



Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, December 4, 2018
6:30 p.m.
AGENDA

Members of the City Council

*Bill Biasi, Mayor
Wade Cowan, Mayor Pro-Tempore
Harold Anderson
Jesse Loren
Pierre Neu*

*John W. Donlevy, Jr., City Manager
Ethan Walsh, City Attorney
Tracy Jensen, 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, November 6, 2018 (pp. 5-10)
- B. Resolution 2018-68, a Resolution of the City Council of the City of Winters Approving the Appointment of Primary and Alternate Representatives on the Yolo Emergency Communications Agency (YECA) (pp. 11-12)
- C. Beverage Recycling Grant Purchases (pp. 13-16)
- D. Well 7 Generator Repair (pp. 17-20)
- E. Sacramento Yolo Mosquito & Vector Control District November 13, 2018 Report by City of Winters Representative Gar House (pp. 21)

PRESENTATIONS

None

DISCUSSION ITEMS

- 1. Public Hearing and Consideration of Resolution 2018-61, a Resolution of the City Council of the City of Winters, Adopting the 2018 Yolo County Operational Area Multi-Jurisdictional Hazard Mitigation Plan <http://www.cityofwinters.org/health-and-safety/> (pp. 22-31)
- 2. Public Hearing, Waive the First Reading and Introduce Ordinance 2018-06, an Ordinance of the City Council of the City of Winters Amending Chapter 5.36, Street Vendors (Food Trucks), and Title 17, Zoning Ordinance of the Winters Municipal Code (pp. 32-80)
- 3. Public Hearing, Waive the First Reading and Introduce Ordinance 2018-08, an Ordinance of the City of Winters Adopting Planned Development (PD) Overlay Zone Regulations for the Cottages at Carter Ranch Phase II Subdivision; and the Adoption of Resolution 2018-69, a Resolution of the City Council of the City of Winters Approving the Tentative Subdivision Map for the Cottages at Carter Ranch Phase II Subdivision (pp. 81-100)
- 4. Second Reading and Adoption of Ordinance 2018-07, an Ordinance of the City Council of the City of Winters Amended

- Sections of the Winters Municipal Code Regarding Administrative and Enforcement of Parking Violations and Citations (pp.101-105)
5. Adoption of Resolution 2018-70, a Resolution of the City Council of the City of Winters Adopting and Updating the Schedule of Fines and Penalties Regarding Regulated Time Limit Parking and Late Payment Penalty (pp. 106-111)
 6. Introduce and Waive the First Reading of Ordinance 2018-09 to Amend the Winters Municipal Code §10.16.120(A) "Regulated Parking on Certain Streets" (pp. 112-114)
 7. Yolo Habitat Conservancy Loan Agreement (pp. 115-124)

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

1. None

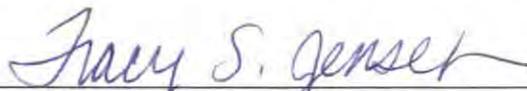
CITY MANAGER REPORT

INFORMATION ONLY

1. July 2018 Investment Report (pp. 125-126)
2. July 2018 Treasurer Report (pp. 127-133)
3. August 2018 Investment Report (pp. 134-135)
4. August 2018 Treasurer Report (pp. 136-142)
5. September 2018 Investment Report (pp. 143-144)
6. September 2018 Treasurer Report (pp. 145-151)

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the December 4, 2018 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 November 28, 2018, and made available to the public during normal business hours.



Tracy S. Jensen, City Clerk

Questions about this agenda – Please call the City Clerk’s Office (530) 794-6702. Agendas and staff reports are available on the city web page at 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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Any attachments to the agenda that are not available online may be viewed at the City Clerk’s Office or locations where the hard copy packet is available.

Email Subscription: You may contact the City Clerk’s Office to be placed on the list. An agenda summary is printed in the Winters Express newspaper.

City Council agenda packets are available for review or copying at the following locations:

City Hall – Finance Office - 318 First Street

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Minutes of the Regular Meeting of the Winters City Council
Held on November 6, 2018

Executive Session

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

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

Regular Session

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

Present: Council Members Harold Anderson, Wade Cowan, Jesse Loren, Pierre Neu and Mayor Bill Biasi

Absent: None

Staff: City Manager John W. Donlevy Jr., City Attorney Ethan Walsh, Director of Financial Management Shelly Gunby, Environmental Services Manager Carol Scianna, Police Chief John Miller, Fire Captain Brad Lopez, City Engineer Alan Mitchell, and City Clerk Tracy Jensen.

Alan Mitchell led the Pledge of Allegiance.

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

AYES: Council Members Anderson, Cowan, Loren, Neu, Mayor Biasi

NOES: None

ABSENT: None

ABSTAIN: None

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS: Will Pro, a local small builder who resides at 803 Carrion Circle, said he was trying to obtain small builder lots in one of the new housing developments as per a condition of the City's standard development agreement that states 10% of the lots in a development over 20 units must be available for local builders to purchase. The developer and local real estate agents said they didn't know anything about this requirement. Will said the City should protect this policy.

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, October 16, 2018
- B. Waste Management Contract - Second Amendment to Include Overage Charges and Contamination Fee
- C. Sacramento Yolo Mosquito & Vector Control District Report by City of Winters Representative Gar House
- D. Budget Adjustment for Recycling Grant Funds
- E. Approve Agreement for HOME Administrative Subcontractor Services for the Blue Mountain Terrace Senior Apartments Project
- F. Claim Against the City of Winters - Erica Jackson
- G. Approval of the Image Trend Report Management Software for the Winters Fire Department
- H. Resolution 2018-66, a Resolution of the City Council of the City of Winters Accepting a Grant Deed for a Ten Foot Public Utility Easement for Olive Grove Phase 1 Map #5066
- I. Resolution 2018-63, a Resolution of the City Council of the City of Winters Consenting to Accept an Irrevocable Offer of Dedication (IOD) of Right of Way and Public Utility Easement for the Callahan Estates Phase 1 Final Map #4508
- J. Resolution 2018-67, a Resolution of the City Council of the City of Winters Accepting a Grant Deed to Create and Convey a Parcel to the City from Domus GP, LLC - Blue Mountain Terrace

City Manager Donlevy gave an overview. Regarding the Waste Management contamination fee, Mayor Biasi said the new garbage trucks now have cameras, so if there is contamination in your garbage toter, you can receive a fine. Motion by Council Member Cowan, second by Council Member Neu to approve the Consent Calendar. Motion carried with the following vote:

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

PRESENTATIONS: None

DISCUSSION ITEMS

1. Continued Public Hearing for the Proposed Update of the City of Winters 2003 Development Impact Fees Nexus Study (Continued from 10/16/18)

Director of Financial Management Shelly Gunby said Hansford Economic Consulting possesses the expertise in updating the City's capital project list and impact fee amounts to determine the fees the City should be collecting to fund future projects as a result of development. The last capital project list was completed in 2003 and reviewed again in 2010, where adjustments were made, reducing those fees established in 2003. Shelly introduced Catherine Hansford, who gave a power point presentation.

Council Member Anderson requested the language under Sports Park include "baseball." After further discussion, Mayor Biasi opened the public hearing at 7:25 p.m. and closed the public hearing at 7:26 p.m. Council Member Loren asked if language will be added to include an annual review, and staff confirmed it will be included in the resolution.

Motion by Council Member Cowan, second by Council Member Neu to approve Fee Study Option 3 with no financing costs, and approve Resolution 2018-59 imposing Capital Improvement Facilities Fees for General Government, Fire, Parks and Recreation, Public Safety, Wastewater, Water and Transportation Improvements and Project Monitoring. Motion carried with the following vote:

AYES: Council Members Anderson, Cowan, Loren, Neu, Mayor Biasi

NOES: None

ABSENT: None

ABSTAIN: None

2. Circulation Master Plan

City Engineer Alan Mitchell gave an overview and said the Planning Commission has recommended that the City Council approve the Circulation Master Plan. Greg Behrens from Fehr & Peers gave a power point presentation to "identify the future roadway network necessary to accommodate City growth through 2036." Also included were the existing roadway impact fees per unit established in 2010 and the proposed roadway impact fees per unit. Mayor Biasi said he doesn't see some of the proposed future roadway improvements happening and asked how the City would be impacted without them. Greg said the proposed roundabout at Dutton is a long term improvement and said other adjustments can also be made. City Manager Donlevy noted the Dutton roundabout came in as a Cal

Trans requirement. Greg said the proposed signal at the interchange is more important and could cause substantial delays if it weren't included. If the signals are coordinated, it can be worked out. Council Member Loren asked if any consideration has been given to how transportation apps might impact travel and whether any consideration has been given to a higher traffic volume coming into town from Putah Creek Road. Greg said studies can be done for increased traffic if it becomes an emerging problem. Mayor Biasi said 23,000 cars travel up and down I-505 daily and asked how we get them to pull off the freeway.

Motion by Council Member Neu, second by Council Member Loren to approve the Circulation Master Plan Update and maintain the Level of Service at Option Level 3. Motion carried with the following vote:

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

3. Waste Management Rate Increase for Tipping Fee

Environmental Services Manager Carol Scianna gave an overview and said the increased disposal costs incurred by Waste Management are being recouped through the proposed rate increase to Winters residents. The Yolo County Central Landfill needs to construct a new landfill module that will be consistent with their Waste Discharge Permit. The approximate rate increase per household will be \$1/month and will become effective 11/7/18 if approved. No public comments were received by staff. Council Member Loren said it's important that residents know their options and requested staff to reach out to the public to let them know a smaller trash toter is available at a lower cost.

Mayor Biasi opened the public hearing at 8:14 p.m. and closed the public hearing at 8:14 p.m. with no comments.

Mayor Biasi said outreach is important if people are paying for empty space in their trash toters. In order to avoid fines, don't overfill and don't contaminate.

Motion by Council Member Loren, second by Council Member Neu to approve Resolution 2018-62 increasing the integrated Waste Management Service rates for residential and commercial premises. Motion carried with the following vote:

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

4. Resolution 2018-65, a Resolution of the City Council of the City of Winters Establishing the Schedule of Fines and Penalties for Traffic and Parking Violations; (pp. 209-214) and Introduction and Waive the First Reading of Ordinance 2018-07, an Ordinance of the City Council of the City of Winters Amending the Winters Municipal Code Regarding Administration and Enforcement of Parking Violations and Citations

Police Chief John Miller gave an overview and said the Winters Municipal Code and Fine Schedule needed to be updated as the last update was done in 1995. Chief Miller said Resolution 2018-65 was a companion resolution to Ordinance 2018-07. Mayor Biasi said an updated fee schedule AND enforcement were discussed at the Parking Committee meetings. Chief Miller said a parking citation will be created and Mayor Biasi said the fees look reasonable. Council Member Cowan said he likes the consistency of the fee schedule.

Motion by Council Member Cowan, second by Council Member Loren to approve staff recommendation and adopt Resolution 2018-65, establishing the schedule of fines and penalties for traffic and parking violations, and to introduce and waive the first reading of Ordinance 2018-07 amending the Winters Municipal Code regarding the administration and enforcement of parking violations and citations. Motion carried with the following vote:

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

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

1. None
-

CITY MANAGER REPORT: The first strategic planning workshop is scheduled for November 14th at 6pm at the Public Safety Facility. The agenda will soon be distributed and the meeting will be publicized. Carol said salmon have been spotted in the creek. A "Save the Banks" meeting for Dry Creek landowners will take place on November 18th at 6pm at the Public Safety Facility. City staff and members of the Putah Creek Council will meet with willing landowners to discuss measures to keep Dry Creek safe.

ADJOURNMENT: Mayor Biasi adjourned the meeting at 8:25 p.m.

Bill Biasi, MAYOR

ATTEST:

Tracy S. Jensen, City Clerk



**CITY COUNCIL
STAFF REPORT**

DATE: December 4, 2018
TO: Mayor and City Council
FROM: John W. Donlevy, Jr., City Manager 
SUBJECT: Appointment of Primary and Alternate Representatives on the Yolo Emergency Communications Agency (YECA)

RECOMMENDATION:

That the City Council adopt Resolution 2018-68, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS APPOINTING CITY PRIMARY AND ALTERNATE REPRESENTATIVES TO THE YOLO EMERGENCY COMMUNICATIONS AGENCY.

BACKGROUND:

The Yolo Emergency Communications Agency (YECA) is a joint powers agency provides emergency communications and 911 services to a number of public agencies in Yolo County, with the City of Winters serving as on its Board of Directors. In a recent review of bylaws by County Counsel, they have suggested updated resolutions from the legislative bodies of each agency designating "Primary" and "Alternate" City representatives to serve on the YECA Board of Directors.

Discussion:

Attached for the consideration of the City Council is Resolution 2018-XX appointing John W. Donlevy, Jr., City Manager to serve as the "Primary" voting representative and Police Chief- John P. Miller to serve as the "Alternate" voting member.

FISCAL IMPACT: None by this action.

Resolution No. 2018-68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS APPOINTING
CITY PRIMARY AND ALTERNATE REPRESENTATIVES TO THE YOLO
EMERGENCY COMMUNICATIONS AGENCY

WHEREAS, the City of Winters is a member of the Yolo Emergency Communications Agency (YECA), a joint powers agency providing emergency communication and 911 Services throughout Yolo County; and

WHEREAS, YECA requires designation by member agencies of both Primary and Alternate representatives to serve as designated voting members on its Board of Directors, representing the interests of the agencies participating in the business of the Agency; and

WHEREAS, John W. Donlevy, Jr., City Manager shall be designated as the City's "Primary" representative and John P. Miller, Chief of Police shall serve as the "Alternate".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winters does hereby appoint John W. Donlevy, Jr. to serve as the City's "Primary" representative and John P. Miller, to serve as the "Alternate" representative on the Board of Directors of the Yolo Emergency Communications Agency.

DULY AND REGULARLY ADOPTED this 4th day of December, 2018 by the following vote:

Ayes:
Noes:
Absent:
Abstain:

CITY OF WINTERS

Bill Biasi, Mayor

ATTEST:

Tracy S. Jensen, City Clerk



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: December 4, 2018
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Carol Scianna, Environmental Services Manager 
SUBJECT: Beverage Recycling Grant Purchases

RECOMMENDATION: Staff recommends Council approve purchase of recycled content picnic tables, benches and metal recycling/trash containers in the amount not to exceed \$23,000.

BACKGROUND: The City has submitted grant applications for CalRecycle Beverage Recycling Program, and has been awarded \$5000 annually. The goal of these funds is to encourage recycling throughout the City. In the past the City was able to use these funds to purchase park equipment such as picnic tables and benches made from recycled content materials. There was little oversight on spending these funds from CalRecycle for many years. The City didn't always spend the allotted \$5000 annually and as a result we have accumulated a large unspent balance of \$31,753. The Council approved a budget adjustment on November 6th, 2018 to bring the unspent balance of Recycling Grant Funds to be available in the current budget cycle. Staff would like to purchase the following items using these funds to be installed within our parks and downtown commercial area:

QTY	ITEM
7 -	Metal Recycle/Trash Cans
2-	ADA Recycled Content Traditional Picnic Tables (8ft long)
6-	Recycled Content Traditional Picnic Table (8 ft long)
6-	Traditional Recycled Content Benches w/ mounting kits (6ft long)
3-	Recycled Content Bike Racks (each holds six bikes)

The remaining balance of \$9329 will be spent on similar items before June 30, 2019.

FISCAL IMPACT: Not to exceed \$ 23,000 from Beverage Recycling funds

Attachment:

Details of items to be purchased

Shopping Cart (Treetop Family of Sites)



**Northgate
Double
Receptacles**

SKU: 4274337

Price: ~~\$1,074.85~~
Sale: **\$782.85**

[Update](#)
[Remove](#)

Quantity: 7

Item Total: \$5,479.95



**(ADA - 1
Chair)
Traditional
Recycled
Plastic
Picnic Table**

SKU: 12K5643

Price: ~~\$1,386.85~~
Sale: **\$1,108.85**

[Update](#)
[Remove](#)

Quantity: 2

Item Total: \$2,217.70



**Traditional
Recycled
Plastic
Picnic
Tables**

SKU: 12K5507

Price: ~~\$1,561.85~~
Sale: **\$1,248.85**

[Update](#)
[Remove](#)

Quantity: 6

Item Total: \$7,493.10



**Traditional
Recycled
Plastic
Benches**

SKU: 22K2185

Price: ~~\$649.85~~
Sale: **\$478.85**

[Update](#)
[Remove](#)

Quantity: 6

Item Total: \$2,873.10

Need anything? Just ask!

[Get Shipping Costs and](#)

Free Typical US Shipping



Surface Mount Kit for Benches - (2) 4.5" brackets and (2) 3" brackets
SKU: 62K2612

Price: ~~\$61.85~~
Sale: **\$48.85**

[Update](#)
[Remove](#)

Quantity: 6

Item Total: \$293.10



Recycled Plastic Bike Racks
SKU: 72K7354-500

Price: ~~\$574.85~~
Sale: **\$458.85**

[Update](#)
[Remove](#)

Quantity: 3

Item Total: \$1,376.55

Subtotal \$19,733.50

Shipping \$2,619.97

Tax

[Get Shipping Costs and](#)

Grand Total \$22,413.10

[Continue Shopping](#)

Promotion Code

[Apply](#)

[Checkout >](#)

Need Approval?
[Save this cart.](#)

Need anything? Just ask!



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: December 4, 2018
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Carol Scianna, Environmental Services Manager 
SUBJECT: Well 7 Generator Repair

RECOMMENDATION: Staff recommends Council approve work by Telstar to repair and replace parts for well 7 generator, in the amount not to exceed \$11,600.

BACKGROUND: Staff has recently been having issues with the Well 7 generator not allowing well 7 to restart after the generator has been tested. They have replaced the relay switch as per manufacturer recommendation on what was the most likely cause of the problem. However, this turned out not to be the problem. Upon further investigation by our technical consultant has determined that the 3 pole contactor assembly is the problem. Unfortunately, this is an expensive part at over \$8000. The attached quote includes labor and taxes. I have added additional funds to cover estimated freight. Given that Well 7 is our largest well it is imperative that we have the generator and the well working reliably and efficiently together, requiring this repair to be completed as soon as possible

FISCAL IMPACT: Not to exceed \$ 11,600 from Water and O & M funds

Attachment:
Telstar Quote



Contractor License #422364

**CONTROL SYSTEM INTEGRATION • INSTRUMENTATION SALES & SERVICE
SCADA • PLC/HMI • Telemetry • Calibration • Maintenance**

November 16, 2018

City of Winters
19 East Baker Street
Winters, Ca 95694
Sent via Email: TONY.LUNA@CITYOFWINTERS.ORG

Attn: Tony Luna
Subject: Repair for Automatic Transfer Switch at Well No. 7
Reference: SR34029

Dear Tony,

Telstar is pleased to provide a quote for the referenced project.

1. Repair at the existing ATC – 300 automatic transfer switch for well no. 7
2. Installation new D-frame 3 pole contactor assembly at the transfer switch.
3. Test transfer switch and confirm it transfers to emergency power and back to normal power.

The cost for project is as outlined:

Labor	\$2,530.00
Materials	\$8,125.90
Tax x 7.25	\$589.00

➤ Shipping and Handling for Telstar Supplied Materials is not included
Sales Tax is included

CLARIFICATIONS, EXCEPTIONS, AND EXCLUSIONS

- a. All pricing is based on Telstar’s standard Terms and Conditions.
- b. Telstar’s quotation includes only those items listed above. Requests for additions/deletions from our scope will require a change in the quoted price.
- c. We assume no responsibility for performance, applicability, start-up, testing, or acceptance of any equipment not furnished by Telstar under this proposal.
- d. Telstar is supplying only equipment specified and noted above.

TERMS AND CONDITIONS

Base Terms: Quotation is valid for 30 days from above date. Our terms are due and payable 30 days from date of invoice. Payments must be made on a minimum of a monthly basis. If payment is not received by the 30th day, a

1717 Solano Way, Unit 34, Concord, CA 94520 Phone 925-671-2888, Fax 925-671-9507
4017 Vista Park Court, Sacramento, CA 95834 Phone 916-646-1999, Fax 916-646-1096
202 South Douty Street, Hanford, CA 93230 Phone 559-584-7116, Fax 559-584-8028
Page 1 of 3

TELSTAR INSTRUMENTS

.05% daily service charge (18-3/4% per annum) will be charged on all accounts past due. Attorney's fees, court costs and costs of collection will be paid to prevailing party. Permits and bonding are excluded unless otherwise noted herein. Our standard insurance applies unless agreed to in writing by Telstar Instruments. We accept no responsibility for consequential damages and our standard warranty applies. Please reference the above stated quote number in all correspondence and purchase orders. Unless otherwise noted, this quote is based on standard straight time hours and does not include any prevailing wage rates unless agreed in writing by Telstar Instruments. The price quoted herein is for the labor and materials specifically listed within the body of this quote. Service calls carry a 4-hour minimum per person.

Cancellation charges apply including engineering, labor, materials, quote and estimating time, markup, % of profit, return goods fees, etc. at the time of written cancellation notice to Telstar Instruments.

Limitation of Liability: (a) In no event shall Telstar Instruments, its suppliers or subcontractors be liable for special, indirect, incidental or consequential damages, whether in contract, warranty, tort, negligence, strict liability or otherwise, including, but not limited to, loss of profits or revenue, loss of use of the Equipment or any associated equipment, cost of capital, cost of substitute equipment, facilities or services, downtime costs, delays, and claims of customers of the Purchaser or other third parties for any damages. Telstar Instruments liability for any claim whether in contract, warranty, tort, negligence, strict liability, or otherwise for any loss or damage arising out of, connected with, or resulting from this Agreement or the performance or breach thereof, or from the design, manufacture, sale, delivery, resale, repair, replacement, installation, technical direction of installation, inspection, operation or use of any equipment covered by or furnished under this Agreement, or from any services rendered in connection therewith, shall in no case exceed one-fourth (1/4) of the purchase price allocable to the Equipment or part thereof or Services which gives rise to the claim. (b) All causes of action against Telstar Instruments arising out of or relating to this Agreement or the performance or breach hereof shall expire unless brought within one year of the time of accrual thereof. (c) In no event, regardless of cause, shall Telstar Instruments be liable for penalties or penalty clauses of any description or for indemnification of Purchaser or others for costs, damages, or expenses arising out of or related to the Equipment and/Services.

Force Majeure: Telstar Instruments shall neither be liable for loss, damage, detention or delay nor be deemed to be in default for failure to perform when prevented from doing so by causes beyond its reasonable control including but not limited to acts of war (declared or undeclared), Acts of God, fire, strike, labor difficulties, acts or omissions of any governmental authority or of Purchaser, compliance with government regulations, insurrection or riot, embargo, delays or shortages in transportation or inability to obtain necessary labor, materials, or manufacturing facilities from usual sources or from defects or delays in the performance of its suppliers or subcontractors due to any of the foregoing enumerated causes. In the event of delay due to any such cause, the date of delivery will be extended by period equal to the delay plus a reasonable time to resume production, and the price will be adjusted to compensate Telstar Instruments for such delay.

Cancellation: Any order may be cancelled by Purchaser only upon prior written notice and payment of termination charges, including but not limited to, all costs identified to the order incurred prior to the effective date of notice of termination and all expenses incurred by Telstar Instruments attributable to the termination, plus a fixed sum of ten (10) percent of the final total price to compensate for disruption in scheduling, planned production and other indirect costs.

Entire Agreement: This Agreement constitutes the entire agreement between Telstar Instruments and Purchaser. There are no agreements, understandings, restrictions, warranties, or representations between Telstar Instruments and Purchaser other than those set forth herein or herein provided.

Bonding: Cost of Bonding is not included. Contact Telstar Instruments for a quote if bonding is required.



We look forward to working with you on this project. If you have any questions, please contact me at the phone number below.

Sincerely,

Tyrone Brown
Project Manager
Telstar Instruments
(510) 693-8043

**Sacramento Yolo Mosquito & Vector Control District Report
November 13, 2018**

TO: Winters City Council
FROM: Gar House
SUBJECT: November 13, 2018 Meeting – Items of Potential Relevance to Winters

I attended the November 13, 2018, Board of Trustees meeting of the Sacramento Yolo Mosquito & Vector Control District (SYMVCD) held in Elk Grove. To start the board meeting I was provided the honor of leading the Pledge of Allegiance.

Gary Goodman, Manager of SYMVCD, reported:

- The District's West Nile season, although nearly over, trapping and sampling continues.
- Mosquito activity not dropping as fast as in past years. Still a few cases of West Nile Virus human infection reported.

Reports from Trustees attending MVCAC Quarterly Meeting:

- { • Local control becoming a potential issues & concern for MVCD's statewide, especially regarding pesticide applications (e.g., some cities in southern California interested in becoming "pesticide free".)
- Potential conflict with main mission of Mosquito Vector Control District which is to protect public health.
- California Districts working together on options for "Public Facing" data regarding West Nile Virus risks in a particular area, i.e., how to best display and present risk information to the public (Chris Barker reporting).

Marcia Reed, Lab & Surveillance, reported:

- *Culex pipiens* numbers above 5 year average in surveillance trapping but started dropping in last week of trapping.
- Mosquito (*Culex tarsalis* and *pipiens*) pesticide susceptible/resistance testing and monitoring continues.

Marty Scholl, Ecological Management, reported:

- Investigations and research using aerial drones for imaging continues. Real time software uploading to drones for pinpointing pesticide application, etc., is being researched and tested.

Luz Maria Robles, Public Outreach, reported:

- Presentations and SYMVCD facility tours (e.g., Girl Scouts) are current focus of Public Outreach.

Finally, I will be attending the Mosquito and Vector Control Association of California (MVCAC) annual meeting in Burlingame, CA, February 3 -6, 2019, and attend the Trustee Ethics Training session.



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: December 4, 2018
FROM: Dan Maguire, Economic Development & Housing Manager
THROUGH: John W. Donlevy, Jr., City Manager *[Signature]*
SUBJECT: Approval of Resolution 2018-61 - Adopting the 2018 Yolo County Operational Area Multi-Jurisdictional Hazard Mitigation Plan Update

RECOMMENDATION: That the Council 1) Receive the 2018 Yolo Operational Area Multi-Jurisdictional Hazard Mitigation Plan and the plan's City of Winters profile, 2) conduct a public hearing, and 3) approve Resolution 2018-61 adopting the 2018 Yolo County Operational Area Multi-Jurisdictional Hazard Mitigation Plan Update.

BACKGROUND: The Federal Emergency Management Agency (FEMA) and the Disaster Mitigation Act of 2000 (DMA) require that local jurisdictions have plans in place to mitigate all reasonably known hazards, both natural and man-made. Future hazard mitigation grant funding is contingent upon having FEMA approved hazard mitigation plans in place.

In order to comply with FEMA and DMA and in order to better prepare our community and region to deal with natural and man-made hazards the Yolo Operational Area Group developed the Yolo Operational Area Multi-Jurisdictional Hazard Mitigation Plan Update. The Yolo Operational Area Group is comprised of all the cities within the county, the Yocha DeHe tribe, unincorporated regions of the county and special districts.

The current plan was adopted by the Winters City Council in October of 2012, is thus several years old and as required by FEMA is due to be updated. A Hazard Mitigation Steering Committee with representatives from each of the local agencies including the

City of Winters was organized to tackle the job of revising the current plan. Outreach was conducted to ensure the public and non-governmental entities also had a voice in the plan's development.

This document is, in concept, a revision of the previous Local Hazard Mitigation Plan, composed and approved in 2005 and most recently updated and approved in 2012. As part of the process it was then necessary for the plan to be submitted to Cal EMA and FEMA for review before it could come back to the City Council for formal approval. Yolo County OES staff received a letter dated August 22, 2018 from FEMA determining the plan is eligible for final approval pending its adoption by Yolo County and all participating jurisdictions.

In addition to the FEMA requirements, California AB 2140 allows a local jurisdiction to adopt their current FEMA-approved local hazard mitigation plan into the Safety Element of the General Plan. The 2018 Hazard Mitigation Plan was reviewed by the City of Winters Planning Commission at their meeting on November 13, 2018, with the Planning Commission unanimously recommending City Council approve the Hazard Mitigation Plan.

It is now necessary for each jurisdiction in the Operational Area to approve the plan by resolution in order to receive full FEMA approval. The resolution includes language granting authority to the Winters City Manager to amend and update the plan as required by any last minute local changes or due to recommendations from Cal EMA/FEMA. It is however necessary to move forward with the plan as it was approved by Cal EMA in order to not jeopardize our community rating. If the plan is not formally adopted FEMA will not consider the jurisdiction as eligible for any Hazard Mitigation Grant Funds. This agenda item was publicly noticed in the October 25, 2018 edition of the Winters Express.

RECOMMENDED ACTION: That the City Council of the City of Winters Approve Resolution 2018-61 - A Resolution of the City Council of The City of Winters Adopting the 2018 Yolo County Operational Area Multi-Jurisdictional Hazard Mitigation Plan.

FISCAL IMPACT:

None.

ATTACHMENTS:

Resolution 2018-61 - A Resolution of the City Council of The City of Winters Adopting the 2018 Yolo County Operational Area Multi-Jurisdictional Hazard Mitigation Plan
Link to Yolo County Operational Area Multi-Jurisdictional Hazard Mitigation Plan:

<https://www.dropbox.com/s/93ac24rrh1k53no/2018%20Yolo%20County%20HMP%20-%20Draft%203.pdf?dl=0>

August 22, 2018 FEMA letter

AB 2140 Background Documents

Yolo County Multi-Hazard Plan Update

- Five Part Plan
 1. Legal Authorities
 2. Planning Process
 3. Hazard Identification and Risk Assessment
 4. Mitigation Strategies
 5. Plan Evaluation and Maintenance
- Supporting Documentation

1. Legal Authorities

- County Overview
 - Demographics
 - Critical Facilities and Infrastructure
 - Natural, Historical and Cultural Resources
 - Economics
 - Existing authorities, policies, programs and Resources
- ID of “New” items- risks, climate, accreditation and community ratings

2. Planning Process

- Jurisdictional Review
- Plan Authentication
- Process for update
- Public Review and Transparency

3. Hazard Identification and Risk Assessment

- Historical Review
- Hazard Assessment
- Dam Failure
- Flooding
- Levee Failure
- Earthquake
- Land Slides
- Land Subsidence
- Severe Weather
- Volcano
- Wildfire
- Drought
- Climate Change

Hazard Identification Cont

- Agricultural Pests and Disease
- Epidemic/Pandemic
- HazMat
- Transportation
- Power/Utility Failure
- Communications
- Terrorism
- Civil Disturbance
- Urban Conflagration
- Flood Insurance
- Repetitive Loss

4. Mitigation Strategies

- Changes in Development
- Changes in Priorities
- Mitigation Goals

5. Plan Evaluation and Maintenance

- Current Plan Review
- Adoption
- Monitoring
- Evaluation
- Update

Supporting Documentation

- Planning Process
- EMAP Summary
- Community Priorities- Individual jurisdictional plans and identified hazards
- Adoption Letters/Documents



**CITY COUNCIL
STAFF REPORT**

TO: Mayor and Councilmembers
DATE: December 4, 2018
FROM: David Dowswell, Contract Planner 
THROUGH: John Donlevy, Jr., City Manager 
SUBJECT: Public Hearing and Consideration of proposed amendments to Chapter 5.36 Street Vendors and Title 17 (Zoning Ordinance) regarding sidewalk and stationary food vendors operating within city limits.

RECOMMENDATION: Staff recommends the City Council take the following actions:

- 1) Find the proposed amendments Categorical Exempt from CEQA, Class 1 Section 15301 (Existing Facilities) and Class 4 Section 15304 (Minor Alterations to Land); and
- 2) Receive the staff report, conduct the public hearing, and introduce Ordinance No. 2018-06 amending Chapter 5.36 Street Vendors and Title 17 (Zoning Ordinance) of the Municipal Code.

BACKGROUND: On May 23, 2018 Contract Planner Dowswell discussed with the Planning Commission an application to allow a Buckhorn food truck to sell food on the property located at 3 Grant Avenue (Winters General Store).

On July 24, 2018 the Planning Commission at a study session discussed a number of possible changes to Chapter 5.36 Street Vendors Ordinance and Title 17 Zoning Ordinance regarding stationary food vendors

On August 8, 2018 Sam Donlevy, Management Intern, held a meeting with representatives from the businesses located on East Main Street and Main Street. At the meeting there were two major topics of discussion, the proximity of food trucks from schools and the creating a clearer Exhibit A map.

On September 17, 2018 Governor Brown signed into law Senate Bill (SB) 946 (Attachment A) which regulates sidewalk vendors. This new law requires numerous changes to our current regulations, which are included in the draft ordinance (Attachment B).

On September 25, 2018 a study session was held where comments from the two planning commissioners and the public were taken regarding the regulation of stationary food vendors (food trucks). At the study session most people spoke in support of allowing food trucks. Stan Lester questioned why the draft ordinance did not allow for food trucks to locate on Main Street.

Presently, Yolo County has a simple 4 step process for stationary and mobile food trucks to locate within the county. These steps are:

- Stationary or mobile food vendor approval to operate in the county
- Processing and approval for application to sell within the county
- Inspection of vehicle and labeling of tags and legal permitting
- Finalized approval to operate within the county

While these vendors are able to operate in the county, our current ordinance does not allow for county approved stationary vendors (food trucks) to operate within city limits.

October 23, 2018 the Planning Commission held a public hearing where the proposed amendments to the Municipal Code were considered. At the meeting a number of residents spoke. At the conclusion hearing the Commission recommended approval of the proposed ordinance, with some modifications highlighted in yellow (Attachment C). Included with the draft ordinance are a number of staff comments.

ANALYSIS: The amendments to Chapter 5.36 Street Vendors would add Section 5.36.080 regarding stationary food vendors and Section 5.36.180 regarding temporary permits. There are four key components to the proposed amendments:

Mobile Food Vendors

Staff is not proposing and significant changes to the regulations governing mobile food trucks in Section 5.36.060B. These are the trucks which stop at construction sites for a short period before moving to another site. They also include ice cream trucks.

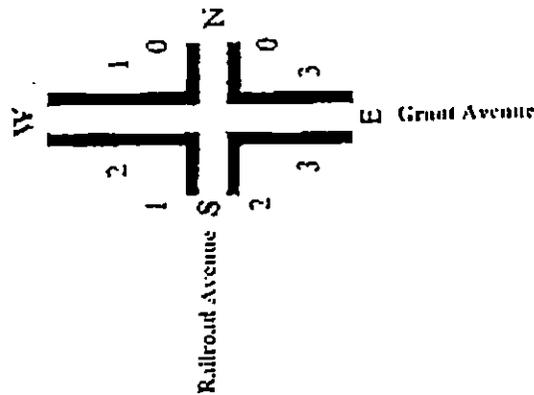
Stationary Food Vendors (Food Trucks)

Location: Currently stationary food vendors, which does not include food trucks, are only permitted to locate at the intersection of Grant Avenue and Railroad Avenue from Grant Avenue east to Dutton Street on the north side of the street and to East Street on the south side of Grant Avenue; both sides of Railroad Avenue south to Baker Street; west on Grant Avenue three-hundred (300) feet as shown in the image below. No

stationary food vendors are permitted north of Railroad Avenue, nor are they permitted within five hundred (500) feet of the high school campus publicly owned property. "Special use permits" are required from the Planning Commission. The Planning Commission recommended deleting the requirement that food trucks not be allowed to locate within 500 feet of a school or publicly owned property. The Commission felt that the issue of separation from a school would be discussed during the conditional use permit process, which requires a public hearing.

