness Branch

PUBLIC NOTICE

REQUEST FOR PERMISSION TO ALTER A U.S. ARMY CORPS OF ENGINEERS
PROJECT UNDER SECTION 408

TITLE: Winters Putah Creek Nature Park Channel Realignment and Restoration Project (WPCNP Phase 3), 19047-1

PUBLIC NOTICE COMMENT PERIOD:

Begins: 06 February 2017

Ends: 08 March 2017

REQUESTER: In compliance with U.S.C. Title 33, Chapter 9, Subchapter 1, Section 408, the Solano County Water Agency (Requester) has requested permission through the Central Valley Flood Protection Board (non-federal sponsor of the federally authorized project) from the U.S. Army Corps of Engineers (USACE) to alter the Putah Creek floodplain in the Sacramento River Flood Control Project, an existing Federal flood risk management project, authorized by the Flood Control Act of 1917.

LOCATION: The proposed project is located in the Putah Creek floodplain, north of Putah Creek Road and east of Railroad Avenue, within the town of Winters, Yolo County, California (Attachments 1 and 2).

REQUESTER'S PROPOSED ACTION: The proposed work to be authorized under permit number 19047-1 is phase three of a larger Putah Creek Restoration Project, Phases one and two of the WPCNP project were completed in 2011, and enhanced approximately 25 acres of riparian area, including narrowing and realigning approximately 3,500 linear feet of low-flow channel.

The purpose of the proposed project is to improve fish and wildlife habitat within the project area by improving the form and function of the creek's floodplain and low-flow channel. The project (i.e., action) area consists of an incised riparian corridor that is confined by large embankments and flanked by agricultural fields to the south and the City of Winters to the north. The embankments support upland plant species such as valley oak, black walnut, eucalyptus, and elderberry. The project will focus on enhancing the riparian area below the embankments, and will directly impact the creek's low-flow channel, banks, floodplain, and upland terrace.

1. The floodplain, banks and terrace will be graded (recontoured) to elevations that are ideal for the natural recruitment and growth of native upland and wetland plant species. The existing topography within the project area favors colonization of upland plant species, and provides very limited surface area that is ideal for colonization of wetland dependent plant species. This action, coupled with the installation of native trees and shrubs throughout the site, is expected to improve habitat for migratory birds and other wildlife by increasing canopy cover, plant diversity, and plant composition as the site matures.
2. The existing wide and deep low-flow channel will be filled, and a narrower, shallower design channel will be excavated through the center of the recontoured floodplain.

The design channel will promote cooler water temperatures by increasing the flow rate and reducing water surface area that is exposed to solar radiation. Water temperature may further be reduced as vegetation matures and increases the area of shaded water. Cooler water temperature, coupled with the addition of 200 cubic yards of spawning gravel is expected to improve habitat for native rainbow trout and Chinook salmon.

The proposed action would realign approximately 1,200 feet of low-flow channel and re-contour the elevated Putah Creek floodplain in an approximately 11 acre project area (Attachment 3). This would involve grading of the floodplain and terrace down to approximately 1.5 feet above the low-flow water surface elevation, and graded back from the design channel at a positive 1-2 percent slope. Additionally, the existing channel within the project area would be completely filled with up to 12,000 cubic yards of imported fill material and would be replaced by a shallower and narrower design channel. The design channel would be approximately 1,050 feet in length and 28 feet wide; approximately 200 cubic yards of spawning gravel would be placed at riffle locations in the new design channel.

All invasive vegetation within the project grading area would be removed. Some native vegetation, including up to 37 trees with a four inch or greater diameter, would also be removed from the project area during grading activities. After construction, the floodplain would be seeded with native grasses and planted with native tree and shrub species (Attachments 4 and 5), a low pressure drip irrigation system would be used to irrigate the plantings.

Additionally, a pedestrian access ramp would be installed on the northwestern side of the project area; this ramp would connect to an existing bike/pedestrian path (Attachment 3). The proposed project would also include modification of the outlet of an existing culvert that drains runoff from Putah Creek Road and adjacent agricultural fields. This culvert would be modified to prevent erosion on the south side of the embankment (Attachment 3).

