



Minutes of the Regular Meeting of the Winters City Council  
Held on July 17, 2018

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**Executive Session - 6:00 p.m.**

Conference with Legal Counsel-Existing Litigation (Paragraph (1) of subdivision (d) of Section 54956.9) Name of case: Friends of Putah Creek v. Central Valley Flood Protection Board (Solano County Superior Court Case No. FCS051040)

Mayor Cowan said reportable action was taken following discussion regarding existing litigation with the Friends of Putah Creek v. Central Valley Flood Protection Board. City Attorney Walsh reported that Council unanimously voted for the City Attorney to defend the City in the lawsuit filed by the Friends of Putah Creek.

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**Regular Session - 6:30 p.m.**

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, Economic Development/Housing Manager Dan Maguire, Building Official Gene Ashdown, Human Resources Manager Crystal Zaragoza, Interns Aaron Ryan and Carlene Dyer, and Management Analyst Tracy Jensen.

Mona Biasi led the Pledge of Allegiance.

Approval of Agenda: City Manager Donlevy said there were no changes to the agenda. Motion by Council Member Biasi, second by Council Member Neu to approve the agenda as presented. 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: Winters resident Norb Kumagai spoke fondly of the time when Council Member Neu was his shop teacher at Davis High School and then congratulated the Council Members on the recent election.

### CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, June 19, 2018
- B. Waive Second Reading and Adopt Ordinance 2018-03, an Ordinance of the City Council of the City of Winters Approving Various Zoning Text Amendments to Title 17 (Zoning Ordinance) Regarding Non-Conforming Uses, Structures and Lots
- C. Waive Second Reading and Adopt Ordinance 2018-05, an Ordinance of the City Council of the City of Winters Approving a First Amendment to the Amended and Restated Development Agreement for the Callahan Estates Subdivision Development Between the City of Winters and Crowne Communities Winters CA, LLC
- D. Street Closure Request by Winters Chamber of Commerce for Annual Earthquake Festival, Friday, August 24, 2018
- E. Street Closure Request for Monthly Street Meat Event
- F. Claim Against the City of Winters - Barbara Meyer
- G. Claim Against the City of Winters - Maribel Alexis
- H. Amplified Sound Permit Application for Winters Healthcare's 2<sup>nd</sup> Annual Dinner on the Bridge to be Held on September 8, 2018
- I. East St Pump Station- Control Panel Upgrades (pp. 57-59)
- J. Appointment of Primary and Alternate Representatives on the Yolo County Public Agency Risk Management Insurance Agency (YCPARMIA)
- K. Resolution 2018-37, a Resolution of the City Council of the City of Winters Declaring Results of the June 5, 2018 General Municipal Election

- L. Resolution 2018-38, a Resolution of the City Council of the City of Winters Appointing the Position of City Clerk
- M. Resolution 2018-40, a Resolution of the City Council of the City of Winters Appointing the Position of City Treasurer

City Manager Donlevy gave an overview. Due to a possible conflict of interest, Council Member Loren will abstain from voting on Item B and Council Member Anderson will abstain from voting on Items D and E based on the location of their property. With no public comments made, Council Member Neu made a motion to approve the Consent Calendar excluding Items B, D and E. Council Member Biasi seconded the motion. 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 Neu, second by Council Member Biasi to approve Consent Item B. Motion carried with the following vote:

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

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

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

## PRESENTATIONS

Retiring City Clerk Nanci Mills said it has been a pleasure serving the Council and working with a great group of colleagues. She then administered the Oath of Office to Council Members Harold Anderson, Wade Cowan and Pierre Neu, City Clerk Tracy Jensen and City Treasurer Shelly Gunby.

## DISCUSSION ITEMS

1. Designation of Mayor/Mayor Pro-Tempore

Following a brief discussion, a motion was made by Council Member Neu to designate Bill Biasi as Mayor and designate Wade Cowan as Mayor Pro Tempore as he received the most votes in the June 5<sup>th</sup>, 2018 election. Council Member Anderson seconded the motion. With no public comments made, the motion carried with the following vote:

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

Mayor Biasi thanked Wade Cowan for serving as Mayor for two years and congratulated the new City Clerk Tracy Jensen and the new City Treasurer Shelly Gunby.

2. Public Hearing and Adoption of Resolution 2018-17, a Resolution of the City Council of the City of Winters Approving the Engineer's Report and Ordering the Levy and Collection of Assessments within the City of Winters City-Wide Maintenance Assessment District, Fiscal Year 2018/2019

City Manager Donlevy gave a brief overview. Mayor Biasi opened the public hearing at 6:54 p.m. and closed the public hearing at 6:54 p.m. with no comments. Motion by Council Member Cowan, second by Council Member Neu to approve the Engineer's Report and Ordering the Levy and Collection of Assessments within the City of Winters City-Wide Maintenance Assessment District, Fiscal Year 2018/2019. Motion carried with the following vote:

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

3. TEFRA Public Hearing and Adoption of Resolution 2018-33, a Resolution of the City Council of the City of Winters Approving Conduit Financing for the Blue Mountain Terrace Senior Apartments Affordable Housing Project

Economic Development/Housing Manager Dan Maguire gave an overview and said Council held a TEFRA hearing on 6/6/17 and approved Resolution 2017-27, which was valid for one year based on the Federal Tax Code. But because the project did not close bond financing within the one-year period, Council would need to hold a public hearing in order to adopt Resolution 2018-33. No material elements have changed since the previous public hearing and resolution

adoption. Travis Cooper of the California Municipal Authority was present to answer questions.