The illustration below, which is taken from the Section 5.36.080 of the Municipal Code, only allows stationary food vendors to locate at the intersection of Railroad Avenue and Grant Avenue. Staff proposed to the Planning Commission Section 5.36 of the Municipal Code be expanded allow stationary food vendors with a conditional use permit", which would include food trucks, to locate in C-1, C-2 and C-H zones (Land Use/Zone Matrix in Chapter 17.52.020) and in D-A and D-B zones on Railroad Avenue, Grant Avenue and Secondary Streets (Table 17.58.2). Staff proposed food trucks not be allowed to locate on Main Street and that be separated a minimum of 200 feet from another food truck. (The distance is 200 feet from El Verduzco food truck and the site where the proposed Buckhorn food truck would be located.) The Planning Commission supported amending the Municipal Code by expanding the areas where food trucks are permitted by allowing them on Main Street and by not requiring they be separated a minimum distance from another food truck.

At the meeting with the Main Street businesses on August 8 the owners of Kountry Kitchen wanted the ability for a food truck to locate on their property. According to the illustration below only one (1) food truck is allowed at the northwest intersection/corner of Grant and Railroad Avenues. Staff recommended the Planning Commission support keeping this restriction, which they supported, limiting this corner to only one food truck. There is an application pending before the Planning Commission for a Buckhorn food truck to locate on the property at northwest side of the intersection of Grant and Railroad Avenues. If this application were approved, and the restriction limiting this corner to one (1) food truck is not changed, the owners of Kountry Kitchen could apply to have a food truck on their property only on those days the Buckhorn Food Truck was not using the property.



Size: At the July 24, 2018 Planning Commission meeting staff discussed limiting the size of stationary food vendors (food trucks). The Commission felt having an actual size limit might result in a situation where a food truck which exceeded the dimensions would not be allowed. This language was removed from the draft ordinance that the Commission recommended approval of on October 23. The Planning Commission felt the size of the food truck could be determined during the conditional use permit process rather than included as part of the ordinance.

Marketability: Staff proposed stationary food vendors be allowed to provide benches, tables, chairs, and other such materials to improve the dining experience of those seeking to dine at their business. Staff also recommended that all equipment/materials associated with a food truck must be removed when the food truck is not open for business and must be stored offsite. Allowing materials to be stored onsite could be considered as a part of the use permit process. The Planning Commission agreed with these two changes.

Permits: Staff is looking to add to the ordinance permits which feature short term lengths of stay for vendors. This is specifically catered to stationary food vendors that would be in town for short periods of time compared to stationary food vendors or carts that function for times ranging from weeks to months.

Other: Staff proposed a number of amendments to Title 17 (Zoning Ordinance), they include adding to Section 17.04 "Introductory Provisions and Definitions" a definition for "stationary food vendor", amending the Land Use Matrix in Chapter 17.52.020 by adding "stationary food vendors" as a conditional use in C-1, C-2 and C-H zones. Staff also proposed amending Table 17.58.2 in the Form Based Code adding "stationary food vendors" as a conditional use D-A and D-B zones on Railroad and Grant Avenues and on secondary streets. All of these changes are consistent with the Planning Commission's recommendations.

There are a number of cities that have ordinances regulating stationary food vendors (food trucks). The City of Sacramento has one of the most current ordinances, which is provided as information (Attachment D).

Sidewalk Vendors

With the adoption of SB 946 many of the City's existing regulations in Chapter 5.36 are no longer legal requiring them to be updated.

Location: Currently sidewalk vendors are allowed to operate within the city but only at the intersection of Railroad and Grant Avenues. With the adoption of SB 946 sidewalk vendors may locate on any public street or public parks. City's may prohibit stationary sidewalk vendors in residential neighborhoods and may restrict the hours roaming sidewalk vendors can vend in residential neighborhoods. The proposed ordinance would allow roaming sidewalk vendors only to vend from 9:00 am to 5:00 pm.

Size: At the July 24, 2018 Planning Commission felt having an actual size limit for food trucks might result in a situation where a food truck, which exceeded the dimensions, would not be allowed. Staff proposed, and the Commission supported, limiting the size of sidewalk vendor stands and carts to eight feet in height and length and four feet in width. The Commission felt it was necessary to limit their size so they do not block sidewalks.

Marketability: Staff proposed sidewalk vendors be allowed to display a small A-frame sign to advertise themselves so long as the sign does not impede the use of the sidewalk. Staff also proposed there be a way for a sidewalk vendor to dispose trash if they are not located near a trash container. The Commission supported these two changes.

Permits: Staff is recommending a sidewalk vendor permit be required. This permit would be issued for one year but could be extended by the zoning administrator. Sidewalk vendors, like all businesses, will be required to have a business license and County health department clearance. The sidewalk vendors often seen in town do not have a business license or health department clearance.

PROJECT NOTIFICATION:

An 1/8 page public notice was published in the Winters Express on 11/22/18 and notices Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since 11/29/18.

ENVIRONMENTAL ASSESSMENT:

Staff has concluded that the proposed amendments are Categorically Exempt from CEQA, Class 1 Section 15301 (Existing Facilities) and Class 4 Section 15304 (Minor Alterations to Land).

ATTACHMENTS:

- A. SB 946 Sidewalk Vendors Law

- B. Ordinance 2018-06 showing proposed amendments to Chapter 5.36 Street Vendors and Title 17 (Zoning Ordinance) of the Winters Municipal Code
- C. October 23, 2018 Planning Commission minutes
- D. City of Sacramento's Food Vending Vehicle Ordinance

This bill would make legislative findings to that effect.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following:

- (1) Sidewalk vending provides important entrepreneurship and economic development opportunities to low-income and immigrant communities.
- (2) Sidewalk vending increases access to desired goods, such as culturally significant food and merchandise.
- (3) Sidewalk vending contributes to a safe and dynamic public space.
- (4) The safety and welfare of the general public is promoted by encouraging local authorities to support and properly regulate sidewalk vending.
- (5) The safety and welfare of the general public is promoted by prohibiting criminal penalties for violations of sidewalk vending ordinances and regulations.
- (6) This act applies to any city, county, or city and county, including a charter city. The criminalization of small business entrepreneurs, and the challenges that those entrepreneurs face as a result of a criminal record, are matters of statewide concern. Further, unnecessary barriers have been erected blocking aspiring entrepreneurs from accessing the formal economy, harming California's economy in the process, and disrupting the regulation of business, which is a matter of statewide concern. Moreover, California has an interest in the regulation of traffic, a matter of statewide concern, whether in ensuring the appropriate flow of traffic or in ensuring the safety of pedestrians on the road or the sidewalk.

(b) It is the intent of the Legislature to promote entrepreneurship and support immigrant and low-income communities.

SEC. 2. Chapter 6.2 (commencing with Section 51036) is added to Part 1 of Division 1 of Title 5 of the Government Code, to read:

CHAPTER 6.2. Sidewalk Vendors

51036. For purposes of this chapter, the following definitions apply:

- (a) "Sidewalk vendor" means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path.
- (b) "Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.
- (c) "Stationary sidewalk vendor" means a sidewalk vendor who vends from a fixed location.
- (d) "Local authority" means a chartered or general law city, county, or city and county.

51037. (a) A local authority shall not regulate sidewalk vendors except in accordance with Sections 51038 and 51039.

(b) Nothing in this chapter shall be construed to affect the applicability of Part 7 (commencing with Section 113700) of Division 104 of the Health and Safety Code to a sidewalk vendor who sells food.

(c) Nothing in this chapter shall be construed to require a local authority to adopt a new program to regulate sidewalk vendors if the local authority has established an existing program that substantially complies with the requirements in this chapter.

51038. (a) A local authority may adopt a program to regulate sidewalk vendors in compliance with this section.

(b) A local authority's sidewalk vending program shall comply with all of the following standards:

- (1) A local authority shall not require a sidewalk vendor to operate within specific parts of the public right-of-way, except when that restriction is directly related to objective health, safety, or welfare concerns.

(2) (A) A local authority shall not prohibit a sidewalk vendor from selling food or merchandise in a park owned or operated by the local authority, except the local authority may prohibit stationary sidewalk vendors from vending in the park only if the operator of the park has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire.

(B) Notwithstanding subparagraph (A), a local authority may adopt additional requirements regulating the time, place, and manner of sidewalk vending in a park owned or operated by the local authority if the requirements are any of the following:

(i) Directly related to objective health, safety, or welfare concerns.

(ii) Necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities.

(iii) Necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park.

(3) A local authority shall not require a sidewalk vendor to first obtain the consent or approval of any nongovernmental entity or individual before he or she can sell food or merchandise.

(4) (A) A local authority shall not restrict sidewalk vendors to operate only in a designated neighborhood or area, except when that restriction is directly related to objective health, safety, or welfare concerns.

(B) Notwithstanding subparagraph (A), a local authority may prohibit stationary sidewalk vendors in areas that are zoned exclusively residential, but shall not prohibit roaming sidewalk vendors.

(5) A local authority shall not restrict the overall number of sidewalk vendors permitted to operate within the jurisdiction of the local authority, unless the restriction is directly related to objective health, safety, or welfare concerns.

(c) A local authority may, by ordinance or resolution, adopt additional requirements regulating the time, place, and manner of sidewalk vending if the requirements are directly related to objective health, safety, or welfare concerns, including, but not limited to, any of the following:

(1) Limitations on hours of operation that are not unduly restrictive. In nonresidential areas, any limitations on the hours of operation for sidewalk vending shall not be more restrictive than any limitations on hours of operation imposed on other businesses or uses on the same street.

(2) Requirements to maintain sanitary conditions.

(3) Requirements necessary to ensure compliance with the federal Americans with Disabilities Act of 1990 (Public Law 101-336) and other disability access standards.

(4) Requiring the sidewalk vendor to obtain from the local authority a permit for sidewalk vending or a valid business license, provided that the local authority issuing the permit or business license accepts a California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number in lieu of a social security number if the local authority otherwise requires a social security number for the issuance of a permit or business license, and that the number collected shall not be available to the public for inspection, is confidential, and shall not be disclosed except as required to administer the permit or licensure program or comply with a state law or state or federal court order.

(5) Requiring the sidewalk vendor to possess a valid California Department of Tax and Fee Administration seller's permit.

(6) Requiring additional licenses from other state or local agencies to the extent required by law.

(7) Requiring compliance with other generally applicable laws.

(8) Requiring a sidewalk vendor to submit information on his or her operations, including, but not limited to, any of the following:

(A) The name and current mailing address of the sidewalk vendor.

(B) A description of the merchandise offered for sale or exchange.

(C) A certification by the vendor that to his or her knowledge and belief, the information contained on the form is true.

(D) The California seller's permit number (California Department of Tax and Fee Administration sales tax number), if any, of the sidewalk vendor.

(E) If the sidewalk vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal.

(d) Notwithstanding subdivision (b), a local authority may do both of the following:

(1) Prohibit sidewalk vendors in areas located within the immediate vicinity of a permitted certified farmers' market or a permitted swap meet during the limited operating hours of that certified farmers' market or swap meet. A "certified farmers' market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter. A "swap meet" means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

(2) Restrict or prohibit sidewalk vendors within the immediate vicinity of an area designated for a temporary special permit issued by the local authority, provided that any notice, business interruption mitigation, or other rights provided to affected businesses or property owners under the local authority's temporary special permit are also provided to any sidewalk vendors specifically permitted to operate in the area, if applicable. For purposes of this paragraph, a temporary special permit is a permit issued by the local authority for the temporary use of, or encroachment on, the sidewalk or other public area, including, but not limited to, an encroachment permit, special event permit, or temporary event permit, for purposes including, but not limited to, filming, parades, or outdoor concerts. A prohibition of sidewalk vendors pursuant to this paragraph shall only be effective for the limited duration of the temporary special permit.

(e) For purposes of this section, perceived community animus or economic competition does not constitute an objective health, safety, or welfare concern.

51039. (a) (1) A violation of a local authority's sidewalk vending program that complies with Section 51038 is punishable only by the following:

(A) An administrative fine not exceeding one hundred dollars (\$100) for a first violation.

(B) An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one year of the first violation.

(C) An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one year of the first violation.

(2) A local authority may rescind a permit issued to a sidewalk vendor for the term of that permit upon the fourth violation or subsequent violations.

(3) (A) If a local authority requires a sidewalk vendor to obtain a sidewalk vending permit from the local authority, vending without a sidewalk vending permit may be punishable by the following in lieu of the administrative fines set forth in paragraph (1):

(i) An administrative fine not exceeding two hundred fifty dollars (\$250) for a first violation.

(ii) An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one year of the first violation.

(iii) An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one year of the first violation.

(B) Upon proof of a valid permit issued by the local authority, the administrative fines set forth in this paragraph shall be reduced to the administrative fines set forth in paragraph (1), respectively.

(b) The proceeds of an administrative fine assessed pursuant to subdivision (a) shall be deposited in the treasury of the local authority.

(c) Failure to pay an administrative fine pursuant to subdivision (a) shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized in subdivision (a) shall not be assessed.

(d) (1) A violation of a local authority's sidewalk vending program that complies with Section 51038, or a violation of any rules or regulations adopted prior to January 1, 2019, that regulate or prohibit sidewalk vendors in the

jurisdiction of a local authority, shall not be punishable as an infraction or misdemeanor, and the person alleged to have violated any of those provisions shall not be subject to arrest except when permitted under law.

(2) Notwithstanding any other law, paragraph (1) shall apply to all pending criminal prosecutions under any local ordinance or resolution regulating or prohibiting sidewalk vendors. Any of those criminal prosecutions that have not reached final judgment shall be dismissed.

(e) A local authority that has not adopted rules or regulations by ordinance or resolution that comply with Section 51037 shall not cite, fine, or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the standards described in subdivision (b) Section 51038.

(f) (1) When assessing an administrative fine pursuant to subdivision (a), the adjudicator shall take into consideration the person's ability to pay the fine. The local authority shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.

(2) If the person meets the criteria described in subdivision (a) or (b) of Section 68632, the local authority shall accept, in full satisfaction, 20 percent of the administrative fine imposed pursuant to subdivision (a).

(3) The local authority may allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.

(g) (1) A person who is currently serving, or who completed, a sentence, or who is subject to a fine, for a conviction of a misdemeanor or infraction for sidewalk vending, whether by trial or by open or negotiated plea, who would not have been guilty of that offense under the act that added this section had that act been in effect at the time of the offense, may petition for dismissal of the sentence, fine, or conviction before the trial court that entered the judgment of conviction in his or her case.

(2) Upon receiving a petition under paragraph (1), the court shall presume the petitioner satisfies the criteria in paragraph (1) unless the party opposing the petition proves by clear and convincing evidence that the petitioner does not satisfy the criteria. If the petitioner satisfies the criteria in paragraph (1), the court shall grant the petition to dismiss the sentence or fine, if applicable, and dismiss and seal the conviction, because the sentence, fine, and conviction are legally invalid.

(3) Unless requested by the petitioner, no hearing is necessary to grant or deny a petition filed under paragraph (1).

(4) If the court that originally sentenced or imposed a fine on the petitioner is not available, the presiding judge shall designate another judge to rule on the petition.

(5) Nothing in this subdivision is intended to diminish or abrogate any rights or remedies otherwise available to the petitioner.

(6) Nothing in this subdivision or related provisions is intended to diminish or abrogate the finality of judgments in any case not falling within the purview of this chapter.

SEC. 3. The Legislature finds and declares that Section 2 of this act, which adds Section 51038 to the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The Legislature finds and declares that in order to protect the privacy of a sidewalk vendor with regard to his or her California driver's license or identification number, individual taxpayer identification number, or municipal identification number, when that number is collected in lieu of a social security number for purposes of the issuance of a permit or business license, it is necessary that the sidewalk vendor's number be confidential, except as provided in this act.

ORDINANCE NO. 2018 – 06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING CHAPTER 5.36 (STREET VENDORS) AND CHAPTER 17.04 (INTRODUCTORY
PROVISIONS AND DEFINITIONS), CHAPTER 17.52.020 (LAND USE/ZONE MATRIX AND
TABLE 17.58.2 (PERMITTED USES, FORM-BASED CODE FOR DOWNTOWN) OF THE
WINTERS MUNICIPAL CODE

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

1. Purpose. The purpose of this ordinance is to amend various sections of the text in the Winters Municipal Code (the "Municipal Code") necessary to regulate Stationary, Mobile and Sidewalk Food Vendors.

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

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

a. Chapter 5.36 of the Municipal Code is hereby amended to read as follows:

Chapter 5.36
STREETFOOD VENDORS

Sections:

- 5.36.010 ~~Purpose~~Findings.
- 5.36.020 Definitions.
- 5.36.030 Permit.
- 5.36.040 Application for permit.
- 5.36.050 Revocation of permit.
- 5.36.060 ~~Regulations—Motor-Food vending~~ vehicles.
- 5.36.070 ~~Sidewalk vendors~~
- 5.36.090 Violation—Nuisance.
- 5.36.100 Insurance.
- 5.36.110 Fees.
- 5.36.120 Renewals.
- 5.36.130 Enforcement.
- 5.36.140 No preemption.
- 5.36.150 Violation—Penalty.
- 5.36.160 Nuisance—Injunction.
- 5.36.160 ~~Temporary Permits~~

5.36.010 Findings Purpose.

The city recognizes the right of its citizenry to be relatively free from noise and obstruction when traversing the city streets. The city also recognizes the right of its citizenry to purchase reliable products from responsible vendors without a fixed place of businesses. The city by this regulatory chapter seeks to balance those competing interests. The city finds that the cost of this regulation should be borne by those individuals, companies and groups which seek to benefit financially from street vending or mobile food vending, since it should be their burden to insure to the Winters citizens that their sales of goods shall be done in a manner least obstructive to their right to travel.

5.36.020 Definitions.

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

"City" means city of Winters.

"Food vending vehicle" includes any motor vehicle from which food or beverages are sold directly to a customer, does not include vehicles that involve the delivery of food or beverages ordered by home delivery customers.

"Public street or sidewalk" includes all areas legally open to public use as public streets, sidewalks, roadways, highways, parkways, alleys, and any other public way.

"Mobile food vendor" means any person, including an agent or employee of another, who sells or offers to sell food or beverages from a motor vehicle on any public street.

"Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only for a brief time to complete a transaction.

"Sidewalk vendor" means a person who sells food, beverages or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, in a public park, upon a public sidewalk or other pedestrian path.

"Stationary food vendor" means any person, including an agent or employee of another, who sells or offers to sell food or beverages from a motor vehicle located on private property for more than four (4) hours in a single day.

"Stationary sidewalk vendor" means any person who sells food, beverages or merchandise from a fixed location from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon public sidewalk or other pedestrian path, newsstand, table, bench, booth, rack, handcart, pushcart or any other fixture or device which is not required to be licensed and registered with the Department of Motor Vehicles, used for the display, storage or transportation of articles offered for sale by a vendor.

~~"Vendor" means any person who operates a food vending vehicle, stand or cart, including an agent or employee of another, who sells or offers to sell food, beverages, goods or merchandise on any public street or sidewalk from a stand, motor vehicle, or from his or her person.~~

5.36.030 Permit.

It is unlawful for any person to sell or attempt to sell any commodity by means of vending such commodity upon any street or on private property in the city without first securing a permit and paying the fee therefor.

5.36.040 Application for permit.

Application for a permit shall be made upon a form provided by the city. The applicant shall truthfully state in full the information requested on the application:

- A. Name and address of present place of residence and length of residence at such address; also business address if other than present address;
- B. Address of place of residence during the past three (3) years if other than present address;
- C. Age of applicant;
- D. Physical description of applicant;
- E. Name and address of the person, firm or corporation or association whom the applicant is employed by or represents, and the length of time of such employment or representation;
- F. Name and address of employer during the past three (3) years if other than the present employer;
- G. Description sufficient for identification of the type of commodity or commodities to be vended;
- H. Period of time for which the permit is applied;
- I. The date, or approximate date, of the last previous application for permit under this chapter, if any;
- J. If a permit is issued to the applicant under this chapter has ever been revoked;

~~K. If the applicant has ever been convicted of a violation of a felony under the laws of the state of California or any other state or federal law of the United States;~~

~~L. Names of commodities;~~

~~MK. Names of the three (3) most recent communities where the applicant has engaged in street vending;~~

~~NL. Proposed method of operation;~~

Comment [DD1]: The City Attorney does not see the relevance of this restriction. A convicted felon who has served their time shouldn't be prevented from obtaining a permit.

Comment [DD2]: Redundant. See "G" above.

~~QM.~~ Signature of applicant;

~~PN.~~ Social Security Number of applicant.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

The applicant shall submit to fingerprinting by the police department of the city in connection with the application for the permit.

The city clerk shall cause to be kept in his or her office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all permits issued under the provisions of this chapter, and of the denial of applications.

Applications for permits shall be numbered in consecutive order as filed, and every permit issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.

No permit shall be issued to any person who has been convicted ~~of the commission of a felony under the laws of the state or any other state or federal law of the United States, within five years of the date of the application; nor to any person who has been convicted~~ of a violation of any of the provisions of this chapter; nor to any person whose permit issued hereunder has previously been revoked as herein provided.

Comment [DD3]: See comment DD1 above.

5.36.050 Revocation of permit.

Any permit issued hereunder shall be revoked by the chief of police if the holder of the permit is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a permit under the terms of this chapter. Immediately upon such revocation, written notice thereof shall be given by the chief of police to the holder of the permit in person or by certified United States Mail addressed to his or her residence address set forth in the application.

Immediately upon the giving of such notice the permit shall become null and void.

The permit shall state the expiration date thereof.

5.36.060 ~~Regulations—Food vending Motor~~ vehicles.

The following rules and regulations shall be complied with by each person ~~using~~operating a food vending vehicle ~~for street vending~~.

A. Food Vendors

It shall be unlawful for any ~~street vendor~~ food vendor to ~~sell or attempt to sell any commodity~~:

1. ~~Sell or attempt to~~ By means of any outcry, sound, speaker or amplifier, or any instrument ~~or device which can be heard for a distance greater than three hundred (300)~~

~~feet, or when passing a hospital, or a church or other place of worship during the hours when services are being held, which~~ violates the City of Winters noise ordinance contained in Chapter 8.20.

2. ~~Sell W~~within five hundred (500) feet of any school or publicly owned property at any time unless a special use permit is approved by the ~~community development department/planning commission~~. A special use permit shall not be required for fundraising activities/special sales/~~events~~ which are sponsored by the school district ~~or approved by the City~~.

Comment [DD4]: This restriction would apply to mobile and stationary food vendors. Should they be the same? Probably should not apply to mobile food vendors?

Comment [DD5]: Too important of an issue to approve at the department level.

3. ~~It is unlawful for any such vendor to use, play or employ the use of, any sound, outcry, amplifier, loudspeaker, radio, phonograph with a loud speaker or amplifier or any other instrument or device when the vehicle such vendor is using is stopped for the purpose of making a sale.~~

Comment [DD6]: Seems redundant. See "A" above.

4. ~~The use by any such vendor of any outcry, sound, amplifier, loudspeaker, radio, phonograph with a loud speaker or amplifier or any instrument or device which emits a loud sound shall be prohibited prior to nine a.m. or after seven p.m.~~

Comment [DD7]: This section was deleted because it essentially says the same thing as the section above.

B. Mobile Food Vendors

It ~~is~~ shall be unlawful for any mobile food vendor to:

1. Exceed a speed of twelve (12) miles an hour when ~~crusing/driving through~~ neighborhoods seeking sales or when attempting to make a sale;
2. Make more than two (2) stops in any one (1) block to make any sale;
3. Stop anywhere within twenty-five (25) feet of an intersection when making a sale or attempting to make a sale;
4. Double park, or park in any manner contrary to any ordinance relating to parking when making a sale or attempting ~~to make a sale or when making a sale~~;
5. Make a U-turn on any block;
6. Drive a vehicle backwards ~~when making a sale or to make or attempting to make any~~ sale;
7. Sell to any person who is standing in the street;
8. Permit any person to hang on the vehicle or permit any person to ride in or on the vehicle except a bona fide assistant or assistants;
9. Remain standing or stopped at any place for a period of time exceeding ten (10) minutes;
10. Conduct business within twenty (20) feet of any handicapped/disabled parking space or access ramp;

Comment [8]: Changed the wording to be the same as the wording in section s 1-3 above.

Comment [DD9]: Same as Comment #B4 above.

11. Sell or attempt to sell along any particular route more than two (2) times during a twenty-four (24) hour period.

~~5.36.070 Regulations—Stands:~~

~~Vendors with stands must comply with the following regulations:~~

~~A.—Hours of Operation. Vendors shall be allowed to engage in the business of vending only between the hours of nine a.m. and seven p.m., Monday through Saturday. No vending from stands shall be permitted on Sundays and observed holidays, except by appointment and approval from the city of Winters police department.~~

~~B.—All vending stands must be removed from public property during non-vending hours.~~

~~C.—Vendor stands shall not:~~

~~1.—Exceed eight feet in length, eight feet in width, or eight feet in height;~~

~~2.—Impede access to the entrance of any adjacent building or driveway;~~

~~3.—Occupy more than half of the available sidewalk width or five feet of such sidewalk, whichever is less;~~

~~4.—Locate within twenty (20) feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space, access ramp, fire station driveway, or police department driveway.~~

~~D.—All trash and debris accumulating within fifty feet of a stand shall be collected by the vendor and deposited in a trash container. (Ord. 91-10 § 2 (part); prior code § 10-5.507)~~

C. Stationary Food Vendor

Stationary food vendors shall comply with the following:

1. A use permit shall be obtained from the planning commission to allow a stationary food vendor except as allowed by subsection C2 below. The permit shall be processed in accordance with and subject to the use permit requirements contained in Chapter 17.20.

2. A special permit shall be obtained from the City to allow a stationary food vendor to participate in an event approved by the City.

3. Locate on privately owned land not within enclosed buildings on permanent foundations or in a public right-of-way.

4. Stationary food vending vehicles shall be designed so they add aesthetic value to the vicinity. Design elements should include the use of umbrellas, overhangs, or other attractive shading devices, and temporary landscaping.

4. Hours of operation may be limited as determined by the planning commission. Minor modifications to the hours of operation may be approved by the zoning administrator.

5. Provide a trash container immediately adjacent to the food vending vehicle. Trash container must be removed from the site during non-vending hours. Additionally, vendors

must maintain the cleanliness of their site within twenty-five (25) feet surrounding their site.

6. Be limited to one (1) freestanding, non-illuminated sign, not exceeding four (4) feet in any dimension, to be placed within ten (10) feet of the stationary food vendor. These regulations do not include any graphics or signs painted directly onto the vehicle. No sign shall impede vehicle traffic, pedestrian right of way, or pedestrian personal vehicle traffic (bike lanes). No stationary food vendor signs shall be located within the Caltrans right-of-way.

7. Have a certificate of compliance from the county health department, as appropriate. Additionally, vendors must complete the Reciprocity Checklist of Yolo County.

8. Stationary food vending vehicles are permitted in the vicinity of Grant Avenue and Railroad Avenue along three (3) corridors from the intersection. Grant Avenue east to Dutton Street on the north side of the street and to East Street on the south side of Grant; both sides of Railroad Avenue south to Baker Street; west on Grant Avenue three-hundred (300) feet. In order to prevent the overconcentration of stationary food vendors in the vicinity of Grant Avenue and Railroad Avenue, the number and location of stationary food vendors shall be limited pursuant to Exhibit A in subsection 5.68.070C.

9. Stationary food vendors shall not be permitted within two hundred (200) feet from another stationary food vendor. Specialty events approved by the City may be exempted from the separation requirements.

Comment [DD10]: At the meeting with the business community Kountry Kitchen wanted there not be a separation requirement. Two hundred (200) feet is the distance from the existing Verduzco's food truck and the proposed Buckhorn food truck.

10. Stationary food vendors shall be prohibited from having chairs and tables for customer use unless approved by the planning commission. Any chairs and tables must be stored off site unless previously stated approval of the property owner is declared during the application process.

11. Stationary food vendors must comply with American Disabilities Act and other accessibility access standards.

12. Stationary food vendor permits may be revoked upon there being just cause.

-13. Stationary food vendors operating in parking lots must minimize the amount of parking spaces they are utilizing and cannot impede traffic flow entering, leaving, or within the parking lot.

14. Stationary food vendors operating adjacent to, or within close proximity to a traffic intersection cannot visually impair drivers utilizing said intersection.

5.36.070 Sidewalk vendors.

The following provisions shall regulate sidewalk vending stands and carts or other operations deemed similar by the zoning administrator, which operate on publicly owned land or parks not within enclosed buildings. Nothing in this section shall be construed to affect the applicability of

Part 7 (commencing with Section 113700) of Division 104 of the Health and Safety Code to a sidewalk vendor who sells food.

1. A business license shall be obtained from the City to allow a sidewalk vendor. The permit shall be processed in accordance with the requirements contained in Chapter 5.04.
2. Stationary sidewalk vendors shall be prohibited from selling in residentially zoned neighborhoods.
3. Roaming sidewalk vendors are permitted to sell in residentially zoned neighborhoods; hours of operation shall be between 9:00 am and 5:00 p.m. Hours of operation in nonresidential areas shall be consistent with the hours of other businesses operating in the nonresidential area as determined by the zoning administrator.
4. All sidewalk vending stands, carts, signs, refuse containers and other material set up or provided by the vendor must be removed from the vending site during non-vending hours.
5. Sidewalk vending stands and carts shall not exceed eight (8) feet in height, eight (8) feet in length and four (4) feet in width; not impede access to the entrance of any adjacent building or driveway; not impede pedestrian right of way, or pedestrian personal vehicle traffic (bike lanes); not be located on sidewalks where there is not on-street parking immediately adjacent; and must comply with American Disabilities Act and other accessibility access standards.
6. Sidewalk vending stands and carts shall not be located within twenty (20) feet of a fire hydrant, fire escape, bus stop, loading zone, disabled parking space, access ramp, fire station or police department driveway.
7. Sidewalk vendors shall supply a way to dispose of trash if an existing trash container does not exist within twenty-five (25) feet of the stand or cart. Additionally, sidewalk vendors must maintain the cleanliness of their site and within twenty-five (25) feet surrounding their site.
8. Sidewalk vending stands and carts shall be designed so they add aesthetic value to the vicinity. Design elements should include the use of umbrellas, awnings, or other attractive shading devices.
9. Sidewalk vending stands and carts shall be prohibited from having a signs except those that are limited to one (1) freestanding, non-illuminated sign not exceeding four (4) feet in any dimension, to be attached to or placed within ten (10) feet of the stand or cart. These regulations do not include any graphics or signs painted directly onto the vending stand or cart. No sign shall impede vehicle traffic, pedestrian right-of-way, or pedestrian personal vehicle traffic (bike lanes). No sidewalk vendor signs shall be located within the Caltrans right-of-way.

10. Sidewalk vendors shall obtain a certificate of compliance from the county health department, as appropriate. Additionally, vendors must complete the Reciprocity Checklist of Yolo County.

11. Sidewalk vendors locating near an intersection shall not create a sight distance problem.

12. Sidewalk vendors wanting to vend within a city park may vend only during those hours the park is open. Sidewalk vendors may not vend within a city park during a city-approved event when there is an exclusive agreement with one or more concessionaires.

13. In order to prevent an overconcentration of sidewalk vending stands and carts, due to traffic safety concerns, the number and location of sidewalk vendors at the intersection of Grant Avenue and Railroad Avenue shall be limited, pursuant to Exhibit A at the end of this section.

14. Sidewalk vendors shall be prohibited from having tables and chairs for customer use unless the vendor is located in a given area that has adequate sidewalk width or is specifically designed for such purpose such as a plaza, park or other public open space area with adequate restroom facilities.

15. Sidewalk vendor permits may be revoked upon there being just cause.

16. Sidewalk vendor permit shall expire in one (1) year and may be extended upon zoning administrator approval.

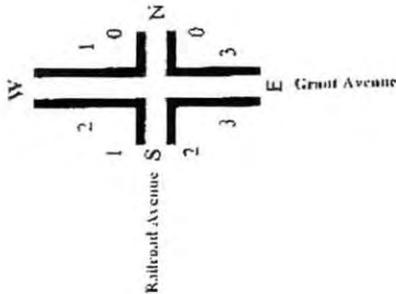


Exhibit A

5.36.0~~99~~0 Violation—Nuisance.

It is declared to be unlawful and shall constitute a nuisance for any person to violate the terms of this chapter.

5.36.01190 Insurance.

No permit shall be issued to an applicant unless the applicant furnishes proof to the city of a public liability bond or insurance policy in an amount not less than three hundred thousand dollars (\$300,000.00) for property damage and bodily injury liability, including injury resulting in death, caused by the applicant.

5.36.1200 Fees.

The city shall by resolution establish fees for the issuance of permits sufficient to offset the city's cost of regulation of street vendors. These fees shall be supplemental to any business license fees charged to street vendors. Both fees shall be payable upon application. The fees charged under this chapter shall be nonrefundable. Permits shall be valid for one (1) year from the date of issuance, unless sooner revoked as provided herein.

5.36.1310 Renewals.

Renewals shall be done on an annual basis. Application for renewals of permits shall be received no later than thirty (30) days prior to the expiration of the applicant's permit, or shall be processed as new applications. The city may review applications for renewal to determine that:

- A. The applicant is in full compliance with the provisions of this chapter;
 - B. The applicant has a currently effective insurance policy in the minimum amount provided in this chapter, or as amended by subsequent resolution of the Winters city council.
- If the city finds that the applicant meets the above requirements, the city shall issue a new permit.

5.36.14020 Enforcement.

Enforcement shall be implemented by the city manager or through a city staff person designated by him or her. In addition, any Winters police officer is authorized to enforce the provisions of this chapter. Such person shall have authority to issue citations based upon reasonable cause in a manner most suitable to the particular incident.

5.36.1530 No preemption.

This chapter shall not be interpreted to permit soliciting, or the procedures thereof or redress therefrom, where restricted by state law.

5.36.1450 Violation—Penalty.

Any person, firm, corporation, or organization which violates any provision of this chapter shall, upon conviction thereof be subject to the maximum allowable fine pursuant to the requirements set forth in state law.

Upon conviction thereof, punishment shall be a fine subject to the maximum allowable pursuant to the requirements set forth in state law, or imprisonment for a term not exceeding six (6) months, or by both a fine and imprisonment.

5.36.1750 Nuisance—Injunction.

Any violation of this chapter is declared to be a nuisance. In addition to any other relief provided by this chapter, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

5.36.1860 Temporary Permits

Temporary permits provided to vendors are strictly regulated and shall provide guidelines in which vendors must abide by. These permits will be range in costs and shall be adjusted based on the length of time in which the food vendor is serving within the city limits and shall go into effect upon approval from the City and shall expire upon the designated time noted on the approved permit.

b. Subdivision (B) of Section 17.04 of the Municipal Code is hereby amended to read as follows:

Chapter 17.04

INTRODUCTORY PROVISIONS AND DEFINITIONS

B. Definitions.

"Stable" means a detached accessory building for the shelter of horses or similar hooved animals.

"Stationary food vendor" means any person, including an agent or employee of another, who sells or offers to sell food or beverages from a motor vehicle located on private property for more than four (4) hours in a single day.