ENVIRONMENTAL IMPACTS OF PROPOSED ACTION: The proposed project area may provide suitable habitat for the federally threatened western yellow-billed cuckoo (*Coccyzus americanus*), the federally threatened Central Valley steelhead (*Oncorhynchus mykiss*), and contains the host shrub, elderberry (*Sambucus* sp.), for the federally threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). All elderberry shrubs within the project area have been mapped and no work will occur within a 20 foot buffer area around elderberry shrubs. The U.S. Fish and Wildlife Service (USFWS) issued a 2014 biological opinion for the project's effects on valley elderberry longhorn beetle.

Designated critical habitat is not present within the project area for any federally-listed species. A variety of conservation measures intended to minimize effects to special status species have been incorporated into the project design (Attachment 6). As lead federal agency, the Corps has determined that permitting the proposed actions may affect, but is not likely to adversely affect western yellow-billed cuckoo and Central Valley steelhead.

Informal consultation with the USFWS for potential effects to the western yellow billed cuckoo and informal consultation with National Marine Fisheries Service (NMFS) for potential effects to steelhead and Essential Fish Habitat (EFH), under Section 7 of the Endangered Species Act (16 U.S.C 1536[c]), will occur.

The proposed project area is currently being evaluated for cultural resources under Section 106 of the National Historic Preservation Act.

AUTHORITY: The authority to grant permission for temporary or permanent use, occupation or alteration of any US Army Corps of Engineers (USACE) civil works project is contained in Section 14 of the Rivers and Harbors Act of 1899, as amended, codified at 33 USC 408 ("Section 408"). Section 408 authorizes the Secretary of the Army, on the recommendation of the Chief of Engineers, to grant permission for the alteration or occupation or use of a USACE project if the Secretary determines that the activity will not be injurious to the public interest and will not impair the usefulness of the project. The Secretary of Army's authority under Section 408 has been delegated to the USACE, Chief of Engineers. The USACE Chief of Engineers has further delegated the authority to the USACE, Directorate of Civil Works and Division and District Engineers, depending upon the nature of the activity.

LIMITS OF SECTION 408 AUTHORITY: A requester has the responsibility to acquire all other permissions or authorizations required by federal, state, and local laws or regulations, including any required permits from the USACE Regulatory Program under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), Section 404 of the Clean Water Act (33 USC Section 1344), and/or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413). In addition, an approval under Section 408 does not grant any property rights or exclusive privileges nor does it authorize any injury to the property or rights of others.

EVALUATION FACTORS: The decision whether to grant the requested permission for project alteration under Section 408 will be based on several factors. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. Review of requests for alteration will be reviewed by a USACE technical review team considering the following factors:

- 1) Impair the Usefulness of the Project Determination. The review team will determine if the proposed alteration would limit the ability of the USACE project to function as authorized, or would compromise or change any authorized project conditions, purposes or outputs. In order for an alteration to be approved, the Requester must demonstrate that the alteration does not impair the usefulness of the federally authorized project.
- 2) Injurious to the Public Interest Determination. Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Factors that may be relevant to the public interest evaluation depend upon the type of USACE project being altered and the nature of the proposed alteration and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. This evaluation will consider information received from the interested parties, including tribes, agencies, and the public. The benefits that reasonably may be expected to accrue from the proposal must be compared against its reasonably foreseeable detriments. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks and by the net impact of the alteration on the public interest using the public interest factors.
- 3) Environmental Compliance. A decision on a Section 408 request is a federal action, and therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While USACE is responsible for ensuring environmental compliance, the requester is responsible for providing all information that the district identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and procedures. NEPA and other analysis completed to comply with other environmental statutes (e.g. Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the USACE project. The district will work with the requester to determine

the requirements, which will be scaled to the likely impacts of the proposed alteration and should convey the relevant considerations and impacts in a concise and effective manner.

PUBLIC INVOLVEMENT: The purpose of this notice is to solicit comments from the public; federal, state, and local agencies and officials; tribes; and other interested parties regarding the Winters Putah Creek Nature Park Channel Realignment and Restoration Project (WPCNP Phase 3), a proposed alteration to an existing federally authorized project. Comments received within 30 days of publication of this notice will be used in the evaluation of potential impacts of the proposed action on important resources and in the evaluation of whether the proposed alteration would be injurious to the public interest and/or would impair the usefulness of the authorized project. Only the specific activities that have the potential to occupy, use or alter the Sacramento River Flood Control Project will be evaluated. Please limit comments to the area of the alteration and those adjacent areas that would be directly or indirectly affected by the alteration to the Sacramento River Flood Control Project.

