



**Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, October 17, 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, October 3, 2017 (pp. 5-11)
- B. Contract for Construction Engineering Support Services for Roundabout Project (pp. 12-19)

PRESENTATIONS

Police Department Presentation

DISCUSSION ITEMS

- 1. Second Reading and Adoption of Ordinance 2017-05, an Ordinance of the City Council of the City of Winters to Consider the Request for a Rezoning to Add Planned Development (PD) Overlay Zone to the Property Located at 301 Main Street, APN 003-191-006 (pp. 20-25)
- 2. Second Reading and Adoption of Ordinance 2017-06, an Ordinance of the City Council of the City of Winters to Consider the Request for a Rezoning to Add Planned Development (PD) Overlay Zone to the Property Located at 302 Abbey Street, APN 003-191-005 (pp. 26-30)
- 3. Fire Services Future- City of Winters/Dixon Agreement (pp. 31-32)

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

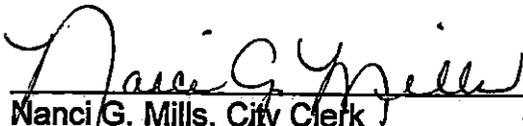
1.

CITY MANAGER REPORT

INFORMATION ONLY

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the October 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 October 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 October 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 W. Donlevy Jr., City Clerk Nanci Mills, Acting City Attorney Sigrid Asmundson, Director of Financial Management Shelly Gunby, Building Official Gene Ashdown, Police Chief John Miller, Public Works Supervisor Eric Lucero, Housing/Economic Development Manager Dan Maguire, Planner Dave Dowswell, Assistant Planner Charlie Tschudin, and Management Analysts Dago Fierros and Tracy Jensen

Dave Dowswell led the Pledge of Allegiance.

Approval of Agenda: City Manager Donlevy reported there were no changes to the agenda. Motion by Council Member Neu, second by Council Member Biasi to approve the agenda with no changes. Motion carried with the following vote:

AYES: Council Members Anderson, Biasi, Loren, Neu, Mayor 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, September 19, 2017
- B. Amplified Sound Permit Application Submitted by Joaquin Feliciano for Event to be Held at the Community Center Amphitheater on October 21, 2017
- C. Amplified Sound Permit Application Submitted by Terry & Joanne Moore at 403 Baker St. for "A Day of Living" BBQ and Fundraiser on Behalf of 12 year old Kyra Williams
- D. Resolution 2017-45, a Resolution of the City Council of the City of Winters Approving and Authorizing the City Manager to Execute Consultant Agreements between the City of Winters and Bennett Engineering and Clear Path Land Evolvement for On-Call Map Checking Services
- E. Street Closure Request and Amplified Sound Permit for Salmon Festival to be Held on November 4, 2017
- F. Geocon Work Order One Geotech Services for Influent Screen Project
- G. Final Acceptance of Public Improvements for First Street Re-Paving
- H. Consideration of Consultant Services Agreement with Play by Design LLC for Project Playground

City Manager Donlevy gave a brief overview. Council Member Anderson said he had a conflict of interest with Items E & G, and Council Member Biasi said he had a conflict of interest on Item C.

Motion by Council Member Loren, second by Council Member Neu to approve the Consent Calendar with the exception of Items C, E & G. Motion carried with the following vote:

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

Motion by Council Member Loren, second by Council Member Neu to approve Items E & G. Motion carried with the following vote:

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

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

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

PRESENTATIONS

Winters Police Chief John Miller recognized several local businesses for supporting an Anti-Drug & Alcohol campaign, including Double M Trucking, First Northern Bank and Weber General Engineering. Certificates of Appreciation will be distributed to these businesses to thank them for their participation.

Dan Maguire introduced Sheila Allen, the City's consultant for Senior Services following the authorization of an agreement with Yolo County on June 6th. She is circulating a Senior Programs and Services Survey to determine the current and future programs and services for older adults. She is also in the process of recruiting five to seven members to serve on a Task Force to plan, develop and implement programs and services for older adults in the Winters area for the next year. The goal of the programs is to enhance the aging experience in Winters and create an "age friendly" city. Task Force members will receive community input on needs and desired programs and services, review and discuss demographic information and survey results, investigate best practices for senior programming, set priorities for program and services, and provide feedback as program starts. Mayor Cowan asked that the Task Force include representatives from both senior groups in town, the Hispanic Advisory Committee, Winters Healthcare Foundation and should also include a member from the City Council.