"Street line (right-of-way)" means the boundary between an existing or proposed street right-of-way and abutting property

17.52.020 Land Use/Zone Matrix.

LAND USE/ZONE MATRIX

KEY:

C= Conditional Use

P= Permitted Use

T= Temporary Use

Zoning Designations:

- (A-1) General Agricultural Industrial Park
- (R-R) Rural Residential
- (R-1) Single-Family Residential Industrial
- (R-2) One-and Two-Family Public/Quasi-Public
- (R-3) Multifamily Residential
- (R-4) High Density Residential
- (C-1) Neighborhood Commercial
- (C-2) Central Business District
- (C-H) Highway Service Commercial
- (O-F) Office
- (B/P) Business
- (M-1) Light Industrial
- (M-2) Heavy
- (PQP) Residential
- (PD) Planned Development

AGRICULTURAL USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Agricultural Operation	P	C															P
Animal Production	P																C
Businesses and Uses Prohibited by State or Federal Law																	
COMMERCIAL AND OFFICE USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Adult Entertainment											C	C					

Automobile Repair, Major							C	C			C	C	P						
Automobile Repair, Minor							P	P	P		P								
Bar, Cocktail Lounge							C	C											
	A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*			
Bed and Breakfast Inn			C	C	C	C		C											
Business Service							P	P		P	P								
Businesses and Uses Prohibited by State or Federal Law																			
Financial Institutions							P	P		P	P								
Equipment Sales, Rental, Repair							P	P			P								
Funeral Parlor								P			C								
Hotel, Motel								C	C										
Nurseries	P						P	P			C	C							
Office, Business and Medical							P	P		P	P								
Outdoor Sales							C	C			C								
Personal Retail Services							P	P											
Personal Storage								C			C	C			C	C			
Recreation, Indoor or Outdoor							C	C			C	C							
Recreational Vehicle Park									C		C								
Restaurant							P	P	P		C								
Restaurant, Drive-Through							C	C	P										
Retail Sales, General							P	P	C		C								

Roadside Stand	P	C					C	C										
Service Station							P	P	P		P							
<u>Stationary Food Vendor</u>							<u>C</u>	<u>C</u>	<u>C</u>									
Veterinary Hospital, Kennel	C						C	P										
INDUSTRIAL USES																		
	A-1	R-1	R-2	R-3	R-4	R-1	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*	
Businesses and Uses Prohibited by State or Federal Law																		
Finished Goods Assembly											P	P	P					
Heavy Equipment Terminal											C	C	P					
Laboratory, Research, Equipment									C			C	C					
Manufacturing, Heavy General													C					
Manufacturing, Light General												C	P					
Mineral Extraction	C												C	C		C		
Recycling Center Collection							P	P			P	P	P					
Recycling and Salvage Yards													C					
Warehouse, Wholesale, Freight Terminal												C	P					
PUBLIC & QUASI-PUBLIC USES																		

	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Assembly Hall/Community Services	C	C					C	C		C	C			C	C		
Businesses and Uses Prohibited by State or Federal Law																	
Cemetery	C													C		C	
Communication Equipment Facility	C	C			C	C	C	C	C	C	C	P	P	C	C	C	
Convalescence and Care Services		C	C	C	C	C	C							C			
Cultural Facility						C	C							C	C		
Day Care, General		C	C	C	C	C				C	C			C			
Emergency Shelter					P	P		P						P			
Government Offices										C	C			C	C		
Hospital										C	C			C			
Public Parks	C	C	C	C			C	C	C					C	C	C	
Religious Institutions	-	-	C	C	-	-	C	C	-	C	C	-	-	C	-	-	-
Safety Services							C	C		C	C			C			
Utility Services, Major	C	C												C	C	C	C
Utility Services, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Vocational Training Facility														C			
RESIDENTIAL USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2**	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Accessory Dwelling Units		P	P	P													

1. Affordable or market rate duplexes are allowed on all corner lots in the R-1 and R-2 zones citywide.
 2. Only if an existing historical structure is planned for relocation to a C-2 zone that adjoins a residential district.
 3. A single residential unit is allowed at a business located in the central business district zone (C-2) upon planning commission approval of a conditional use permit (CUP), while multifamily residential is allowed above a business in the C-2 zone upon planning commission approval of a CUP. A residential unit proposed for a first floor area must be occupied by the property owner or licensed business proprietor, at least four hundred (400) square feet in size, and located at the rear of the business. No more than twenty (20) percent of the existing first floor area can be converted into residential uses and the existing first floor area must be at least two thousand (2,000) square feet in size.
 4. Manufactured homes and factory-built homes located on a permanent foundation are allowed in the specified zones by right or upon planning commission approval of a conditional use permit (CUP).
 5. For single farmworkers, single room occupancy housing is permitted.
- * All PD uses per PD permit, and as consistent with the general plan.

Also see: Chapter [17.36](#) (Design Review). Design review may be required, including for land uses which are otherwise permitted by this title, depending upon the type and location of the development project proposed.

** A commercial use operating from a residential structure originally constructed as a residential structure can be converted from a commercial use to a residential use.

17.58.050 Allowed use regulations.

This section lists allowed uses by zoning district within the downtown form-based code area. The zoning districts are shown on the regulating plan (Figure 17.58-1). This list is not meant to be comprehensive and does not regulate building character or design, but instead delineates the types of uses allowed within a building. These allowed use regulations are unique to this chapter and are intended to implement the vision of the 2006 Winters downtown master plan.

A. Principally Permitted Uses. The following table identifies the permitted uses within the downtown. These allowed use regulations are listed by street type, then by zoning district (D-A or D-B), as applicable. The uses listed are defined in subsection B of this section (Definitions of Permitted Uses). The symbols in the table are defined as:

P—Permitted Use

C—Conditionally Permitted Use

N—Not Permitted

c. Subdivision (A) of Section 17.58.050 of the Municipal Code is hereby amended to read as follows:

Table 17.58-2: Permitted Uses

Uses	Main Street		Railroad Avenue		Secondary Streets		Grant Avenue	
	D-A	D-B	D-A	D-B	D-A	D-B	D-A	D-B
Attached Single-Family Residential	N	N	N	N	N	P	N	N
Banks and Financial Institutions	P	P	P	P	P	C	P	P
Bars, Pubs and Cocktail Lounges	C	C	C	C	N	N	C	C
Bed and Breakfast Inns	P ¹	P ¹	P ¹	P	P	P	P ¹	P
Businesses and Uses Prohibited by State or Federal Law	N	N	N	N	N	N	N	N
Child Day Care	N	N	N	N	C	C	N	C
Commercial Recreation and Entertainment	C	C	C	C	N	N	C	C
Detached Single-Family Residential	N	C	N	N	C	P	N	N
Farmworker Housing Unit	C ^{1,3}	P	C ^{1,3}	C ^{1,3}				
Farmworker Housing Complex						P ³		
Government/Institutional	P	P	P	P	P	C	P	P
Hotels or Motels	P ¹	P ¹	P ¹	P ¹	P	P	P ¹	P
Live/Work Units	C	P	P	P	P	C	N	C
Mixed-Uses	P	P	P	P	P	C	C	P
Multifamily Residential	C ¹	P ¹	P ¹	P ¹	P ¹	P	N	P ¹
Neighborhood Commercial	P	P	P	P	P	C	C	N
Offices	P	P	P	P	P	C	P	P
Personal Services	P	P	P	P	P	C	C	P

Religious Institutions	C	C	C	C	N	N	C	C
Retail Commercial	P	P	P	P	P	N	P	P
Service Stations	N	C	C	C	N	N	C	C
Single Room Occupancy	C ¹							
Sit-Down Restaurants ²	P	P	P	P	C	C	P	P
Specialized Agriculture and Processing	C	C	C	C	C	C	C	C
<u>Stationary Food Vendor</u>	<u>C</u>							

Notes:

¹ Only on the second floor or above.

² Drive-thrus are not allowed within the downtown form-based code area (see Section 17.58.070(A)(2)(d)).

³ For single farmworkers, single room occupancy housing is permitted.

MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD
OCTOBER 23, 2018

DISCLAIMER: These minutes represent the interpretation of statements made and questions raised by participants in the meeting. They are not presented as verbatim transcriptions of the statements and questions, but as summaries of the point of the statement or question as understood by the note taker.

Chairman Myer called the meeting to order at 6:30 p.m.

PRESENT: Commissioners, Adams, Altamirano, Contreras, Riley, Chairman Myer

ABSENT: Commissioners Baker, Schrupp

STAFF: City Manager John Donlevy, Contract Planner Dave Dowswell, Contract Engineer Alan Mitchell, Management Analyst Dagoberto Fierros

Commissioner Riley led the pledge of allegiance.

CITIZEN INPUT: None.

CONSENT ITEM: Minutes of the July 24, 2018 and August 14, 2018 regular Planning Commission meeting.

Riley moved to approve minutes, Adams seconded.

AYES: Commissioners Adams, Altamirano, Contreras, Riley, Chairman Myer

NOES: None

ABSTAIN: None

ABSENT: Commissioners Baker, Schrupp

STAFF/COMMISSION REPORTS:

None.

DISCUSSION ITEM:

- A. Public Hearing and Consideration of adopting an ordinance amending Title 17 of the Municipal Code having to do with food trucks and stationary and roaming stands (SB 946).

Planner Dave Dowswell presented the proposed ordinance amendments to Title 17 of the Municipal Code and informed the Commission on new state regulations that affect food carts (SB 946).

PUBLIC COMMENTS:

Maria Heilman and Kimberly Calderone, Winters residents, expressed their support for the Buckhorn food truck.

COMMISSIONER/STAFF COMMENTS:

Commissioner Contreras stated that the law should not give advantages or disadvantages when it comes to where commercially established businesses and food trucks can operate in permitted zones.

Chapter 5.68 FOOD VENDING VEHICLES**Note**

* Prior history: prior code §§ 42.05.100—42.05.111 and Ords. 2013-0021, 2012-050 and 2008-008.

Article I. General Provisions**5.68.005 Purpose and findings.**

Food vending vehicles benefit our community by providing services to those who live and work in areas where food may not be readily available. In addition, they offer an entrepreneurial opportunity for the people in our community to open a small business and provide unique foods that may not be available at brick-and-mortar restaurants.

The city also needs to protect the public by ensuring that these large vehicles are operated in a safe manner and do not create nuisances in our neighborhoods. Reasonable regulations are necessary to ensure that food vending vehicles are operated in accordance with health laws of the state; do not block or hinder vehicle or pedestrian traffic on our streets and sidewalks; do not cause public safety problems by contributing to crowding near schools and entertainment establishments; and do not disturb the quiet use and enjoyment of our residential neighborhoods. Therefore, the regulations in this chapter are enacted in accordance with the authority granted in Section 22455 of the California Vehicle Code. (Ord. 2015-0016 § 1)

5.68.010 Definitions.

As used in this chapter, the following definitions apply:

“Director” means the city’s director of finance, or designee.

“Driver permit” means a food vending vehicle driver permit.

“Food vending vehicle” includes any motor vehicle from which any type of food or beverage is sold or offered for sale directly to any consumer; provided, however, that “food vending vehicle” does not include a vehicle that only delivers food or beverage products ordered by home delivery customers.

“Heavy commercial and industrial zoning districts” means C-4, M-1, M-1S, M-2, M-2, MRD, and MIP zoning districts as established pursuant to Title 17.

“Operate a food vending vehicle” means to drive, occupy, or otherwise use a food vending vehicle, to sell, offer to sell, or display for sale, any type of food or beverage.

“Property permit” means a food vending vehicle property permit.

“Residential zoning districts” means RE, R-1, R-1A, R-1B, R-2, R-2A, R-2B, R-3, R-3A, and RO zoning districts as established pursuant to Title 17.

“Vehicle permit” means a food vending vehicle permit.

“Vendor” means any person who operates a food vending vehicle. (Ord. 2015-0016 § 1)

5.68.015 Violations.

A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is subject to criminal sanctions, civil actions, and administrative penalties pursuant to Chapter 1.28.

B. Violations of this chapter are hereby declared to be a public nuisance.

C. Any person who violates a provision of this chapter is liable for civil penalties of not less than two hundred fifty dollars (\$250.00) or more than twenty-five thousand dollars (\$25,000.00) for each day the violation continues.

D. All remedies prescribed under this chapter shall be cumulative and the election of one or more remedies shall not bar the city from the pursuit of any other remedy for the purpose of enforcing the provisions hereof. (Ord. 2015-0016 § 1)

Article II. Food Vending Vehicle Permits

5.68.020 Food vending vehicle permit required.

A. No person shall operate a food vending vehicle unless a food vending vehicle permit issued pursuant to this chapter is in effect for that food vending vehicle.

B. Every permittee, upon receipt of a vehicle permit, shall maintain the permit with the vehicle for which it is issued, at all times the food vending vehicle is being operated.

C. Upon demand of a peace officer or city employee authorized to enforce this chapter, a person operating a food vending vehicle shall present the vehicle permit that is in effect for that vehicle.

D. All vehicle permits are the property of the city and each shall authorize the operation of a single specific food vending vehicle. No person shall sell or transfer, or attempt to sell or transfer, any vehicle permit. (Ord. 2015-0016 § 1)

5.68.030 Vehicle permit application.

A. An application for a food vending vehicle permit shall be filed with the director and shall contain the following:

1. The individual and business name, address, and telephone number of the permit applicant;

2. Written evidence that the applicant is an owner, lessee or holder of a similar interest in the food vending vehicle;

3. The name and address of all legal and registered owner(s) of the food vending vehicle, and each person with a financial interest in the business that operates the food vending vehicle;

4. A copy of a valid business operations tax certificate issued pursuant to Chapter 3.08;

5. The state vehicle license plate number and the vehicle identification number of the food vending vehicle;

6. Proof of compliance with the insurance requirements set forth in Section 5.68.060;

7. Proof that the vehicle is in compliance with applicable requirements of the state of California and the county of Sacramento regarding the operation of a food vending vehicle;

8. The address where the food vending vehicle is stored when not in use;

9. For each person with a ten (10) percent or greater financial interest in the business that operates the food vending vehicle, a list, signed under penalty of perjury, of each conviction of such person and whether such conviction was by verdict, plea of guilty, or plea of nolo contendere. The list shall, for each such conviction, set forth the date of arrest, the offense charged, and the offense of which the person was convicted. A person who acquires a ten (10) percent or greater financial interest in the business that operates the food vending vehicle during the life of the permit issued pursuant to this chapter shall immediately so notify the director and comply with this subsection. Any holder of a valid food vending vehicle driver permit issued pursuant to Section 5.68.100 shall be exempt from the requirements of this subsection;

10. Such other information as may be required by the director to further the purpose of this chapter.

B. Every application for a vehicle permit shall be accompanied by a nonproratable, nonrefundable application fee in an amount established by resolution of the city council.

C. No person shall knowingly make a false statement of fact or knowingly omit any information that is required in an application for a vehicle permit. (Ord. 2015-0016 § 1)

5.68.040 Vehicle permit issuance and denial.

A. Except as provided in subsection C of this section, a food vending vehicle permit shall be issued by the director upon receipt of a complete application and payment of the permit fee, as specified in Section 5.68.030, and after the director has:

1. Physically inspected the food vending vehicle to ensure compliance with this code and the California Vehicle Code equipment requirements; provided, however, that the director may accept proof of compliance with state of California or Sacramento County inspection requirements for operating a food vending vehicle in lieu of conducting an inspection; and

2. Determined that the business location and vehicle storage location, if within the city, comply with applicable zoning regulations and other codes.

B. A vehicle permit may be denied by the director on any of the following grounds:

1. The information submitted pursuant to Section 5.68.030 is materially false or incomplete;

2. The applicant, any registered owner of the food vending vehicle, or any person with a financial interest in the business that operates the food vending vehicle, has any unpaid administrative penalties imposed pursuant to Chapter 1.28;

3. Within twelve (12) months of the date of application, the applicant, any registered owner of the food vending vehicle, or any person with a financial interest in the business that operates the food vending vehicle, has had his or her vehicle permit revoked;

4. The applicant has not paid the applicable business operations tax pursuant to Chapter 3.08; or

5. A person with ten (10) percent or greater financial interest in the operation of the food vending vehicle has been convicted of a crime, and the time for appeal has elapsed,

irrespective of the entry of a subsequent order under California Penal Code Section 1203.4; or has committed any act involving dishonesty, fraud, deceit, or moral turpitude with intent to substantially benefit him or herself, or another, or substantially injure another, or having the effect of substantially injuring another.

Provided, however, that the permit shall be denied upon any of the grounds specified in this subsection (B)(5) only if the director finds that the crime or act is substantially related to the qualifications, functions or duties of a food vending vehicle owner or owner of a business which operates food vending vehicles or has substantial contact with minors. However, no person shall be denied a permit solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under California Penal Code Section 4852.01, et seq., or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed to evaluate the rehabilitation of a person when considering a petition under California Penal Code Section 4852.01, et seq. (Ord. 2015-0016 § 1)

5.68.045 Term of vehicle permit—Renewal.

A. All food vending vehicle permits shall expire on April 30th of the calendar year following the date of issuance, unless sooner revoked.

B. A permittee may file an application for renewal of a valid vehicle permit with the director between March 1st and March 31st for the permit period beginning the following May 1st. Upon the applicant's request and a showing of a delay caused by circumstances beyond the applicant's control, the director may grant an extension of the March 31st deadline, up to ninety (90) days. If a permittee files an application for renewal after March 31st but before May 1st, without an extension, the city may impose a late penalty in an amount established by resolution of the city council and the permit renewal may not be issued prior to the expiration of the current permit. Any renewal application filed after the permit has expired shall be denied, unless an extension has been granted.

C. Renewal applications shall contain information as may be required by the director to further the purpose of this chapter and shall be accompanied by a nonproratable and nonrefundable renewal application fee in an amount established by resolution of the city council.

D. Vehicle permit renewals may be issued or denied in accordance with the provisions of Section 5.68.040.

E. No person shall knowingly make a false statement of fact or knowingly omit any information that is required in an application for the renewal of a valid vehicle permit. (Ord. 2015-0016 § 1)

5.68.050 Posting requirements.

A. No person shall operate a food vending vehicle unless the food vending vehicle permit decal, as provided by the director, is displayed on the vehicle window in a manner specified by the director.

B. No person shall operate a food vending vehicle unless the food vending vehicle number, as provided by the director, is permanently posted on the exterior of the vehicle and in a location that is clearly visible to patrons. The numbers shall be legible, not less than

three and one-half inches in height and in a color that contrasts with the color of the background upon which it is placed. (Ord. 2015-0016 § 1)

5.68.060 Liability insurance.

A. During the term of a food vending vehicle permit issued pursuant to this chapter, the permittee or owner(s) of a food vending vehicle authorized by the permit shall maintain in full force and effect at no cost to the city a comprehensive auto and general liability insurance policy:

1. In an amount not less than one million dollars (\$1,000,000.00) single limit per occurrence; and
2. Issued by an admitted insurer or insurers as defined by the California Insurance Code; and
3. Providing that the city, its officers, employees and agents are named as additional insureds under the policy; and
4. Covering all losses and damages as specified in Section 5.68.070; and
5. Stipulating that the policy will operate as primary insurance and that no other insurance effected by the city or other named insured will be called on to contribute to a loss covered thereunder; and
6. Providing that no cancellation, change in coverage or expiration by the insurance company or the insured shall occur during the term of the vehicle permit, without thirty (30) days' written notice to the director prior to the effective date of such cancellation or change in coverage.

B. In the event of a cancellation, expiration, or change of insurance coverage resulting in noncompliance with subsection A of this section, the permittee shall notify the city of the cancellation, expiration, or change within three business days after its effective date by submitting a written notice to the director. The giving of notice as provided herein shall not stay the automatic suspension of the permit pursuant to Section 5.68.220.

C. No person shall operate a food vending vehicle without insurance coverage in effect as required by this section. (Ord. 2015-0016 § 1)

5.68.070 Indemnify and hold harmless.

The permittee and food vending vehicle owner(s) shall defend, indemnify and hold harmless the city, its officers, employees and agents from and against all actions, losses, damages, liability, costs and expenses of every type and description, including, but not limited to, attorney fees, to which any or all of them may be subjected by reason of, or resulting from, directly or indirectly, in whole or in part, the acts or omissions of the permittee or the permittee's agents, officers or employees, directly or indirectly arising from the operation of the food vending vehicle. (Ord. 2015-0016 § 1)

Article III. Food Vending Vehicle Driver Permits

5.68.080 Food vending vehicle driver permit required.

A. No person shall drive a food vending vehicle unless the person holds a valid food vending vehicle driver permit issued pursuant to this chapter.

B. Every driver of a food vending vehicle shall have the valid driver permit issued to him or her in his or her immediate possession at all times when driving a food vending vehicle.

C. Upon demand of a peace officer, or city employee authorized to enforce this chapter, the driver of a food vending vehicle shall present his or her driver permit for examination.

D. All driver permits are the property of the city and each shall authorize a single specific food vending vehicle driver. No person shall sell or transfer, or attempt to sell or transfer, any driver permit. (Ord. 2015-0016 § 1)

5.68.090 Food vending vehicle driver permit procedure.

A. Applications for a food vending vehicle driver permit shall be filed with the director and shall contain the following:

1. The name and address of the applicant;
2. The number of a valid state driver license issued to the applicant, authorizing the applicant to drive a food vending vehicle, and date of license expiration;
3. A statement of whether the applicant's state driver license has ever been revoked or suspended and, if so, the reason(s) for such revocation or suspension;
4. A list, signed under penalty of perjury, of each conviction of the applicant, whether such conviction was by verdict, plea of guilty, or plea of nolo contendere. The list shall, for each such conviction, set forth the date of arrest, the offense charged, and the offense of which applicant was convicted;
5. A list of the applicant's physical or mental conditions, or any medications being taken, that would interfere with the proper management and control of a motor vehicle;
6. Such other information as may be required by the director to further the purpose of this chapter.

B. Every application for a driver permit shall be accompanied by a nonproratable, nonrefundable application fee in an amount established by resolution of the city council.

C. No person shall knowingly make a false statement of fact or knowingly omit any information that is required in an application for a driver permit. (Ord. 2015-0016 § 1)

5.68.100 Driver permit issuance and denial.

A. Except as provided in subsection C of this section, a food vending vehicle driver permit shall be issued by the director:

1. Upon receipt of a complete application and payment of the permit fee, as specified in Section 5.68.090;
2. After fingerprinting of the applicant by the police department, if the director so requires; and

3. After submission of four recent dated portrait photographs, one to be attached to the application, one to be attached to the driver permit if issued, and two for the use of the police department.

B. A driver permit shall be denied by the director on any of the following grounds:

1. The applicant failed to comply with the requirements of this section;

2. The information submitted pursuant to Section 5.68.090 is materially false or incomplete;

3. The applicant has any unpaid administrative penalties imposed pursuant to Chapter 1.28 for the violation of provisions of this chapter;

4. Within twelve (12) months of the date of application, the applicant has had his or her driver permit revoked; or

5. The applicant has been convicted of a crime, and the time for appeal has elapsed, irrespective of the entry of a subsequent order under California Penal Code Section 1203.4; or has committed any act involving dishonesty, fraud, deceit, or moral turpitude with intent to substantially benefit himself or herself, or another, or substantially injure another, or has a physical or mental disability or incapacity, or takes medication, uses alcohol or any controlled substance as defined in the California Health and Safety Code.

Provided, however, that the permit shall be denied upon any of the grounds specified in this subsection (B)(5) only if the director finds the crime, act, disability, incapacity or impairment from a substance consumed is substantially related to the qualifications, functions or duties of a food vending vehicle driver. However, no person shall be denied a permit solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under California Penal Code Section 4852.01, et seq., or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed to evaluate the rehabilitation of a person when considering a petition under California Penal Code Section 4852.01, et seq. (Ord. 2015-0016 § 1)

5.68.105 Term of driver permit—Renewal.

A. All food vending vehicle driver permits shall expire on April 30th of the calendar year following the date of issuance, unless sooner revoked.

B. A permittee may file an application for renewal of a valid driver permit with the director between March 1st and March 31st for the permit period beginning the following May 1st. Upon the applicant's request and a showing of a delay caused by circumstances beyond the applicant's control, the director may grant an extension of the March 31st deadline, up to ninety (90) days. If a permittee files an application for renewal after March 31st but before May 1st, without an extension, the city may impose a late penalty in an amount established by resolution of the city council and the permit renewal may not be issued prior to the expiration of the current permit. Any renewal application filed after the permit has expired shall be denied, unless an extension has been granted.

C. Renewal applications shall contain information as may be required by the director to further the purpose of this chapter and shall be accompanied by a nonproratable and nonrefundable renewal application fee in an amount established by resolution of the city council.

D. Driver permit renewals may be issued or denied in accordance with the provisions of Section 5.68.100.

E. No person shall knowingly make a false statement of fact or knowingly omit any information that is required in an application for the renewal of a valid driver permit. (Ord. 2015-0016 § 1)

Article IV. Food Vending Vehicle Property Permits

5.68.110 Food vending vehicle property permit required.

A. No property owner shall allow another person to operate a food vending vehicle on their property for more than thirty (30) minutes, unless a food vending vehicle property permit issued pursuant to this chapter is in effect for that property.

B. No property owner shall allow another person to operate a food vending vehicle on their property in violation of any conditions of a property permit or conditional use permit in effect for that property, including but not limited to conditions relating to the number of vehicles allowed and hours of operation.

C. All property permits are the property of the city and each shall authorize the operation of food vending vehicles on a specified property. No person shall sell or transfer, or attempt to sell or transfer, any property permit. (Ord. 2015-0016 § 2)

5.68.120 Property permit application.

A. An application for a food vending vehicle property permit shall be filed with the director and shall contain the following:

1. The name, address, and telephone number of the permit applicant;
2. Address and description of the private property upon which the applicant wishes to operate one or more food vending vehicles;
3. Written evidence that the applicant is an owner, lessee, or holder of a similar interest in the private property;
4. The name and address of all owners of the private property;
5. Such other information as may be required by the director to further the purposes of this chapter.

B. Every application for a property permit shall be accompanied by a nonproratable and nonrefundable application fee in an amount established by resolution of the city council.

C. No person shall knowingly make a false statement of fact or knowingly omit any information that is required in an application for a property permit. (Ord. 2015-0016 § 2)

5.68.130 Property permits for one or two food vending vehicles.

A. If the applicant seeks a food vending vehicle property permit that authorizes the operation of one or two food vending vehicles on the subject property, the applicant shall comply with the following:

1. Not later than five days after filing a complete application required by Section 5.68.120, the applicant shall post in a conspicuous place on the property for which the application was submitted, a notice of intent to allow food vending vehicles. The notice shall be provided by the city, and contain:

a. A heading of "NOTICE OF INTENT TO ALLOW FOOD VENDING VEHICLES ON THIS PROPERTY";

b. The name of the applicant;

c. A description of the type of operation sought in the application, including the number of food vending vehicles, the hours of operation, and any other information requested by the director;

d. The date that the director is required to act on the application, and a request that any comments or questions concerning the application should be communicated to the director prior to that date; and

e. Notice that the director's decision to grant the application may be appealed pursuant to Article VI of this chapter.

2. No later than five days after filing a complete application required by Section 5.68.120, the applicant shall mail the notice of intent to allow food vending vehicles prescribed in subsection (A)(1) of this section to all owners of property as shown on the latest equalized assessment roll within a radius of five hundred (500) feet of the property that is the subject of the application.

B. Failure of any person to receive notice as required by subsection A of this section shall not affect the validity of any decision of the director.

C. Applications for a property permit shall be investigated by the director. The director shall take into consideration the existing uses of the surrounding properties and any public safety problems or nuisances that the issuance of the permit might create. The director shall also refer every application to the chief of police for a written report concerning any potential public safety problems, and to the planning director for a written report concerning the compatibility of the proposed use of the premises with existing zoning and neighborhood land uses. The director may also consider other sources of information. (Ord. 2015-0016 § 2)

5.68.140 Property permits for more than two food vending vehicles.

If the applicant seeks a food vending vehicle property permit that authorizes the operation of more than two food vending vehicles on the subject property at the same time, a valid conditional use permit for an outdoor market issued pursuant to the Planning and Development Code for the subject property is required. The application for a property permit must contain a copy of the conditional use permit, including all conditions of the permit. (Ord. 2015-0016 § 2)

5.68.150 Property permit issuance and denial.

A. In issuing a food vending vehicle property permit, the director may impose conditions on the permit relating to public health, safety, and welfare. The conditions may include, but are not limited to, regulations on the time of operations, the sale and consumption of alcohol, security measures, sanitation, restrooms, furniture, and lighting.

- B. A property permit may be denied by the director on any of the following grounds:
1. The information submitted in the application for the property permit is materially false or incomplete;
 2. The operation of food vending vehicles on the subject property would be a violation of this code, including, but not limited to, the provisions of Articles VII, VIII and IX of this chapter;
 3. The operation of food vending vehicles on the subject property, in the director's opinion, would likely cause a public safety problem, create a public nuisance, or would otherwise be contrary to the public interest;
 4. The applicant or any owner of the private property has unpaid administrative penalties imposed pursuant to Chapter 1.28 for the violation of provisions of this chapter; or
 5. Within twelve (12) months of the date of application, the applicant or any owner of the private property has had a property permit revoked. (Ord. 2015-0016 § 2)

5.68.160 Notice of decision.

- A. The director shall decide to grant or deny an application for a food vending vehicle property permit in writing within sixty (60) days after the date of application.
- B. Within five days after the director's decision, the director shall mail written notice of the decision to the applicant. The notice shall state whether the director issued or denied the property permit, and if the director issued the property permit, whether any conditions were imposed. The notice shall also contain a notification of appeal rights set forth in Article VI of this chapter.
- C. The director shall also mail the written notice of the decision to all owners of property as shown on the latest equalized assessment roll within a radius of five hundred (500) feet of the property which is the subject of the application; and post the notice in a conspicuous place on the premises for which the application was submitted.
- D. Failure of any person to receive notice as required by subsection B of this section shall not affect the validity of any decision made by the director. (Ord. 2015-0016 § 2)

5.68.170 Term of property permit—Renewal.

- A. All food vending vehicle property permits shall expire on April 30th of the calendar year following the date of issuance, unless sooner revoked.
- B. A permittee may file an application for renewal of a valid property permit with the director between March 1st and March 31st for the permit period beginning the following May 1st. Upon the applicant's request and a showing of a delay caused by circumstances beyond the applicant's control, the director may grant an extension of the March 31st deadline, up to ninety (90) days. If a permittee files an application for renewal after March 31st but before May 1st, without an extension, the city may impose a late penalty in an amount established by resolution of the city council and the permit renewal may not be issued prior to the expiration of the current permit. Any renewal application filed after the permit has expired shall be denied, unless an extension has been granted.

C. Renewal applications shall contain information as may be required by the director to further the purpose of this chapter and shall be accompanied by a nonproratable and nonrefundable renewal application fee in an amount established by resolution of the city council.

D. Sections 5.68.130 and 5.68.140 and subsection C of Section 5.68.160 do not apply to applications for the renewal of a valid property permit.

E. Property permit renewals may be issued or denied in accordance with the provisions of Section 5.68.150.

F. No person shall knowingly make a false statement of fact or knowingly omit any information that is required in an application for the renewal of a valid property permit. (Ord. 2015-0016 § 2)

5.68.180 Exemption of heavy commercial and industrial zoning districts.

An owner of private property in a heavy commercial and industrial zoning district is exempt from the food vending vehicle property permit requirement in Section 5.68.110, as it applies to that property. (Ord. 2015-0016 § 2)

5.68.190 Exemption of construction sites.

An owner of private property upon which any building or structure is being constructed, demolished, altered, or repaired is exempt from the food vending vehicle property permit requirement in Section 5.68.110, as it applies to that property, during the hours that such activity is taking place, and for the purpose of selling food and beverages to persons engaging in such activity. (Ord. 2015-0016 § 2)

5.68.200 Exemption of established operations on private property.

A. An owner of private property shall be exempt from the food vending vehicle property permit requirement in Section 5.68.110 and Chapter 17.232, Nonconforming Uses, if the food vending vehicle permittee operating on the property has an established operation on private property, as provided in this section.

B. A food vending vehicle permittee has an established operation on private property if, based on credible evidence submitted by the permittee prior to March 31, 2008, the director finds that the permittee's food vending vehicle has operated on a private property with the continuous consent of the property owner since at least January 1, 2006.

C. The exemption in the above subsection A is subject to the following conditions:

1. The exemption applies only to the specific private property that the director determines is the location on which the food vending vehicle permittee has an established operation on private property, pursuant to subsection B of this section;

2. The exemption applies only as long as the property owner's consent is continuously maintained. If consent is revoked or is allowed to expire at any time, this exemption shall no longer apply or be available even if consent is subsequently obtained;

3. The exemption applies only as long as a food vending vehicle permit related to a vehicle operating on the property, is continuously maintained as valid. If the vehicle permit

is revoked or is not renewed at any time, this exemption shall no longer apply or be available even if a vehicle permit is subsequently obtained;

4. This exemption applies only as long as the business of operating a food vending vehicle that was operating on the property on March 31, 2008 is continuously operating there. If the business is sold, the new owner may continue to operate a food vending vehicle on the property in accordance with this exemption;

5. This exemption applies to the operation of only one food vending vehicle on the property;

6. A person may only operate a food vending vehicle in accordance with this exemption between the hours of 5:00 a.m. of one day, and 2:00 a.m. of the following day; and

7. Except as set forth in subsection A of this section, the operation of the food vending vehicle shall comply with all other provisions of this code. (Ord. 2015-0016 § 2)

Article V. Suspension, Revocation, and Modification of Permits

5.68.210 Grounds for suspending, revoking, or modifying a permit.

The director may suspend, revoke, or modify any permit issued pursuant to this chapter on any of the following grounds:

A. The director determines that any activity authorized by the permit is being carried out in a manner that constitutes a nuisance, or is injurious to the public health, safety, or welfare;

B. The operation of a food vending vehicle violates any condition of the permit or the conditional use permit of the private property upon which it is operating;

C. The operation of a food vending vehicle violates any provision of this chapter, this code, the Sacramento County Code, state law, or any other applicable law, including, but not limited to:

1. Chapter 5.68 regarding food vending vehicles,

2. Chapter 5.88 regarding outdoor vending,

3. Chapter 10.60 regarding the broadcasting of sound, and

4. The California Retail Food Code (commencing with Section 113700 of the California Health and Safety Code); or

D. There exists any of the grounds that would have been grounds for denial of the permit application. (Ord. 2015-0016 § 3)

5.68.220 Hearing required—Exception.

A. No permit issued pursuant to this chapter shall be suspended, revoked, or modified until the permittee is provided notice pursuant to Section 5.68.230 and an opportunity to be heard by the director.