SUBMITTING COMMENTS: Written comments, referencing Identification Number 19047-1 must be submitted to the office listed below on or before 08 March 2017.

Brian Luke, Natural Resources Specialist
US Army Corps of Engineers, Sacramento District
1325 J Street, Room 1460
Sacramento, California 95814-2922

Email: Brian.J.Luke@usace.army.mil

Attachments:

- 1) Vicinity map
- 2) Site map
- 3) Site plans
- 4) Native plant species list
- 5) Planting plan
- 6) Conservation measures

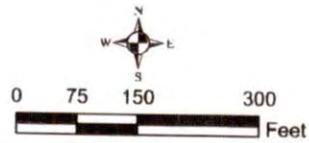


Date Saved: 11/11/2015

Source: Google Earth, 2015
* All locations are approximate.

Legend

 Winters Putah Creek Nature Park Phase III



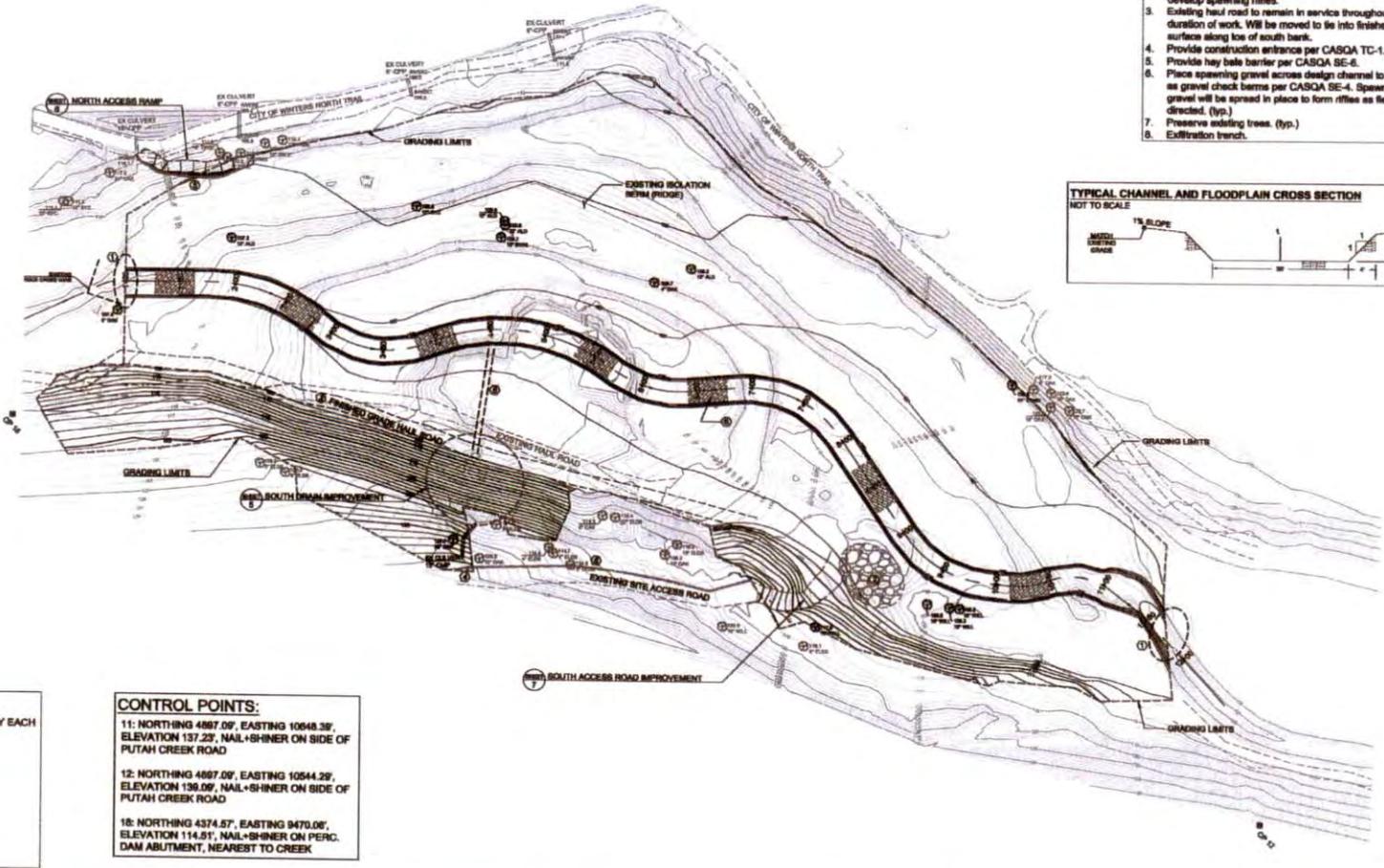
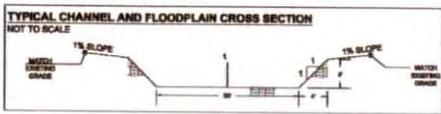
Putah Creek Channel Restoration
Winters, California