Diana Tafolla, Ricardo Romero, and Marcela Soto with BCSF Health & Human Services presented a short video and provided pamphlets and fliers describing the need for foster families in the area for unaccompanied youths who have crossed the border and have no sponsors while waiting for the legal process. Instead of shelters, BCSF is trying to place them with families in local communities. In-house services are available to provide resources to families accepting these youths.

DISCUSSION ITEMS

Mayor Cowan recused himself due to a conflict of interest for Discussion Items 1 and 2 as he was the contractor on the project, who then turned the gavel over to Mayor Pro Tem Biasi. Council Members Biasi and Neu also have possible conflicts of interest due to the proximity of their residences, but one Council Member must remain in order to have a quorum. City Manager Donlevy

introduced a bag of walnuts for the Council Members to draw to determine who will remain and who will go. Council Member Biasi drew the "go" walnut, so he turned the gavel over to Council Member Anderson and left the dais.

1. Public Hearing and Introduction of Ordinance 2017-05, an Ordinance of the City Council of the City of Winters to Consider the Request for a Rezoning to Add Planned Development (PD) Overlay Zone to the Property Located at 301 Main Street, APN 003-191-006

Contract Planner Dave Dowswell gave an overview. Council Member Neu asked if this item were approved tonight, would the same thing happen for future projects of this nature. Dave said if this was to happen repeatedly, the City should consider amending the code and that it would be up to the Council to decide.

Council Member Anderson opened the public hearing at 7:21 p.m. and closed the public hearing at 7:21 p.m. with no public comment.

Motion by Council Member Loren, second by Council Member Neu to introduce Ordinance 2017-05. Motion carried with the following vote:

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

Council Member Biasi returned to the dais at this time.

2. Public Hearing and Introduction of Ordinance 2017-06, an Ordinance of the City Council of the City of Winters to Consider the Request for a Rezoning to Add Planned Development (PD) Overlay Zone to the Property Located at 302 Abbey Street, APN 003-191-005

Mayor Cowan continued to be recused for this item and Council Members Biasi and Neu once again drew walnuts to determine who would "go" in order to form a quorum. Council Member Biasi once again drew the "go" walnut, turned the gavel over to Council Member Anderson and left the dais.

Contract Planner Dave Dowswell said this item is closely related to Item #1 and said these are the same applicants for a PD overlay on a future project on an existing lot. Two lots will be larger than 3,500 sq. ft. No variances or modifications are needed as plans have not yet been submitted. Dave is recommending that Council defer judgement to the Planning Commission upon

receipt of the plans and rely on their judgement. Council Member Neu asked if it goes to the Planning Commission whether it would come back to Council. Dave said it could at Council's discretion. Council Member Anderson asked if Dave saw potential applications and suggested we wait and see if we receive multiple applications. Dave said he sees less potential for that.

Council Member Anderson opened the public hearing at 7:27 p.m. and closed the public hearing at 7:27 p.m. with no public comment.

Dave said he would like to add a caveat to staff recommendation, to support the Planning Commission if they approve the planned development permit as the development of the lot comes forward.

Motion by Council Member Loren, second by Council Member Neu to introduce Ordinance 2017-06 and amend the wording of the staff recommendation as noted. Motion carried with the following vote:

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

Mayor Cowan and Mayor Pro Tem Biasi returned to the dais.

3. SB1: Project Lists, Road Maintenance and Rehabilitation Account Funding

Management Analyst Dago Fierros and Assistant Planner Charlie Tschudin gave a power point presentation and provided the background on SB1, which provides annual funding annually throughout California for street, road and highway repair through additional gasoline, diesel and vehicle registration taxes. The funding received from SB1 revenues will be put into the newly created Road Maintenance and Rehabilitation Account (RMRA) and using a formula set at the State level, the State Controller will deposit various portions of the funding in eligible cities and counties budgets for basic road maintenance, rehabilitation, and critical safety projects on local streets and roads. To be eligible to receive this funding, the City is required to provide basic annual project reporting to the California Transportation Commission (CTC) and all projects proposed to receive funding for each fiscal year must be included in the City's operating budget in the corresponding fiscal year.

Utilizing the PCI (Pavement Condition Index) scores, proximity and cost estimates, specific streets have been identified to be repaired within the 3-year project timeline. Fiscal impacts as well as the project list are subject to change.

Council Members inquired about the inclusion of Newt's Expressway on the list, the PCI for Railroad from Grant to Russell and Valley Oak, Carrion Circle, and whether these funds can be used for sidewalks. Dago and Charlie said the list can be amended and prioritized and the sidewalks can be done under the Complete Streets plan. TDA money has been committed to the roundabout and is not available for sidewalks. The entire Council agreed upon the importance of sidewalk repairs. Accountability and transparency by the City during this process is crucial. The due date of the report is 10/16/17.

