



Minutes of the Regular Meeting of the Winters City Council
Held on June 20, 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 Attorney Ethan Walsh, City Clerk Nanci Mills, Public Works Superintendent Eric Lucero, Building Official Gene Ashdown, Environmental Services Manager Carol Scianna, and Management Analysts Dago Fierros and Tracy Jensen

Gene Ashdown led the Pledge of Allegiance.

Approval of Agenda: Staff requested that Consent Item B, Funding Authorization and Amendment to Consultant Services Agreement with Wood Rodgers for Flood Hazard Evaluation in Northeast Area of City's General Plan be moved to Discussion Item #4. Motion by Council Member Neu, second by Council Member Loren to approve the agenda with the requested change. Motion carried with the following vote:

AYES: Council Members Anderson, Biasi, Loren, Neu, and 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, June 6, 2017
- B. Funding Authorization and Amendment to Consultant Agreement with Wood Rodgers for Flood Hazard Evaluation in Northeast Area of City's General Plan **(Item moved to Discussion Item #4)**
- C. Updated Project Budget Sheet and Resolution 2017-31, a Resolution of the City Council of the City of Winters Authorizing the City Manager to Execute a Contract with Vintage Paving Company, Inc., for the Construction of the Walnut Avenue Roundabout on State Route 128 (Grant Avenue) Improvements, Project No. 12-04, Federal Aid Project No. CML-5110(030)
- D. Amplified Sound Permit Friends of the Library July Gazebo Concerts

City Manager Donlevy gave an overview. Council Member Biasi requested the minutes from the June 6th City Council meeting be corrected to reflect that Consent Item C, Infrastructure Transition Plan was moved to Discussion Item 4, with the Futsal Project becoming Discussion Item 5. Council Member Anderson recused himself for Item D due to a possible conflict of interest.

Motion by Council Member Biasi, second by Council Member Neu to approve Consent Item A with the noted correction and Consent Item C. Motion carried with the following vote:

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

Motion by Council Member Biasi, second by Council Member Neu to approve Consent Item D. Motion carried with the following vote:

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

PRESENTATIONS: None

DISCUSSION ITEMS

- 1. Public Hearing to Receive Input from Specific Property Owners Regarding Implementation of Weed Abatement for 2017

City Manager Donlevy gave an overview. Mayor Cowan opened the public hearing at 6:46 p.m. and closed the public hearing at 6:46 with no comment.

2. Public Hearing to Receive Input Regarding Waste Management
Proposed Rate Increase

Environmental Services Manager Carol Scianna gave an overview.

Mayor Cowan opened the public hearing at 6:48 p.m.

Carol read into record a letter submitted by Michael S. Ramsey, 314 Niemann Street, as a formal protest in opposition to the proposed rate increases on waste management in regards to containerizing of green waste and the undefined and poorly executed proposed exception of "leaf drop season" by Waste Management.

Jeff Tenpas, 24 Main St., implied the rate increase is partially based on a 15% franchise tax fee, or \$140,000 per year, and will be divided based on the number of customers and be charged on top of the regular fees. City Manager Donlevy said there are numerous costs to the City, including dump fees, street repairs and maintenance, which are costs that are built into the fees. City Attorney Walsh said a franchise fee is common, allowing the City to charge Waste Management for the right to use the City's right of way and to provide this service to the City's residents. Cable TV providers charge the same type of fee. The franchise fee is paid to the City by Waste Management, it does go into the City's General Fund, and it has always been included in the Waste Management contract. City Manager Donlevy concluded by saying there are numerous cost factors built into the rates and that the franchise fee is not directly allocated to rate payers. Mayor Cowan closed the public hearing at 6:55 p.m.

Motion by Council Member Loren, second by Council Member Neu to adopt Resolution 2017-34 establishing the rates for Integrated Waste Management Services as set forth in the resolution. Motion carried with the following vote:

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

3. Planning Commission Appointments

City Clerk Nanci Mills said based on the Planning Commission terms, there are four terms ending and one term that had been vacated. Interviews were held by the Planning Commission Selection Committee, who have brought forth their

recommendation. Selection Committee Member Neu said this was a good group of applicants and that any of them could have served. Those not selected were asked to become active in City government. Selection Committee Member Biasi agreed with Council Member Neu and added that five vacancies was a lot to fill at one time and said the position does require a high level of involvement.