Figure 2c
Winters Putah Creek Nature Park
Phase III
408 Permisson 19047-1

WINTERS PUTAH CREEK PARK - PHASE 3 - SITE PLAN



- GENERAL NOTES:**
1. Transition to existing channel, field directed.
 2. Spawning gravel stockpile provided by Agency, approx. 200 CY, initially for check dams. Use ultimately to develop spawning riffles.
 3. Existing haul road to remain in service throughout duration of work. Will be moved to lie into finished grade surface along toe of south bank.
 4. Provide construction entrance per CASQA TC-1.
 5. Provide hay bale barrier per CASQA SE-6.
 6. Place spawning gravel across design channel to perform as gravel check berms per CASQA SE-4. Spawning gravel will be spread in place to form riffles as field directed. (typ.)
 7. Preserve existing trees. (typ.)
 8. Eutrofication trench.



- LEGEND:**
- CHANNEL RIFFLE, APPROX. 30 CY EACH
 - CONTROL POINT
 - LARGE TREE / VEGETATION
ELEVATION (FT)
DIAMETER (APPROX.), TYPE
TYPES: OAK - OAK
BYC - BAYONNETTE
ALD - ALDER
SLDR - SLIDERSHAW
CTWD - COTTONWOOD
BRNL - BLACK WALNUT
WLLW - WILLOW
TREE - UNDETERMINED

- CONTROL POINTS:**
- 11: NORTHING 4867.09', EASTING 10648.39', ELEVATION 137.23', NAIL-SHINER ON SIDE OF PUTAH CREEK ROAD
 - 12: NORTHING 4867.09', EASTING 10544.29', ELEVATION 139.09', NAIL-SHINER ON SIDE OF PUTAH CREEK ROAD
 - 18: NORTHING 4374.57', EASTING 9470.06', ELEVATION 114.57', NAIL-SHINER ON PERC. DAM ABUTMENT, NEAREST TO CREEK

DESIGNED BY	JB				
DRAWN BY	JB				
CHECKED BY	TP				
REV.	DATE	DESCRIPTION	BY	APP'D	

COMMENTS:

SOLANO COUNTY WATER AGENCY
 810 VACA VALLEY PARKWAY, SUITE 203,
 VACAVILLE, CA 95688
 PHONE (707) 451-6090, FAX (707) 451-6099

SITE PLAN
 WINTERS PUTAH CREEK PARK
 DESIGN CONDITION: PHASE 3

SOLANO COUNTY CALIFORNIA

SCALE	1" = 50'	SHEET	2
DATE: 02-17-2015		OF	8
FILE NO. L-119			



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: February 21, 2017
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Shelly Gunby, Director of Financial Management *Shelly*
SUBJECT: Resolution 2017-10, a Resolution of the City Council of the City of Winters Approving the Purchase of Chevrolet Tahoe

RECOMMENDATION:

Adopt Resolution 2017-10 authorizing a budget amendment to the Traffic Safety Fund capital outlay budget not to exceed \$55,000 which is the amount to replace and outfit a 2016 Chevrolet Tahoe patrol vehicle.

BACKGROUND:

The Police Department currently has 9 vehicles in the fleet, this includes 2 patrol vehicles that are 9 and 10 years old. The oldest vehicle, a 2007 Ford Crown Victoria unit #073 is currently requiring expensive ongoing extensive repairs in order to keep it nominally operational. The Police Chief has received notification of special pricing for the 2016 model year from the dealer, and the cost of the 2016 Chevrolet Tahoe is approximately \$2,000 less than what we paid for the last 2015 Tahoe. Unit #073 will be retired from the fleet, either for use as a training vehicle for the Fire Department, or will be sent to auction as surplus.