City Manager Donlevy said Newt's Expressway can be kicked into the 2nd year and the projects for the 2017/2018 period will be moved around. Public Works Superintendent Eric Lucero suggested completing an ADA project every other month during the current fiscal year and then one every other month during the next fiscal year. City Manager Donlevy suggested that Council's motion include reducing the 3-year program to a 2-year program, remove Newt's Expressway, and add sidewalks. Staff will bring Newt's Expressway back in the Capital Maintenance budget next year. Director of Financial Management Shelly Gunby added that staff can also use additional TDA money from 2018/2019 and 2019/2020 for Newt's Expressway.

Motion by Council Member Loren, second by Council Member Biasi to approve the project list with stated changes, including removing Newt's Expressway and replacing it with sidewalk allocation repairs, the design concept, locations and budget; to amend the proposed RMRA funding into the City's 2017-2018 regular operating budget; adopt Resolution 2017-44 with said modifications; and authorize bids for construction and the City Manager to execute agreements with contractors. 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: The electric components for the Main & Grant signal were completed today and the backup power supply needs to be installed. The push buttons are in! The City is facing a deficit for the 16/17 fiscal year since

many projects didn't pull permits as expected. This deficit hits the City's fund balance, so budget modifications and amendments are being made to replenish the fund balance. This was not an expenditure problem, it was a revenue problem. Transparency is important. Congratulations to the Hispanic Advisory Committee for a great party!

INFORMATION ONLY: None

ADJOURNMENT: Mayor Cowan adjourned the meeting at 8:26 p.m.

Wade Cowan, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



STAFF REPORT

TO: Honorable Mayor and Councilmembers
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Carol Scianna, Environmental Services Manager *CS*
DATE: October 17, 2017
SUBJECT: Contract for Construction Engineering Service for Walnut Lane Roundabout, Project No. 12-04

RECOMMENDATION: Staff recommends that the City Council authorize City Manager to execute a contract with Laugenour and Meikle(L &M) for Construction Engineering Support Services to be provided 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 \$14,000

BACKGROUND: The proposal dated August 24, 2016 was submitted prior to initial bidding process for the Roundabout Project. However, during the delay and subsequent start-up of the Roundabout construction the execution of this contract was overlooked. L & M has been providing these ongoing construction support services and Council approval will allow City Manager to execute of the agreement for services that are being provided.

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

August 24, 2016

Ms. Carol Scianna
City of Winters
318 First Street
Winters, California 95694
E-mail: carol.scianna@cityofwinters.org

Re: **Proposal for City of Winters, Grant-Walnut Roundabout – Construction Engineering,
Winters, California**

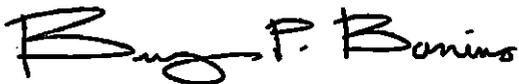
Dear Ms. Scianna:

Laugenour and Meikle is pleased to present this proposal for construction engineering services for the above referenced project. A detailed description of the services to be provided is included in the attached Exhibit "A", Scope of Services & Compensation, which reflects the standard items of work required for this type of project.

If you have any questions or comments, please call.

Sincerely,

LAUGENOUR AND MEIKLE



Bryan P. Bonino, Principal, P.E., L.S.

Enclosure

EXHIBIT "A"

SCOPE OF SERVICES & COMPENSATION

I. SCOPE OF SERVICES:

A. CONSTRUCTION ENGINEERING:

- Attend meeting (progress and coordination meeting at Owner's request).
- Site visit during construction (per Owner's request).
- Review and comment on project submittals related to civil design items.
- Conduct final project review of site improvements and assist in preparation of punch list.
- Support costs are based on a time and materials estimate per work item requested.
- Assumes 80 hours of Engineer time, any additional time will be charged on a time and material basis. See Exclusions below.

II. COMPENSATION:

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

A. Construction Engineering (Time & Materials Estimate) \$ 14,000.00

PROJECT TOTAL: **\$14,000.00**

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. 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.
2. Due to the variable aspects of construction, and not knowing the quality of Contractor that will be selected for the project, it is difficult to determine actual time required for construction engineering during the course of the project. The requests from Agency Inspectors and Construction Managers also vary for each project which affect actual time required for the project. All Construction Engineering costs are an estimate only and will be billed on a time and materials basis.