Motion by Council Member Neu, second by Council Member Biasi to approve the recommendation of the Planning Commission Selection Committee as follows: the reappointment of David Adams, Lisa Baker, and Paul Myer to new four-year terms, the new appointment of Daniel Schrupp to a four-year term, and the appointment of Ramon Altamirano to finish the term through July 1, 2019 due to Frank Neal's mid-term departure. Motion carried with the following vote:

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

4. Funding Authorization and Amendment to Consultant Agreement with Wood Rodgers for Flood Hazard Evaluation in Northeast Area of City's General Plan **(Moved from Consent Calendar, Item B)**

City Manager Donlevy gave an overview of the flood overlay in the northern area and provided copies of drainage reports, floodplain maps, and a Drainage Impact Fee Zones diagram. Since the City's Master Plans were written in 2005, the area has changed dramatically. Mayor Cowan asked if these maps were based on existing plans, not taking into account the agricultural activities that have happened in the last 3-5 years. City Manager Donlevy said the maps were based on existing plan and that the land has changed dramatically as follows: farming operations have gone into partnership with Yolo County Flood Control, Moody Slough has been improved, and the contouring of improved farm land includes retention areas. Moving forward, the City would execute an amendment to the agreement with Wood Rodgers for a new survey. Four main property owners have agreed to help pay for this study, with one owner owning most of the property up to the Chickahominy Slough. Facilities would have to be placed in such a way to be beneficial for all. The City paid for the first phase and for a plan to be developed. Now the property owners will pay an estimated \$275,000 for Wood Rodgers to come in and complete an updated plan, which will be a good opportunity for the City to update their documents. Yolo County Flood Control will be a partner and the City is learning more about how to re-use water. All future plans will go through a public process and staff is recommending moving forward with an amendment to the Consultant Services Agreement with Wood Rodgers to complete an updated plan, an estimated 9-12 month process.

Council Member Neu said he has concerns about funding. Yes, the property owners are paying for a majority of the plan, but do we have litigation problems? City Manager Donlevy said there are no expectations that management will involve Wood Rodgers while going through with the scope of work. City Attorney Walsh confirmed that when the City enters into a process like this, the standard agreement requires the City to receive deposits to use for analysis and the consultants work directly for the City. There is no quid pro quo for payment. Every developer that comes through town, including PG&E, has to pay a deposit and there are no expectations. Council Member Loren asked staff when an outside agency has paid on an EIR. City Attorney Walsh said PG&E had, and City Manager Donlevy cited several others, including Greyhawk, Springfield Ranch, and Las Lomas who spent the money without the projects ever going forward. City Attorney Walsh said there are also entities that spend the money and whose projects may get denied. Impropriety can bring litigation, but it is at the City's discretion to approve any project and is under no obligation to do so.

Rebecca Fridae, 112 Liwai Village, said these types of payments make the City more beholden to developers and pressure exists. Rebecca then read aloud a letter submitted by Woody Fridae, where in it he said the flood master plan is not a good idea if it is to be funded by potential developers who are outside of the City. He requested slowing down the residential development process and to look for alternative ways of funding this study.

Sally Brown, 24 E. Main, said she is concerned about the City being approached by landowners regarding future development. It is implicit that we are encouraging development and taking money from developers to do this plan. Sally said she is completely against annexation in this area and requested that Council not pass this item.

Jeff Tenpas, 24 E. Main, said the property owner group agreed to pay the balance with an allocation based on acreage and asked how much of the fair share allocation is based on property outside of the City's boundary. City Manager Donlevy said although 200 acres will need to be annexed, 100% of the property remains within the City's general plan and is not outside of the City's sphere of influence.

Council Member Neu voiced his concern regarding credits given to developers. City Manager Donlevy said the City's fee program is based on the total cost of the project which represents the impact fees charged. If someone advances funds, the City would give them credit toward these impact fees. For example, Winters Ranch advanced funds toward Well #7 and received a credit of approximately \$600,000 to be used toward impact fees. Council Member Neu asked who is paying for the new storm drain plan in the long run and asked whether we want to pay for it now. City Manager Donlevy said money will be paid by developers for development through the impact fee program, which is credit based on cost. Well #7 was a requirement in the Winters Ranch

Development Agreement and said development should pay its own way. There are no loans, and if the plan is adopted, the project will go forward and the developer will receive credit to go towards their impact fees.

Mayor Cowan said the City approved and paid to run water and sewer out to the freeway and PG&E paid impact fees to pay that money back. Council Member Anderson said a developer paid for the swimming pool but didn't get credit for it because the bottom fell out of the housing market and their project was not approved.