New Vehicle Specifications

The new Police Unit will be the following specifications:

- 2016 Chevrolet Tahoe PPV

- Installation will be performed by Lehr Automotive
- Graphics to be done by Creekside Signs.
- Outfit Vehicle to meet the same specification for patrol operations

FISCAL IMPACT:

All Costs will be funded by the Traffic Safety Fund #251

The price breakdown is as follows:

2016 Chevrolet Tahoe PPV	\$33,576.97
Installation = Parts and Labor and Graphics	\$21,423.03
Total Project not to Exceed	\$55,000.00

ATTACHMENTS:

1. Resolution 2017-10

RESOLUTION 2017-10

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING THE CITY OF WINTERS 2016-2017 ADOPTED OPERATING
BUDGET**

WHEREAS, On June 7, 2016 the City Council of the City of Winters adopted the operating budgets for Fiscal Year 2016-2017 and 2017-2018; and

WHEREAS, it has become necessary to additional costs to the City Budget due to unforeseen issues:

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Winters that the adopted operating budget for fiscal year 2016-2017 be amended as follows:

Section 1: Increase budgeted expenditures in the following funds and accounts

a. 251-57611-210 \$55,000.00

PASSED AND ADOPTED by the City Council, City of Winters, this 21st day of February 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Wade Cowan, Mayor

ATTEST:

Nanci G. Mills, CITY CLERK



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: February 21, 2017
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Dan Maguire, Economic Development and Housing Manager *DM*
SUBJECT: Consideration by the Winters City Council of Adoption of Ordinance 2017-02, an Ordinance of the City of Winters Amending Section 17.200.080, Subsection (B)(2)(b) to the Winters Municipal Code To Provide That Silent Second Promissory Notes Executed Pursuant to the City's Inclusionary Housing Ordinance Shall Accrue Simple Interest At An Annual Rate of Three Percent

RECOMMENDATION:

Staff recommends that the City Council take the following actions:

- 1) Receive Staff Report
- 2) Conduct Public Hearing
- 3) Waive second reading, and adopt Ordinance 2017-02, Amending Section Amending Section 17.200.080, Subsection (B)(2)(b) to the Winters Municipal Code Pertaining to Affordable Housing Requirements

BACKGROUND:

In 1992, the City of Winters completed and adopted a comprehensive update of its General Plan. As part of this effort, the City also adopted the seven elements required for a General Plan. Subsequently, Legal Services of Northern California (LSNC) challenged the adequacy of the City's Housing Element, one of the required seven elements, and brought suit against the City in Yolo County Superior Court. The City incurred significant expenses during its defense and eventually, a stipulated judgment was agreed to by all parties in 1994 and entered in Superior Court. The key provisions of the judgment included the City's adoption of an inclusionary housing ordinance in 1994 (Ordinance 94-10), which required that 15 percent of all new housing be affordable to very low-, low-, and moderate

income households.

In early 2016, staff met with the sales staff and preferred lender for the Winters Ranch subdivision and provided copies of the City's Affordability Covenant for moderate income household home ownership. Per the approved Affordable Housing Plan for Winters Ranch and Callahan Estates, Winters Ranch is to produce 7 moderate income units during the construction of Winters Ranch. It was subsequently brought to staff's attention that recent changes in Fannie Mae and Freddie Mac guidelines precluded jurisdictions from using Affordability Covenants that utilized a shared equity model unless the jurisdiction was providing financial support to the transaction, and only to the degree that participation represented on a percentage basis. This recent change to guidelines was confirmed by the City's affordable homeownership consultant, NeighborWorks Sacramento. The City of Winters has historically not provided financial support towards the moderate income home ownership as a part of the implementation of the Inclusionary Housing Ordinance (IHO). Down payment assistance through Federal programs such as HOME and CDBG are restricted to low and very low income households and do not provide funding for assistance to moderate income households. These changes in Fannie/Freddie guidelines effectively rendered the existing Equity Share Covenant non-usable, as first mortgage loans originated with the equity share covenant could not be resold on the secondary market.