EXHIBIT "B"
RATE SCHEDULE

<u>PERSONNEL CLASSIFICATION</u>	<u>RATE PER HOUR</u>
Principal Engineer	\$175.00
Senior Engineer	\$165.00
Associate Engineer	\$145.00
Senior Surveyor	\$150.00
Surveyor	\$135.00
Assistant Surveyor	\$125.00
Assistant Engineer	\$125.00
Junior Engineer	\$100.00
Senior Engineering Technician	\$100.00
Engineering Technician	\$ 75.00
Survey Technician	\$ 75.00
Technician	\$ 55.00
Clerical	\$ 55.00
Survey Party, 1-Man*	\$140.00
Survey Party, 2-Man*	\$255.00

EQUIPMENT CLASSIFICATION:

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

*Public Works Prevailing Wage Rate



CONSULTANT SERVICES AGREEMENT
AGREEMENT No. _____

THIS AGREEMENT is made at Winters, California, as of _____, by and between the City of Winters ("the CITY") and Laugenour & Meikle (CONSULTANT)", who agree as follows:

1. SERVICES. Subject to the terms and conditions set forth in this Agreement, CONSULTANTS shall provide to the City the Services described in Exhibit "A", which is the CONSULTANT'S Proposal dated August 24, 2016. Consultant shall provide said services at the time, place, and in the manner specified by the City of Winters and Exhibit "A".

2. PAYMENT. The Consultant shall be paid for the actual costs, for all time and materials expended, in accordance with the Schedule of Fees included in Exhibit "B", but in no event shall total compensation exceed Fourteen Thousand Dollars (\$14,000) without the City's prior written approval. City shall pay consultant for services rendered pursuant to the Agreement and described in Exhibit "A".

3. FACILITIES AND EQUIPMENT. CONSULTANT shall, at its sole cost and expense, furnish all facilities and equipment which may be required for furnishing services pursuant to this Agreement.

4. GENERAL PROVISIONS. The general provisions set forth in Exhibit "C" are part of this Agreement. In the event of any inconsistency between said general provisions and any other terms or conditions of this Agreement, the other term or condition shall control only insofar as it is inconsistent with general Provisions.

5. EXHIBITS. All exhibits referred to therein are attached hereto and are by this reference incorporated herein.

EXECUTED as of day first above-stated.

CITY OF WINTERS
a municipal corporation

By: _____
John W. Donlevy, Jr., City Manager

CONSULTANT

By: _____

ATTEST:

By: _____
Nanci G. Mills, CITY CLERK

EXHIBIT "C"

GENERAL PROVISIONS

(1) INDEPENDENT CONTRACTOR. At all times during the term of this Agreement, CONSULTANT shall be an independent contractor and shall not be an employee of CITY. CITY shall have the right to control CONSULTANT only insofar as the results of CONSULTANT'S services rendered pursuant to this Agreement; however, CITY shall not have the right to control the means by which CONSULTANT accomplishes services rendered pursuant to this Agreement.

(2) LICENSES; PERMITS; ETC.. CONSULTANT represents and warrants to CITY that CONSULTANT has all licenses, permits, qualifications, and approvals of whatsoever nature which are legally required for CONSULTANT to practice CONSULTANT'S profession. CONSULTANT represents and warrants to CITY that CONSULTANT shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement, any licenses, permits, and approvals which are legally required for CONSULTANT to practice his profession.

(3) TIME. CONSULTANT shall devote such services pursuant to this Agreement as may be reasonably necessary for satisfactory performance of CONSULTANT'S obligations pursuant to this Agreement.

(4) INSURANCE.

(a) WORKER'S COMPENSATION. During the term of this Agreement, CONSULTANT shall fully comply with the terms of the law of California concerning worker's compensation. Said compliance shall include, but not be limited to, maintaining in full force and effect one or more policies of insurance insuring against any liability CONSULTANT may have for worker's compensation.

(b) GENERAL LIABILITY AND AUTOMOBILE INSURANCE. CONSULTANT shall obtain at its sole cost and keep in full force and effect during the term of this agreement broad form property damage, personal injury, automobile, employer, and comprehensive form liability insurance in the amount of \$2,000,000 per occurrence; provided (1) that the CITY, its officers, agents, employees and volunteers shall be named as additional insured under the policy; and (2) that the policy shall stipulate that this insurance will operate as primary insurance; and that (3) no other insurance effected by the CITY or other names insured will be called upon to cover a loss covered there under; and (4) insurance shall be provided by an, at least, A-7 rated company.

(c) PROFESSIONAL LIABILITY INSURANCE. During the term of this Agreement, CONSULTANT shall maintain an Errors and Omissions Insurance policy in the amount of not less than \$1,000,000.