B. Notwithstanding subsection A of this section, a permit issued pursuant to this chapter may be suspended or revoked immediately upon the director's determination that any of the following circumstances exist:

1. The food vending vehicle permittee is in violation of the insurance requirements set forth in Section 5.68.060; or
 2. Immediate suspension or revocation of the permit is necessary to protect the public health, safety, or welfare.
- C. After a permit is immediately suspended or revoked pursuant to subsection B of this section, the permittee shall be provided notice pursuant to Section 5.68.230 and an opportunity to be heard by the director. (Ord. 2015-0016 § 3)

5.68.230 Notice of hearing.

- A. Notice of a hearing on the director's decision to suspend, revoke, or modify a permit issued pursuant to this chapter shall be served on the permittee. The notice shall be in writing and contain a brief statement of the grounds for the action, and the date, time, and location of the hearing.
- B. The notice of hearing shall be served personally or by certified mail to the permittee at the address submitted in the permit application at least ten (10) calendar days prior to the hearing. Service by certified mail is complete at the time the notice is deposited in the mail. (Ord. 2015-0016 § 3)

5.68.240 Notice of decision.

- A. If, after the permittee has had an opportunity to be heard, the director decides to suspend, revoke, or modify a permit issued pursuant to this chapter, the director shall cause written notice of the decision to be served personally or by certified mail to the permittee. The notice shall be in writing and contain:
1. The specific grounds for the decision;
 2. A statement that the permittee may appeal the decision by submitting an appeal, in writing to the director, within ten (10) calendar days of the date of service of the notice; and
 3. A statement advising that the failure to appeal the decision will constitute a waiver of all rights to an appeal hearing, and the decision will be final. Failure to properly and timely appeal the decision shall also constitute a failure to exhaust administrative remedies and a bar to any judicial action pertaining to the director's decision.
- B. The notice of decision shall be served personally or by certified mail to the permittee at the address submitted in the permit application. Service by certified mail is complete at the time the notice is deposited in the mail. (Ord. 2015-0016 § 3)

5.68.250 Return of the permit.

A permittee shall return any permit that has been suspended or revoked to the director within three calendar days of the receipt of the notice of the director's decision. (Ord. 2015-0016 § 3)

Article VI. Appeals

5.68.260 Appeal of suspension, revocation, or modification of permit.

Any permittee aggrieved by the director's decision to suspend, revoke, or modify a permit issued pursuant to this chapter, may appeal the decision by filing a written notice of appeal with the director within ten (10) calendar days from the date of service of the notice of decision. (Ord. 2015-0016 § 4)

5.68.270 Appeal of issuance of food vending vehicle property permit.

Any aggrieved person may appeal the decision of the director to grant an application for a food vending vehicle property permit by filing a written notice of appeal with the director within twenty-five (25) calendar days from the date of service of the notice of decision. (Ord. 2015-0016 § 4)

5.68.280 Written notices of appeal.

- A. A written notice of appeal required by this chapter shall contain:
1. A brief statement in ordinary and concise language of the specific decision appealed;
 2. A brief statement in ordinary and concise language of the reasons why it is claimed the protested decision should be reversed or otherwise set aside, any material facts claimed to support the contentions of the appellant, and the relief sought;
 3. The signatures of all appellants and their official mailing addresses; and
 4. A declaration under penalty of perjury by at least one appellant as to the truth of the matters stated in the notice of appeal. (Ord. 2015-0016 § 4)

5.68.290 Appeal hearing.

- A. All appeals shall be heard by a hearing examiner appointed pursuant to Section 8.04.070.
- B. Upon receipt of any appeal filed pursuant to this section, the director shall transmit the appeal to the secretary of the hearing examiner who shall calendar it for hearing as follows:
1. If the appeal is received by the director not later than fifteen (15) days prior to the next regularly scheduled appeal hearing date, it shall be calendared for hearing on that date.
 2. If the appeal is received by the director less than fifteen (15) days prior to the next regularly scheduled appeal hearing date, it shall be calendared for hearing on the next subsequent appeal hearing date.
- C. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant by the secretary of the hearing examiner either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

D. Only those matters or issues specifically raised by the appellant in the written notice of appeal shall be considered in the appeal hearing. (Ord. 2015-0016 § 4)

5.68.300 Failure to appeal.

Failure of any person to file a timely appeal in accordance with the provisions of this chapter constitutes an irrevocable waiver of the right to an administrative appeal a failure to exhaust administrative remedies. (Ord. 2015-0016 § 4)

Article VII. Operation—Generally

5.68.310 Stopping.

No person may sell any product from a food vending vehicle unless the vehicle has been brought to a complete stop and is parked in a lawful manner. (Ord. 2015-0016 § 5)

5.68.320 Lighting.

No vendor may sell any product from a food vending vehicle unless the site is adequately lit to ensure customer safety. Any lighting maintained by the vendor shall be directed downwards and away from public streets and adjacent properties. (Ord. 2015-0016 § 5)

5.68.330 Utilities.

No person may operate a food vending vehicle while the vehicle is connected to an external source of power, water, or any other utilities, unless the connection is expressly approved as a condition of a valid food vending vehicle property permit. (Ord. 2015-0016 § 5)

5.68.340 Signs and furniture.

No vendor may place any free-standing signs, tables, chairs, fences, shade structures, or other furniture on or near the site of the operation of the food vending vehicle. (Ord. 2015-0016 § 5)

5.68.350 Blocking vehicular and pedestrian traffic.

While operating a food vending vehicle, vendors shall keep customers and other patrons from blocking all streets, sidewalks, paths, driveways, doorways, and other avenues of vehicular and pedestrian traffic. (Ord. 2015-0016 § 5)

5.68.360 Maintain area free of trash.

While operating a food vending vehicle, vendors shall maintain the area surrounding the vehicle free of trash and other debris. Vendors shall provide their customers with a receptacle for garbage and pick up any trash in the area before leaving. Vendors shall not dump garbage or trash generated by the operation of the food vending vehicle in any public or private garbage receptacle that is not owned by or leased to the vendor. (Ord. 2015-0016 § 5)

5.68.370 Toilet and handwashing facilities.

A. No person shall operate a food vending vehicle while stopped for more than a one-hour period in any location, or within four hundred (400) feet of that location, unless prior to stopping, the food vending vehicle permittee has provided the director with a copy of the county of Sacramento's approval of readily available toilet and handwashing facilities within two hundred (200) feet travel distance of that location, issued in accordance with Section 114315 of the California Health and Safety Code.

B. A copy of the county's approval shall be maintained with the corresponding food vending vehicle at all times and be posted in a location that is easily visible by patrons.

C. Upon demand of a peace officer or city employee authorized to enforce this chapter, a person operating a food vending vehicle shall present a copy of the county's approval that is in effect for that vehicle. (Ord. 2015-0016 § 5)

Article VIII. Operation on the Street

5.68.380 Operation near other food vending vehicles prohibited.

No person shall operate a food vending vehicle on the street while stopped, standing, or parked within four hundred (400) feet of any other food vending vehicle. (Ord. 2015-0016 § 8)

5.68.390 Operation near intersection prohibited.

No person shall operate a food vending vehicle on the street while stopped, standing, or parked within fifty (50) feet of any street intersection controlled by a traffic light or stop sign. (Ord. 2015-0016 § 6)

5.68.400 Operation near outdoor seating prohibited.

No person shall operate a food vending vehicle on the street while stopped, standing, or parked within one hundred (100) feet of any outdoor seating area of any restaurant, café, or other business. (Ord. 2015-0016 § 6)

5.68.410 Operation near schools restricted.

No person shall operate a food vending vehicle on the street while stopped, standing, or parked within four hundred (400) feet of any elementary, middle, junior high, or high school between the hours of 7:00 a.m. and 4:00 p.m. on days that school is in session. (Ord. 2015-0016 § 6)

5.68.420 Operation near entertainment establishments restricted.

No person shall operate a food vending vehicle while stopped, standing, or parked on the street within one thousand (1,000) feet of any establishment that maintains a valid entertainment permit, issued pursuant to Chapter 5.108, between 1:00 a.m. and 3:00 a.m. (Ord. 2015-0016 § 6)

5.68.425 Operation adjacent to property in a residential zoning district.

No person shall operate a food vending vehicle on the street while stopped, standing, or parked adjacent to any property in a residential zoning district:

A. Later than 8:00 p.m. or earlier than 8:00 a.m. of any day during the months of April, May, June, July, August, September and October; or

B. Later than 6:00 p.m. or earlier than 8:00 a.m. of any day during the months of November, December, January, February, and March. (Ord. 2015-0016 § 6)

5.68.430 Operation within parking regulations.

No person shall operate a food vending vehicle on the street while stopped, standing, or parked in violation of any parking regulation. (Ord. 2015-0016 § 6)

Article IX. Operation on Private Property

5.68.440 No operation on property in a residential zoning district.

Notwithstanding any provision of this code to the contrary, no person shall operate a food vending vehicle on private property in a residential zoning district. (Ord. 2015-0016 § 7)

5.68.450 Property permit required.

A. No person shall operate a food vending vehicle on private property for more than thirty (30) minutes, unless a food vending vehicle property permit issued pursuant to this chapter is in effect for that property.

B. No person shall operate a food vending vehicle on private property in violation of any condition of any applicable property permit or conditional use permit.

C. A person shall be exempt from subsections A and B of this section, if the owner of the private property is exempt from the food vending vehicle property permit requirement in Section 5.68.110, as it applies to that property, pursuant to Article IV of this chapter. (Ord. 2015-0016 § 7)

5.68.460 Consent required.

A. No person shall operate a food vending vehicle on private property unless the property owner has given the vendor his or her express written consent to do so.

B. Prior to vending on private property, the written consent of the owner of the property shall be provided to the director, in the form approved by the director.

C. A copy of the written consent shall be maintained with the corresponding food vending vehicle at all times the vehicle is being operated on private property.

D. Upon demand of a peace officer or city employee authorized to enforce this chapter, a person operating a food vending vehicle on private property shall present a copy of the written consent that is in effect for that vehicle. (Ord. 2015-0016 § 7)

5.68.470 Operation on private property—Generally.

No person shall operate a food vending vehicle on private property if any of the following conditions apply:

A. The food vending vehicle is stopped, standing, or parked in any location on the property that interferes with access, driveways, aisles, or the circulation of vehicles or pedestrians;

B. The food vending vehicle is stopped, standing, or parked on any surface that is not paved with concrete, asphalt, or other similar material; or

C. The food vending vehicle is occupying or blocking any parking spaces required for the primary use of the parcel as determined pursuant to Chapter 17.608. (Ord. 2015-0016 § 7)

3



**CITY COUNCIL
STAFF REPORT**

TO: Mayor and Councilmembers
DATE: December 4, 2018
FROM: David Dowswell, Contract Planner 
THROUGH: John Donlevy, Jr., City Manager
SUBJECT: Public Hearing and Consideration of Cottages at Carter Ranch Reconsideration of Phase II Tentative Subdivision Map and Planned Development Overlay Modification to create six single-family, income-restricted lots at the southwest corner of Cottage Circle (APN 030-392-006).

RECOMMENDATION: Staff recommends the City Council take the following actions:

- 1) Find, per Section 15332 (Class 32) of the CEQA Guidelines, the proposed tentative map and modified planned development overlay regulations are not subject to CEQA as the project is an in-fill development on less than five (5) acres, with no habitat for endangered, rare or threatened species, and has adequate utilities; and
- 2) Receive the staff report, conduct the public hearing, and introduce Ordinance No. 2018-08 adding the modified Planned Development (PD) Overlay standards/regulations to the property commonly known as the Cottages at Carter Ranch Phase II (APN 030-392-006); and
- 3) Adopt Resolution No. 2018-69 approving the tentative map for the property commonly known as the Cottages at Carter Ranch Phase II.

GENERAL PLAN DESIGNATION, EXISTING ZONING AND LAND USE: The project site is approximately 0.473 acres. The General Plan Land Use Designation is Medium Density Residential (MR) and is zoned Single Family Residential (R-2) 6,000 square feet. The land is currently vacant and was used as a detention basin for Cottages Phase I runoff. The detention basin is no longer needed as a result of the construction of the storm drain improvements as part of Callahan Estates (Heartland) and Winters Highlands (Stones Throw) subdivisions.

PROJECT DESCRIPTION: The applicant, Jim Sutter, Waller, Kaufman & Sutter, is requesting reconsideration of the tentative map (Attachment A) for the Cottages at Carter Ranch Phase II to subdivide the existing parcel located at the southwest corner of Cottage Circle into six (6) single-family, income-restricted lots. The homes must be sold to moderate-income households to address the affordable housing needs required under the City's 15-percent inclusionary (affordable housing) ordinance for the 140-unit, market rate Carter Ranch (Dry Creek Meadows) project, which was completed in 2003. The project site is located north of the Rancho Arroyo storm drainage detention basin, south of Anderson Avenue, south and west of the existing Cottages at Carter Ranch Phase I subdivision, and east of the Callahan Estates residential project. The application includes a PD overlay modification. The overlay modification is needed to address reduced lot sizes, increased lot coverage, reduced setbacks, and other development aspects.

BACKGROUND: On November 23, 2004 the Planning Commission recommended City Council approval of the Sacramento Pacific Housing (previous owner) Cottages at Carter Ranch Phase II tentative subdivision map and PD overlay modification. At the same hearing the Planning Commission approved the site plan/design review for the six homes. The tentative map and PD overlay modification appear to have never been considered by the City Council. On December 3, 2005 the action of the Planning Commission approving the tentative map, PD overlay modification and site plan/design review lapsed.

On November 13, 2018 the Planning Commission reconsidered the Cottages at Carter Ranch Phase II tentative map and PD overlay modification. At the conclusion of the hearing the Commission unanimously recommended the City Council approve the tentative map and PD overlay modification. At the hearing the Planning Commission recommended the Conditions of Approval be modified. The modified conditions are highlighted in red (Attachment D). At the same hearing the Planning Commission approved the site plan/design review for the six homes. City Council does not approve the site plan/design of the homes.

ANALYSIS:

Affordable Housing: The project proposes to provide affordable housing for moderate-income households. Income levels are derived as a percentage of the median income for a family of four in Yolo County. Currently, the estimate for the median income for a

family of four in Yolo County is \$66,560. Moderate-income households have incomes which range from 81- to 120-percent of the area median.

An inclusionary housing agreement and deed restriction will be required for each of the six lots/homes to ensure they maintain their affordability for the maximum period of 10 years. Once deed restrictions and inclusionary housing agreements are recorded for each of the lots, the City can count these units to satisfy the both the inclusionary housing requirements for the Carter Ranch project and towards the City's share of the regional housing needs allocation (RHNA). As affordable (moderate-income) units, the households who inhabit the residences will be restricted to qualifying income requirements. The criteria for these requirements are set by the U.S. Department of Housing and Urban Development and the State Department of Housing and Community Development. Habitation of these units will be limited to a number of persons equivalent to 1.5 times the number of bedrooms. For the three-bedroom units, the maximum number of persons allowed is 5 while the maximum number of persons allowed for the four-bedroom units is 6.

Planned Development Overlay Modification: The existing PD overlay standards/regulations approved for the Cottages at Carter Ranch Phase I will be expanded to include the Cottages at Carter Ranch Phase II subdivision; however, the original PD standards will not be changed. The homes in Cottages Phase II will be front-loaded and will be subject to the following PD standards. A complete list of the Planned Development Overlay standards for the project is attached (Attachment C, Exhibit A). An ordinance (Attachment C) is needed to add the PD overlay standards to Phase II.

LOT DIMENSIONS	Width – 35-foot minimum	Length – 70-foot minimum
PARCEL SIZE – 2450 square foot minimum		
SETBACKS	Front Yard – 10-foot minimum back of sidewalk	Garage – 20-foot minimum back of sidewalk
	Side Yard 1 – 3-feet from property line	Side Yard 2 – 5-feet from property line
	Side Street – 10-feet from back of sidewalk	
	Rear Yard – 20-feet from property line	
	Front Porches – 6.5-feet from back of sidewalk	
HEIGHT – 25-foot maximum		
FLOOR AREA RATIO – 0.80 maximum		
LOT COVERAGE – 50-percent		

Environmental: Prior to development the site contained a 0.24 acre seasonal wetland. The wetland was identified in a wetland delineation prepared by Davis², a consulting earth scientists firm, in 2003. The wetland delineation also covered the Callahan

Estates and Winters Highlands projects. The wetland was considered isolated as it was bordered by the first phase of the Cottages at Carter Ranch project on the north and the east, the Rancho Arroyo Regional Storm Drain Facility on the south, and the Callahan Estates/Heartland project on the west. Foothill Associates, an environmental consulting firm, was hired by Sacramento Pacific Housing (previous owner), to assess the wetlands for its potential to contain special-status invertebrate species (fairy shrimp). Foothill concluded that vernal pool invertebrates had a low potential to occur within the wetland. The prior owners mitigated the loss of the wetland.

Public Improvements/Infrastructure: All of the public improvements required for the project were constructed during the first phase of Cottages at Carter Ranch. A temporary, off-site 36-inch storm drain line and detention basin was constructed as well as modifications to the existing inlet for the Rancho Arroyo Regional Storm Drain Detention Facility.

Construction of the Heartland and Stones Throw subdivisions storm drainage improvements made the need for the temporary off-site 36-inch storm drain line and the detention basin that comprises the area for the proposed six lots unnecessary, allowing it to be filled in and developed. A sound wall was recently constructed behind the proposed six lots as part of the Heartland and Stones Throw subdivisions.

The applicant will be required to enter into a Subdivision Improvement and Maintenance Agreement to address the grading and any public improvements required for the project that may need updating or repair.

PROJECT NOTIFICATION: Public notice advertising for the public hearing on this project was prepared by the Community Development Director 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 Winters Express on Thursday, November 22, 2018 and notices were mailed to all property owners within three hundred feet of the project boundaries at least ten days prior to hearing. Copies of the staff report and all attachments for the proposed project have been on file, available for public review at City Hall since Thursday, November 29, 2018.

ENVIRONMENTAL ASSESSMENT: The tentative map application has been reviewed in accordance with the California Environmental Quality Act (CEQA) is considered categorically exempt under Section 15332 (Class 32).

Class 32 projects are characterized as in-fill development meeting the following conditions:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan as well as with applicable zoning designation and regulation.

- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

CEQA Findings:

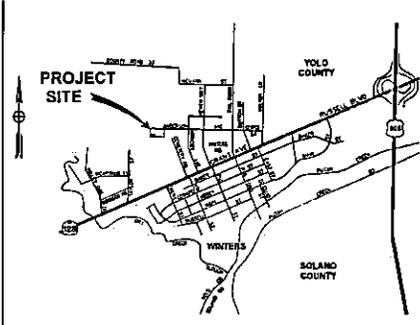
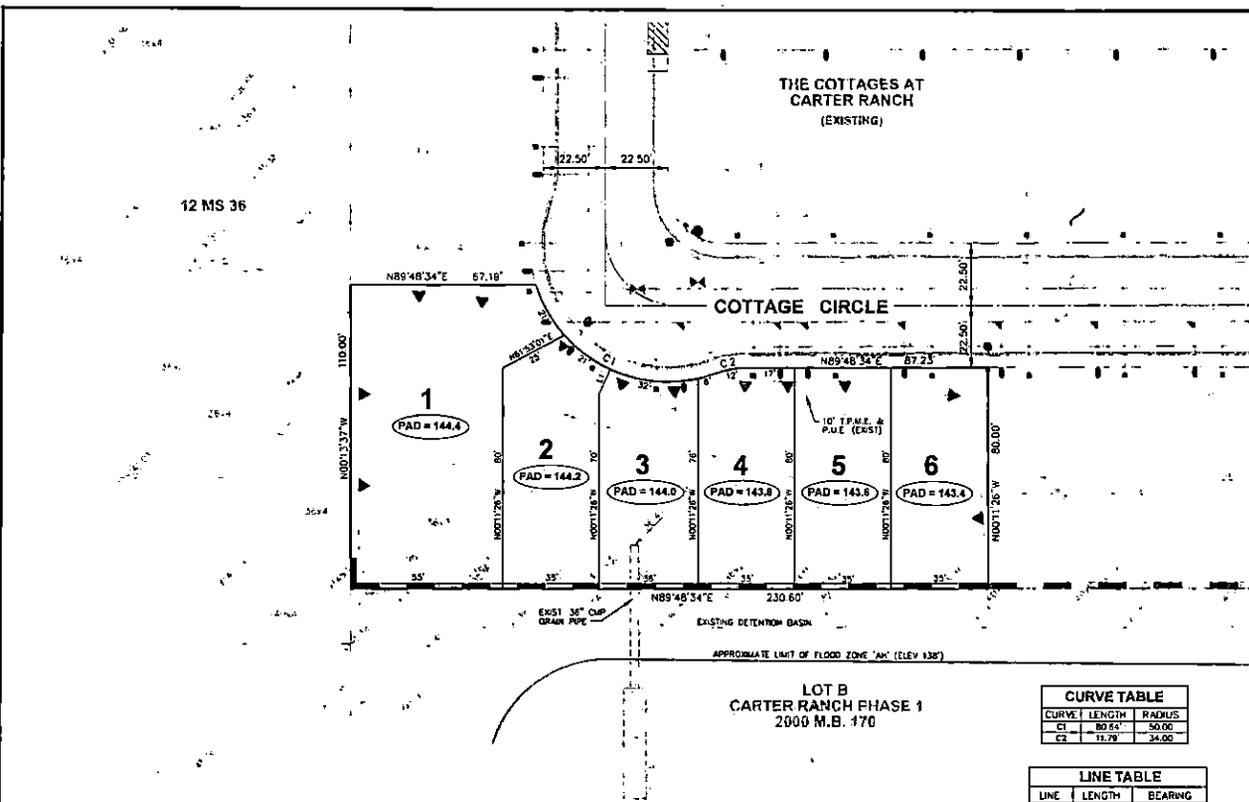
1. The project qualifies for an exemption from the provisions of CEQA, Class 32 – In-Fill Development Projects.
2. The City Council has considered comments received on the project during the public review process.
3. The exemption finding reflects the independent judgment and analysis of the City of Winters.
4. The City Council hereby confirms a Class 32 In-Fill Development Projects exemption for the Cottages at Carter Ranch Phase II Subdivision Project.

General Plan and Zoning Consistency Findings:

1. The project is consistent with the goals and policies of the General Plan. The General Plan designates the project site as Medium Density Residential; single-family detached residential units are allowed under this designation.
2. The project with the amendments to the zoning standards approved as part of PD overlay is consistent with the provisions of the Zoning Ordinance. The project site is zoned Single-Family, 6,000 Square Foot Minimum Average (R-2 Zone); single-family detached residential units are allowed in this zone. The proposed Planned Development Overlay Modification would incorporate the Cottages at Carter Ranch Phase I reduced standards for the lot sizes, lot dimensions, and other development standards for the Cottages at Carter Ranch Phase II.

ATTACHMENTS:

- A. Tentative Map
- B. City Council Resolution 2018-69 approving tentative map
- C. City Council Ordinance 2018-08 approving PD overlay modification
- D. Conditions of Approval



- LEGEND:**
- SUBDIVISION BOUNDARY
 - LOT LINE
 - EASEMENT LINE
 - EXISTING WATER LINE
 - EXISTING SEWER LINE
 - EXISTING STORM DRAIN LINE
 - PROPOSED STORM DRAIN LINE W/IN
 - PROPOSED RETAINING WALL
 - EXISTING CURB, GUTTER & SIDEWALK
 - FLOW LINE
 - EXISTING FIRE HYDRANT
 - EXISTING WATER VALVE
 - EXISTING WATER SERVICE
 - EXISTING SEWER MANHOLE
 - EXISTING SEWER SERVICE
 - EXISTING STREET LIGHT

CURVE TABLE

CURVE	LENGTH	RADIUS
C1	80.64'	50.00'
C2	19.78'	34.00'

LINE TABLE

LINE	LENGTH	BEARING
L1	10'	N24°14'20"E

LEGAL DESCRIPTION:
ALL THAT CERTAIN REAL PROPERTY SITUATED, LYING, AND BEING IN THE CITY OF WINTERS, COUNTY OF YOLO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
LOT 31, AS SHOWN ON THE "THE COTTAGES AT CARTER RANCH", MAP NO. 4816, FILED IN BOOK 2004 OF MAPS AT PAGE 42, IN THE OFFICE OF YOLO COUNTY RECORDER, YOLO COUNTY, CALIFORNIA.

APPLICANT/OWNER:
WALLER, KAUFMAN & SUTTER
C/O JAMES M. SUTTER
2408 SUNRISE BLVD, SUITE 200
GOLD RIVER, CA 95670
(916) 920-4300

ASSESSOR'S PARCEL NUMBER:
APN: 030-392-006

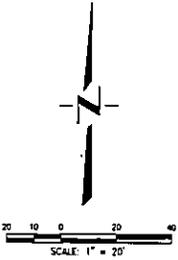
FLOOD ZONE:
ZONE "C"

ZONING:
EXISTING: R-2
PROPOSED: NO CHANGE REQUESTED

LAND USE:
EXISTING: VACANT
PROPOSED: RESIDENTIAL

TOTAL ACREAGE:
0.473 ACRES GROSS

SERVICE PROVIDERS:
GAS
PACIFIC GAS AND ELECTRIC (PG&E)
PHONE: (916) 385-5009
ELECTRICITY
PACIFIC GAS AND ELECTRIC (PG&E)
PHONE: (916) 385-5009
CABLE TELEVISION
CHARTER COMMUNICATIONS
(888) 997-6542
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CITY OF WINTERS
(530) 795-4910
SEWAGE
CITY OF WINTERS
(530) 795-4910
STORM DRAINAGE
CITY OF WINTERS
(530) 795-4910
TELEPHONE
SBC
(916) 453-7112
FIRE DEPARTMENT
WINTERS FIRE DISTRICT
(530) 795-4131
U.S.A.
(800) 227-2600



- NOTES:**
- EXISTING TOPOGRAPHY IS BASED ON A TOPOGRAPHIC AND BOUNDARY SURVEY PREPARED BY MORROW SURVEYING, FEBRUARY 2003.
 - ALL INFORMATION ON THIS MAP IS DEEMED TO BE OF A PRELIMINARY NATURE, AND IS NOT TO BE RELIED ON FOR SURVEY OR PROPERTY LINE INFORMATION.
 - THIS TENTATIVE PARCEL MAP WAS PREPARED UNDER THE DIRECTION OF CHARLES W. CUMMINGSHAM, R.C.E. NUMBER 030330.
 - LOT SIZES: MIN = 2704± SQ FT.
MAX = 6481± SQ FT.

- ABBREVIATIONS:**
- BW BACK OF WALK
 - E EAST
 - ESMT EAST
 - EA EASEMENT
 - FL FLOW LINE
 - CB GRADE BREAK
 - HP HIGH POINT
 - INV PIPE OR MANHOLE INVERT
 - L LENGTH OF CURVE
 - N NORTH
 - PUE PUBLIC UTILITY EASEMENT
 - R CURVE RADIUS
 - R/W RIGHT OF WAY
 - SS SANITARY SEWER
 - SD STORM DRAIN LINE
 - SHT SHEET
 - S SOUTH
 - STD STANDARD
 - W WATER LINE, WEST

CIVIL ENGINEER:
CUMMINGSHAM ENGINEERING
2340 SPAFFORD STREET, SUITE 200
DAVIS, CALIFORNIA 95615
(530) 758-2025

APPR. **ATTACHMENT A**

CITY OF WINTERS COMMUNITY DEVELOPMENT DEPARTMENT DATE

AS SHOWN

**THE COTTAGES AT CARTER RANCH - PHASE 2
TENTATIVE SUBDIVISION MAP NO. 4723**

CALIFORNIA
WINTERS

DATE: 10/12/2010
SHEET: 1 OF 1
PROJECT NO: 727.30.01

RESOLUTION NO. 2018-69

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
APPROVING THE TENTATIVE SUBDIVISION MAP FOR THE
COTTAGES AT CARTER RANCH PHASE II SUBDIVISION**

WHEREAS, on November 13, 2018 the Planning Commission of the City of Winters recommended to the City Council approval of Tentative Subdivision Map for the Cottages at Carter Ranch Phase II (the "Tentative Map"); and

WHEREAS, the Tentative Map is in the form attached hereto as **Exhibit A**,

WHEREAS, the City Council finds and determines that it can be seen with certainty that adoption of this Resolution is exempt from the requirements of CEQA, Guidelines pursuant to Section 15332 (Class 32), in-fill development on less than five (5) acres with no habitat for endangered, rare or threatened species, and has adequate utilities.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WINTERS
RESOLVES AS FOLLOWS:**

SECTION 1. Based on the entire record before the City Council, all written and oral evidence presented to the City Council, the City Council hereby approves Tentative Map as depicted in **Exhibit A**.

SECTION 2. Except as specifically amended herein, the Tentative Map, all Findings of Fact and Conditions of Approval approved by the City Council therewith, and all other approvals and conditions approved by the City pursuant to Resolution No. 2018-69 remain in full force and effect.

SECTION 3. This Resolution shall become effective upon its adoption.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the City Council of the City of Winters at a regular meeting held on the 4th day of December, 2018, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:**

ATTEST:

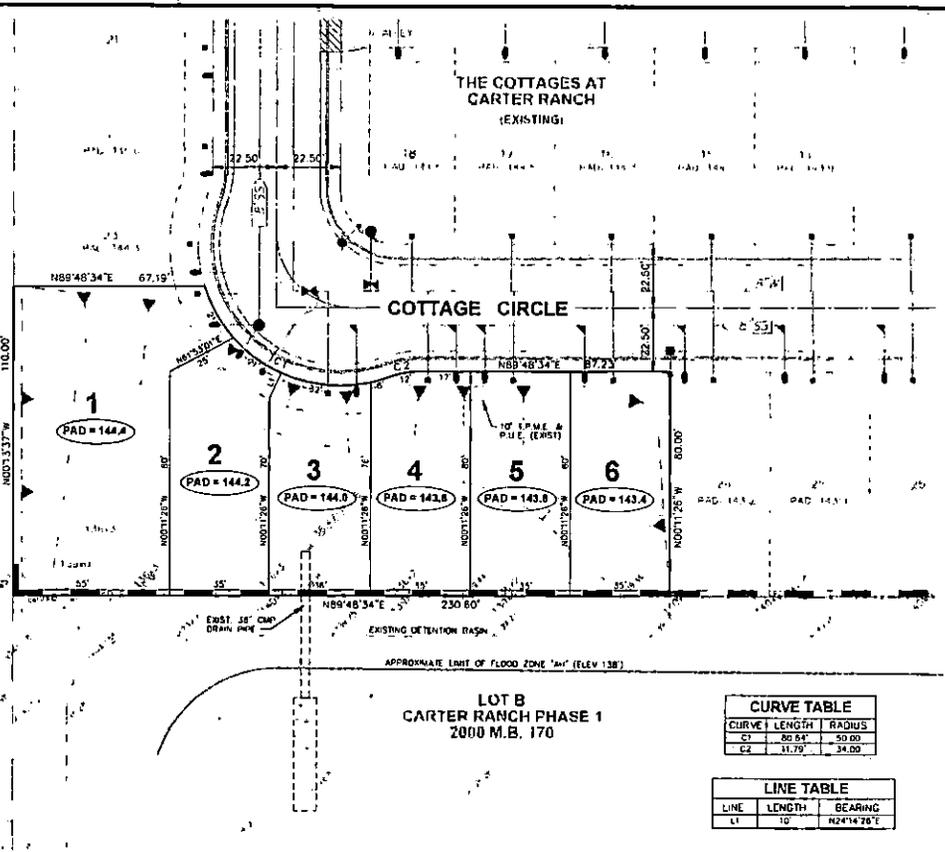
Bill Biasi, Mayor
City of Winters

Tracy S. Jensen, City Clerk
City of Winters

ATTACHMENT B

EXHIBIT A

12 MS 36

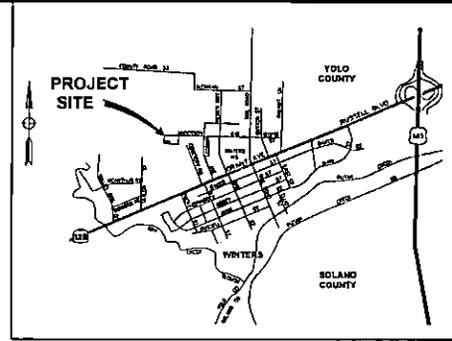


CURVE TABLE

CURVE #	LENGTH	RADIUS
C1	39.68'	50.00'
C2	11.79'	34.00'

LINE TABLE

LINE	LENGTH	BEARING
L1	10'	N24°14'26"E



- LEGEND:**
- SUBDIVISION BOUNDARY
 - LOT LINE
 - EASEMENT LINE
 - EXISTING WATER LINE
 - EXISTING STORM DRAIN LINE
 - EXISTING STORM DRAIN LINE WITH PROPOSED RETAINING WALL
 - EXISTING CURB, GUTTER & SIDEWALK
 - FLOW LINE
 - EXISTING FIRE HYDRANT
 - EXISTING WATER VALVE
 - EXISTING WATER SERVICE
 - EXISTING SEWER MANHOLE
 - EXISTING SEWER SERVICE
 - EXISTING STREET LIGHT

LEGAL DESCRIPTION:

ALL THAT CERTAIN REAL PROPERTY SITUATED, LYING, AND BEING IN THE CITY OF WINTERS, COUNTY OF YOLO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOT 31, AS SHOWN ON THE "THE COTTAGES AT CARTER RANCH", MAP NO. 4618, FILED IN BOOK 2004 OF MAPS AT PAGE 42, IN THE OFFICE OF YOLO COUNTY RECORDER, YOLO COUNTY, CALIFORNIA.

ABBREVIATIONS:

- BW BACK OF WALK
- E EAST
- ESM1 EASEMENT
- EX EXISTING
- FL FLOW LINE
- GB GRADE BREAK
- HP HOLE POINT
- HW PIPE OR MANHOLE INVERT
- LC LENGTH OF CURVE
- N NORTH
- PL PUBLIC UTILITY EASEMENT
- R CURVE RADII
- R/W RIGHT OF WAY
- SS SANITARY SEWER
- SD STORM DRAIN LINE
- SHEET
- S SOUTH
- STD STANDARD
- W WATER LINE, WEST

APPLICANT/OWNER:

WALLER, KAUFMAN & SUTTER
C/O JAMES H. SUTTER
2481 SUNSHINE BLVD., SUITE 200
GOLD RIVER, CA 95870
(916) 920-4900

CIVIL ENGINEER:

CUNNINGHAM ENGINEERING
2940 SPANFORD STREET, SUITE 200
DAVIS, CALIFORNIA 95618
(530) 758-2028

ASSESSOR'S PARCEL NUMBER:

APN: 030-392-006

FLOOD ZONE:

ZONE "C"

ZONING:

EXISTING: R-2
PROPOSED: NO CHANGE REQUESTED

LAND USE:

EXISTING: VACANT
PROPOSED: RESIDENTIAL

TOTAL ACREAGE:

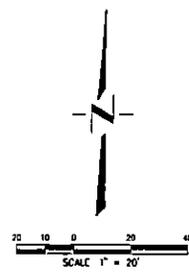
0.473 ACRES GROSS

SERVICE PROVIDERS:

- GAS
PACIFIC GAS AND ELECTRIC (PG&E)
PHONE: (916) 388-5009
- ELECTRICITY
PACIFIC GAS AND ELECTRIC (PG&E)
PHONE: (916) 388-5009
- CABLE TELEVISION
CHARTER COMMUNICATIONS
(888) 997-6542
- WATER
CITY OF WINTERS
(530) 795-4910
- SEWAGE
CITY OF WINTERS
(530) 795-4910
- STORM DRAINAGE
CITY OF WINTERS
(530) 795-4910
- TELEPHONE
SBC
(916) 453-7112
- FIRE DEPARTMENT
WINTERS FIRE DISTRICT
(530) 795-4131
- U.S.A.
(800) 227-2600

NOTES:

- 1 EXISTING TOPOGRAPHY IS BASED ON A TOPOGRAPHIC AND BOUNDARY SURVEY PREPARED BY MORROW SURVEYING, FEBRUARY 2003
- 2 ALL INFORMATION ON THIS MAP IS DEEMED TO BE OF A PRELIMINARY NATURE, AND IS NOT TO BE RELIED ON FOR SURVEY OR PROPERTY LINE INFORMATION.
- 3 THIS TENTATIVE PARCEL MAP WAS PREPARED UNDER THE DIRECTION OF CHARLES W. CUNNINGHAM, R.C.E. NUMBER C30339
- 4 101 SIZES MIN = 270# x 50 FT
MAX = 548# x 50 FT



APPROVED BY: _____ DATE: _____

CITY OF WINTERS
COMMUNITY DEVELOPMENT DEPARTMENT

THE COTTAGES AT CARTER RANCH - PHASE 2
TENTATIVE SUBDIVISION MAP NO. 4723
WINTERS, CALIFORNIA

DATE 10/12/2018
SHEET 1 OF 1
PROJECT NO 727-301

REGISTERED PROFESSIONAL ENGINEER
CIVIL ENGINEERING LICENSE NO. 44523
CUNNINGHAM ENGINEERING
2940 SPANFORD STREET, SUITE 200
DAVIS, CALIFORNIA 95618
(530) 758-2028

CITY COUNCIL

ORDINANCE NO. 2018 - 08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
ADOPTING PLANNED DEVELOPMENT (PD) OVERLAY ZONE REGULATIONS FOR THE
COTTAGES AT CARTER RANCH PHASE II SUBDIVISION (APN 030-392-006)

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 add the PD Overlay regulations that were part of Cottages at Carter Ranch Phase I to the Cottages at Carter Ranch Phase II, subject to the Community Development Department approving the plans are submitted to develop the parcels.