Mayor Biasi opened the public hearing at 6:57 p.m.

Karen May of the Winters Senior Foundation said all seniors 55 and over want to get this project finished. They first heard of the project in September 2014, attended meetings and provided design suggestions in May and November 2016, and are now here to advocate for the senior development.

Mayor Biasi closed the public hearing at 6:59 p.m. Council Member Cowan said it has been a long road with Domus and Blue Mountain and would like to see the senior apartments and senior center built at the same time. Staff has worked on this project for a long time and he hopes this is the last hurdle.

Although the City received a NOFA (Notice of Funding Availability), City Manager Donlevy said the City is giving back a \$1.5 million dollar grant with no penalty because it would not be enough to build the senior center. Staff will do their best with a second application.

Staff is working diligently with Domus on the apartments. Dan Maguire is the lead and Lisa Baker is assisting him with the construction financing. They have plans ready to be submitted for a permit and are working with Domus to get the construction done.

Council Member Loren asked if a new NOFA number had been released and what our timeline is to disencumber. Dan said September is the deadline for the new grant application submittal and the results will be released in December. Regarding the timeline to disencumber, the earlier the better, or by September 30<sup>th</sup> at the latest. He added there is an expenditure deadline within the grant.

Mayor Biasi said this is a very important project for the City and doesn't want to see the project die due to lack of funding. Dan said in a previous CDBG grant, the City disencumbered the homebuyer portion of the money for homebuyers assistance in the first phase of Walnut Park and it did not have an adverse impact on the City. City Manager Donlevy said absolutely there is risk in giving the money back but it's the best thing to. Council Member Loren said this project is extremely important to the community and would like to see it sooner rather than later.

Motion by Council Member Loren, second by Council Member Neu to adopt Resolution 2018-33 approving the issuance of the bonds by the CMFA for the benefit of Blue Mountain Terrace Associates, L.P. or a partnership created by Newport Partners, LLC to provide for the financing of the project. Motion carried with the following vote:

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

4. Resolution 2018-36, a Resolution of the City Council of the City of Winters Adopting a Debt Issuance and Management Policy

Director of Financial Management Shelly Gunby gave an overview and said the adoption of a debt issuance and management policy is a requirement to restructure the water and sewer bonds. SB1029 requires a formal written debt policy pertaining to the issuance of bonds and the maintenance of bond-related records.

Council Member Anderson asked if the City was taking on Melo Roos financing. Shelly said that although Council is not interested in Melo Roos financing, staff is choosing to leave it in. The policy will allow for it even though the City will not use it, but will leave enough flexibility for Council to do what they want to do. City Manager Donlevy said as staff moves forward with the refinancing of the water and sewer bonds, policies will be established in the official statement, which gives assurance to the people who are buying the bonds. This will show that the City is policy driven as far as other financing goes.

Council Member Anderson asked if the City was borrowing money to pay retirement. Shelly said some cities are, but the City of Winters is not. The general rule is: certain things that are not voter approved are not included under indebtedness. The enclosed policy has been put together by bond counsel and the City Attorney. Staff is presenting to Council a bare-bones debt issuance and management policy after removing portions that were undesirable.

Motion by Council Member Neu, second by Council Member Cowan to approve Resolution 2018-36 adopting a debt issuance and management policy. Motion carried with the following vote:

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

5. Resolution 2018-35, a Resolution of the City Council of the City of Winters Approving the Wastewater Treatment Facility Influent Screening Improvements, Project No. 16-03

Environmental Services Manager Carol Scianna gave an overview. Council Member Loren asked if the funding for SCADA is in place. Carol said new impact fees will need time for the fees to accumulate to be contributed to these costs. Additional funding will come from the Sewer Operations and Maintenance fund. City Manager Donlevy said the original pump station was designed in 2006 and new technology is being added for this bar screen project. Mayor Biasi requested that staff perform community outreach, including but not limited to the addition of information in the monthly newsletter.

There were no public comments given regarding this item.

Motion by Council Member Loren, second by Council Member Anderson to approve Resolution 2018-35 approving the wastewater treatment facility influent screening improvements, Project No. 16-03. Motion carried with the following vote:

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

6. Updates to City of Winters Municipal Code Related to Green Waste and Garbage Services

Environmental Services Manager Carol Scianna reviewed the proposed definitions to be added to the Municipal Code and the proposed specific solid waste specifics to be updated, which are identified within the staff report.