(d) CERTIFICATES OF INSURANCE. CONSULTANT shall file with CITY'S CLERK upon the execution of this agreement, certificates of insurance which shall provide that no cancellation, major change in coverage, expiration, or non-renewal will be made during the term of this agreement, without thirty (30) days written notice to the City Clerk prior to the effective date of such cancellation, or change in coverage.

(5) CONSULTANT NOT AGENT. Except as CITY may specify in writing, CONSULTANT shall have no authority, express or implied, to act on behalf of CITY in any capacity whatsoever as an agent. CONSULTANT shall have no authority, express or implied, pursuant to this Agreement, to bind CITY to any obligation whatsoever.

(6) ASSIGNMENT PROHIBITED. No party to this Agreement may assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of any right or obligation pursuant to this Agreement shall be void and of no effect.

(7) PERSONNEL. CONSULTANT shall assign only competent personnel to perform services pursuant to this Agreement. In the event that CITY, at its sole discretion, at anytime during the term of this Agreement, desires the removal of any person or persons assigned by CONSULTANT to perform services pursuant to this Agreement, CONSULTANT shall remove any such person immediately upon receiving notice from CITY of the desire of CITY for the removal of such person or persons.

(8) STANDARD OF PERFORMANCE. CONSULTANT shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which CONSULTANT is engaged in the geographical area in which CONSULTANT practices his profession. CITY pursuant to this Agreement shall be prepared in a substantial, first-class, and workmanlike manner, and conform to the standards of quality normally observed by a person practicing in CONSULTANT'S profession. CITY shall be the sole judge as to whether the product of the CONSULTANT is satisfactory.

(9) CANCELLATION OF AGREEMENT. This Agreement may be canceled at any time by CITY for its convenience upon written notification to CONSULTANT. CONSULTANT shall be entitled to receive full payment for all services performed and all costs incurred to the date of receipt of written notice to cease work on the project. CONSULTANT shall be entitled to no further compensation for work performed after the date of receipt of written notice to cease work. All completed and uncompleted products up to the date of receipt of written notice to cease work shall become the property of the CITY.

(10) PRODUCTS OF CONSULTING. All products of the CONSULTANT resulting from this Agreement shall be the property of the CITY.

(11) INDEMNIFY AND HOLD HARMLESS. CONSULTANT shall indemnify, hold harmless the CITY, its officers, agents and employees from all claims, suits, or actions of every name, kind and description, brought forth on account of injuries to or death of any person or damage to property to the extent arising from or connected with the willful misconduct, negligent acts, errors or omissions, ultra-hazardous activities, activities giving rise to strict liability, or defects in design by the CONSULTANT or any person directly or indirectly employed by or acting as agent for CONSULTANT in the performance of this Agreement, including the concurrent or successive passive negligence of the City, its officers, agents or employees.

It is understood that the duty of CONSULTANT to indemnify and hold harmless includes the duty to defend as set forth in Section 2778 of the California Civil Code.

Acceptance of insurance certificates and endorsements required under this Agreement does not relieve CONSULTANT from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.

(12) PROHIBITED INTERESTS. No employee of the CITY shall have any direct financial interest in this agreement. This agreement shall be voidable at the option of the CITY if this provision is violated.

(13) LOCAL EMPLOYMENT POLICY. The City of Winters desires wherever possible, to hire qualified local residents to work on city projects. Local resident is defined as a person who resides in Yolo County.

The City encourages an active affirmative action program on the part of its contractors, consultants, and developers.

When local projects require, subcontractors, contractors, consultants, and developers will solicit proposals from qualified local firms where possible.

As a way of responding to the provisions of the Davis-Bacon Act and this program, contractor, consultants, and developers will be asked to provide no more frequently than monthly, a report which lists the employee's residence, and ethnic origin.

(14) CONSULTANT NOT PUBLIC OFFICIAL. CONSULTANT is not a "public official" for purposes of Government Code §87200 et seq. CONSULTANT conducts research and arrives at conclusions with respect to his or her rendition of information, advise, recommendation or counsel independent of the control and direction of the CITY or any CITY official, other than normal contract monitoring. In addition, CONSULTANT possesses no authority with respect to any CITY decision beyond the rendition of information, advice, recommendation or counsel.