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 PD Overlay regulations are hereby adopted 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 4th day of December, 2018 and **PASSED AND ADOPTED** at a regular meeting of the Winters City Council, County of Yolo, State of California, on the ____ day of _____, 2019 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Bill Biasi, Mayor

ATTEST:

Tracy S. Jensen, City Clerk

APPROVED AS TO FORM:

Ethan Walsh, City Attorney

EXHIBIT A

PLANNED DEVELOPMENT OVERLAY FOR THE COTTAGES AT CARTER RANCH PHASE I AND II SUBDIVISIONS

Dated November 23, 2004

REGULATIONS FOR ALLEY LOADED AND FRONT LOADED HOMES

1. Outdoor storage of personal effects is prohibited. Storage is limited to those areas shielded from public vantages.
2. Parking of RV's, boats and travel trailers is prohibited in the public right of way.
3. Maintenance of vegetation and trees in the front yards and the landscape easement is the responsibility of the contiguous property owner. If for any reason the vegetation or trees die, the contiguous property owner shall be responsible for replacement. Plantings depicted by the approved plans shall not be removed.
4. Habitants of the units shall keep their property in a neat and tidy manner.
5. There is to be no parking in the alleyway.
6. Because of the relatively small size of the parcels and the limited amount of parking spaces available, second units are prohibited.

In the event that these regulations are silent, or are ambiguous in any aspect of land regulation, the provisions set forth in the City of Winters Zoning Ordinance shall prevail.

ALLEY LOADED HOMES

Lot Dimensions:

Width:	35' Minimum
Length:	70' Minimum
Parcel Size:	2,450 Square Feet Minimum

Setbacks:

Front	10' Minimum from back of sidewalk
Side 1	3' Minimum from property line
Side 2	10' Minimum from property line
Side Street	15' Minimum from back of sidewalk
Rear	5' Minimum from alleyway (rear property line)
Front Porches	6.5' Minimum from back of sidewalk

Height: 25' Maximum

Floor to Area Ratio: 0.80 Maximum

Lot Coverage: 50% Maximum

Additional Limitations:

1. Occupancy is limited to 1.5 times the number of bedrooms.
2. The number of vehicles is limited to 3 per unit.
3. Garages cannot be converted to habitable space.
4. No more than one space in the two-car garage can be used for any purpose other than car parking. One space must be dedicated to off-street vehicle parking.

5. There shall be no outdoor storage of boats, RV's or travel trailers.
6. Accessory structures shall be limited to storage uses only and cannot exceed 100 square feet in total area. Setbacks for accessory structures shall be 3' on any side.
7. Very low income and low-income units shall have all appliances including: Dishwasher, Range, Refrigerator, Washer and Dryer, Hot Water Heater, Central Heating and Air, and Garbage Disposer.

FRONT LOADED HOMES

Lot Dimensions:

Width: 35' Minimum
 Length: 70' Minimum
 Parcel Size: 2,450 Square Feet Minimum

Setbacks:

Front 10' Minimum from back of sidewalk for the home
 20' Minimum from back of sidewalk for the garage
 Side 1 3' Minimum from property line
 Side 2 5' Minimum from property line
 Side Street 10' Minimum from back of sidewalk
 Rear 20' Minimum from rear property line
 Front Porches 6.5' Minimum from back of sidewalk

Height: 25' Maximum

Floor to Area Ratio: 0.80 Maximum

Lot Coverage: 50% Maximum

Additional Limitations:

1. Occupancy is limited to 1.5 times the number of bedrooms.
2. The number of vehicles is limited to 3 per unit.
3. Garages cannot be converted to habitable space.
4. One space in the tandem garage must be reserved for off-street vehicle parking.
5. Outdoor storage of boats, RV's or travel trailers is prohibited.
6. Accessory structures shall be limited to storage uses only and cannot exceed 100 square feet in total area. Setbacks for accessory structures shall be 3' on any side.
7. Very low income and low-income units shall have all appliances including: Dishwasher, Range, Refrigerator, Washer and Dryer, Hot Water Heater, Central Heating and Air, and Garbage Disposer.

**CONDITIONS OF APPROVAL
THE COTTAGES AT CARTER RANCH PHASE II PROJECT (TENTATIVE
SUBDIVISION MAP AND SITE PLAN/DESIGN REVIEW)
ASSESSOR PARCEL NUMBER 030-392-006.
(As amended by the Planning Commission 11/13/18)**

DESIGN REVIEW CONDITIONS:

1. Brick or stone veneer shall be installed on the front elevations of at least three of the six homes constructed for the project. The veneer shall be installed at a height that is at least three feet above grade with a four-inch opening at the base. The veneer shall wrap on all sides of the structure so that it terminates at a point where the wood fencing begins or is wrapped around the entire visible side of any corner lots.
2. A six-foot wide landscape easement shall be recorded from the back of sidewalk throughout the subdivision. The purpose of this easement will be to provide a space for street trees to be planted and maintained in perpetuity. The contiguous property owner will be responsible for maintenance of the vegetation and trees in the 6 foot wide landscape easement.
3. Prior to recordation of the Final Map, landscaping plans shall be submitted to the Community Development Department for approval. The landscaping plans should include names, types and locations of vegetation as well as details that would explicate how the vegetation would be irrigated. Street trees and vegetation shall be planted at intervals of 20 foot on-center in staggered formation relating to the street trees planted on the opposite side of the street. All trees shall be of a type on the approved street tree list and shall be a minimum of fifteen (15) gallons in size with a mature tree canopy of at least a thirty-foot diameter within five years.
4. All address numbering shall be clearly visible from the street fronting the property. All buildings shall be identified by either four (4) inch high illuminated numbers or six (6) inch high non-illuminated numbers on contrasting colors.

GENERAL COMMUNITY DEVELOPMENT CONDITIONS:

5. The project shall be subject to the land regulation Planned Development Standards provided hereto as an attachment.
6. Prior to recordation of the Final Map, all submittals shall be reviewed by the Community Development Department to ensure substantial compliance.
7. All construction shall follow the requirements outlined by City Ordinances and the Building Codes.
8. The applicant shall be required to pay applicable park-in-lieu fees for each unit constructed, development impact fees as set by the City Council, and building permit

fees as prescribed by the Community Development Department.

9. The applicant shall be responsible for any additional costs resulting from city staff time or contract staff time dedicated to this project, which includes, but is not limited to; engineering plan check and inspections and building division plan check.
10. In the event any claim, action or proceeding is commenced naming the City or its agents, officers, and employees as defendant, respondent or cross defendant arising or alleged to arise from the City's approval of this project, the project Applicant shall defend, indemnify, and hold harmless the City or its agents, officers and employees, from liability, damages, penalties, costs or expense in any such claim, action, or proceeding to attach, set aside, void, or annul an approval of the City of Winters, the Winters Planning Commission, any advisory agency to the City and local district, or the Winters City Council. Project applicant shall defend such action at applicant's sole cost and expense which includes court costs and attorney fees. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense. Nothing in this condition shall be construed to prohibit the City of Winters from participating in the defense of any claim, action, or proceeding, if City bears its own attorney fees and cost, and defends the action in good faith. Applicant shall not be required to pay or perform any settlement unless the subdivider in good faith approves the settlement, and the settlement imposes not direct or indirect cost on the City of Winters, or its agents, officers, and employees, the Winters Planning commission, any advisory agency to the City, local district and the City Council.

AFFORDABLE HOUSING CONDITIONS:

11. Prior to recordation of the Final Map, an inclusionary housing agreement shall be prepared and executed for the subject parcels.
12. Prior to recordation of the Final Map, deed restriction language shall be recorded against each property to ensure affordability of these units for the maximum allowable time period.

FIRE SUPPRESSION CONDITIONS:

13. FIRE HYDRANTS:

- a. **INSTALLATION:** Fire hydrants shall be installed pursuant to City of Winters Standard Drawings. Hydrant setbacks shall be a minimum of 6" to a maximum of 18" from the back of the sidewalk. Prior to hydrant approval, the water system shall be flushed to remove foreign matter in the system. All unfinished installation water mains or their appendages or openings shall be covered in such a manner that foreign matter does not enter the water system.
- b. **WATER PRESSURE:** All water lines and fire hydrant systems must be approved by the Fire Chief and operating prior to any construction taking

place on the site. Prior to issuance of building permits, water flow must be measured and certified for adequacy by the Winters Fire Department. The following minimum water flows, with 20 PSI residual pressure, shall be acceptable unless otherwise determined due to the type of construction material used.

c. <u>Development Category</u>	<u>Gallons Per Min (gpm)</u>
Single-Family Residential	1,500
Multi-Family Residential	1,500
Central Business District	2,000
Industrial and Other Business Districts	3,000

d. Other habitable buildings can require up to 3,500 gpm maximum, and will be reviewed on a case-by-case basis.

e. In other areas where there are existing water system deficiencies, new development will be required to install all on-site water system improvements necessary to achieve the above fire-flow rate; however, the Winters Fire Department may waive full compliance with these standards until existing water system deficiencies are corrected.

14. **PLANS FOR HYDRANTS AND WATER MAINS:** The Winters Fire Department shall be supplied with two sets of plans for any installation of any fire hydrant system in the City of Winters. Plans are to reflect all aspects of the installation, including but not limited to the size of the City of Winters water main and the type and elevation of the fire hydrant.

15. **FINAL PLANS, PERIODIC TESTS FOR FIRE HYDRANTS:** All final plan for fire hydrant systems and private water mains supplying a fire hydrant system shall be submitted to the Winters Fire Department for approval prior to construction of the system. All fire protection systems and appurtenances thereto shall be subject to such periodic tests as required by the Fire Chief or his agent.

16. **REFLECTORS FOR FIRE HYDRANTS:** Any fire hydrant installed will require, in addition to the blue reflector noted in Standard Drawings, an additional blue reflector and glue kit that is to be supplied to the Winters Fire Department for replacement purposes.

17. All construction, new or remodeling, shall conform to the most current Uniform Fire Codes, the Winters Fire Prevention Code, and any section of the National Fire Codes that the Winters Fire Chief or his/her agent may find necessary to apply.

19. Forty-eight hour notice shall be given to the Winters Fire Department prior to any site inspections.

20. Submit three sets of plans for each fire suppression sprinkler system to the Winters Fire Department for review and approval prior to the issuance of each building permit.
21. All residences shall have fire suppression sprinkler systems meeting or exceeding NFPA 13-D. Water laterals shall be appropriately sized to accommodate sufficient water flows for fire suppression sprinkler systems. In no instance shall a water lateral be less than 1.5-inches in size.

FIRE PREVENTION:

22. Fire hydrants shall be installed pursuant to City of Winters Public Works Improvement Standards. Prior to hydrant approval, the water system shall be flushed to remove foreign matter in the system. All unfinished installation water mains or their appendages or openings shall be covered in such a manner that foreign matter does not enter the water system.

UTILITIES AND PUBLIC WORKS:

23. The developer shall comply with all aspects of the latest City of Winters Public Works Improvement Standards.
24. A signage and striping plan is required and shall be approved by the City Engineer. All striping shall be thermoplastic.
25. The applicant agrees to adhere to the terms of the ordinance (Ordinance 96-02) adopted by the City Council to address impact fees to be paid for development of property within the Rancho Arroyo Drainage District, to offset costs associated with drainage improvements.
26. The subdivision is within the Rancho Arroyo Drainage basin and a preliminary combination detention basin/underground drainage system has been approved by the City Council as an amendment to the City's Master Plan. Developer shall be responsible for paying a per acreage fee as developer's share toward these improvements. Payment shall be made prior to recordation of the final map.
27. All perimeter parcels and lots shall be protected against surface runoff from adjacent properties in a manner acceptable to the City Engineer.
28. Water system shall be designed and installed to the satisfaction of the City Engineer.
29. A hydrant use permit shall be obtained from the Public Works Department for the use of hydrant water during the construction.
30. Existing water meters shall be replaced or upgraded to the satisfaction of the Public Works Department.

31. Closure calculations shall be provided at the time of initial map check submittal. All calculated points within the map shall be based upon one common set of coordinates. All information shown on the map shall be directly verifiable by information shown on the closure calculation print out. The point(s) of beginning shall be clearly defined and all lot acreages shall be shown and verifiable from information shown on the closure calculation print out. Additionally, the square footage of each lot shall be shown on the subdivision map.
32. Grading shall be done in accordance with a grading plan prepared by the applicant's civil engineer and approved by the City Engineer. The amount of earth ~~removed~~ added to the site shall not exceed that specified in the approved grading plan. All grading work shall be performed in one continuous operation. The grading plans shall be included in the subdivision improvement plans. ~~In addition to grading information, the grading plan shall indicate all existing trees, and trees to be removed as a result of the proposed development, if any.~~
33. All storm drain improvements shall be designed and installed to the satisfaction of the City Engineer.
34. The applicant shall remove and discard remaining drainage facilities used previously for the inlet to the Rancho Arroyo Regional Storm Drain Detention Facility.
35. All electric, phone/data and cable facilities within 100 feet of the project boundary and within the project shall be installed underground and shall meet the policies, ordinances, and programs of the City of Winters and the utility providers.

EASEMENTS:

36. Appropriate easements shall be required for City maintained facilities located outside of City owned property or the public right-of-way.
37. Developer shall agree to grant all public easements as determined by the City for public purposes.

LANDSCAPING AND LIGHTING:

38. Project proponents shall annex into the City-Wide Assessment District in order to maintain and provide for the future needs of parks, open space, street lighting, landscaping and other related aspects of development. The project proponent is responsible for all costs associated with this condition. The project proponent shall fulfill this condition prior to the sale of any buildable lots or parcels within the project area.
39. Prior to approval of the Final Map the applicant shall submit lighting plan for approval to the City Engineer. Street lights, if required, shall match the existing street lights adjacent to the property.

REIMBURSEMENTS FOR DEVELOPER INSTALLED IMPROVEMENTS:

40. Developer shall pay appropriate reimbursements for benefiting improvements installed by others, in the amount and at the time specified by existing reimbursement agreements.

STORM DRAINAGE:

41. Prior to submittal of a Final Map the applicant shall submit a storm water drainage plan shall be prepared by a registered civil engineer for project watershed(s). The plan shall identify specific storm drainage design features to control increased runoff from the project site. The drainage plan shall demonstrate the effectiveness of the proposed storm drainage system to prevent negative impacts to existing upstream and downstream facilities and to prevent additional flooding at off-site locations. All necessary calculations and assumptions and design details shall be submitted to the City Engineer for review and approval. The design features proposed by the applicant shall be consistent with the most recent version of the City's Storm Drainage Master Plan criteria and Public Improvement Standards. The plan shall incorporate final sizing and location of on-site and off-site storm conduit channels, and structures.

EROSION AND SEDIMENTATION:

42. Storm Water Prevention Plan (SWPP) shall be included as part of the improvement plan package. The SWPP shall be prepared by the applicant's civil engineer and approved by the City Engineer. The plan shall include but not be limited to interim protection measures such as benching, sedimentation basins, storm water retention basins, energy dissipation structures, and check dams. The erosion control plan shall also include all necessary permanent erosion control measures, and shall include scheduling of work to coordinate closely with grading operations. Replanting of graded areas and cut and fill slopes is required and shall be indicated accordingly on plans, for approval by Community Development Department.
43. Cut and fill slopes shall be in conformance with the recommendations of the soils engineer, but shall in no case be steeper than 3:1 in public rights-of-way and easements, and 2:1 in other areas.
44. Landscaped slopes along streets shall not exceed 3:1. Level areas having a minimum width of one (1) foot shall be required at the toe and top of said slopes.
45. Applicants for projects draining into water bodies shall obtain a National Pollutant Discharge Elimination System (NPDES) Permit from the Regional Water Quality Control Board prior to commencement of grading.
46. A retaining wall shall be installed to the satisfaction of the City Engineer behind the lots that backup to the Rancho Arroyo Regional Storm Drain Detention Facility.

47. The developer shall increase the height of the chain link fence on the north side of the Rancho Arroyo Regional Storm Drain Detention Facility to prevent access into the detention facility from the backyards of the current and future residences located on the south side of Cottage Circle. The height and extent of the improvements shall be approved by the City Engineer.

GEOLOGICAL HAZARDS:

48. New development shall be constructed in accordance to the requirements of the Uniform Building Code in order to ensure that new structures are able to withstand the effects of seismic activity, including liquefaction, and underground utilities shall be designed to withstand seismic forces in accordance with State requirements.

49. Developer shall submit a soils and geotechnical report upon submittal of the initial improvement plans package. The improvement plans shall be approved and signed by the soils engineer prior to approval by the City.

50. Tarpaulins or other effective covers should be used for haul trucks.

51. All inactive portions of the construction site, which have been graded will be seeded and watered until vegetation is grown.

52. Grading shall not occur when wind speeds exceeds 20 MPH over a one hour period, construction vehicle speed on unpaved roads shall not exceed 15 MPH, and construction equipment and engines shall be properly maintained.

53. If air quality standards are exceeded in May through October, the construction schedule will be arranged to minimize the number of vehicles and equipment operating at the same time.

54. Construction practices will minimize vehicle idling.

55. Potentially windblown materials will be watered or covered.

56. Pursuant to General Plan Policy VI.E.6, construction-related dust shall be minimized. Dust control measures shall be specified and included as requirements of the contractor(s) during all phases of construction of this project and shall be included as a part of the required construction mitigation plan for the project.

~~55-57~~ Construction areas and streets will be wet swept.

~~56-58~~ Post construction Best Management Practices (BMPs) shall be identified on improvement plans.

ENERGY CONSERVATION:

57-59. Per the State Subdivision Map Act, all residences shall meet Title 24 energy efficiency requirements.

MISCELLANEOUS:

58-60. At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code. All monuments necessary to establish the exterior boundaries of the subdivision shall be set or referenced prior to recordation of the final map.

59-61. The Developer shall provide, to the City Engineer, one recorded mylar copy and four print copies of the final map from the County, prior to issuance of the first building permit.

60-62. Prior to recordation of the Final Map the subdivider shall enter into a subdivision improvement agreement with the City prior to recordation of final map.

61-63. Project applicant shall pay all development impact fees adopted by the City Council and shall pay fees required by other entities.

62-64. Street lighting locations shall be submitted and approved by the Community Development Department, the City Engineer, and Pacific Gas and Electric, prior to final recordation of Map. If relocation of existing facilities is deemed necessary, it shall be performed by the developer who will also be responsible to bear all expenses associated with this condition. All public utility standards for public easements shall apply.

63-65. Existing public and private facilities damaged during the course of construction shall be repaired by the subdivider, at his sole expense, to the satisfaction of the City Engineer.

64-66. Proposed improvements, including but not limited to, grading, streets, utilities, and landscape have not been reviewed in detail and are not approved at this time. The City Engineer shall review the design of all improvements, during the plan check process and shall be revised, as needed, at the discretion of the City Engineer.

65-67. A 10-foot Public Utility Easement (PUE) behind right-of-way shall be dedicated along all frontages.

66-68. A current title report shall be submitted with the subdivision map. The title report shall include the entire legal boundary of property being divided.

- | ~~67.69.~~ The area of each lot, in square feet, shall be calculated and shown on the Final Map.
- | ~~68.70.~~ U.S. Post Office mailbox locations shall be coordinated with the Postmaster, and shown on the improvement plans prior to approval by the City Engineer.
- | ~~69.71.~~ Final Joint Trench utility plans shall be included with the Improvement Plans, prior to approval by the City Engineer.
- | ~~70.72.~~ The main electrical panel for each residence shall be located at the exterior of the building and capable of total electrical disconnect by a single switch throw.



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: December 4, 2018
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: John P. Miller, Chief of Police
SUBJECT: Second Reading and Adoption of Ordinance 2018-07, an Ordinance of the City Council of the City of Winters Adopting the Updated Downtown Parking Master Plan Parking Fines and to Amend the Winters Municipal Code §§10.24.160, 10.24.170, 10.24.180, 10.24.200 and 10.24.210 Regarding Administration and Enforcement of Parking Violations and Citations

RECOMMENDATION:

Second reading and adoption of Ordinance 2018-07 to amend Winters Municipal Code §§10.24.160, 10.24.170, 10.24.180, 10.24.190, and 10.24.210 and repeal §10.24.200 regarding administration and enforcement of parking violations and citations.

BACKGROUND:

Assembly Bill 408 (Stats. 1992, ch. 1244), effective January 1, 1993, revised and recast the procedures for processing and adjudicating parking law violations as administrative offenses subject to a civil penalty. The bill required courts to transfer the processing of parking offenses to issuing agencies no later than January 1, 1994. Consequently, parking violations that cannot be cited as infractions have been removed from the Superior Courts' Uniform Bail and Penalty Schedules.

The City of Winters Municipal Code addressing the administration of parking violations was last updated in approximately 1995 and still references the "municipal superior courts...bail schedule" in establishing fines. Staff is recommending updating the Winters Municipal Code to reflect current law in establishing the fines for violating parking statutes by Council Resolution as outlined in California Vehicle Code §40200 through §40230.

Additionally, California Vehicle Code §40215(c)(3) states, in part, “The administrative hearing shall be conducted in accordance with written procedures established by the issuing agency and approved by the governing body or chief executive officer of the issuing agency.” Current Winters Municipal Code places the responsibility on the City Council to appoint hearing officers for the administrative review of parking citations. This may be cumbersome for the Council to have to appoint hearing officers as needed and/or based on their availability. Given the time constraints on scheduling and responding to administrative reviews, Staff feels the public may be better served, and the Council left less encumbered, if this authority was redistributed to the Chief of Police.

Staff is also recommending repealing §10.24.200 reference the City of Winters Parking Administrative Adjudication Process Manual, which was drafted in 1995. Winters Police Department Policy 516.7 “Notice of Parking Violation Appeal Procedure” (drafted and updated by Lexipol) accurately reflects California Vehicle Code §40215 et seq. in outlining the procedures in the administrative review of parking violations making the Manual redundant and unnecessary (refer to Exhibit A).

FISCAL IMPACT:

Undetermined increase in revenues from parking citation fines.

ORDINANCE No. 2018-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING SECTIONS 10.24.160, 10.24.170, 10.24.180, 10.24.200 AND 10.24.210 OF
THE WINTERS MUNICIPAL CODE REGARDING ADMINISTRATION AND
ENFORCEMENT OF PARKING VIOLATIONS AND CITATIONS

WHEREAS, the City Council, by Ordinance No. 95-01, added former Chapter 7 to the Winters Municipal Code to establish the process to adjudicate parking violations; and

WHEREAS, the provisions of former Chapter 7 were renumbered and added as Article 3 to Chapter 10.24 of the Winters Municipal Code, governing the administration and enforcement of parking violations; and

WHEREAS, the existing provisions of the municipal code regarding parking violations follow the former bail schedule used by Yolo County Superior Court, which is now outdated; and

WHEREAS, the existing provisions of the municipal code places the responsibility on the City Council to appoint hearing officers for the administrative review of parking citations, and given the time constraints placed on hearing and responding to administrative reviews, the public may be better served, and the Council left less encumbered, if this authority was redistributed to the Chief of Police; and

WHEREAS, the existing Winters Police Department Manual, drafted and updated by Lexipol, accurately reflects California Vehicle Code §40215 et seq. in outlining the procedures in the administrative review of parking violations making the "Administrative Adjudication Manual" redundant and unnecessary; and

WHEREAS, the City Council therefore desires to amend the municipal code to update the city's parking and traffic violations and to authorize the City Council to adopt a schedule of fines and penalties by resolution.

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

SECTION 1. Amendment. Section 10.24.160 of the Winters Municipal Code is hereby amended to read in full as follows:

10.24.160 Violations unlawful.

It is unlawful to violate any provision of this title. ~~Taking any action mentioned in this title and preceded by the words "no person ... shall," constitute a violation of this title.~~

SECTION 2. Amendment. Section 10.24.170 of the Winters Municipal Code is hereby amended to read in full as follows:

10.24.170 Violations – Penalties, *Generally.*
Except as otherwise provided in Division 17 of the California Vehicle Code entitled “Offenses and Prosecution” (Cal. Vehicle Code section 40000.1, et seq.), as may be amended from time to time, violations of this title shall constitute an infraction punishable by a fine of up to five hundred dollars (\$500.00) for each offense. The Winters city council shall by resolution set the respective fines for violations of specific sections of this title.

SECTION 3. Amendment. Section 10.24.180 of the Winters Municipal Code is hereby repealed and replaced to read in full as follows:

10.24.180 Parking Violations – Enforcement.
Each police officer or parking enforcement officer in the city shall issue, in writing, a citation for parking violations in the form and subject to the procedure provided for by law and this title. A comprehensive schedule of civil fines and penalties for parking violations and late payment penalties shall be set by resolution of the City Council.

SECTION 4. Amendment. Section 10.24.190 of the Winters Municipal Code is hereby amended to read in full as follows:

10.24.190 Hearing officer.
~~A hearing officer~~ Hearing Officers shall be appointed by the ~~city council from time to time~~ Chief of Police. ~~The hearing officer~~ Hearing officers may be ~~a city employees,~~ but will not be necessarily be a city employee. ~~There will be no compensation for the services volunteered.~~ non-city employees appointed as hearing officers will serve in a voluntary capacity without compensation.

SECTION 5. Amendment. Section 10.24.200 of the Winters Municipal Code, entitled “Administrative adjudication manual,” is hereby repealed.

SECTION 6. Amendment. Section 10.24.210 of the Winters Municipal Code, entitled “Bail schedule,” is hereby repealed.

SECTION 7. Severability. If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION 8. Effective Date. 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.

INTRODUCED on the 6th day of November, 2018, and **PASSED AND ADOPTED** by the City Council of the City of Winters on this 4th day of December, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Bill Biasi, MAYOR
City of Winters

ATTEST:

Tracy Jensen, City Clerk
City of Winters



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: December 4, 2018
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: John P. Miller, Chief of Police
SUBJECT: Resolution 2018-70 to Adopt and Update the Schedule of Fines and Penalties Regarding Regulated Time Limit Parking and Late Payment Penalty

RECOMMENDATION:

Read and adopt Resolution 2018-70 to update the City of Winters Schedule of Fines and Penalties for regulated time limit parking and late payment penalty.

BACKGROUND:

On September 18, 2018, the City Council adopted the Downtown Master Parking Plan, which included the recommendation to increase enforcement of time limit parking regulations to encourage parking turnover rates and space availability and on November 6, 2018, the City Council adopted a resolution to update the fines for violations of the provisions of the Winters Municipal Code regulating parking.

After further reconciling the recommendations of the Downtown Master Parking Plan with the Winters Municipal Code and the approved Schedule of Fines and Penalties, staff found discrepancies with the time limit recommendations in the Master Plan and time limits currently authorized in the WMC as well as the lack of an assessment of penalties for late payment of parking violations as authorized under California Vehicle Code §40203.5.

Pursuant to the ordinance concurrently submitted for consideration to amend WMC §10.16.120 "Regulated parking on certain streets," staff is recommending adopting the updated Schedule of Fines and Penalties, which reflects the elimination of WMC §10.16.120 subsections (A) through (D) from the Schedule of and establishes WMC §10.16.120 as the sole violation.

The amended schedule also includes the addition of a \$30.00 "late payment penalty" pursuant to California Vehicle Code §40203.5.

FISCAL IMPACT:

Undetermined increase in revenues from parking citation fines.

RESOLUTION NO. 2018-70

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
ESTABLISHING THE SCHEDULE OF FINES AND PENALTIES FOR TRAFFIC AND
PARKING VIOLATIONS**

WHEREAS, the City Council, by ordinance introduced concurrently with this Resolution, amended Chapter 10.16.120 of the Winters Municipal Code regarding the enforcement of parking time limit violations; and

WHEREAS, pursuant to California Vehicle Code §40203.5, which allows the City Council to establish a “schedule of parking penalties for parking violations and late payment penalties;” and

WHEREAS, the City Council therefore desires to replace in its entirety the fines and penalties applicable to traffic and parking violations with the fines and penalties as reflected in the attached Exhibit “A;” and

WHEREAS, this Resolution shall replace and supersede Resolution No. 2018-65, which previously established a Schedule of Fines and Penalties for traffic and parking violations; and

WHEREAS, the fines shall be effective upon the effective date of Ordinance No. ____, introduced concurrently with this Resolution.

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

SECTION 1. Schedule of Fines and Penalties. The schedule of fines and penalties applicable to traffic and parking violations, as set forth in Exhibit A attached hereto and incorporated herein by this reference, and as authorized by Chapter 10.24 of the Winters Municipal Code, is hereby adopted and established.

SECTION 2. Severability. If any provision, clause, sentence or paragraph of this resolution or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION 3. Effective Date. This Resolution shall take effect upon the effective date of Ordinance No. ____, introduced concurrently herewith.

PASSED AND ADOPTED by the City Council of the City of Winters on this 4th day of December, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Bill Biasi
Mayor of the City of Winters

ATTEST:

Tracy S. Jensen, City Clerk

Exhibit A

December 4, 2018

22500 sections (a) through (m) CVC	Prohibited Parking area (sidewalks, bridges, etc)	\$30
21113(a)(1)(F) CVC	No parking on public grounds	\$30
21211 (a)CVC	Parking/ stopping impede bicycle path	\$30
22502 CVC	Parking within 18 inches of curb	\$30
22505 (b) CVC	Parking/ stopping failure to obey state highway sign restrictions	\$30
22507 CVC	Preferential or permit parking	\$30
22507.8 CVC	Parked/stopped disabled person designated parking	\$336
22514 CVC	Parking within 15 feet of fire hydrant	\$30
22500.1CVC	Stopping/parking in fire lane prohibited	\$30
22523(a) or (b) CVC	Abandoned vehicle	\$100
22515 CVC	Parking with engine running- no driver/occupant present	\$30
22516 CVC	Locked vehicle - occupant inside unable to escape	\$30
22511.1 CVC	Parking/blocking space designated for electric vehicle/charging	\$30
22951 CVC	Parking lot operator using street	\$30
10.16.050 WMC	Using city street to store vehicle over 72 consecutive hours prohibited	\$30
10.16.060 WMC	Parking for demonstration (sale) prohibited	\$30
10.16.070 WMC	Repair of vehicles on public street prohibited	\$30
10.16.080 WMC	Parking adjacent to schools in violation of signs	\$30
10.16.090 WMC	Parking prohibited on narrow streets	\$30
10.16.100 WMC	Emergency parking sign due to event	\$30
10.16.110 WMC	Parking in violation of parking signs placed by the city	\$30
10.16.120 (a) through (d) WMC	Parking in violation of timed parking restrictions	\$30
10.16.130 WMC	Parallel parking on one way street	\$30
10.16.140 WMC	Diagonal parking	\$30
10.16.150 WMC	Vehicle must be parked within parking space markings	\$30
10.16.160 WMC	Parking in areas designated as no parking zones prohibited	\$30
10.16.170 WMC	Parking all night for purpose of habitation prohibited	\$30
10.16.210 (a) through (d) WMC	Parked in violation of curb markings	\$30
10.16.230 WMC	Parked in commercial load/unload zone	\$30

10.16.250 WMC	Stopping/parking in alley prohibited	\$30
10.20.010 WMC	Certain commercial vehicle prohibited in central traffic district	\$30
10.20.030 WMC	Restricted truck route / over 3 tons	\$30
10.20.050 WMC	Truck parking restrictions in residential areas	\$30
40203.5 CVC	Late payment penalty	\$30



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: December 4, 2018
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: John P. Miller, Chief of Police
SUBJECT: Ordinance 2018-09 to Amend Winters Municipal Code §10.16.120
"Regulated Parking on Certain Streets"

RECOMMENDATION:

Introduce and waive the first reading of Ordinance 2018-09, an Ordinance of the City Council of the City of Winters to amend Winters Municipal Code §10.16.120(A) "Regulated Parking on Certain Streets."

BACKGROUND:

As part of the Downtown Master Parking Plan adopted by the City Council on September 18, 2018, the majority of parking in the downtown will be designated 2 hour time limit parking with several parking spaces designated for 30 minute time limit parking. The current Winters Municipal Code only recognizes and enables enforcement of 24 minute, 40 minute, 1 hour, and 2 hour time limit parking.

This amendment would update the Winters Municipal Code to enable enforcement of the 30 minute and 2 hour parking time limits as well as future designated time limits rather than just the currently codified time limits.

FISCAL IMPACT:

Undetermined increase in revenues from parking citation fines.

ORDINANCE NO. 2018-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING SECTIONS 10.16.120 OF THE WINTERS MUNICIPAL CODE REGARDING REGULATED PARKING ON CERTAIN STREETS

WHEREAS, pursuant to the Downtown Master Parking Plan, adopted by the City Council on September 18, 2018, certain parking spaces are to be designated for 30 minute time limit parking; and

WHEREAS, the current Winters Municipal Code only recognizes and enables enforcement of 24 minute, 40 minute, 1 hour, and 2 hour time limit parking; and

WHEREAS, the City Council desires to amend the municipal code to enable the designation, posting, and enforcement of 30 minute, or other time limit parking, as may be deemed appropriate.

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

SECTION 1. Amendment. Section 10.16.120 of the Winters Municipal Code is hereby amended to read in full as follows:

10.16.120 Regulated *time limit* parking *on city streets* ~~on certain streets.~~

~~A. Twenty Four Minute Parking. Green curb marking shall mean no standing parking for a period of time longer than twenty four (24) minutes at any time between seven a.m. and six p.m. on any day except Sundays and holidays.~~

~~When authorized signs, parking meters or curb markings have been determined by the superintendent to be necessary and are in place giving notice thereof no operator of any vehicle shall stop, stand or park said vehicle adjacent to any such legible curb marking or sign or parking meter in violation thereof.~~

~~B. Forty Minute Parking. When authorized signs, parking meters or curb markings have been determined by the superintendent to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park such vehicle between the hours of seven a.m. and 6:00 p.m. of any day except Sundays and holidays, for a period of time longer than forty (40) minutes.~~

~~C. One Hour Parking. When authorized signs, parking meters or curb markings have been determined by the superintendent to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop stand or park such vehicle between the hours of seven a.m. and six p.m. of any day except Sundays and holidays, for a period of time longer than one hour.~~

~~D. Two Hour Parking. When authorized signs, parking meters or curb markings have been determined by the superintendent of public works to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park such vehicle between the hours of seven a.m. and six p.m. of any day except Sundays and holidays, for a period of time longer than two hours. (Prior code § 4-1.1104)~~

A. Whenever the superintendent of public works determines that the orderly, efficient movement of vehicles requires that stopping, standing or parking of vehicles on certain city streets be prohibited, limited or restricted, the superintendent of public works shall have the power and authority to order signs or curb markings to be erected or posted indicating the limitations on such stopping, standing or parking of vehicles.

B. When authorized signs or curb markings are in place giving notice thereof, no person shall stop, stand or park any vehicle in any public parking lots or on any public streets between the hours of 7 a.m. and 6:00 p.m. of any day except Sundays and holidays, for a period of time longer than the time limit specified on such signs or curb markings.

SECTION 7. Severability. If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION 8. Effective Date. 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.

INTRODUCED on the 4th day of December, 2018, and PASSED AND ADOPTED by the City Council of the City of Winters on this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Bill Biasi
Mayor of the City of Winters

ATTEST:

Tracy S. Jensen, City Clerk



STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: December 4, 2018
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Ethan Walsh, City Attorney
SUBJECT: Yolo Habitat Conservancy Loan Agreement

RECOMMENDATION:

Staff recommends that the City Council

1. Approve Resolution 2018-71 (Attachment 1) authorizing the City Manager to enter into a loan agreement with the Yolo Habitat Conservancy (“YHC”) to fund the implementation of the Yolo Habitat Conservation Plan/Natural Communities Conservation Plan (“Yolo HCP/NCCP”) during the 2018-19 fiscal year.

BACKGROUND:

The YHC is responsible for implementing the Yolo HCP/NCCP, a 50-year conservation plan for 12 special status species that provides the basis for incidental take permits issued by the state and federal wildlife agencies. The Yolo HCP/NCCP was adopted by all member agencies, including the City of Winters, earlier this year. It is primarily funded by development impact fees, but also relies on certain local funding sources and state and federal grants.