DISCUSSION:

Staff worked with our City Attorney to replace the covenant based on equity share with a covenant as prescribed by our existing municipal code. This resulted in a covenant with a significantly longer affordability period than was the case under the equity share agreement, which expired after ten-year duration. The new covenant requires affordability period with duration of 45 years at a minimum, and which tied directly to the requirements of Redevelopment Law.

The AHSC, with participation from Legal Services of Northern California, met on Wednesday, April 13, 2016 to discuss the changes brought about by the elimination of the equity share covenant with emphasis on discussing the change in the duration of the covenant. The unanimous consensus from that meeting was to recommend the Planning Commission and the City Council considers revising that requirement to allow for a covenant with a ten year affordability restriction. The AHSC participants felt this length of term was consistent with the affordability covenant it is replacing. Additionally, the recommendation took into account the desire to enhance the homeowners ability to build equity from homeownership while promoting the community's interest in preserving the affordable assets of the community, in part by the introduction of the use of a promissory note that capture the "windfall equity" that is created at first sale. This "windfall equity" is typically defined as the difference between the sales price of an affordable unit and the sales price of a similar unit sold at market rate.

The Planning Commission, at its meeting on May 24, 2016, conducted a Publicly Noticed Public Hearing and discussed Ordinance 2016-06 and the Planning Commission recommended on a vote of 6-0 that the City Council adopt Ordinance

2016-06 amending Section 17.200-080 of the City of Winters Municipal Code to amend the Term of Resale Restriction of Moderate Income Inclusionary Units from Forty-Five Years to Ten Years. The City Council adopted Ordinance 2016-06 at the July 5, 2016 City Council meeting.

As staff worked with the City Attorney to revise the affordability covenant and the Promissory Note, it was discovered that the existing ordinance language tied the interest rate on the City "silent second" (Promissory Note rate) to the Local Agency Investment Fund ("LAIF" rate) rather than at Simple Interest. It should be noted that the most recent homeownership project, the Cottages at Carter Ranch (early 2000s), used simple interest in the City notes executed relative to affordable home sales in that project.

Staff subsequently contacted Legal Services of Northern California and Yolo County Housing to discuss staff's recommended change from using the LAIF rate to using simple interest instead and both were supportive of the recommended change.

The Planning Commission, at its meeting on January 24, 2017, conducted a Publicly Noticed Public Hearing and discussed Ordinance 2017-02 and the Planning Commission recommended on a vote of 5-0 that the City Council adopt Ordinance 2017-02 amending Section 17.200.80 (B)(2)(b) of the City of Winters Municipal Code to amend the requirement for Promissory Notes ("silent second notes") from being tied to the Local Agency Investment Fund ("LAIF") rate to a simple interest rate of three percent ("3%").

The City Council introduced Ordinance 2017-02 and conducted a properly noticed Public Hearing at the City Council meeting of February 7, 2017.

ANALYSIS:

The change from the Promissory Note being tied to the LAIF rate to the Note being tied to Simple Interest is beneficial to potential homeowners as well as to staff. The LAIF rate is not easily understood by most consumers; whereas simple interest is easy to understand.

Additionally, it is not uncommon for homeowners with silent seconds from the City to make payments on that silent second. There have also been a few instances where homeowners (Cottages at Carter Ranch) have paid off the City Note on their property. It is much less complicated for staff to apply a payment to a loan based on simple interest in comparison to one based on a LAIF rate. Similarly, it is easier and more transparent to the homeowner that said payment is being applied correctly when using simple interest, and for a homeowner/consumer to understand the staff computation of the demand payoff (paying off the note in full) when that computation is based on simple interest.

PROJECT NOTIFICATION:

Public notice advertising for the public hearing on this Amendment was prepared by the Community Development Department in accordance with notification procedures set forth in the City of Winters Municipal Code and State Planning Law. A legal notice was published in the Davis Enterprise on Friday, January 27, 2017, and the Winters Express on

Thursday, February 2, 2017. Copies of the staff report and all attachments for the proposed Amendment have been on file, available for public review at City Hall since Tuesday, January 31, 2017.