**CITY COUNCIL
STAFF REPORT**

TO: Mayor and Councilmembers
DATE: October 17, 2017
FROM: David Dowsell, Contract Planner 
THROUGH: John Donlevy, Jr., City Manager 
SUBJECT: Second Reading and Adoption of Ordinance 2017-05 – Adding Planned Development (PD) Overlay to 301 Main Street APN 003-191-006

RECOMMENDATION:

Staff recommends that the City Council take the following actions:

- 1) Find the proposed project Categorical Exempt from CEQA, Section 15305 (Minor Alterations in Land Use Limitations); and
- 2) Receive the staff report, have the second reading, and adopt Ordinance No. 2017-05 adding a Planned Development (PD) Overlay Zone to the property located at 301 Main Street.

BACKGROUND:

On August 22, 2017 at a noticed public hearing the Planning Commission considered an application from Mathew and Laura Mariani to add a Planned Development (PD) Overlay Zone to allow for the creation of a substandard lot and to reduce the required front, side and rear yard setbacks. The Commission also approved a parcel map to subdivide the property into two parcels. The Commission voted unanimously to recommend Council approval of the request to rezone the property at 301 Main Street by adding a PD Overlay Zone.

On October 3, 2017 the Winters City Council conducted the public hearing and introduced Ordinance 2017-05, scheduling the adoption for October 17, 2017.

PROJECT DESCRIPTION:

The applicants are requesting approval to overlay the property at 301 Main Street with a Planned Development (PD) Overlay Zone and obtain a Planned Development Permit.

ANALYSIS:

Adding a PD Overlay Zone to 301 Main Street is necessary to allow the existing duplex lot to be subdivided into two parcels, which will modify the following zoning standards:

- Minimum lot size for Parcel 1 is less than 3,500 square feet, and
- Minimum lot depth of Parcel 1 of 60 feet, and
- Minimum rear yard setback of 25 feet for Parcels 1 and 2, and
- Minimum secondary frontage setback of 15 feet for Parcel 1, and
- Minimum front setback of 20 feet for Parcel 2, and
- Minimum side yard setback of 5 feet for Parcel 2.

ENVIRONMENTAL ASSESSMENT:

Staff has concluded that the Categorical Exemption provided in Section 15305 of the CEQA Guidelines (Minor Alterations in Land Use Limitations) is most applicable to the subject project.

RECOMMENDED FINDINGS FOR THE PD OVERLAY

Findings:

- A. Adding a PD Overlay Zone to the development at 301 Main Street is consistent with the General Plan Policy II.A.5 and Program II.6 to allow for the development of duplexes on corner lots within the single-family zoning (R-1 and R-2) zones.
- B. The conversion of the duplex from rental to for sale complies with the basic standards of the R-1 zone and is consistent with Section 17.52.020 of the Zoning Ordinance to allow market rate and affordable duplexes on corner lots.
- C. The proposed development is desirable to the public comfort and convenience because it will provide an alternate style of for sale housing at a more affordable rate.
- D. The requested development of converting a rental duplex to for sale units will not adversely impact the character of the neighborhood nor will it be detrimental to the public health, safety or general welfare.
- E. There are adequate utilities, access roads, sanitation and other needed facilities and services available for this development as it is located within the existing urban core.
- F. The development will create a positive fiscal impact for the city by providing for sale housing which will result in additional property taxes.

RECOMMENDATION:

Staff recommends the City Council have the second reading adopting Ordinance 2017-05, adding a Planned Development (PD) Overlay zoning by making an affirmative motion as follows:

MOVE THAT THE CITY OF WINTERS CITY COUNCIL ADOPT ORDINANCE 2017-05 ADDING A PD OVERLAY TO THE EXISTING DUPLEX LOCATED AT 301 MAIN STREET BASED ON THE FINDINGS FOR PROPOSED PLANNED DEVELOPMENT (PD) OVERLAY ORDINANCE BELOW AND TAKE THE FOLLOWING ACTIONS:

1. Find the project Categorical Exempt from CEQA, Section 15305 (Minor Alterations in Land Use Limitations); and
2. Find the project is consistent with the goals and policies of the General Plan. The General Plan designates the project site as Low Density Residential (LR) and this designation provides for residential uses such as single-family dwellings, and two-family or duplex dwellings.
3. The project is consistent with the provisions of the Zoning Ordinance. The property is zoned Single-Family Residential (R-1) and this zone provides for residential use.

ATTACHMENTS:

- A. Ordinance 2017-05

CITY COUNCIL

ORDINANCE NO. 2017 - 05

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
REZONING 301 MAIN STREET (APN 003-191-006) BY ADDING A PLANNED
DEVELOPMENT (PD) OVERLAY ZONE TO THE EXISTING SINGLE FAMILY RESIDENTIAL
(R-1) ZONING**

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

1. Purpose. The purpose of this ordinance is to rezone 301 Main Street by adding a PD Overlay to the existing R-1 Zoning, subject to the criteria in the Planned Development Permit, "Exhibit A".