The YHC does not expect development impact fees to materialize until 2019-20. In addition, state and federal grants do not provide funding for ongoing operations. As a result, the YHC needs a bridge loan from member agencies to allow it to continue operating until development impact fees materialize. Other actions the YHC has taken to fund operations include:

1. The YHC has secured similar bridge loans from Yolo County (\$51,039), the City of Woodland (\$51,039), the City of West Sacramento (\$49,115),¹ and the City of Davis (\$51,039.00);²
2. The YHC submitted a “local assistance grant” for additional funding to assist with implementation in the 2019-20 fiscal year;
3. The YHC requested a \$275,000 grant from the California Department of Fish and Wildlife to assist with implementation, given the lack of development within Yolo County; and
4. The YHC has secured more than \$4.0 million in grants that will pay for \$285,000 in staff and consultant expenses in fiscal year 2018-19.

Staff believes the proposed loan agreement with the YHC is necessary to ensure the Yolo HCP/NCCP is implemented during the 2018-19 fiscal year.

Proposed Loan Agreement

The following discusses the key terms in the proposed loan agreement (Attachment 2):

- ***Loan Amount.*** The one-time bridge loan amount will be \$10,745.
- ***Interest.*** The loan will not accrue interest until July 1, 2020, unless the YHC is in default of the loan agreement.
- ***Term.*** The term of the loan agreement will continue until the YHC has repaid the loan amount in full, plus any and all accrued interest.
- ***Use of Loan Proceeds.*** The YHC must use the loan proceeds solely for costs associated with implementing the Yolo HCP/NCCP.
- ***Repayment.*** The YHC can repay the loan in increments or in a lump sum. The loan must be repaid in full on or before July 1, 2020 unless the City and the YHC agree to extend that deadline in writing. If the loan is not repaid in full by July 1, 2020, and the repayment deadline has not been extended, then interest will accrue on the outstanding amount.
- ***Security.*** The loan is unsecured. The YHC’s ability to repay the loan is entirely dependent upon its receipt of development impact fees charged to implement the Yolo HCP/NCCP.

IMPACT:

The proposed action will have a minimal fiscal impact on the City. The YHC is asking for an interest-free bridge loan in the amount of \$10,745 from the City of Winters for two years. The loan will be repaid once the YHC receives expected development impact fees in 2019-20. The loan proceeds will come from _____.

ATTACHMENTS:

- Proposed Resolution 2018-71
- Proposed Loan Agreement

1 The City of West Sacramento is pre-paying development impact fees instead of loaning the YHC funds.
 2 The loan amounts are based on the split used by the member agencies since 2012 for the YHC (95% for the four largest jurisdictions and 5% for Winters).

Attachment 1
Proposed Resolution

RESOLUTION NO. 2018-71

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS AUTHORIZING THE CITY MANAGER TO ENTER INTO A LOAN AGREEMENT WITH THE YOLO HABITAT CONSERVANCY TO FUND THE IMPLEMENTATION OF THE YOLO HABITAT CONSERVATION PLAN/NATURAL COMMUNITIES CONSERVATION PLAN DURING THE 2018-19 FISCAL YEAR

WHEREAS, the Yolo Habitat Conservancy (“YHC” or “Conservancy”) has adopted the Final Yolo Habitat Conservation Plan/Natural Communities Conservation Plan (“Yolo HCP/NCCP”); and

WHEREAS, the City of Winters (“City”) is a member agency of the Conservancy. The City approved the Yolo HCP/NCCP on May 15, 2018 by Resolution No. 2018-12. The other YHC member agencies – Yolo County and the cities of Winters, Woodland and West Sacramento – also have approved the Yolo HCP/NCCP; and

WHEREAS, the Yolo HCP/NCCP is a comprehensive, county-wide plan to provide for the conservation of 12 sensitive species (“covered species”) and the natural communities and agricultural land on which they depend; and

WHEREAS, among other important benefits, the Yolo HCP/NCCP will provide a streamlined permitting process to address the effects of a range of future anticipated public and private activities (“covered activities”) on these 12 species. The plan provides the basis for incidental take permits issued by the state and federal wildlife agencies; and

WHEREAS, the Yolo HCP/NCCP plan area encompasses the entire area of Yolo County, approximately 653,549 acres, including the area of jurisdiction of the City of Winters, and includes conservation activities outside of Yolo County within an additional 1,174 acres along Putah Creek in Solano County; and

WHEREAS, adoption of the Yolo HCP/NCCP realizes the long-standing and fundamental goal of the Conservancy and its member agencies to maximize and protect the long-term viability of agricultural operations in the plan area through an HCP/NCCP that is intertwined and relies on the agricultural working landscape to achieve habitat protection and enhancement. The premise of habitat and species conservation through preserved and carefully managed agriculture is foundational to the HCP/NCCP and integral to the values of Yolo County, each of the cities, and local stakeholders; and

WHEREAS, the species covered by the Yolo HCP/NCCP have adapted over time to use agricultural land as habitat. The HCP/NCCP will therefore be one of the first conservation plans in the state to focus primarily on conserving habitat on working agricultural land; and

WHEREAS, the YHC is responsible for implementing the Yolo HCP/NCCP. The YHC is primarily funded by development impact fees, but it also relies on certain local funding sources and state and federal grants; and

WHEREAS, the YHC has asked for an interest-free bridge loan in the amount of \$10,745 from the City of Winters. The loan will be repaid once the YHC receives expected development impact fees in 2019-20. The loan proceeds will come from agricultural mitigation in-lieu fees; and

WHEREAS, staff believes the proposed loan agreement with the YHC is necessary to ensure the Yolo HCP/NCCP is implemented during the 2018-19 fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the City Manager to enter into a loan agreement with the Yolo Habitat Conservancy to fund the implementation of the Yolo Habitat Conservation Plan/Natural Communities Conservation Plan during the 2018-19 fiscal year, in the form approved by the City Attorney; and, if necessary, make minor modifications to the document after consultation with the City Attorney.

PASSED AND ADOPTED by the City Council this 4th day of December, 2018, by the following vote:

AYES:

NOES:

ABSENT:

Bill Biasi, Mayor

ATTEST:

Tracy S. Jensen, City Clerk

Attachment 2
Proposed Loan Agreement

Agreement No. _____

**LOAN AGREEMENT
BETWEEN CITY OF WINTERS AND YOLO HABITAT CONSERVANCY**

THIS LOAN AGREEMENT (the "Agreement") is entered into as of _____ (the "Effective Date") between the City of Winters, a municipal corporation (the "City"), and the Yolo Habitat Conservancy, a Joint Powers Agency consisting of the County of Yolo and the cities of Woodland, West Sacramento, Davis, and Winters ("the Conservancy").

RECITALS

WHEREAS, the Conservancy developed and is charged with implementing the Yolo County Habitat Conservation Plan/Natural Community Conservation Plan ("Yolo HCP/NCCP"), a 50-year conservation plan for 12 special status species that provides the basis for the U.S. Fish and Wildlife Service ("Service") and the California Department of Fish and Wildlife ("Department") to issue incidental take permits (the "Permits") under the state and federal Endangered Species Acts for the impacts of development proposed in the General Plans of the cities and the County of Yolo; and

WHEREAS, the Conservancy's Board of Directors and all member agencies formally adopted the final Yolo HCP/NCCP in May and June 2018; and

WHEREAS, implementation of the Yolo HCP/NCCP is funded by a combination of mitigation fees, local funding, and state and federal grants; and

WHEREAS, the Conservancy determined, in consultation with its member agencies, potential development is unlikely to occur in 2018-2019 that will result in the payment of mitigation fees necessary to fund Conservancy operations; and

WHEREAS, state and federal grants provide funding for land and easement acquisition and not for ongoing Conservancy operations; and

WHEREAS, it is in the public interest to implement the Yolo HCP/NCCP; and

WHEREAS, because the Conservancy has limited funds available, it will have great difficulty implementing the Yolo HCP/NCCP in 2018-2019 unless it has access to funds to pay the up-front costs for ongoing operations; and

WHEREAS, on June 18, 2018, the Conservancy passed a resolution requesting a loan in the maximum amount of \$10,745 from the City in furtherance of the Yolo HCP/NCCP, to

be repaid from reimbursements from mitigation fees accruing to the Conservancy; and

WHEREAS, the City agrees to loan an amount not to exceed \$10,745 to the Conservancy on the terms and conditions set forth in this Agreement.

NOW, THEREFORE, the City and the Conservancy agree as follows:

1. LOAN; TERM

The City agrees to give the Conservancy a one-time bridge loan (the "Loan") for the Conservancy in the principal amount of \$10,745 (the "Principal amount"). The City will disburse the loan proceeds to the Conservancy as soon as practicable. The Loan shall not accrue interest until July 1, 2020 pursuant to the terms and conditions set forth in Section 5, below, unless an event of default occurs pursuant to Section 8, below.

The term of this Agreement shall begin on the Effective Date and remain in full force and effect until the Conservancy has repaid in full the Principal Amount, plus any and all accrued interest.

2. PROMISE TO PAY

The Conservancy promises to pay to the order of City of Winters, 318 Main Street, Winters CA 95694, or at such other place as City may designate in writing, the principal sum of \$10,745 plus any and all accrued interest. Payments shall be made as set forth in Section 4, below.

3. USE OF LOAN PROCEEDS

The Conservancy must use the Principal Amount solely for costs incurred in connection with implementation of the Yolo HCP/NCCP. The Conservancy shall not permit the Principal Amount to be used for any other purpose. The Conservancy will document its use of the Principal Amount and provide this documentation to City with each payment.

4. REPAYMENT

The loan may be repaid in increments or in a lump sum, in the Conservancy's sole discretion. The loan shall be repaid in full on or before July 1, 2020 unless the parties otherwise agree in writing to an extension of time for repayment without interest. If the loan is not repaid in full by July 1, 2020 and no extension is duly executed, then interest shall accrue on any amount outstanding at an annual rate corresponding to Local Agency Investment Fund quarterly apportionment rate for the applicable period, compounded quarterly. Interest shall be calculated for actual days elapsed on the basis of a 365-day year.

Prepayment in whole or part may occur at any time without penalty; provided that any partial prepayment shall not operate to postpone or suspend the obligation to make; and shall

not have the effect of altering the time for payment of the remaining balance owing as provided for above, unless and until the entire obligation is paid in full. All payments received under this paragraph shall be applied, first, to accrued interest; and second, to principal.

The City understands and acknowledges that the loan provided under this Agreement is unsecured and, further, that the Conservancy's ability to repay the loan is entirely dependent upon its receipt of development impact fees charged to implement the Yolo HCP/NCCP. The timing and amount of impact fee revenues the Conservancy may receive is unknown, but the repayment period set forth in Section 4, above, was selected with the expectation that it is of sufficient duration to allow for the full repayment of the Principal Amount without creating undue fiscal hardships for the Conservancy. The Conservancy covenants to repay the Principal Amount and any accrued interest in a time and manner reasonably determined by its Board of Directors to satisfy its obligations under this Agreement without jeopardizing the Conservancy's fiscal condition or its compliance with the Permits, the Yolo HCP/NCCP, or the Implementing Agreement. The Conservancy's failure to repay the Principal Amount within that period, or to make any other payments owed hereunder, shall only constitute an event of default if the failure to pay arises from a breach of this covenant. City can accept late payments, partial payments, and checks or money orders marked "paid in full" or containing similar language without losing any of its rights under this Agreement.

5. REPRESENTATIONS AND WARRANTIES

The Conservancy represents and warrants to City as follows:

a. The Conservancy is a duly organized, validly existing, and in good standing under the laws of the State of California.

b. The Conservancy has the authority and power to execute and deliver any document required under this Agreement and to perform any condition or obligation imposed under this Agreement.

c. The execution, delivery and performance of this Agreement will not violate any provision of any applicable law, regulation, order, judgment, decree, indenture, contract, agreement, or other undertaking to which the Conservancy is a party, or which purports to be binding on the Conservancy.

d. To the Conservancy's knowledge, there is no action, suit, investigation, or proceeding pending or threatened, against or affecting the Conservancy which, if adversely determined, would have a material adverse effect on the financial condition of the Conservancy or its operation.

6. EVENTS OF DEFAULT

Any one or all of the following events shall constitute a default by the Conservancy under this Agreement if such event of default has not been cured within 30 days following written notice thereof from City:

- a. Any misuse of the Principal Amount pursuant to Section 3, above;
- b. Failure to pay any amount owed under this Agreement in a time and manner that complies with the covenant set forth in Section 4, above.
- c. Any representation or warranty made by the Conservancy in this Agreement or in connection with any borrowing or request for an installment hereunder, or in any certificate, financial statement, or other statement furnished by the Conservancy to City is untrue in any material respect at the time when made.
- d. Default by the Conservancy in the observance or performance of any other covenant or agreement contained in this Agreement.
- e. Filing by the Conservancy of bankruptcy seeking reorganization, arrangement or readjustment of debts, or any other relief under the Bankruptcy Code as amended or under any other insolvency act or law, state or federal, now or hereafter existing.

7. REMEDIES

Upon the occurrence of an event of default as defined above, City may declare the entire unpaid principal balance, together with accrued interest thereon, to be immediately due and payable without presentment, demand, protest, or other notice of any kind. In addition, City may begin charging interest at the rate set forth in Section 4, above, in its sole discretion following an event of default. To the extent permitted by law, the Conservancy waives any rights to presentment, demand, protest, or notice of any kind in connection with this Agreement. No failure or delay on the part of City in exercising any right, power, or privilege hereunder will preclude any other or further exercise thereof or the exercise of any other right, power, or privilege. The rights and remedies provided in this Agreement are cumulative and not exclusive of any other rights or remedies provided at law or in equity. The Conservancy agrees to pay all costs of collection incurred by reason of the default, including court costs and reasonable attorney's fees.

8. NOTICE

Any written notice will be deemed effective on the date such notice is placed, first class, postage prepaid, in the United States mail, addressed to the party to which notice is being given as follows:

City: City of Winters
318 Main Street
Winters, CA 95694
Attn: City Manager

Conservancy: Yolo Habitat Conservancy
611 North Street
Woodland, CA 95695

9. INDEMNIFICATION

The Conservancy agrees to indemnify City with regard to any liability, including attorneys' fees and costs, on the part of the County which may arise from this Agreement or in the Conservancy's implementation of the Yolo HCP/NCCP, including costs incurred by City in connection with enforcing this Agreement.

10. GENERAL PROVISIONS

a SURVIVAL OF TERMS. All representations and warranties made in this Agreement shall survive the execution and delivery of this Agreement. This Agreement will be binding upon and inure to the benefit of the Conservancy and City, their respective successors and assigns, except that the Conservancy may not assign or transfer its rights or delegate its duties under this Agreement without the prior written consent of City.

b INSPECTION AND RETENTION OF RECORDS. Authorized representatives of City, the state and/or the federal government may inspect and/or audit the Conservancy's records pertaining to this Agreement, including the Project. All records shall be retained for a minimum of ten years after termination of this Agreement.

c CHOICE OF LAW. The parties have executed and delivered this agreement in the County of Yolo, State of California. The laws of the State of California shall govern the validity, enforceability or interpretation of this Agreement. Yolo County shall be the venue for any action or proceeding, in law or equity, that may be brought in connection with this Agreement.

d CHANGES AND AMENDMENTS. The parties may request changes in this Agreement. Any mutually agreed upon change shall be effective when only incorporated by a written amendment to this Agreement.

e ENTIRE AGREEMENT. This Agreement, including any exhibits referenced, constitutes the entire agreement between the parties and there are no inducements, promises, terms, conditions or obligations made or entered into by City or the Conservancy other than those contained.

The parties have executed this Agreement on the day and year first written above.

CITY OF WINTERS

CONSERVANCY

By _____
John Donlevy

By _____

City Manager

Approved as to Form:

Ethan Walsh, City Attorney

Approved as to Form:

Philip Pogledich, Conservancy Counsel



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: December 3, 2018
THROUGH: John W. Donlevy, Jr., City Manager *JD*
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: July 2018 Investment Report

RECOMMENDATION:

Staff recommends that the City Council receive and file the City of Winters investment for the period July 1, 2018 through July 31, 2018.

BACKGROUND:

The City of Winters financial policy requires, at a minimum, quarterly investment earnings reports. The attached report shows the earnings for July 1 2018 through July 31, 2018. The City of Winters is invested in the Local Agency Investment Funds (LAIF), a savings account at our local First Northern Bank, and receives interest payments on the various CDBG and EDBG funded loans made to residents and businesses within the City of Winters, as well as from the Money Market Account set up for the North Bank Putah Creek Improvement Elderberry Beetle Mitigation.

The investment report for the month of July 2018 reflects interest from the Money Market Account and the CDBG and EDBG loans.

FISCAL IMPACT:

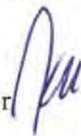
None

City of Winters
Investment Earnings Report
As of July 31, 2018

Fund	Description	July 2018 Investment Earnings	Year to Date Investment Earnings
209	In Lieu Affordable Housing	\$ 26	\$ 26
321	EDBG 99-688	330	330
322	EDBG 96-405 CRADWICK	707	707
351	RLF HOUSING REHAB	398	398
355	RLF SMALL BUSINESS	84	84
358	PROGRAM INCOME FUND	13	13
418	SEWER IMPACT FEE	34	34
423	STREET CAPITAL	13	13
424	PARKS & REC CAPITAL	100	100
	Total Investment Revenues	<u>\$ 1,705</u>	<u>\$ 1,705</u>



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: December 3, 2018
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Shelly A. Gunby, Director of Financial Management 
SUBJECT: July 2018 Treasurer Report

RECOMMENDATION:

Staff recommends that the City Council receive and file the City of Winters Treasurer Report for July 2018.

BACKGROUND:

The City of Winters financial policy requires monthly reports regarding receipts, disbursement and fund balances be submitted to the City Council for review. Items of note in the attached report are as follows:

General Fund

General Fund revenues are 2% of budgeted; the following items affect the cash flows into the General Fund.

- Most cash received in July are for the prior fiscal year, and therefore, typically the revenues are very small for the first month of each fiscal year.
- The first installment of Property Tax will be received in late January 2019.
- The first installment of Property Tax in lieu of VLF will be received in late January 2019.
- Sale and use taxes are remitted to the City two (2) months after they are received by the State Board of Equalization, we have received 0% of projected revenues.
- Utility User Tax is received approximately 1-3 months after the utilities are used; UUT receipts are 0% of the budgeted amount.
- Building permit fees received are 1% of the budgeted amount.
- General Fund expenditures are 13% of budget, mostly because we take advantage of paying the entire unfunded liability invoice for the year in July of each year in order to save 7.5% on the amount that we pay to CalPERS each year. A small step towards limiting the

growth of the unfunded liability for the City.

Other funds:

Fund 211 City Wide Assessment District: The first installment of the City Wide Assessment will be received in late January 2019 at the same time that we receive the property tax distribution from Yolo County.

Fund 611 Water: Water fund revenues are 12 % of budget and expenditures are 9% of budget. Approved rate increases are not effective for this timeframe.

Fund 621 Sewer: Sewer fund revenues are 9% of budget and expenditures are 5% of budget. Approved rate increases are not effective for this timeframe.

FISCAL IMPACT:

None

City of Winters
Summary of Expenditures
July 1, 2018 through July 31, 2018

		Percent of Year Complete					8%
Fund	Fund Description	Budget FY 2018-2019	July Actual	Year To Date Actual	Unspent Budget	% of Budget Spent	
101	General Fund Expenditures by Department						
110	City Council	\$ 16,774	\$ 6,742	\$ 6,742	\$ 10,032	40%	
120	City Clerk	13,124	-1,093	-1,093	14,217	-8%	
130	City Treasurer		1	1	-1	0%	
160	City Manager	149,551	27,065	27,065	122,486	18%	
161	Economic Development & Housing	239,939	27,415	27,415	212,524	11%	
170	Administrative Services	11,808	20,485	20,485	-8,677	173%	
180	Finance	98,201	24,104	24,104	74,097	25%	
210	Police Department	2,889,150	379,101	379,101	2,510,049	13%	
310	Fire Department	1,114,680	93,436	93,436	1,021,244	8%	
410	Community Development	92,994	3,225	3,225	89,769	3%	
420	Building Inspections	327,548	34,571	34,571	292,977	11%	
610	Public Works-Administration	243,137	37,901	37,901	205,236	16%	
710	Recreation	29,977	659	659	29,318	2%	
720	Community Center	111,959	9,100	9,100	102,859	8%	
730	Swimming Pool	150,840	24,346	24,346	126,494	16%	
	Total General Fund Expenditure	\$ 5,489,682	\$ 687,057	\$ 687,058	\$ 4,802,624	13%	
106	Monitoring Fee	500			500		
105	Senior Fund	150			150		
107	Park Maintenance	44,718			44,718		
108	Munchkin Summer Camp		25,459	25,459	-25,459		
113	2007 Housing TABS	1,000			1,000		
115	Police Canine Program	400	3,049	3,049	-2,649	762%	
116	Police Cadet Program	400			400		
201	Fire Prevention Grant	201			201		
211	City Wide Assessment	270,764	27,599	27,599	243,165	10%	
221	Gas Tax Fund	172,298	40,917	40,917	131,381	24%	
226	Road M&R	120,477	38,722	38,722	81,755	32%	
231	State COP5 1913	120,428	11,356	11,356	109,072	9%	
233	Realignment	5,383			5,383		
251	Traffic Safety	72,200			72,200		
252	Asset Forfeiture	996			996		
254	Vehicle Theft Deterrent	53,400			53,400		
291	Beverage Recycling Grant	5,000			5,000		
294	Transportation	267,985	2,246	2,246	265,739	1%	
299	After School Program	158,408	1,702	1,702	156,706	1%	
321	EDBG 99-688 Buckhorn	15,954	1,450	1,450	14,504	9%	
322	EDBG 405-Cradwick	15,248	1,024	1,024	14,224	7%	
351	RLF Housing Rehab	4,773	398	398	4,375	8%	
355	RLF Small Business	8,113	4,909	4,909	3,204	61%	
411	Street Impact Fee	2,162	180	180	1,982	8%	
412	Storm Drain Impact Fee	299	25	25	274	8%	
413	Park & Recreation Impact Fee	1,100	92	92	1,008	8%	
414	Public Safety Impact Fee	57,629	27	27	57,602		
415	Fire Impact Fee	336	28	28	308	8%	
416	General Facility Impact Fee	324	27	27	297	8%	
417	Water Impact Fee	384	32	32	352	8%	
418	Sewer Impact Fee	324	27	27	297	8%	
422	Landfill Capital	93,091	22	22	93,069		
423	Street Capital		858	858	-858		
424	Parks & Recreation Capital	280,000			280,000		
427	Equipment Replacement Fund	57,300			57,300		
429	Service Reserve	40,000			40,000		
495	Monitoring Fee	32,761			32,761		
611	Water O & M	1,440,654	126,335	126,335	1,314,319	9%	
616	Water Conservation Fund	28,679	57	57	28,622		
617	Water Meter Fund	20,528	22	22	20,506		
621	Sewer O & M	2,352,582	123,506	123,506	2,229,076	5%	
651	Central Service Overhead		788	788	-788		
6S2	Equipment Fund	1	3,676	3,676	-3,675	999%	
771	RORF	1,090,025			1,090,025		
831	Swim Team	54,928	17,576	17,576	37,352	32%	
833	Festival de la Comunidad	7,950	1,267	1,267	6,683	16%	
	Total Expenditures	\$ 12,389,535	\$ 1,120,433	\$ 1,120,434	\$ 11,269,101	9%	

City of Winters
 Summary of Revenues
 July 1, 2018 through July 31, 2018

Fund	Fund Description	Budget FY 18-19	July Actual	Actual Year to Date	Difference	Percent of Year Complete
						8%
						Actual/ Budget %
101	General Fund	\$ 5,505,108	\$ 105,587	\$ 105,587	\$ 5,399,521	2%
104	Fireworks Fund		55	55	(55)	
105	Senior Fund	3			3	
106	Winters Swim Lessons	501			501	
108	Munchkin Summer Camp	27,214	7,000	7,000	20,214	26%
107	Park Maintenance	7			7	
113	2007 Housing TABS	501			501	
115	Canine Program	200			200	
116	Police Cadet Fund	21			21	
201	Fire Prevention Grant	10			10	
208	First Time Homebuyer In Lieu	1,000			1,000	
209	In Lieu Affordable Housing	1,500	26	26	1,474	2%
211	City Wide Assessment	266,259	4,508	4,508	261,751	2%
212	Flood Assessment District	45			45	
221	Gas Tax	189,304	8,901	8,901	180,403	5%
226	Road Rehabilitation and Mainten	120,477			120,477	
231	State COP5 AB1913	100,000			100,000	
233	Realignment	20			20	
251	Traffic Safety	6,260			6,260	
252	Asset Forfeiture	612			612	
254	Vehicle Theft Deterrent	18,029			18,029	
267	Grant Ave Improvement					
291	Beverage Recycling	5,000	5,000	5,000		100%
294	Transportation	314,680			314,680	
299	AfTer School Program	157,980			157,980	
321	EDBG 99-688 Buckhorn	15,953	330	330	15,623	2%
322	EDBG 96-405 Cradwick	15,247	707	707	14,540	5%
351	RLF Housing Rehab		398	398	(398)	
355	RLF Small Business	8,757	84	84	8,673	1%
356	RLF HOME Program	181			181	
358	Program Income	39,956	7,794	7,794	32,162	20%
411	Street Impact Fee	859,808			859,808	
412	Storm Drain Impact Fee	80,399			80,399	
413	Parks & Recreation Impact Fee	460,762			460,762	
414	Public Safety Impact Fee	274,350			274,350	
415	Fire Impact Fee	417,268			417,268	
416	General Facilities Impact Fee	335,246			335,246	
417	Water Impact Fee	653,282			653,282	
418	Sewer Impact Fee	565,294	34	34	565,260	
419	Flood Fees	361			361	
421	General Fund Capital	5,200			5,200	
422	Landfill Capital	200			200	
423	Street Capital	101	13	13	88	13%
424	Parks & Recreation Capital	289,352	100	100	289,252	
427	Capital Equipment	58,000	575	575	57,425	1%
429	Service Reserve Fund	2,700			2,700	
481	General Plan 1992	32,761			32,761	
492	RAJA Storm Drain	445			445	
494	CARF	22,204	454	454	21,750	2%
495	Monitoring Fee	32,761			32,761	
496	Storm Drain Non-Flood	2			2	
501	General Debt Service	94			94	
611	Water O & M	1,480,096	177,275	177,275	1,302,821	12%
612	Water Reserve	6,070			6,070	
616	Water Conservation	12,000			12,000	
617	Water Meter Fund	2,300	890	890	1,410	39%
621	Sewer O & M	1,690,743	145,866	145,866	1,544,877	9%
771	RORF	1,090,026			1,090,026	
803	Elderberry Mitigation	29,740			29,740	
831	Swim Team	30,836	17,392	17,392	13,444	56%
833	Festival de la Comunidad	10,012	7,376	7,376	2,636	74%
846	Quilt Festival	5			5	
Total Revenues		\$ 15,237,243	\$ 490,365	\$ 490,365	\$ 14,746,878	3%

City of Winters
General Fund Revenues
July 1, 2018 through July 31, 2018

Account #	Account Description	Budget FY 18-19	Percent of Year Complete		Percent of Budget Rec'd
			Actual	Year to Date	
101-41101	Property Tax	\$ 800,000			0%
101-41103	Property Tax in Lieu of VLF	620,313			0%
101-41104	1290 Pass Through	34,000			0%
101-41105	RDA Residual Payments	36,000			
101-41401	Sales & Use Tax	669,294			0%
101-41402	Prop 172	40,295			0%
101-41403	Franchise Fee	267,000			0%
101-41404	Property Transfer Tax	22,000			0%
101-41405	Utility Tax	730,000			0%
101-41406	Municipal Services Tax	310,420	25,490	25,490	8%
101-41408	TOT Tax	296,006			0%
101-41407	Business Licenses	28,000	929	929	3%
101-46102	Building Permits	566,696	6,671	6,671	1%
101-46103	Encroachment Permit	6,000	1,096	1,096	18%
101-46104	Other Licenses & Permits		9,204	9,204	0%
101-41509	Homeowners Property Tax Relief	15,000			0%
101-48106	Post Reimbursement	3,500	2,470	2,470	71%
101-41511	Off-Highway Motor Vehicle				0%
101-42102	Copy Fees	300	121	121	40%
101-42103	Plan Check Fees	175,279	2,111	2,111	1%
101-42104	Planning Application Fees	10,000	2,313	2,313	23%
101-42107	Project Monitoring Fees	4,000	11,825	11,825	296%
101-42108	Police Reports	500	53	53	11%
101-42109	Fingerprint Fees	3,000	269	269	9%
101-42111	Towing/DUI Reimbursement	500	425	425	85%
101-42112	Ticket Sign Off Fees	500	186	186	37%
101-42201	Recreation Fees	350			0%
101-42205	Basketball Revenues	7,500			0%
101-42211	Pool Ticket Sales	7,000	2,996	2,996	43%
101-42213	Pool Proceeds	500	675	675	135%
101-42212	Pool Concession Stand Revenues	11,000	2,182	2,182	20%
101-42215	Swim Passes	1,500	95	95	6%
101-42216	Swim Lessons	14,000	2,156	2,156	15%
101-42218	Swim Team Reimbursement	8,000	8,008	8,008	100%
101-42301	Park Rental	2,400	550	550	23%
101-42303	Community Center Rental	20,000	6,295	6,295	31%
101-42304	Community Center Insurance Collected	150	534	534	356%
101-44101	Rents/Leases Revenues	85,678	9,558	9,558	11%
101-43151	Fire District Payments	266,356			0%
101-44102	Interest Earnings	1,000			0%
101-46106	Reinspect Fee	2,000			0%
101-46107	Fire Dept Review Fees	56,983	562	562	
101-49101	Contributions	93,088	7,982	7,982	9%
101-49102	Reimbursements/Refunds	27,000	385	385	1%
101-49104	Miscellaneous Revenues	3,000	503	503	17%
101-49106	Cash Over/Short		(57)	(57)	0%
101-49112	Fireworks Donations	7,500			
101-49504	RDA Admin Fee	250,000			
101-49999	Interfund Operating Transfer	1,500			0%
Total General Fund Revenues		\$ 5,505,108	\$ 105,587	\$ 105,587	131%

City of Winters
Cash and LAIF Balance Report
Cash and LAIF Balance as of July 31, 2018

	BALANCE 6/30/18	Balance 7/31/18
101 General Fund	(72,624)	(768,521)
104 Fireworks Fund	(12,253)	(12,377)
105 Senior Fund	351	353
106 Monitoring Fee	1,732	1,740
107 Park Maintenance	2,308	2,319
108 Munchkin Summer Camp	28,808	9,033
110 Housing Successor Agency	(98,487)	(98,487)
113 Housing 2007 Tabs	833,127	837,011
115 Canine Program	8,463	8,503
116 Police Cadet	3,078	3,091
117 Community Garden Fund	24	24
201 Fire Prevention Grant	962	966
208 First Time Homebuyer	86,642	87,053
209 In Lieu Affordable Housing	256,842	257,461
211 City Wide Assessment	(186,481)	(212,631)
212 Flood Assessment District	3,928	3,947
221 Gas Tax	132,646	97,862
226 Road Rehab Maintenance Account	27,134	(5,279)
231 State COPS 1913	132,725	121,451
233 Realignment	99,850	100,202
236 BSCC Grant	9,403	9,403
237 Homeland Security Grant	(1,793)	(1,793)
251 Traffic Safety	100,491	100,930
252 Asset Forfeiture	(22)	231
254 Vehicle Theft Deterrent	69,232	69,475
263 I-505 Overpass Grant	(717)	(717)
272 Boost Grant	11,556	7,358
278 Prop 84 Park Grant	(173,038)	
291 Beverage Recycling Fund	27,047	31,850
294 Transportation(Including Bus Sv c	22,119	19,672
299 After School Program	158,916	157,043
308 RSTP-Roundabout Grant	(207,816)	
322 EDBG 96-405 Cradwick Building	(526)	
356 RLF-HOME Program	156,095	156,181
358 Program Income Fund	665,096	675,402
411 Street Impact Fee	78	(175)
412 Storm Impact Fee	170,103	170,779
413 Parks and Recreation Impact Fee	(334)	(499)
414 Police Impact Fee	286,932	288,166
415 Fire Impact Fee	464,161	465,716
416 General Facilities Impact Fee	588,344	590,007
417 Water Impact Fee	542,307	544,334
418 Sewer Impact Fee	387,042	387,351
419 Flood Fee	232,773	233,804
421 General Fund Capital	479,779	482,056
422 Landfill Capital	157,994	150,692
423 Street Capital	82,781	77,276
424 Parks and Recreation Capital	596,406	596,505
427 Capital Equipment Fund	298,680	300,629
429 Service Reserve	788,057	789,201
481 General Plan 1992 Study	(383,477)	(383,477)
482 Flood Control Study	1,330	1,336
492 RAJA Storm Drain	77,809	77,997
494 Captial Asset Recovery Fee	135,363	136,163
496 Storm Drain Non-Flood	240	241
501 General Debt Service	57,623	57,896
611 Water O & M	(16,365)	20,440
612 Water Reserve	150,920	151,693
615 07 Water Bonds	49,869	49,869
616 Water Conservation	25,283	25,271
617 Water Meter	403,021	403,705
621 Sewer O & M	1,386,737	1,383,925
622 Sewer Capital	159,386	159,386
651 Central Services	6,338	4,207
652 Central Service w PD & FD	41,286	20,437
771 RORF	593,992	593,992
831 Swim Team	73,523	71,465
833 Festival de la Comunidad	26,281	33,717
836 PCH HOA	15,544	15,618
838 WPD Youth Services	356	357
839 Youth Day	726	730
841 PD Cancer Fund	490	490
Total Cash and LAIF Balances	\$ 9,966,196	\$ 9,560,056

City of Winters
Fund Balances Report
Estimated Fund Balances as of July 31, 2018

Fund	Fund Name	Unaudited	Current Year	Current Year	Transfers In/(Out)	Estimated	Change From 6/30/2018
		Fund Balance June 30, 2018	Revenues	Expenditures		Ending Fund Balance	
101	General Fund	\$ (364,121.00)	\$ 105,587.00	\$ 687,058.00	\$ -	\$ (945,592)	\$ (581,471.00)
104	Fireworks Fund	(12,432)	55	-	-	(12,377)	55
105	Senior Fund	353	-	-	-	353	-
106	Monitoring Fee	1,740	-	-	-	1,740	-
107	City Park Maintenance	2,319	-	-	-	2,319	-
108	Munchkin Summer Camp	26,406	7,000	25,459	-	7,947	(18,459)
110	Housing Successor	36,177	-	-	-	36,177	-
112	Housing 04 TABS	150,000	-	-	-	150,000	-
113	2007 Housing TABS	837,011	-	-	-	837,011	-
115	Canine Program	8,503	-	3,049	-	5,454	(3,049)
116	Police Cadet	3,091	-	-	-	3,091	-
117	Community Garden	24	-	-	-	24	-
201	Fire Prevention Grant	884	-	-	-	884	-
208	First Time Homebuyer	87,053	-	-	-	87,053	-
209	In Lieu Affordable Housing	257,435	26	-	-	257,461	26
211	City Wide Assessment	(192,175)	4,508	27,599	-	(215,266)	(23,091)
212	Flood Assessment District	3,947	-	-	-	3,947	-
221	Gas Tax	129,245	8,901	40,917	-	97,229	(32,016)
226	Road M & R	42,511	-	38,722	-	3,789	(38,722)
231	State COPS 1913	132,725	-	11,356	-	121,369	(11,356)
233	Realignment Funds	100,202	-	-	-	100,202	-
236	BSCC	9,403	-	-	-	9,403	-
237	Homeland Security Grant	(1,793)	-	-	-	(1,793)	-
251	Traffic Safety	106,501	-	-	-	106,501	-
252	Asset Forfeiture	231	-	-	-	231	-
254	Vehicle Theft Deterrent	69,475	-	-	-	69,475	-
263	I 505 Overpass	(717)	-	-	-	(717)	-
272	Boost Grant	5,918	-	-	-	5,918	-
291	Beverage Recycling Grant	26,850	5,000	-	-	31,850	5,000
294	Transportation	57,262	-	2,246	-	55,016	(2,246)
299	After School Program	157,161	-	1,702	-	155,459	(1,702)
313	STBG-96-1043 Housing and P	(29,070)	-	-	-	(29,070)	-
314	98-HOME-347 Grant	82,061	-	-	-	82,061	-
316	HOME-Choc Project	2,843,180	-	-	-	2,843,180	-
321	EDBG 99-688 Buckhorn	80,204	330	(1,450)	-	79,084	(1,120)
322	EDBG 96-405 Cradwick	210,886	707	(1,024)	-	210,569	(317)
351	RLF Housing Rehabilitation	105,993	398	(398)	-	105,993	-
352	RLF Affordable Housing	308,788	-	-	-	308,788	-
355	RLF Small Business	13,766	84	(4,909)	-	8,941	(4,825)
356	RLF HOME Program	363,528	-	-	-	363,528	-
358	Program Income Fund	649,533	13	7,782	-	657,328	7,795
411	Street Impact Fee	93,836	-	180	-	93,656	(180)
412	Storm Drain Impact Fee	199,635	-	25	-	199,610	(25)
413	Parks & Recreation Impact	3,220	-	92	-	3,128	(92)
414	Public Safety Impact Fee	289,271	-	27	-	289,244	(27)
415	Fire Impact Fee	467,316	-	28	-	467,288	(28)
416	General Facilities Impact	589,283	-	27	-	589,256	(27)
417	Water Impact Fee	543,197	-	32	-	543,165	(32)
418	Sewer Impact Fee	386,174	34	27	-	386,181	7
419	Flood Control Fee	232,634	-	-	-	232,634	-
421	General Fund Capital	482,056	-	-	-	482,056	-
422	Landfill Capital	150,714	-	22	-	150,692	(22)
423	Street Capital	77,263	19	858	-	76,418	(845)
424	Parks and Recreation Capit	596,406	100	-	-	596,506	100
427	Equipment Replacement Fund	488,054	575	-	-	488,629	575
429	Service Reserve Fund	1,059,022	-	-	-	1,059,022	-
481	General Plan 1992	(383,045)	-	-	-	(383,045)	-
482	Flood Control Study	(123,664)	-	-	-	(123,664)	-
492	RAJA Storm Drain	68,408	-	-	-	68,408	-
494	CARF	135,709	454	-	-	136,163	454
496	Storm Drain Non-Flood	241	-	-	-	241	-
501	General Debt Service	57,896	-	-	-	57,896	-
611	Water O & M	3,997,368	177,275	126,335	-	4,048,308	50,940
612	Water Reserve	152,183	-	-	-	152,183	-
615	2007 Water Bonds	49,975	-	-	-	49,975	-
616	Water Conservation	25,327	-	57	-	25,270	(57)
617	Water Meter Fund	402,837	890	22	-	403,705	868
619	Water Debt Service Fund	(2,971,378)	-	-	-	(2,971,378)	-
621	Sewer O & M	6,962,669	145,866	123,506	-	6,985,029	22,360
622	Sewer Reserve	159,386	-	-	-	159,386	-
629	Sewer Debt Service	(3,504,755)	-	-	-	(3,504,755)	-
651	Central Service Overhead	788	-	788	-	-	(788)
652	Equipment Lease	3,676	-	3,676	-	-	(3,676)
771	RORF	(14,314,948)	-	-	-	(14,314,948)	-
772	RDA Trust	608,993	-	-	-	608,993	-
781	RDA Long Term Debt	1	-	-	-	1	-
803	Elderberry Mitigation Fund	270,506	-	-	-	270,506	-
831	Winters Library	71,509	17,392	17,576	-	71,325	(184)
833	Festival de La Comunidad	26,340	7,376	1,267	-	32,449	6,109
836	PCH HOA	15,618	-	-	-	15,618	-
838	WPD Youth Services	357	-	-	-	357	-
839	Youth Day Fund	730	-	-	-	730	-
841	PD Cancer Fund	490	-	-	-	490	-
911	General Fixed Assets	29,792,353	-	-	-	29,792,353	-
Totals		\$ 33,473,708	\$ 482,584	\$ 1,112,653	\$ 1	\$ 32,973,182	\$ (589,015)



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: December 3, 2018
THROUGH: John W. Donlevy, Jr., City Manager *[Signature]*
FROM: Shelly A. Gunby, Director of Financial Management *[Signature]*
SUBJECT: August 2018 Investment Report

RECOMMENDATION:

Staff recommends that the City Council receive and file the City of Winters investment for the period July 1, 2018 through August 31, 2018.