Regarding street pile restrictions, Staff would like to finesse the language to include the option of having one large pile for multiple residences. Additional language would also clarify ownership of the tote contents as new State regulations will be stricter for those not sorting properly. Staff has performed outreach regarding piles in the street that have been put out soon after the green waste pickup.

Mayor Biasi identified for the record a letter of input received from Denise Cantrell, who resides on Main Street, saying once-a-month pickup of yard waste is not enough and the totes provided are not large enough. Carol said all residents can get a second tote at no charge and confirmed that street pickup is currently followed by street cleaning.

Council Member Loren said in addition to leaf time during the fall months, spring time creates situations that require larger totes or more frequent pick up. She suggested adding two dates to the existing 22 pick-up days on the calendar and go back to twice a month pick up. Another alternative would be to reorganize the

22 days to be more equitable for the entire community by moving November, December and January dates to April, May and June and reschedule them prior to city-wide events such as July 4<sup>th</sup> and Youth Day. Carol said she would find out the cost to add two dates and if added, the MOU would have to be amended.

Council Member Cowan said discussing street pickup may be for naught and asked how soon before we can no longer put yard waste in the street. City Manager Donlevy said a permit is required for how the City discharges water. An MS4 classification (Municipal Separate Storm Sewer System) for a town of 10,000 would trigger elimination of street waste.

Carol said yard maintenance companies have been known to dump their yard waste on various streets throughout the City, but are difficult to identify. Council Member Neu suggested asking for help from residents in the newsletter. Carol said that letters have gone out to local yard maintenance business license holders addressing this problem.

Council Member Anderson said in the original Waste Management contract, containers would be traded out once a year. Carol said damaged carts can be traded out and added that Waste Management wants to amend the contract to include a contamination fee for recyclables and green waste.

Mayor Biasi said if Waste Management bills are paid online, residents will not receive a waste pickup calendar. Residents should be educated about street pickup days and the schedule needs to be consistent, ie: first or second Monday of the month. Council also agreed that fines should not be levied without more education. Council Member Loren said once an equitable calendar and education is addressed, then fines are appropriate, as long as education comes first. She asked staff what enforcement would look like. Carol said enforcement would include staff monitoring, door hangers, warnings, and notices giving seven days to remove the debris. Mayor Biasi said more specifics are needed before moving forward, such as number of warnings and fine structure. City Manager Donlevy said staff will bring the policy back to Council.

City Attorney Walsh said the ability to give administrative citations for violation of the Municipal Code needs to be incorporated into a progressive process with specific provisions, including the pursuit of court action for misdemeanors.

Council Member Anderson said leaf piles aren't a bad thing and suggested leaving the leaf drop pickup schedule as is and adding more days if needed. Mayor Biasi requested staff to bring item back to Council with the options suggested.

During the public comment period, Mona Biasi questioned the idea of fining residents for waste on the street since her neighbors on both sides of their corner lot leave waste on both sides. She added that community piles can be good and

bad. Council Member Loren concluded by saying residents can't be fined when we don't have an equitable calendar.

7. Designation of a Voting Delegate and Alternates for the League of California Cities Annual Conference

Council Member Cowan recommended Council Member Loren serve as the Voting Delegate and Council Member Neu said he would serve as the Voting Delegate Alternate if Jesse were the Primary.

Motion by Council Member Cowan, second by Council Member Loren to designate Council Member Loren as the Voting Delegate and Council Member Neu as the Voting Delegate Alternate for the League of California Cities 2018 Annual Conference. Motion carried with the following vote:

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

8. City Council Liaison Assignments

Council reviewed the current liaison assignments and the following changes were agreed upon: Mayor Biasi will join Council Member Cowan on the Economic Development Advisory Committee, Council Member Cowan will replace Council Member Neu on the Parking Committee and the Planning Selection Committee, and Council Member Loren will be the primary liaison for the Yolo Subbasin Groundwater Agency.

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

1. None

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CITY MANAGER REPORT: The Planning Commission will receive the Parking Master Plan and hold a public hearing at a special Planning Commission meeting scheduled for August 14<sup>th</sup>. Their recommendation will then go before Council. Questionnaires have been put out to the business community to submit anything to the EDAC for their next meeting scheduled for July 26<sup>th</sup> at 5:30 p.m. Council Member Neu said he didn't want to lose sight on the general plan updates moving forward. City Manager Donlevy said a grant application for

funding (\$100,000) from SACOG for a general plan refresh was submitted on June 29<sup>th</sup>. A second grant application for the I-505 project will also be submitted. The interns are scheduled to meet with representatives at SACOG to discuss sustainability issues. The park project feels good, but not having money to leverage hurts. Staff has managed funds as diligently as possible and we are competing against larger municipalities.

Mayor Biasi said Measure G was passed by the voters, converting the City Treasurer from an elected position to an appointed position. He wanted to recognize Mike Sebastian for all his years of service given to the City.

INFORMATION ONLY: None

ADJOURNMENT: Mayor Biasi adjourned the meeting at 8:29 p.m.



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Bill Biasi, MAYOR

ATTEST:



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Tracy S. Jensen, City Clerk