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

3. Rezoning. The subject property is hereby rezoned as shown on "Exhibit B", attached hereto and incorporated herein by reference.

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

INTRODUCED at a regular meeting on the 3rd day of October 3, 2017 and **PASSED AND ADOPTED** at a regular meeting of the Winters City Council, County of Yolo, State of California, on the 17th day of October, 2017 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Wade Cowan, Mayor

Nanci G. Mills, City Clerk

Exhibit "A"

PLANNED DEVELOPMENT (PD) PERMIT No. 2017-01

301 Main Street; APN 003-191-006

Adopted October 17, 2017

TERM: Unlimited term pursuant to the requirements of Section 17.48.050 of the Winters Municipal Code (Title 17, Zoning) and subject to compliance with the conditions of approval.

LOT AREAS: Parcel 1 lot area of three thousand three hundred thirty (3,330) square feet instead of three thousand five hundred (3,500) square feet for duplex located on a corner lot in an R-1 Zone, as detailed on the site plan.

LOTS DEPTHS: Parcel 1 lot depth of fifty three and twenty-four hundredths (53.24) feet instead of sixty (60) feet for a lot located in an R-1 Zone, as detailed on the site plan.

SETBACKS: Parcel 1: rear yard setback of zero (0) instead of twenty-five (25) feet and a secondary frontage (Third Street) setback of nine (9) instead of fifteen (15) feet, as detailed on the site plan.

Parcel 2: front yard (Third Street) setback of nine (9) feet instead of twenty (20) feet, rear yard setback of thirteen (13) instead of twenty-five (25) feet and a side yard setback of zero (0) instead of five (5) feet, as detailed on the site plan.



**CITY COUNCIL
STAFF REPORT**

TO: Mayor and Councilmembers
DATE: October 17, 2017
FROM: David Dowswell, Contract Planner 
THROUGH: John Donlevy, Jr., City Manager 
SUBJECT: Second Reading and Adoption of Ordinance 2017-06 – Adding Planned Development (PD) Overlay to 302 Abbey Street APN 003-191-005

RECOMMENDATION:

Staff recommends that the City Council take the following actions:

- 1) Find the proposed project Categorical Exempt from CEQA, Section 15305 (Minor Alterations in Land Use Limitations); and
- 2) Receive the staff report, have the second reading, and adopt Ordinance No. 2017-06 adding a Planned Development (PD) Overlay Zone to the property located at 302 Abbey Street.

BACKGROUND:

On August 22, 2017 at a noticed public hearing the Planning Commission considered an application from Mathew and Laura Mariani to add a Planned Development (PD) Overlay Zone to allow for the creation of a substandard lot and to potentially reduce the required front, side and rear yard setbacks. The Commission also approved a parcel map to subdivide the property into two parcels. The Commission voted unanimously to recommend Council approval of the request to rezone the property at 302 Abbey Street by adding a PD Overlay Zone.

On October 3, 2017 the Winters City Council conducted the public hearing and introduced Ordinance 2017-06, scheduling the adoption for October 17, 2017.

PROJECT DESCRIPTION:

The applicants are requesting approval to overlay the property at 302 Abbey Street with a Planned Development (PD) Overlay Zone and obtain a Planned Development Permit.

ANALYSIS:

Adding a PD Overlay Zone to 302 Abbey Street is necessary to allow the existing duplex lot to be subdivided into two parcels. Staff is recommending the Planning Commission approve the Planned Development Permit when plans to develop the lot are brought forward.

ENVIRONMENTAL ASSESSMENT:

Staff has concluded that the Categorical Exemption provided in Section 15305 of the CEQA Guidelines (Minor Alterations in Land Use Limitations) is most applicable to the subject project.

RECOMMENDED FINDINGS FOR THE PD OVERLAY

Findings:

- A. Adding a PD Overlay Zone to the development at 302 Abbey Street is consistent with the General Plan Policy II.A.5 and Program II.6 to allow for the development of duplexes on corner lots within the single-family zoning (R-1 and R-2) zones.
- B. The creation of a duplex with for sale units complies with the basic standards of the R-1 zone and is consistent with Section 17.52.020 of the Zoning Ordinance to allow market rate and affordable duplexes on corner lots.
- C. The proposed future development is desirable to the public comfort and convenience because it will provide an alternate style of for sale housing at a more affordable rate.
- D. The requested development to construct a duplex with for sale units will not adversely impact the character of the neighborhood nor will it be detrimental to the public health, safety or general welfare.
- E. There are adequate utilities, access roads, sanitation and other needed facilities and services available for this development as it is located within the existing urban core.
- F. The development will create a positive fiscal impact for the city by providing for sale housing which will result in additional property taxes.