BACKGROUND:

The City of Winters financial policy requires, at a minimum, quarterly investment earnings reports. The attached report shows the earnings for July 1 2018 through August 31, 2018. The City of Winters is invested in the Local Agency Investment Funds (LAIF), a savings account at our local First Northern Bank, and receives interest payments on the various CDBG and EDBG funded loans made to residents and businesses within the City of Winters, as well as from the Money Market Account set up for the North Bank Putah Creek Improvement Elderberry Beetle Mitigation.

The investment report for the month of August 2018 reflects interest from the Money Market Account and the CDBG and EDBG loans.

FISCAL IMPACT:

None

City of Winters
Investment Earnings Report
As of August 31, 2018

	August Investment Earnings	Year to Date Investment Earnings
209 In Lieu Affordable Housing		\$ 26
321 EDBG 99-688	336	665
322 EDBG 96-405 CRADWICK	704	1,412
351 RLF HOUSING REHAB	398	796
355 RLF SMALL BUSINESS		84
358 PROGRAM INCOME FUND		13
418 SEWER IMPACT FEE		34
423 STREET CAPITAL		13
424 PARKS & REC CAPITAL		100
	<hr/>	<hr/>
Total Investment Earnings	<u>\$ 1,438</u>	<u>\$ 3,143</u>



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: December 3, 2018
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Shelly A. Gunby, Director of Financial Management 
SUBJECT: August 2018 Treasurer Report

RECOMMENDATION:

Staff recommends that the City Council receive and file the City of Winters Treasurer Report for August 2018.

BACKGROUND:

The City of Winters financial policy requires monthly reports regarding receipts, disbursement and fund balances be submitted to the City Council for review. Items of note in the attached report are as follows:

General Fund

General Fund revenues are 4% of budgeted; the following items affect the cash flows into the General Fund.

- Most cash received in July are for the prior fiscal year, and therefore, typically the revenues are very small for the first month of each fiscal year.
- The first installment of Property Tax will be received in late January 2019.
- The first installment of Property Tax in lieu of VLF will be received in late January 2019.
- Sale and use taxes are remitted to the City two (2) months after they are received by the State Board of Equalization, we have received 0% of projected revenues.
- Utility User Tax is received approximately 1-3 months after the utilities are used; UUT receipts are 10% of the budgeted amount.
- Building permit fees received are 10% of the budgeted amount.
- General Fund expenditures are 25% of budget, mostly because we take advantage of paying the entire unfunded liability invoice for the year in July of each year in order to save 7.5% on the amount that we pay to CalPERS each year. A small step towards limiting the

growth of the unfunded liability for the City.

Other funds:

Fund 211 City Wide Assessment District: The first installment of the City Wide Assessment will be received in late January 2019 at the same time that we receive the property tax distribution from Yolo County.

Fund 611 Water: Water fund revenues are 23 % of budget and expenditures are 27% of budget. Approved rate increases are not effective for this timeframe.

Fund 621 Sewer: Sewer fund revenues are 17% of budget and expenditures are 19% of budget. Approved rate increases are not effective for this timeframe.

FISCAL IMPACT:

None

City of Winters
 General Fund Revenues
 July 1, 2018 through August 31, 2018

G/L Code	Account Description	Budget FY 18-19	Percent of Year Completed		% of Budget Received
			August Actual	Year to Date	
101-41101	Property Tax	\$ 800,000			0%
101-41103	Property Tax in Lieu of VLF	620,313			0%
101-41104	1290 Pass Through	34,000			0%
101-41105	RDA Residual Payments	36,000			0%
101-41401	Sales & Use Tax	669,294			0%
101-41402	Prop 172	40,295			0%
101-41403	Franchise Fee	267,000			0%
101-41404	Property Transfer Tax	22,000			0%
101-41405	Utility Tax	730,000	71,949	71,949	10%
101-41406	Municipal Services Tax	310,420	25,580	51,070	16%
101-41408	TOT Tax	296,006			0%
101-41407	Business Licenses	28,000	1,992	2,921	10%
101-46102	Building Permits	566,696	9,325	15,996	3%
101-46103	Encroachment Permit	6,000	225	1,321	22%
101-46104	Other Licenses & Permits		4,368	13,573	
101-41509	Homeowners Property Tax Relief	15,000			0%
101-48106	Post Reimbursement	3,500		2,470	71%
101-41511	Off-Highway Motor Vehicle				
101-42102	Copy Fees	300	39	160	53%
101-42103	Plan Check Fees	175,279	3,509	5,620	3%
101-42104	Planning Application Fees	10,000		2,313	23%
101-42107	Project Monitoring Fees	4,000	372	12,196	305%
101-42108	Police Reports	500	125	178	36%
101-42109	Fingerprint Fees	3,000	872	1,141	38%
101-42111	Towing/DUI Reimbursement	500	100	525	105%
101-42112	Ticket Sign Off Fees	500	399	585	117%
101-42201	Recreation Fees	350	1,050	1,050	300%
101-42205	Basketball Revenues	7,500			0%
101-42211	Pool Ticket Sales	7,000	296	3,292	47%
101-42213	Pool Proceeds	500	225	900	180%
101-42212	Pool Concession Stand Revenues	11,000	1,431	3,613	33%
101-42215	Swim Passes	1,500		95	6%
101-42216	Swim Lessons	14,000		2,156	15%
101-42218	Swim Team Reimbursement	8,000		8,008	100%
101-42301	Park Rental	2,400	1,150	1,700	71%
101-42303	Community Center Rental	20,000	1,206	7,501	38%
101-42304	Community Center Insurance Collected	150		534	356%
101-44101	Rents/Leases Revenues	85,678	6,165	15,723	18%
101-43151	Fire District Payments	266,356			0%
101-44102	Interest Earnings	1,000			0%
101-46106	Reinspect Fee	2,000	285	285	14%
101-46107	Fire Dept Review Fees	56,983	661	1,224	2%
101-49101	Contributions	93,088	5,139	13,121	14%
101-49102	Reimbursements/Refunds	27,000	100	485	2%
101-49104	Miscellaneous Revenues	3,000	50	553	18%
101-49106	Cash Over/Short			(57)	
101-49112	Fireworks Donations	7,500			0%
101-49504	RDA Admin Fee	250,000			0%
101-49999	Interfund Operating Transfer	1,500			0%
	Total General Fund Revenues	\$ 5,505,108	\$ 136,613	\$ 242,201	138 4%

City of Winters
Fund Balance Report
Estimated Fund Balances as of August 31, 2018

Fund	Fund Name	Unaudited	Current Year	Current Year	Transfers	Estimated	Change From
		Fund Balance June 30, 2018	Revenues	Expenditures	In/(Out)	Fund Balance August 31, 2018	6/30/2018
101	General Fund	\$ (364,121)	\$ 242,200	\$ 1,363,100	\$ -	\$ (1,485,021)	\$ (1,120,900)
104	Fireworks Fund	(12,432)	55		-	(12,377)	55
105	Senior Fund	353			-	353	-
106	Monitoring Fee	1,740			-	1,740	-
107	City Park Maintenance	2,319			-	2,319	-
108	Munchkin Summer Camp	26,406	7,250	24,749	-	8,907	(17,499)
110	Housing Successor	36,177			-	36,177	-
112	Housing 04 TABS	150,000			-	150,000	-
113	2007 Housing TABS	837,011			-	837,011	-
115	Canine Program	8,503			-	8,503	-
116	Police Cadet Program	3,091	500	3,049	-	542	(2,549)
117	Community Garden	24		161	-	(137)	(161)
201	Fire Prevention Grant	884			-	884	-
208	First Time Homebuyer	87,053			-	87,053	-
209	In Lieu Affordable Housing	257,435	302,336		-	559,771	302,336
211	City Wide Assessment	(192,175)	4,508	50,669	-	(238,336)	(46,161)
212	Flood Assessment District	3,947			-	3,947	-
221	Gas Tax	129,245	20,449	51,685	-	98,009	(31,236)
226	Road M & R	42,511		38,722	-	3,789	(38,722)
231	State COPS 1913	132,725		19,100	-	113,625	(19,100)
233	Realignment Funds	100,202		20,055	-	80,147	(20,055)
236	BSCC	9,403			-	9,403	-
237	Homeland Security Grant	(1,793)			-	(1,793)	-
251	Traffic Safety	106,501			-	106,501	-
252	Asset Forfeiture	231			-	231	-
254	Vehicle Theft Deterrent	69,475			-	69,475	-
263	I-505 Overpass	(717)			-	(717)	-
272	Boost Grant	5,918	5,126		-	11,044	5,126
291	Beverage Recycling Grant	26,850	5,000		-	31,850	5,000
294	Transportation	57,262		63,696	-	(6,434)	(63,696)
299	After School Program	157,161	(650)	9,624	-	146,887	(10,274)
313	STBG-96-1043 Housing and P	(29,070)			-	(29,070)	-
314	98-HOME-347 Grant	82,061			-	82,061	-
316	HOMÉ-Choc Project	2,843,180			-	2,843,180	-
321	EDBG 99-688 Buckhorn	80,204	665		(2,901)	80,869	665
322	EDBG 96-405 Cradwick	210,886	1,412		(2,574)	212,298	1,412
351	RLF Housing Rehabilitation	105,993	796		(796)	106,789	796
352	RLF Affordable Housing	308,788			(10,000)	308,788	-
355	RLF Small Business	13,766	84		(4,909)	13,850	84
356	RLF HOME Program	363,528			-	363,528	-
358	Program Income Fund	649,533	13		21,180	649,546	13
411	Street Impact Fee	93,836		411	-	93,425	(411)
412	Storm Drain Impact Fee	199,635		100	-	199,535	(100)
413	Parks & Recreation Impact	3,220		234	-	2,986	(234)
414	Public Safety Impact Fee	289,271		105	-	289,166	(105)
415	Fire Impact Fee	467,316		106	-	467,210	(106)
416	General Facilities Impact	589,283		104	-	589,179	(104)
417	Water Impact Fee	543,197		119	-	543,078	(119)
418	Sewer Impact Fee	386,174	34	100	-	386,108	(66)
419	Flood Control Fee	232,634		50	-	232,584	(50)
421	General Fund Capital	482,056			-	482,056	-
422	Landfill Capital	150,714		3,744	-	146,970	(3,744)
423	Street Capital	77,263	13	1,458	-	75,818	(1,445)
424	Parks and Recreation Capit	596,406	100	12,657	-	583,849	(12,557)
427	Equipment Replacement Fund	488,054	5,467		-	493,521	5,467
429	Service Reserve Fund	1,059,022			-	1,059,022	-
481	General Plan 1992	(383,045)			-	(383,045)	-
482	Flood Control Study	(123,664)			-	(123,664)	-
492	RAJA Storm Drain	68,408			-	68,408	-
494	CARF	135,709	888		-	136,597	888
496	Storm Drain Non-Flood	241			-	241	-
501	General Debt Service	57,896			-	57,896	-
611	Water O & M	3,997,368	335,047	229,933	(152,648)	4,102,482	105,114
612	Water Reserve	152,183	3,806		-	155,989	3,806
615	2007 Water Bonds	49,975			-	49,975	-
616	Water Conservation	25,327		113	-	25,214	(113)
617	Water Meter Fund	402,837	890	44	-	403,683	846
619	Water Debt Service Fund	(2,971,378)			152,648	(2,971,378)	-
621	Sewer O & M	6,962,669	289,339	260,121	(176,626)	6,991,887	29,218
622	Sewer Reserve	159,386			-	159,386	-
629	Sewer Debt Service	(3,504,755)			176,626	(3,504,755)	-
651	Central Service Overhead	788		788	-	-	(788)
652	Equipment Lease	3,676		3,676	-	-	(3,676)
771	RDRF	(14,314,948)		87,471	-	(14,402,419)	(87,471)
772	RDA Trust	608,993			-	608,993	-
781	RDA Long Term Debt	1			-	1	-
803	Elderberry Mitigation Fund	270,506			-	270,506	-
831	Winters Library	71,509	17,779	18,502	-	70,786	(723)
833	Festival de La Comunidad	26,340	10,126	1,692	-	34,774	8,434
836	PCH HOA	15,618			-	15,618	-
838	WPD Youth Services	357			-	357	-
839	Youth Day Fund	730			-	730	-
841	PD Cancer Fund	490	100	-	-	590	100
911	General Fixed Assets	29,792,353			-	29,792,353	-
Total Estimated Fund Balance		\$ 33,473,709	\$ 1,253,333	\$ 2,266,138	\$ -	\$ 32,460,904	\$ (1,012,805)

City of Winters
 Summary of Revenues
 July 1, 2018 through August 31, 2018

Fund	Fund Description	Budget FY 18-19	August 2018 Actual	Actual Year to Date	Balance To Be Received	% of Year Complete	17%
						% of Budget Received	
101	General Fund	\$ 5,505,108	\$ 136,613	\$ 242,200	\$ 5,262,908	4%	
104	Fireworks Fund			55	(55)		
105	Senior Fund	3			3		
106	Winters Swim Lessons	501			501		
108	Munchkin Summer Camp	27,214	250	7,250	19,964	27%	
107	Park Maintenance	7			7		
113	2007 Housing TABS	501			501		
115	Canine Program	200			200		
116	Police Cadet Fund	21	500	500	(479)	999%	
201	Fire Prevention Grant	10			10		
208	First Time Homebuyer In Lieu	1,000			1,000		
209	In Lieu Affordable Housing	1,500	302,310	302,336	(300,836)	999%	
211	City Wide Assessment	266,259		4,508	261,751	2%	
212	Flood Assessment District	45			45		
221	Gas Tax	189,304	11,547	20,449	168,855	11%	
226	Road Rehabilitation and Mainten	120,477			120,477		
231	State COPS AB1913	100,000			100,000		
233	Realignment	20			20		
251	Traffic Safety	6,260			6,260		
252	Asset Forfeiture	612			612		
254	Vehicle Theft Deterrent	18,029			18,029		
267	Grant Ave Improvement						
272	Boost Grant		5,126	5,126	(5,126)		
291	Beverage Recycling	5,000		5,000		100%	
294	Transportation	314,680			314,680		
299	AFTER School Program	157,980	(650)	(650)	158,630	- %	
321	EDBG 99-688 Buckhorn	15,953	336	665	15,288	4%	
322	EDBG 96-405 Cradwick	15,247	704	1,412	13,835	9%	
351	RLF Housing Rehab		398	796	(796)		
355	RLF Small Business	8,757		84	8,673	1%	
356	RLF HOME Program	181			181		
358	Program Income	39,956		7,794	32,162	20%	
411	Street Impact Fee	859,808			859,808		
412	Storm Drain Impact Fee	80,399			80,399		
413	Parks & Recreation Impact Fee	460,762			460,762		
414	Public Safety Impact Fee	274,350			274,350		
415	Fire Impact Fee	417,268			417,268		
416	General Facilities Impact Fee	335,246			335,246		
417	Water Impact Fee	653,282			653,282		
418	Sewer Impact Fee	565,294		34	565,260		
419	Flood Fees	361			361		
421	General Fund Capital	5,200			5,200		
422	Landfill Capital	200			200		
423	Street Capital	101		13	88	13%	
424	Parks & Recreation Capital	289,352		100	289,252		
427	Capital Equipment	58,000	4,892	5,467	52,533	9%	
429	Service Reserve Fund	2,700			2,700		
481	General Plan 1992	32,761			32,761		
492	RAJA Storm Drain	445			445		
494	CARF	22,204	434	888	21,316	4%	
495	Monitoring Fee	32,761			32,761		
496	Storm Drain Non-Flood	2			2		
501	General Debt Service	94			94		
611	Water O & M	1,480,096	157,772	335,047	1,145,049	23%	
612	Water Reserve	6,070	3,806	3,806	2,264	63%	
616	Water Conservation	12,000			12,000		
617	Water Meter Fund	2,300		890	1,410	39%	
619	Water Debt Service		152,648	152,648	(152,648)		
621	Sewer O & M	1,690,743	143,474	289,339	1,401,404	17%	
629	Sewer Debt Service		176,626	176,626	(176,626)		
771	RORF	1,090,026			1,090,026		
803	Elderberry Mitigation	29,740			29,740		
831	Swim Team	30,836	386	17,779	13,057	58%	
833	Festival de la Comunidad	10,012	2,750	10,126	(114)	101%	
841	PD Cancer Fund		100	100	(100)		
846	Quilt Festival	5			5		
Total Revenues		\$ 15,237,243	\$ 1,100,022	\$ 1,590,388	\$ 13,646,855	10%	

City of Winters
Summary of Expenditures
July 1, 2018 through August 31, 2018

		Percent of Year Complete				17%
Fun #	Fund Description	Budget 2018-2019	August Actual	Year to Date Actual	Unspent Balance	% of Budget Spent
101	General Fund Expenditures by Department					
110	City Council	\$ 16,774	\$ (2,021)	\$ 4,721	\$ 12,053	28%
120	City Clerk	13,124	-779	-1,872	14,996	-14%
130	City Treasurer		-1			
160	City Manager	149,551	9,857	36,922	112,629	25%
161	Economic Development & Housing	239,939	16,202	43,617	196,322	18%
170	Administrative Services	11,808	-5,146	15,339	-4,250	136%
180	Finance	98,201	553	24,657	73,544	25%
210	Police Department	2,889,150	418,454	797,555	2,091,595	28%
310	Fire Department	1,114,680	186,589	280,025	834,655	25%
410	Community Development	92,994	3,932	7,157	85,837	8%
420	Building Inspections	327,548	21,837	56,408	271,176	17%
610	Public Works-Administration	243,137	5,537	43,438	199,699	18%
630	Public Works-Water		65	\$ 65	-65	
710	Recreation	29,977	479	1,137	28,840	4%
720	Community Center	111,959	9,894	18,994	92,965	17%
730	Swimming Pool	150,840	10,591	34,937	115,903	23%
	Total General Fund Expenditure	\$ 5,489,682	\$ 676,043	\$ 1,363,100	\$ 4,125,899	25%
106	Monitoring Fee	500			500	
105	Senior Fund	150			150	
107	Park Maintenance	44,718			44,718	
108	Munchkin Summer Camp		(710)	24,749	(24,749)	
113	2007 Housing TABS	1,000			1,000	
115	Police Canine Program	400		3,049	(2,649)	762%
116	Police Cadet Program	400	161	161	239	40%
201	Fire Prevention Grant	201			201	
211	City Wide Assessment	270,764	23,070	50,669	220,095	19%
221	Gas Tax Fund	172,298	10,768	51,685	120,613	30%
226	Road M & R	120,477		38,722		
231	State COPS 1913	120,428	7,743	19,100	101,328	16%
233	Realignment	5,383	20,055	20,055	(14,672)	373%
251	Traffic Safety	72,200			72,200	
252	Asset Forfeiture	996			996	
254	Vehicle Theft Deterrent	53,400			53,400	
291	Beverage Recycling Grant	5,000			5,000	
294	Transportation	267,985	61,449	63,696	204,289	24%
299	After School Program	158,408	7,922	9,624	148,784	6%
321	EDBG 99-688 Buckhorn	15,954	1,450	2,901	13,053	18%
322	EDBG 405-Cradwick	15,248	1,550	2,574	12,674	17%
351	RLF Housing Rehab	4,773	398	796	3,977	17%
352	RLF Affordable Housing		10,000	10,000	(10,000)	
355	RLF Small Business	8,113		4,909	3,204	61%
358	Program Income		(13,398)	(13,398)	13,398	
411	Street Impact Fee	2,162	231	411	1,751	19%
412	Storm Drain Impact Fee	299	75	100	199	33%
413	Park & Recreation Impact Fee	1,100	142	234	866	21%
414	Public Safety Impact Fee	57,629	78	105	57,524	
415	Fire Impact Fee	336	78	106	230	32%
416	General Facility Impact Fee	324	77	104	220	32%
417	Water Impact Fee	384	87	119	265	31%
418	Sewer Impact Fee	324	73	100	224	31%
419	Flood Fees		50	50	(50)	
422	Landfill Capital	93,091	3,722	3,744	89,347	4%
423	Street Capital		600	1,458	(1,458)	
424	Parks & Recreation Capital	280,000	12,657	12,657	267,343	5%
427	Equipment Replacement Fund	57,300			57,300	
429	Service Reserve	40,000			40,000	
495	Monitoring Fee	32,761			32,761	
611	Water O & M	1,440,654	256,246	382,581	1,058,073	27%
616	Water Conservation Fund	28,679	57	113	28,566	
617	Water Meter Fund	20,528	22	44	20,484	
621	Sewer O & M	2,352,582	313,242	436,748	1,915,834	19%
651	Central Service Overhead			788	(788)	
652	Equipment Fund	1		3,676	(3,675)	999%
771	RORF	1,090,025	87,471	87,471	1,002,554	8%
831	Swim Team	54,928	927	18,502	36,426	34%
833	Festival de la Comunidad	7,950	426	1,692	6,258	21%
	Total Expenditures	\$ 12,389,535	\$ 1,482,762	\$ 2,603,195	\$ 9,703,902	21%

City of Winters
Cash and LAIF Balances
Cash and LAIF Balance as of August 31, 2018

Fund	Description	BALANCE 6/30/18	CURRENT BALANCE 8/31/18
101	General Fund	\$ (72,624)	\$ (1,095,467)
104	Fireworks Fund	(12,253)	(12,377)
105	Senior Fund	351	353
106	Monitoring Fee	1,732	1,740
107	Park Maintenance	2,308	2,319
108	Munchkin Summer Camp	28,808	8,908
110	Housing Successor Agency	(98,487)	(98,487)
113	Housing 2007 Tabs	833,127	837,011
115	Canine Program	8,463	5,454
116	Police Cadet	3,078	3,478
117	Community Garden Fund	24	24
201	Fire Prevention Grant	962	966
208	First Time Homebuyer	86,642	87,053
209	In Lieu Affordable Housing	256,842	559,771
211	City Wide Assessment	(186,481)	(225,787)
212	Flood Assessment District	3,928	3,947
221	Gas Tax	132,646	98,703
226	Road Rehab Maintenance Account	27,134	3,789
231	State COPS 1913	132,725	113,626
233	Realignment	99,850	80,147
236	BSCC Grant	9,403	9,403
237	Homeland Security Grant	(1,793)	(1,793)
251	Traffic Safety	100,491	106,501
252	Asset Forfeiture	(22)	231
254	Vehicle Theft Deterrent	69,232	69,475
263	I-505 Overpass Grant	(717)	(717)
272	Boost Grant	11,556	11,044
278	Prop 84 Park Grant	(173,038)	
291	Beverage Recycling Fund	27,047	31,850
294	Transportation(Including Bus S	22,119	(6,434)
299	After School Program	158,916	152,953
308	RSTP-Roundabout Grant	(207,816)	
322	EDBG 96-405 Cradwick Building	(526)	
356	RLF-HOME Program	156,095	156,181
358	Program Income Fund	665,096	670,725
411	Street Impact Fee	78	(406)
412	Storm Impact Fee	170,103	170,704
413	Parks and Recreation Impact Fe	(334)	(641)
414	Police Impact Fee	286,932	288,088
415	Fire Impact Fee	464,161	465,638
416	General Facilities Impact Fee	588,344	589,930
417	Water Impact Fee	542,307	544,247
418	Sewer Impact Fee	387,042	387,278
419	Flood Fee	232,773	233,753
421	General Fund Capital	479,779	482,056
422	Landfill Capital	157,994	146,969
423	Street Capital	82,781	75,819
424	Parks and Recreation Capital	596,406	584,429
427	Capital Equipment Fund	298,680	305,521
429	Service Reserve	788,057	789,201
481	General Plan 1992 Study	(383,477)	(383,477)
482	Flood Control Study	1,330	1,336
492	RAJA Storm Drain	77,809	77,997
494	Capital Asset Recovery Fee	135,363	136,597
496	Storm Drain Non-Flood	240	241
501	General Debt Service	57,623	57,896
611	Water O & M	(16,365)	(89,155)
612	Water Reserve	150,920	152,204
615	07 Water Bonds	49,869	49,869
616	Water Conservation	25,283	25,214
617	Water Meter	403,021	403,683
621	Sewer O & M	1,386,737	1,198,695
622	Sewer Capital	159,386	159,386
651	Central Services	6,338	3,532
652	Central Service w PD & FD	41,286	3,571
771	RORF	593,992	179,617
801	Trust and Agency		(393)
831	Swim Team	73,523	70,837
833	Festival de la Comunidad	26,281	35,200
836	PCH HOA	15,544	15,618
838	WPD Youth Services	356	357
839	Youth Day	726	730
841	PD Cancer Fund	490	590
Total Cash and LAIF Investments		\$ 9,966,196	\$ 8,737,321



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: December 3, 2018
THROUGH: John W. Donlevy, Jr., City Manager *[Signature]*
FROM: Shelly A. Gunby, Director of Financial Management *[Signature]*
SUBJECT: September 2018 Investment Report

RECOMMENDATION:

Staff recommends that the City Council receive and file the City of Winters investment for the period July 1, 2018 through September 30, 2018.

BACKGROUND:

The City of Winters financial policy requires, at a minimum, quarterly investment earnings reports. The attached report shows the earnings for July 1 2018 through September 30, 2018. The City of Winters is invested in the Local Agency Investment Funds (LAIF), a savings account at our local First Northern Bank, and receives interest payments on the various CDBG and EDBG funded loans made to residents and businesses within the City of Winters, as well as from the Money Market Account set up for the North Bank Putah Creek Improvement Elderberry Beetle Mitigation.

The investment report for the month of September 2018 reflects interest from the Money Market Account and the CDBG and EDBG loans.

FISCAL IMPACT:

None

City of Winters
Investment Earnings Report
As of September 30, 2018

Fund	Description	September 2018 Investment Earnings	Year to Date Investment Earnings
209	In Lieu Affordable Housing		\$ 26
321	EDBG 99-688	331	997
322	EDBG 96-405 CRADWICK	702	2,113
351	RLF HOUSING REHAB	398	1,193
355	RLF SMALL BUSINESS		84
358	PROGRAM INCOME FUND		13
418	SEWER IMPACT FEE		34
423	STREET CAPITAL		13
424	PARKS & REC CAPITAL		100
	Total Investment Earnings	<u>\$ 1,431</u>	<u>\$ 4,573</u>



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: December 3, 2018
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Shelly A. Gunby, Director of Financial Management 
SUBJECT: September 2018 Treasurer Report

RECOMMENDATION:

Staff recommends that the City Council receive and file the City of Winters Treasurer Report for September 2018.

BACKGROUND:

The City of Winters financial policy requires monthly reports regarding receipts, disbursement and fund balances be submitted to the City Council for review. Items of note in the attached report are as follows:

General Fund

General Fund revenues are 12% of budgeted; the following items affect the cash flows into the General Fund.

- The first installment of Property Tax will be received in late January 2019.
- The first installment of Property Tax in lieu of VLF will be received in late January 2019.
- Sale and use taxes are remitted to the City two (2) months after they are received by the State Board of Equalization, we have received 8% of projected revenues.
- Utility User Tax is received approximately 1-3 months after the utilities are used; UUT receipts are 21% of the budgeted amount.
- Building permit fees received are 19% of the budgeted amount.
- General Fund expenditures are 34% of budget, mostly because we take advantage of paying the entire unfunded liability invoice for the year in July of each year in order to save 7.5% on the amount that we pay to CalPERS each year. A small step towards limiting the growth of the unfunded liability for the City.

Other funds:

Fund 211 City Wide Assessment District: The first installment of the City Wide Assessment will be received in late January 2019 at the same time that we receive the property tax distribution from Yolo County.

Fund 611 Water: Water fund revenues are 36% of budget and expenditures are 37% of budget. Approved rate increases became effective for the September utility billing.

Fund 621 Sewer: Sewer fund revenues are 27% of budget and expenditures are 26% of budget. Approved rate increases became effective for the September utility billing.