Council Member Loren asked what would happen if this wasn't addressed. City Manager Donlevy said in order to charge fees based on a fair basis, the master plan needs to be kept current. Council Member Neu asked if the property would be re-zoned before it's annexed. City Manager Donlevy said as per LAFCO, the City will need a plan process. A majority of the property (owned by Hostetler) is already inside City limits and will not require annexation. For any annexation proposals, LAFCO and Yolo County will require a master plan for that area. Yolo County will want to know what happens to this land and LAFCO will want to conduct a fiscal review to see what the value is. A master plan would have to happen, then LAFCO and the County would require an EIR. Mayor Cowan asked how long that would take to happen. City Attorney Walsh said it's hard to speculate when you don't know what they want. The landowners will have to initiate the process and there are many factors that will determine a time frame.

Council Member Biasi said it is important to update the flood study as there has been a lot of change to this area. There are things that can't be done based on environmental regulations. It is important to have an updated study done and we have the opportunity to do so. The landowners have a right to build on it tomorrow if they wanted to. The key goals are light industrial zones to be developed more to attract more job seekers. This study will help us to develop this light industrial plan. It needs to be updated so we know what we're looking at in the future. The City is not legally tied to anyone for any kind of payment, so it is a good opportunity to move forward. Council Member Loren said the tone she hears is that the City is beholden to the developer. Groundwater and storm water are upon us and to comply, we need data. We have the opportunity to get this information. Council Member Anderson asked if phasing had been discussed. City Manager Donlevy said we want them to put together a plan and project and there is no reason to phase the project and break it up. He added that nobody wants to see light industrial on the property. Council Member Neu said he is uncomfortable with this. He knows it needs to be done but he's not sure about the funding.

Motion by Council Member Biasi, second by Council Member Anderson to approve the funding authorization and amendment to the Consultant Agreement with Wood Rodgers for flood hazard evaluation in the northeast area of the City's General Plan. Motion carried with the following vote:

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

5. City Park Futsal Project/ Skate Park Project Update

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

Management Analyst Dago Fierros gave an overview of the futsal project (soccer on a hard surface), including dimensions and placement of the court, surface colors, fencing material and height, with the addition of two gates to gain entry on both sides of the court. In 2016, the City received funds from PG&E to build the futsal court, with the remaining funds to be used to install skate park amenities at Valley Oak Park. The project should be completed in 3-4 weeks by contractors, with the public works staff installing lights and fencing to save money.

Council Member Loren said the paint seems expensive and Public Works Superintendent Eric Lucero said this was the lowest of the three bids received. Council Member Anderson asked about the lights interfering with the Little League field. Eric said based on the positioning of the lights, they shouldn't have an impact on the Little League field or on nearby homes. Mayor Cowan said the futsal court was originally pulled from the park plans by the City Park Rehab Committee, thinking they were overdoing it at City Park and thought it was better suited at Blue Oak Park. This was a big point of contention and the committee was lost a few years ago based on the futsal court moving forward. It would cost the same wherever you put it, except for the lighting. Council Member Loren said she understands the loss of space at the park and not wanting to interfere with Little League, but the City needs more for teens to do. The futsal court will add to the community as City Park is the center of town, but will also promote diversity and let our youth know that "you're welcome here." She said the positives outweigh the inconvenience of lost space in the park. She also asked if the new playground footprint would be smaller, but Eric said it will basically be the same.

Motion by Council Member Loren, second by Council Member Neu to approve the design concept, location and budget, and authorize bids for construction of the futsal court. Council Member Anderson said he was worried about building a skate park due to the liability, but City Attorney Walsh said there is logic behind it as a skate park provides structure, which is actually found to be safer. Motion carried with the following vote:

AYES: Council Members Anderson, Loren, and Neu
NOES: Mayor Cowan
ABSENT: Council Member Biasi

ABSTAIN: None

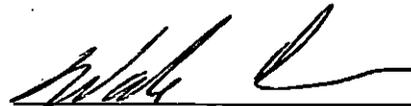
Council Member Biasi returned to the dais at this time.

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

1. None

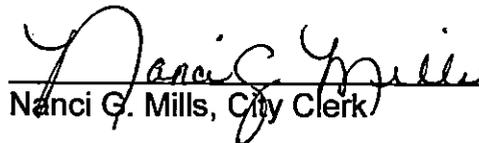
CITY MANAGER REPORT: There is no City Council meeting on July 4th due to the holiday, so the next City Council meeting will be held on July 18 and it will be a busy meeting. It will include the fee study and economic development sub-committee discussion regarding structure. It will also include succession planning, where staff will bring the Council the broad look at the City's organization to prepare the City for the transition. The fireworks display will be held on Monday, July 3rd on the WHS football field.

ADJOURNMENT: Mayor Cowan adjourned the meeting at 8:53 p.m.



Wade Cowan, MAYOR

ATTEST:



Nanci G. Mills, City Clerk