ENVIRONMENTAL DETERMINATION:

Pursuant to Section 15061 (b) (3) of the State CEQA Guidelines, a project is exempt from the California Environmental Quality Act when it can be seen with certainty that there is not possibility that the proposed Amendment may have significant effect on the environment. This Amendment entails the extension of a section of the Zoning Code regarding Affordable Housing, and therefore, constitutes administrative changes to the Zoning Code. As such, they will have no adverse effect on the environment; consequently, the project is not subject to environmental review under CEQA pursuant to Section 15061 (b) (3).

RECOMMENDATION:

Staff recommends that the City Council approve the proposed Ordinance 2017-02 by making the affirmative motions as follows:

I MOVE THAT THE WINTERS CITY COUNCIL WAIVE THE SECOND READING, AND ADOPT ORDINANCE 2017-02 TO AMEND CHAPTER 17.200.080 OF THE CITY OF WINTERS MUNICIPAL CODE TO AMEND THE RATE FOR PROMISSORY NOTES FROM ACCRUING AT THE LOCAL AGENCY INVESTMENT FUND RATE TO A SIMPLE INTEREST RATE

ATTACHMENTS:

- 1) Ordinance No. 2017-02

ORDINANCE NO. 2017-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING SECTION 17.200.080 OF THE CITY OF WINTERS MUNICIPAL CODE TO PROVIDE THAT SILENT SECOND PROMISSORY NOTES EXECUTED PURSUANT TO THE CITY'S INCLUSIONARY HOUSING ORDINANCE SHALL ACCRUE SIMPLE INTEREST AT AN ANNUAL RATE OF THREE PERCENT

WHEREAS, the City of Winters has adopted affordable housing requirements that are set forth in Chapter 17.200 of the City of Winters Municipal Code (the "Inclusionary Housing Ordinance") and require new residential development in the City of Winters jurisdictional boundaries to construct a designated percentage of the housing units to be sold or rented to very-low, low and moderate income units (the "Inclusionary Units"); and

WHEREAS, the Affordable Housing Ordinance requires that all for-sale Inclusionary Units be owned and occupied by a household that qualifies as a very-low, low or moderate income household at the time of acquisition of the Inclusionary Unit; and

WHEREAS, in order to secure the City's interest in ensuring that the Inclusionary Units remain affordable to very-low, low or moderate income households, the Inclusionary Ordinance further requires that the initial owner shall be required to execute a promissory note, secured by a deed of trust, payable to the city, for the difference between the fair market value of the unit and the actual purchase price paid by the purchaser (a "Silent Second Note"); and

WHEREAS, the Inclusionary Housing Ordinance further requires that the Silent Second Note accrue interest at a rate that is equivalent to the Local Agency Investment Fund ("LAIF") interest rate; and

WHEREAS, the LAIF rate is not typically used as an interest rate in affordable housing programs at the local, state or federal level; and

WHEREAS, the City desires to amend the Inclusionary Housing Ordinance to provide that Silent Second Notes executed in favor of the City by very low, low or moderate income purchasers pursuant to the City's Inclusionary Housing Ordinance shall accrue simple interest at an annual rate of three percent;

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

Section 1. Recitals. The above recitals are hereby found to be true and accurate and are incorporated into this Ordinance by this reference.

Section 2. Amendments to Section 17.200.080(B)(2)(b). Subparagraph (B)(2)(b) of Section 17.200.080 of Chapter 17.200 of Title 17 of the City of Winters Municipal Code is hereby amended as follows:

b. An initial owner shall be required to execute a promissory note, secured by a deed of trust, payable to the city, for the difference between the fair market value of the unit and the

actual purchase price ("silent second note"). The silent second note shall accrue simple interest at the ~~local agency investment fund ("LAIF")~~ rate of three percent (3%) annually, and shall be due and payable upon the sale, transfer or refinancing of the unit, unless the sale is to another low income eligible buyer, as determined by the city. The proceeds of any silent second notes shall be deposited in an account designated for uses related to the provision of affordable housing in the city.

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

Section 4. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 318 First Street, Winters, CA 95694. The custodian of these records is the City Clerk.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council of the City of Winters hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

[Continued on following page]

Section 7. Publication. The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of Winters.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Winters, California, at a regular meeting of the City Council held on the ____ day of _____, 2017.

City of Winters

By: Wade Cowan, Mayor

ATTEST:

Nanci Mills, City Clerk

APPROVED AS TO FORM:

Ethan Walsh, City Attorney