RECOMMENDATION:

Staff recommends the City Council have the second reading adopting Ordinance 2017-06, adding a Planned Development (PD) Overlay zoning by making an affirmative motion as follows:

MOVE THAT THE CITY OF WINTERS CITY COUNCIL ADOPT ORDINANCE 2017-06 ADDING A PD OVERLAY TO THE VACANT LOT LOCATED AT 302 ABBEY STREET BASED ON THE FINDINGS FOR PROPOSED PLANNED DEVELOPMENT (PD) OVERLAY ORDINANCE BELOW AND TAKE THE FOLLOWING ACTIONS:

1. Find the project Categorically Exempt from CEQA, Section 15305 (Minor Alterations in Land Use Limitations); and
2. Find the project is consistent with the goals and policies of the General Plan. The General Plan designates the project site as Low Density Residential (LR) and this designation provides for residential uses such as single-family dwellings, and two-family or duplex dwellings.
3. The project is consistent with the provisions of the Zoning Ordinance. The property is zoned Single-Family Residential (R-1) and this zone provides for residential use.

ATTACHMENTS:

- A. Ordinance 2017-06

CITY COUNCIL

ORDINANCE NO. 2017 - 06

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
REZONING 302 ABBEY STREET (APN 003-191-005) BY ADDING A PLANNED
DEVELOPMENT (PD) OVERLAY ZONE TO THE EXISTING SINGLE FAMILY RESIDENTIAL
(R-1) ZONING**

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

1. Purpose. The purpose of this ordinance is to rezone 302 Abbey Street by adding a PD Overlay to the existing R-1 Zoning, subject to the Planning Commission approving the Planned Development Permit when plans to develop the parcels are brought forward.

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

3. Rezoning. The subject property is hereby rezoned as shown on "Exhibit A", attached hereto and incorporated herein by reference.

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

INTRODUCED at a regular meeting on the 3rd day of October 3, 2017 and **PASSED AND ADOPTED** at a regular meeting of the Winters City Council, County of Yolo, State of California, on the 17th day of October, 2017 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Wade Cowan, Mayor

Nanci G. Mills, City Clerk

EXHIBIT A

ORDINANCE 2017-06

Planned Development Overlay





**CITY COUNCIL
STAFF REPORT**

DATE: October 17, 2017
TO: Mayor and City Council
FROM: John W. Donlevy, Jr., City Manager 
SUBJECT: Winters Fire Administration Agreement: Cities of Winters and Dixon

RECOMMENDATION:

That the City Council provide direction to the City Manager regarding the renewal of the Fire Administrative Services Agreement between the Cities of Winters and Dixon.

BACKGROUND:

In 2011, the Cities of Winters and Dixon entered into a Fire Administrative Services Agreement whereby the Fire and Division Chiefs for the City of Dixon provide administrative support to the firefighter personnel of the Winters Fire Department. During the six (6) year period, there have been many improvements to fire operations within the Department including ambulance services, staff development, grant administration and a litany of other programs and procedures.

The agreement is due to terminate on October 31, 2017.

Discussion:

With the term of the agreement due at the end of October, the City of Winters is in a position to decide whether to continue the agreement or consider other alternatives, including bringing administration internally. Without question, the Dixon agreement has provided many benefits over the years, mostly in a key objective which was the development and training of the City Fire personnel in management, leadership and training.

Options available to the City Council are as follows:

Winters Fire Administration Agreement

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1. Maintain the current agreement with the City of Dixon for a period of multiple years.
2. Non-renewal and the hire of a new Fire Chief through an open recruitment.
3. Hire Internally from personnel within our existing full time and reserve/volunteer force.

The current contract with Dixon provides for an annual cost of approximately \$110,000. This provides for part time administration (now approximately one day a week) along with duty chief services for after hours incidents.

Returning services internally would increase overall costs to approximately \$150,000 annually but would significantly increase services to full time chief coverage. In Winters, the Chief is a "working chief" which would provide support to the on-duty staff on larger incidents.

Another issue involves support to emergency operations, planning and response which is currently not within the scope of the Dixon agreement. With four (4) major fires in the Winters area the last summers, the need for proactive and advance planning has become necessary to support both City and Winters Fire District needs.

Staff is requesting direction from the City Council regarding this issue.

FISCAL IMPACT:

To be determined.