FISCAL IMPACT:

None

City of Winters
Fund Balance Report
Estimated Fund Balances as of September 30, 2018

Fund	Fund Name	Unaudited			Estimated Fund		Change From
		Fund Balance 6/30/2018	Current Year Revenues	Current Year Expenditures	Transfers In/(Out)	Balance 9/30/2018	
101	General Fund	\$ (364,121)	\$ 665,381	\$ 1,854,003	\$ -	\$ (1,552,743)	\$ (1,188,622)
104	Fireworks Fund	(12,432)	55	-	-	(12,377)	55
105	Senior Fund	353	-	-	-	353	-
106	Monitoring Fee	1,740	-	-	-	1,740	-
107	City Park Maintenance	2,319	-	-	-	2,319	-
108	Munchkin Summer Camp	26,406	7,250	24,749	-	8,907	(17,499)
110	Housing Successor	36,177	-	-	-	36,177	-
112	Housing 04 TABS	150,000	-	-	-	150,000	-
113	2007 Housing TABS	837,011	-	-	-	837,011	-
115	Canine Program	8,503	500	3,049	-	5,954	(2,549)
116	Police Cadet Program	3,091	-	161	-	2,930	(161)
117	Community Garden	24	-	-	-	24	-
201	Fire Prevention Grant	884	-	-	-	884	-
208	First Time Homebuyer	87,053	-	-	-	87,053	-
209	In Lieu Affordable Housing	257,435	302,336	-	-	559,771	302,336
211	City Wide Assessment	(192,175)	4,508	78,774	-	(266,441)	(74,266)
212	Flood Assessment District	3,947	-	-	-	3,947	-
221	Gas Tax	129,245	20,449	70,661	-	79,033	(50,212)
226	Road m & R	42,511	11,523	40,760	-	13,274	(29,237)
231	State COPS 1913	132,725	-	27,091	-	105,634	(27,091)
233	Realignment Funds	100,202	-	20,055	-	80,147	(20,055)
236	BSCC	9,403	-	-	-	9,403	-
237	Homeland Security Grant	(1,793)	-	-	-	(1,793)	-
251	Traffic Safety	106,501	-	-	-	106,501	-
252	Asset Forfeiture	231	-	-	-	231	-
254	Vehicle Theft Deterrent	69,475	-	-	-	69,475	-
263	I-505 Overpass	(718)	-	-	-	(718)	-
272	Boost Grant	5,918	5,126	-	-	11,044	5,126
291	Beverage Recycling Grant	26,850	5,000	400	-	31,450	4,600
294	Transportation	57,262	-	82,402	-	(25,140)	(82,402)
299	After School Program	157,161	(261)	25,811	-	131,089	(26,072)
313	STBG-96-1043 Housing and P	(29,070)	-	-	-	(29,070)	-
314	98-HOME-347 Grant	82,061	-	-	(15,000)	82,061	-
316	HOME-Choc Project	2,843,180	-	-	-	2,843,180	-
321	ED8G 99-688 Buckhorn	80,204	997	-	(4,351)	81,201	997
322	ED8G 96-405 Cradwick	210,886	2,113	-	(4,125)	212,999	2,113
351	RLF Housing Rehabilitation	105,993	1,193	-	(1,193)	107,186	1,193
352	RLF Affordable Housing	308,788	-	-	(10,000)	308,788	-
355	RLF Small Business	13,766	84	-	(4,909)	13,850	84
356	RLF HOME Program	363,528	-	-	15,000	363,528	-
358	Program Income Fund	649,533	13	-	24,578	649,546	13
411	Street Impact Fee	93,836	3,372	1,365	-	95,843	2,007
412	Storm Drain Impact Fee	199,635	1,508	900	-	200,243	608
413	Parks & Recreation Impact	3,220	2,131	1,100	-	4,251	1,031
414	Public Safety Impact Fee	289,271	8,704	907	-	297,068	7,797
415	Fire Impact Fee	467,316	18,334	909	-	484,741	17,425
416	General Facilities Impact	589,283	31,928	906	-	620,305	31,022
417	Water Impact Fee	543,197	19,025	925	-	561,297	18,100
418	Sewer Impact Fee	386,174	5,280	901	-	390,553	4,379
419	Flood Control Fee	232,634	-	779	-	231,855	(779)
421	General Fund Capital	482,056	-	-	-	482,056	-
422	Landfill Capital	150,714	-	54,307	-	96,407	(54,307)
423	Street Capital	77,263	13	6,923	-	70,353	(6,910)
424	Parks and Recreation Capit	596,406	100	16,621	-	579,885	(16,521)
427	Equipment Replacement Fund	488,054	5,467	-	-	493,521	5,467
429	Service Reserve Fund	1,059,022	-	-	-	1,059,022	-
481	General Plan 1992	(383,045)	-	-	10,637	(383,045)	-
482	Flood Control Study	(123,664)	-	-	-	(123,664)	-
492	RAJA Storm Drain	68,408	35,895	-	-	104,303	35,895
494	CARF	135,709	5,186	-	-	140,895	5,186
495	Monitoring Fee	-	10,637	-	(10,637)	10,637	10,637
496	Storm Drain Non-Flood	241	-	-	-	241	-
501	General Debt Service	57,896	-	-	-	57,896	-
611	Water O & M	3,997,368	529,093	375,978	(152,648)	4,150,483	153,115
612	Water Reserve	152,183	3,806	-	-	155,989	3,806
615	2007 Water Bonds	49,975	-	-	-	49,975	-
616	Water Conservation	25,327	-	170	-	25,157	(170)
617	Water Meter Fund	402,837	890	66	-	403,661	824
619	Water Debt Service Fund	(2,971,378)	-	-	152,648	(2,971,378)	-
621	Sewer O & M	6,962,669	449,526	445,668	(176,626)	6,966,527	3,858
622	Sewer Reserve	159,386	-	-	-	159,386	-
629	Sewer Debt Service	(3,504,755)	-	-	176,626	(3,504,755)	-
651	Central Service Overhead	788	-	2,075	-	(1,287)	(2,075)
652	Equipment Lease	3,676	-	3,719	-	(43)	(3,719)
771	RDRF	(14,314,948)	-	87,708	-	(14,402,656)	(87,708)
772	RDA Trust	608,993	-	-	-	608,993	-
781	RDA Long Term Debt	1	-	-	-	1	-
803	Elderberry Mitigation Fund	270,506	-	-	-	270,506	-
831	Winters Library	71,509	17,779	18,532	-	70,756	(753)
833	Festival de La Comunidad	26,340	10,626	17,579	-	19,387	(6,953)
836	PCH HOA	15,618	-	-	-	15,618	-
838	WPD Youth Services	357	-	-	-	357	-
839	Youth Day Fund	730	-	-	-	730	-
841	PD Cancer Fund	490	430	-	-	920	430
911	General Fixed Assets	29,792,353	-	-	-	29,792,353	-
Totals		\$ 33,473,708	\$ 2,185,997	\$ 3,265,954	\$ -	\$ 32,393,751	\$ (1,079,957)

City of Winters
Cash and LAIF Balances Report
Cash and LAIF Balance as of September 30, 2018

Fund	Description	Balance	
		June 30, 2018	September 30, 2018
101	General Fund	\$ (72,624)	\$ (1,148,107)
104	Fireworks Fund	(12,253)	(12,377)
105	Senior Fund	351	353
106	Monitoring Fee	1,732	1,740
107	Park Maintenance	2,308	2,319
108	Munchkin Summer Camp	28,808	8,908
110	Housing Successor Agency	(98,487)	(95,487)
113	Housing 2007 Tabs	833,127	837,011
115	Canine Program	8,463	5,454
116	Police Cadet	3,078	3,430
117	Community Garden Fund	24	24
201	Fire Prevention Grant	962	966
208	First Time Homebuyer	86,642	87,053
209	In Lieu Affordable Housing	256,842	559,771
211	City Wide Assessment	(186,481)	(252,673)
212	Flood Assessment District	3,928	3,947
221	Gas Tax	132,646	84,660
226	Road Rehab Maintenance Account	27,134	13,274
231	State COPS 1913	132,725	105,635
233	Realignment	99,850	80,147
236	BSCC Grant	9,403	9,403
237	Homeland Security Grant	(1,793)	(1,793)
251	Traffic Safety	100,491	106,501
252	Asset Forfeiture	(22)	231
254	Vehicle Theft Deterrent	69,232	69,475
263	I-505 Overpass Grant	(717)	(717)
272	Boost Grant	11,556	11,044
278	Prop 84 Park Grant	(173,038)	
291	Beverage Recycling Fund	27,047	31,450
294	Transportation(Including Bus S	22,119	(7,483)
299	After School Program	158,916	144,599
308	RSTP-Roundabout Grant	(207,816)	
322	EDBG 96-405 Cradwick Building	(526)	
356	RLF-HOME Program	156,095	171,181
358	Program Income Fund	665,096	674,124
411	Street Impact Fee	78	1,284
412	Storm Impact Fee	170,103	170,685
413	Parks and Recreation Impact Fe	(334)	(104)
414	Police Impact Fee	286,932	295,263
415	Fire Impact Fee	464,161	482,442
416	General Facilities Impact Fee	588,344	620,329
417	Water Impact Fee	542,307	561,739
418	Sewer Impact Fee	387,042	390,995
419	Flood Fee	232,773	232,251
421	General Fund Capital	479,779	482,056
422	Landfill Capital	157,994	145,438
423	Street Capital	82,781	70,354
424	Parks and Recreation Capital	596,406	582,344
427	Capital Equipment Fund	298,680	305,521
429	Service Reserve	788,057	789,201
481	General Plan 1992 Study	(383,477)	(372,841)
482	Flood Control Study	1,330	1,336
492	RAJA Storm Drain	77,809	113,892
494	Capital Asset Recovery Fee	135,363	140,895
496	Storm Drain Non-Flood	240	241
501	General Debt Service	57,623	57,896
611	Water O & M	(16,365)	(38,891)
612	Water Reserve	150,920	152,597
615	07 Water Bonds	49,869	50,043
616	Water Conservation	25,283	25,158
617	Water Meter	403,021	403,661
621	Sewer O & M	1,386,737	1,163,128
622	Sewer Capital	159,386	159,386
651	Central Services	6,338	9,891
652	Central Service w PD & FD	41,286	11,552
771	RORF	593,992	179,380
801	Trust and Agency		316
831	Swim Team	73,523	70,807
833	Festival de la Comunidad	26,281	20,974
836	PCH HDA	15,544	15,618
838	WPD Youth Services	356	357
839	Youth Day	726	730
841	PD Cancer Fund	490	920
Total Cash and LAIF Balances		\$ 9,966,196	\$ 8,790,907

City of Winters
 Summary of Revenues
 July 1, 2018 through September 30, 2018

Fund	Fund Description	% of Year Completed			25%	
		Budget 2018-2019	September Actual	Year to Date Actual	Budget to Be Received	% of Budget Received
101	General Fund	\$ 5,505,108	\$ 423,182	\$ 665,381	\$ 4,839,727	12%
104	Fireworks Fund			55	(55)	
105	Senior Fund	3			3	
106	Winters Swim Lessons	501			501	
108	Munchkin Summer Camp	27,214		7,250	19,964	27%
107	Park Maintenance	7			7	
113	2007 Housing TABS	501			501	
115	Canine Program	200			200	
116	Police Cadet Fund	21		500	(479)	999%
201	Fire Prevention Grant	10			10	
208	First Time Homebuyer In Lieu	1,000			1,000	
209	In Lieu Affordable Housing	1,500		302,336	(300,836)	999%
211	City Wide Assessment	266,259		4,508	261,751	2%
212	Flood Assessment District	45			45	
221	Gas Tax	189,304		20,449	168,855	11%
226	Road Rehabilitation and Mainten	120,477	11,523	11,523	108,954	10%
231	State COP5 AB1913	100,000			100,000	
233	Realignment	20			20	
251	Traffic Saftey	6,260			6,260	
252	Asset Forfleture	612			612	
254	Vehicle Theft Deterrent	18,029			18,029	
267	Grant Ave Improvement					
272	Boost Grant			5,126	(5,126)	
291	Beverage Recycling	5,000		5,000		100%
294	Transportation	314,680			314,680	
299	After School Program	157,980	389	(261)	158,241	%
321	EDBG 99-688 Buckhorn	15,953	331	997	14,956	6%
322	EDBG 96-405 Cradwick	15,247	702	2,113	13,134	14%
351	RLF Housing Rehab		398	1,193	(1,193)	
355	RLF Small Business	8,757		84	8,673	1%
356	RLF HOME Program	181	15,000	15,000	(14,819)	999%
358	Program Income	39,956	3,398	11,193	28,763	28%
411	Street Impact Fee	859,808	3,372	3,372	856,436	
412	Storm Drain Impact Fee	80,399	1,508	1,508	78,891	2%
413	Parks & Recreation Impact Fee	460,762	2,131	2,131	458,631	
414	Public Saftey Impact Fee	274,350	8,704	8,704	265,646	3%
415	Fire Impact Fee	417,268	18,334	18,334	398,934	4%
416	General Facilities Impact Fee	335,246	31,928	31,928	303,318	10%
417	Water Impact Fee	653,282	19,025	19,025	634,257	3%
418	Sewer Impact Fee	565,294	5,246	5,280	560,014	1%
419	Flood Fees	361			361	
421	General Fund Capital	5,200			5,200	
422	Landfill Capital	200			200	
423	Street Capital	101		13	88	13%
424	Parks & Recreation Capital	289,352		100	289,252	
427	Capital Equipment	58,000		5,467	52,533	9%
429	Service Reserve Fund	2,700			2,700	
481	General Plan 1992	32,761	10,637	10,637	22,124	32%
492	RAJA Storm Drain	445	35,895	35,895	(35,450)	999%
494	CARF	22,204	4,298	5,186	17,018	23%
495	Monitoring Fee	32,761	10,637	10,637	22,124	32%
496	Storm Drain Non-Flood	2			2	
501	General Debt Service	94			94	
611	Water O & M	1,480,096	194,046	529,093	951,003	36%
612	Water Reserve	6,070		3,806	2,264	63%
616	Water Conservation	12,000			12,000	
617	Water Meter Fund	2,300		890	1,410	39%
619	Water Debt Service			152,648	(152,648)	
621	Sewer O & M	1,690,743	160,187	449,526	1,241,217	27%
629	Sewer Debt Service			176,626	(176,626)	
771	RORF	1,090,026			1,090,026	
803	Elderberry Mitigation	29,740			29,740	
831	Swim Team	30,836		17,779	13,057	58%
833	Festival de la Comunidad	10,012	500	10,626	(614)	106%
841	PD Cancer Fund		330	430	(430)	
846	Quilt Festival	5			5	
Total Revenues		\$ 15,237,243	\$ 961,701	\$ 2,552,088	\$ 12,685,155	17%

City of Winters
Summary of Expenditures
July 1, 2018 through September 30, 2018

Fund	Fund Description	% of Year Complete					25
		Budget 2018-2019	September Actual	Year to Date Actual	Unspent Budget	% of Budget Spent	
101	General Fund Expenditures by Department						
110	City Council	\$ 16,774	\$ (2,581)	\$ 2,140	\$ 14,634	13%	
120	City Clerk	\$ 13,124	(262)	(2,134)	15,258	-16%	
160	City Manager	149,551	16,704	53,626	95,925	36%	
161	Economic Development & Housing	239,939	24,858	68,475	171,464	29%	
170	Administrative Services	11,808	(4,554)	10,785	1,023	91%	
180	Finance	98,201	3,143	27,799	70,402	28%	
210	Police Department	2,889,150	245,562	1,043,117	1,846,033	36%	
310	Fire Department	1,114,680	117,792	397,816	716,864	36%	
410	Community Development	92,994	14,347	21,504	71,490	23%	
420	Building Inspections	327,548	31,223	87,631	239,917	27%	
610	Public Works-Administration	243,137	19,345	62,782	180,355	26%	
630	Public Works-Water		(65)		-	0%	
710	Recreation	29,977	2,936	4,074	25,903	14%	
720	Community Center	111,959	12,769	31,763	80,196	28%	
730	Swimming Pool	150,840	9,687	44,625	106,215	30%	
	Total General Fund Expenditure	\$ 5,489,682	\$ 490,904	\$ 1,854,003	\$ 3,635,679	34%	
106	Monitoring Fee	500			500	0%	
105	Senior Fund	150			150	0%	
107	Park Maintenance	44,718			44,718	0%	
108	Munchkin Summer Camp			24,749	-24,749		
113	2007 Housing TABS	1,000			1,000	0%	
115	Police Canine Program	400		3,049	-2,649	762%	
116	Police Cadet Program	400		161	239	40%	
201	Fire Prevention Grant	201			201	0%	
211	City Wide Assessment	270,764	28,105	78,774	191,990	29%	
221	Gas Tax Fund	172,298	18,976	70,661	101,637	41%	
226	Road R & M	120,477	2,038	40,760			
231	State COPS 1913	120,428	7,991	27,091	93,337	22%	
233	Realignment	5,383		20,055	-14,672	373%	
251	Traffic Safety	72,200			72,200	0%	
252	Asset Forfeiture	996			996	0%	
254	Vehicle Theft Deterrent	53,400			53,400	0%	
291	Beverage Recycling Grant	5,000	400	400	4,600	8%	
294	Transportation	267,985	18,707	82,402	185,583	31%	
299	After School Program	158,408	16,188	25,811	132,597	16%	
314	Home 98-0347		15,000	15,000	-15,000		
321	EDBG 99-688 Buckhorn	15,954	1,450	4,351	11,603	27%	
322	EDBG 405-Cradwick	15,248	1,550	4,124	11,124	27%	
351	RLF Housing Rehab	4,773	398	1,193	3,580	25%	
352	RLF Affordable Housing			10,000	-10,000		
355	RLF Small Business	8,113		4,909	3,204	61%	
358	Program Income			-13,398	13,398		
411	Street Impact Fee	2,162	955	1,365	797	63%	
412	Storm Drain Impact Fee	299	800	900	-601	301%	
413	Park & Recreation Impact Fee	1,100	866	1,100		100%	
414	Public Safety Impact Fee	57,629	802	907	56,722	2%	
415	Fire Impact Fee	336	803	909	-573	271%	
416	General Facility Impact Fee	324	802	906	-582	280%	
417	Water Impact Fee	384	807	925	-541	241%	
418	Sewer Impact Fee	324	802	901	-577	278%	
419	Flood Fees		728	779	-779		
422	Landfill Capital	93,091	50,563	54,307	38,784	58%	
423	Street Capital		5,465	6,923	-6,923		
424	Parks & Recreation Capital	280,000	3,964	16,621	263,379	6%	
427	Equipment Replacement Fund	57,300			57,300	0%	
429	Service Reserve	40,000			40,000	0%	
495	Monitoring Fee	32,761	10,637	10,637	22,124	32%	
611	Water O & M	1,440,654	146,045	528,626	912,028	37%	
616	Water Conservation Fund	28,679	57	170	28,509	1%	
617	Water Meter Fund	20,528	22	66	20,462	0%	
621	Sewer O & M	2,352,582	185,547	622,295	1,730,287	26%	
651	Central Service Overhead		1,287	2,075	-2,075		
652	Equipment Fund	1	43	3,719	-3,718	0%	
771	RORF	1,090,025	237	87,708	1,002,317	8%	
831	Swim Team	54,928	30	18,532	36,396	34%	
833	Festival de la Comunidad	7,950	15,886	17,579	-9,629	221%	
	Total Expenditures	\$ 12,389,535	\$ 1,028,855	\$ 3,632,045	\$ 8,677,773	29%	

City of Winters
 General Fund Revenue Summary
 July 1, 2018 through September 30, 2018

G/L Code	Account Description	Budget 2018-2019	% of Year Complete		% of Budget Received
			September Actual	Year to Date	
101-41101	Property Tax	\$ 800,000			0%
101-41103	Property Tax in Lieu of VLF	620,313			0%
101-41104	1290 Pass Through	34,000			0%
101-41105	RDA Residual Payments	36,000			0%
101-41401	Sales & Use Tax	669,294	54,005	54,005	8%
101-41402	Prop 172	40,295			0%
101-41403	Franchise Fee	267,000			0%
101-41404	Property Transfer Tax	22,000			0%
101-41405	Utility Tax	730,000	78,816	150,765	21%
101-41406	Municipal Services Tax	310,420	25,390	76,460	25%
101-41408	TOT Tax	296,006			0%
101-41407	Business Licenses	28,000	737	3,658	13%
101-46102	Building Permits	566,696	93,032	109,027	19%
101-46103	Encroachment Permit	6,000	90	1,411	24%
101-46104	Other Licenses & Permits		93,998	107,571	
101-41509	Homeowners Property Tax Relief	15,000			0%
101-48106	Post Reimbursement	3,500		2,470	71%
101-41511	Off-Highway Motor Vehicle				
101-42102	Copy Fees	300	1	161	54%
101-42103	Plan Check Fees	175,279	26,118	31,739	18%
101-42104	Planning Application Fees	10,000		2,313	23%
101-42107	Project Monitoring Fees	4,000	1,774	13,970	349%
101-42108	Police Reports	500	75	253	51%
101-42109	Fingerprint Fees	3,000	566	1,707	57%
101-42111	Towing/DUI Reimbursement	500	85	610	122%
101-42112	Ticket Sign Off Fees	500	315	900	180%
101-42201	Recreation Fees	350	700	1,750	500%
101-42205	Basketball Revenues	7,500			0%
101-42211	Pool Ticket Sales	7,000	8	3,300	47%
101-42213	Pool Proceeds	500	48	948	190%
101-42212	Pool Concession Stand Revenues	11,000	1,855	5,468	50%
101-42215	Swim Passes	1,500		95	6%
101-42216	Swim Lessons	14,000		2,156	15%
101-42218	Swim Team Reimbursement	8,000		8,008	100%
101-42301	Park Rental	2,400	550	2,250	94%
101-42303	Community Center Rental	20,000	2,820	10,321	52%
101-42304	Community Center Insurance Collected	150	363	897	598%
101-44101	Rents/Leases Revenues	85,678	6,541	22,264	26%
101-43151	Fire District Payments	266,356			0%
101-44102	Interest Earnings	1,000			0%
101-46106	Reinspect Fee	2,000		285	14%
101-46107	Fire Dept Review	56,983	19,219	20,442	36%
101-49101	Contributions	93,088	5,153	18,274	20%
101-49102	Reimbursements/Refunds	27,000	400	885	3%
101-49104	Miscellaneous Revenues	3,000		553	18%
101-49106	Cash Over/Short			(57)	
101-49109	Developer Planning Reimbursement		10,522	10,522	
101-49112	Fireworks Donations	7,500			0%
101-49S04	RDA Admin Fee	250,000			0%
101-49999	Interfund Operating Transfer	1,500			0%
Total General Fund Revenues		\$ 5,505,108	\$ 423,181	\$ 665,381	12%



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: December 4, 2018
THROUGH: John W. Donlevy, Jr., City Manager
FROM: Ethan Walsh, City Attorney
SUBJECT: Yolo Habitat Conservancy Loan Agreement

RECOMMENDATION:

Staff recommends that the City Council

1. Approve Resolution 2018- (Attachment 1) authorizing the City Manager to enter into a loan agreement with the Yolo Habitat Conservancy ("YHC") to fund the implementation of the Yolo Habitat Conservation Plan/Natural Communities Conservation Plan ("Yolo HCP/NCCP") during the 2018-19 fiscal year.

BACKGROUND:

The YHC is responsible for implementing the Yolo HCP/NCCP, a 50-year conservation plan for 12 special status species that provides the basis for incidental take permits issued by the state and federal wildlife agencies. The Yolo HCP/NCCP was adopted by all member agencies, including the City of Winters, earlier this year. It is primarily funded by development impact fees, but also relies on certain local funding sources and state and federal grants.

The YHC does not expect development impact fees to materialize until 2019-20. In addition, state and federal grants do not provide funding for ongoing operations. As a result, the YHC needs a bridge loan from member agencies to allow it to continue operating until development impact fees materialize. Other actions the YHC has taken to fund operations include:

1. The YHC has secured similar bridge loans from Yolo County (\$51,039), the City of

Woodland (\$51,039), the City of West Sacramento (\$49,115),¹ and the City of Davis (\$51,039.00);²

2. The YHC submitted a “local assistance grant” for additional funding to assist with implementation in the 2019-20 fiscal year;
3. The YHC requested a \$275,000 grant from the California Department of Fish and Wildlife to assist with implementation, given the lack of development within Yolo County; and
4. The YHC has secured more than \$4.0 million in grants that will pay for \$285,000 in staff and consultant expenses in fiscal year 2018-19.

Staff believes the proposed loan agreement with the YHC is necessary to ensure the Yolo HCP/NCCP is implemented during the 2018-19 fiscal year.

Proposed Loan Agreement

The following discusses the key terms in the proposed loan agreement (Attachment 2):

- ***Loan Amount.*** The one-time bridge loan amount will be \$10,745.
- ***Interest.*** The loan will not accrue interest until July 1, 2020, unless the YHC is in default of the loan agreement.
- ***Term.*** The term of the loan agreement will continue until the YHC has repaid the loan amount in full, plus any and all accrued interest.
- ***Use of Loan Proceeds.*** The YHC must use the loan proceeds solely for costs associated with implementing the Yolo HCP/NCCP.
- ***Repayment.*** The YHC can repay the loan in increments or in a lump sum. The loan must be repaid in full on or before July 1, 2020 unless the City and the YHC agree to extend that deadline in writing. If the loan is not repaid in full by July 1, 2020, and the repayment deadline has not been extended, then interest will accrue on the outstanding amount.
- ***Security.*** The loan is unsecured. The YHC’s ability to repay the loan is entirely dependent upon its receipt of development impact fees charged to implement the Yolo HCP/NCCP.

IMPACT:

The proposed action will have a minimal fiscal impact on the City. The YHC is asking for an interest-free bridge loan in the amount of \$10,745 from the City of Winters for two years. The loan will be repaid once the YHC receives expected development impact fees in 2019-20.

ATTACHMENTS:

Proposed Resolution 2018-71
Proposed Loan Agreement

1 The City of West Sacramento is pre-paying development impact fees instead of loaning the YHC funds.

2 The loan amounts are based on the split used by the member agencies since 2012 for the YHC (95% for the four largest jurisdictions and 5% for Winters).

Attachment 1
Proposed Resolution

RESOLUTION NO. 2018-71

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS AUTHORIZING THE CITY MANAGER TO ENTER INTO A LOAN AGREEMENT WITH THE YOLO HABITAT CONSERVANCY TO FUND THE IMPLEMENTATION OF THE YOLO HABITAT CONSERVATION PLAN/NATURAL COMMUNITIES CONSERVATION PLAN DURING THE 2018-19 FISCAL YEAR

WHEREAS, the Yolo Habitat Conservancy (“YHC” or “Conservancy”) has adopted the Final Yolo Habitat Conservation Plan/Natural Communities Conservation Plan (“Yolo HCP/NCCP”); and

WHEREAS, the City of Winters (“City”) is a member agency of the Conservancy. The City approved the Yolo HCP/NCCP on May 15, 2018 by Resolution No. 2018-12. The other YHC member agencies – Yolo County and the cities of Winters, Woodland and West Sacramento – also have approved the Yolo HCP/NCCP; and

WHEREAS, the Yolo HCP/NCCP is a comprehensive, county-wide plan to provide for the conservation of 12 sensitive species (“covered species”) and the natural communities and agricultural land on which they depend; and

WHEREAS, among other important benefits, the Yolo HCP/NCCP will provide a streamlined permitting process to address the effects of a range of future anticipated public and private activities (“covered activities”) on these 12 species. The plan provides the basis for incidental take permits issued by the state and federal wildlife agencies; and

WHEREAS, the Yolo HCP/NCCP plan area encompasses the entire area of Yolo County, approximately 653,549 acres, including the area of jurisdiction of the City of Winters, and includes conservation activities outside of Yolo County within an additional 1,174 acres along Putah Creek in Solano County; and

WHEREAS, adoption of the Yolo HCP/NCCP realizes the long-standing and fundamental goal of the Conservancy and its member agencies to maximize and protect the long-term viability of agricultural operations in the plan area through an HCP/NCCP that is intertwined and relies on the agricultural working landscape to achieve habitat protection and enhancement. The premise of habitat and species conservation through preserved and carefully managed agriculture is foundational to the HCP/NCCP and integral to the values of Yolo County, each of the cities, and local stakeholders; and

WHEREAS, the species covered by the Yolo HCP/NCCP have adapted over time to use agricultural land as habitat. The HCP/NCCP will therefore be one of the first conservation plans in the state to focus primarily on conserving habitat on working agricultural land; and

WHEREAS, the YHC is responsible for implementing the Yolo HCP/NCCP. The YHC is primarily funded by development impact fees, but it also relies on certain local funding sources

and state and federal grants; and

WHEREAS, the YHC has asked for an interest-free bridge loan in the amount of \$10,745 from the City of Winters. The loan will be repaid once the YHC receives expected development impact fees in 2019-20. The loan proceeds will come from agricultural mitigation in-lieu fees; and

WHEREAS, staff believes the proposed loan agreement with the YHC is necessary to ensure the Yolo HCP/NCCP is implemented during the 2018-19 fiscal year.

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the City Manager to enter into a loan agreement with the Yolo Habitat Conservancy to fund the implementation of the Yolo Habitat Conservation Plan/Natural Communities Conservation Plan during the 2018-19 fiscal year, in the form approved by the City Attorney; and, if necessary, make minor modifications to the document after consultation with the City Attorney.

PASSED AND ADOPTED by the City Council this 4th day of December, 2018, by the following vote:

AYES:

NOES:

ABSENT:

Bill Biasi, Mayor

ATTEST:

Tracy S. Jensen, City Clerk

Attachment 2
Proposed Loan Agreement

Agreement No. _____

**LOAN AGREEMENT
BETWEEN CITY OF WINTERS AND YOLO HABITAT CONSERVANCY**

THIS LOAN AGREEMENT (the “Agreement”) is entered into as of _____ (the “Effective Date”) between the City of Winters, a municipal corporation (the “City”), and the Yolo Habitat Conservancy, a Joint Powers Agency consisting of the County of Yolo and the cities of Woodland, West Sacramento, Davis, and Winters (“the Conservancy”).

RECITALS

WHEREAS, the Conservancy developed and is charged with implementing the Yolo County Habitat Conservation Plan/Natural Community Conservation Plan (“Yolo HCP/NCCP”), a 50-year conservation plan for 12 special status species that provides the basis for the U.S. Fish and Wildlife Service (“Service”) and the California Department of Fish and Wildlife (“Department”) to issue incidental take permits (the “Permits”) under the state and federal Endangered Species Acts for the impacts of development proposed in the General Plans of the cities and the County of Yolo; and

WHEREAS, the Conservancy’s Board of Directors and all member agencies formally adopted the final Yolo HCP/NCCP in May and June 2018; and

WHEREAS, implementation of the Yolo HCP/NCCP is funded by a combination of mitigation fees, local funding, and state and federal grants; and

WHEREAS, the Conservancy determined, in consultation with its member agencies, potential development is unlikely to occur in 2018-2019 that will result in the payment of mitigation fees necessary to fund Conservancy operations; and

WHEREAS, state and federal grants provide funding for land and easement acquisition and not for ongoing Conservancy operations; and

WHEREAS, it is in the public interest to implement the Yolo HCP/NCCP; and

WHEREAS, because the Conservancy has limited funds available, it will have great difficulty implementing the Yolo HCP/NCCP in 2018-2019 unless it has access to funds to pay the up-front costs for ongoing operations; and

WHEREAS, on June 18, 2018, the Conservancy passed a resolution requesting a loan in the maximum amount of \$10,745 from the City in furtherance of the Yolo HCP/NCCP, to be repaid from reimbursements from mitigation fees accruing to the Conservancy; and

WHEREAS, the City agrees to loan an amount not to exceed \$10,745 to the Conservancy on the terms and conditions set forth in this Agreement.

NOW, THEREFORE, the City and the Conservancy agree as follows:

1. LOAN; TERM

The City agrees to give the Conservancy a one-time bridge loan (the “Loan”) for the Conservancy in the principal amount of \$10,745 (the “Principal amount”). The City will disburse the loan proceeds to the Conservancy as soon as practicable. The Loan shall not accrue interest until July 1, 2020 pursuant to the terms and conditions set forth in Section 5, below, unless an event of default occurs pursuant to Section 8, below.

The term of this Agreement shall begin on the Effective Date and remain in full force and effect until the Conservancy has repaid in full the Principal Amount, plus any and all accrued interest.

2. PROMISE TO PAY

The Conservancy promises to pay to the order of City of Winters, 318 Main Street, Winters CA 95694, or at such other place as City may designate in writing, the principal sum of \$10,745 plus any and all accrued interest. Payments shall be made as set forth in Section 4, below.

3. USE OF LOAN PROCEEDS

The Conservancy must use the Principal Amount solely for costs incurred in connection with implementation of the Yolo HCP/NCCP. The Conservancy shall not permit the Principal Amount to be used for any other purpose. The Conservancy will document its use of the Principal Amount and provide this documentation to City with each payment.

4. REPAYMENT

The loan may be repaid in increments or in a lump sum, in the Conservancy’s sole discretion. The loan shall be repaid in full on or before July 1, 2020 unless the parties otherwise agree in writing to an extension of time for repayment without interest. If the loan is not repaid in full by July 1, 2020 and no extension is duly executed, then interest shall accrue on any amount outstanding at an annual rate corresponding to Local Agency Investment Fund quarterly apportionment rate for the applicable period, compounded quarterly. Interest shall be calculated for actual days elapsed on the basis of a 365-day year.

Prepayment in whole or part may occur at any time without penalty; provided that any partial prepayment shall not operate to postpone or suspend the obligation to make; and shall not have the effect of altering the time for payment of the remaining balance owing as provided for above, unless and until the entire obligation is paid in full. All payments received under this paragraph shall be applied, first, to accrued interest; and second, to principal.

The City understands and acknowledges that the loan provided under this Agreement is unsecured and, further, that the Conservancy's ability to repay the loan is entirely dependent upon its receipt of development impact fees charged to implement the Yolo HCP/NCCP. The timing and amount of impact fee revenues the Conservancy may receive is unknown, but the repayment period set forth in Section 4, above, was selected with the expectation that it is of sufficient duration to allow for the full repayment of the Principal Amount without creating undue fiscal hardships for the Conservancy. The Conservancy covenants to repay the Principal Amount and any accrued interest in a time and manner reasonably determined by its Board of Directors to satisfy its obligations under this Agreement without jeopardizing the Conservancy's fiscal condition or its compliance with the Permits, the Yolo HCP/NCCP, or the Implementing Agreement. The Conservancy's failure to repay the Principal Amount within that period, or to make any other payments owed hereunder, shall only constitute an event of default if the failure to pay arises from a breach of this covenant. City can accept late payments, partial payments, and checks or money orders marked "paid in full" or containing similar language without losing any of its rights under this Agreement.

5. REPRESENTATIONS AND WARRANTIES

The Conservancy represents and warrants to City as follows:

a. The Conservancy is a duly organized, validly existing, and in good standing under the laws of the State of California.

b. The Conservancy has the authority and power to execute and deliver any document required under this Agreement and to perform any condition or obligation imposed under this Agreement.

c. The execution, delivery and performance of this Agreement will not violate any provision of any applicable law, regulation, order, judgment, decree, indenture, contract, agreement, or other undertaking to which the Conservancy is a party, or which purports to be binding on the Conservancy.

d. To the Conservancy's knowledge, there is no action, suit, investigation, or proceeding pending or threatened, against or affecting the Conservancy which, if adversely determined, would have a material adverse effect on the financial condition of the Conservancy or its operation.

6. EVENTS OF DEFAULT

Any one or all of the following events shall constitute a default by the Conservancy under this Agreement if such event of default has not been cured within 30 days following written notice thereof from City:

a. Any misuse of the Principal Amount pursuant to Section 3, above;

b. Failure to pay any amount owed under this Agreement in a time and manner

that complies with the covenant set forth in Section 4, above.

c. Any representation or warranty made by the Conservancy in this Agreement or in connection with any borrowing or request for an installment hereunder, or in any certificate, financial statement, or other statement furnished by the Conservancy to City is untrue in any material respect at the time when made.

d. Default by the Conservancy in the observance or performance of any other covenant or agreement contained in this Agreement.

e. Filing by the Conservancy of bankruptcy seeking reorganization, arrangement or readjustment of debts, or any other relief under the Bankruptcy Code as amended or under any other insolvency act or law, state or federal, now or hereafter existing.

7. REMEDIES

Upon the occurrence of an event of default as defined above, City may declare the entire unpaid principal balance, together with accrued interest thereon, to be immediately due and payable without presentment, demand, protest, or other notice of any kind. In addition, City may begin charging interest at the rate set forth in Section 4, above, in its sole discretion following an event of default. To the extent permitted by law, the Conservancy waives any rights to presentment, demand, protest, or notice of any kind in connection with this Agreement. No failure or delay on the part of City in exercising any right, power, or privilege hereunder will preclude any other or further exercise thereof or the exercise of any other right, power, or privilege. The rights and remedies provided in this Agreement are cumulative and not exclusive of any other rights or remedies provided at law or in equity. The Conservancy agrees to pay all costs of collection incurred by reason of the default, including court costs and reasonable attorney's fees.

8. NOTICE

Any written notice will be deemed effective on the date such notice is placed, first class, postage prepaid, in the United States mail, addressed to the party to which notice is being given as follows:

City: City of Winters
318 Main Street
Winters, CA 95694
Attn: City Manager

Conservancy: Yolo Habitat Conservancy
611 North Street
Woodland, CA 95695

9. INDEMNIFICATION

The Conservancy agrees to indemnify City with regard to any liability, including attorneys' fees and costs, on the part of the County which may arise from this Agreement or

in the Conservancy's implementation of the Yolo HCP/NCCP, including costs incurred by City in connection with enforcing this Agreement.

10. GENERAL PROVISIONS

a. SURVIVAL OF TERMS. All representations and warranties made in this Agreement shall survive the execution and delivery of this Agreement. This Agreement will be binding upon and inure to the benefit of the Conservancy and City, their respective successors and assigns, except that the Conservancy may not assign or transfer its rights or delegate its duties under this Agreement without the prior written consent of City.

b. INSPECTION AND RETENTION OF RECORDS. Authorized representatives of City, the state and/or the federal government may inspect and/or audit the Conservancy's records pertaining to this Agreement, including the Project. All records shall be retained for a minimum of ten years after termination of this Agreement.

c. CHOICE OF LAW. The parties have executed and delivered this agreement in the County of Yolo, State of California. The laws of the State of California shall govern the validity, enforceability or interpretation of this Agreement. Yolo County shall be the venue for any action or proceeding, in law or equity, that may be brought in connection with this Agreement.

d. CHANGES AND AMENDMENTS. The parties may request changes in this Agreement. Any mutually agreed upon change shall be effective when only incorporated by a written amendment to this Agreement.

e. ENTIRE AGREEMENT. This Agreement, including any exhibits referenced, constitutes the entire agreement between the parties and there are no inducements, promises, terms, conditions or obligations made or entered into by City or the Conservancy other than those contained.

The parties have executed this Agreement on the day and year first written above.

CITY OF WINTERS

CONSERVANCY

By _____
John Donlevy
City Manager

By _____

Approved as to Form:

Approved as to Form:

Ethan Walsh, City Attorney

Philip Pogledich, Conservancy Counsel