



Minutes of the Regular Meeting of the Winters City Council
Held on August 20, 2019

6:00 p.m. – Closed Session

Conference with Legal Counsel: Anticipated Litigation. Significant Exposure to Litigation Pursuant to: (One Case)

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

6:30 p.m. – Regular Session

Mayor Bill Biasi called the meeting to order at 6:31 p.m.

Present: Council Members Harold Anderson, Pierre Neu, Mayor Pro Tem Wade Cowan and Mayor Bill Biasi
Absent: Council Member Jesse Loren
Staff: City Manager John W. Donlevy, Jr., City Attorney Ethan Walsh, Contract Planners Dave Dowswell and Heidi Tschudin, Police Chief John Miller, Environmental Services Manager Carol Scianna, Building Official Gene Ashdown, Economic Development and Housing Manager Dan Maguire, Management Analyst Kristine DeGuerre, and City Clerk Tracy Jensen.

Gail Wingard 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 Mayor Pro Tem Cowan to approve the agenda. Motion carried with the following vote:

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

COUNCIL/STAFF COMMENTS: Verbal updates were provided by Council.

PUBLIC COMMENTS: Tina & Jerry Lowden, 320 Niemann St., requested that adult lap swim be extended one hour, from 6am-9am and a senior water aerobics class be added. 6pm-8pm is not always convenient and swim lanes for lap swimmers has been reduced due to swim lessons.

Sally Brown, 24 E. Main St., thanked staff for their support of the swim program this year. Pool Manager TamiJo Schluns and Swim Team Coach Aaron Vande Wege have handled the pool in a professional manner, with lifeguards on deck, watching and prepared. There were some hiccups, but they were handled well. Sally requested to continue the swim season for lap and recreation swimmers and presented a petition signed by 30 people to extend the pool season. Sally said she once sat on a swim committee but they haven't met for many years. She suggested creating an ad-hoc committee for one year to tap into more potential swimmers as the pool is currently being under-utilized.

Kathleen Callison said a lot more people are swimming for health benefits, using the majority of the pool for lap swimming and the shallow end for water therapy. She said the swim season will be ending on 9/30 and requested that the pool remain open until 10/31. It is a benefit to resident swimmers who are able to stay in town to swim and also draws swimmers from out of town. The swimming pool promotes community, where we see people we know and meet new people.

Sally Hirst agreed with Kathleen Callison and said she is newly retired and has been able to swim with her special-needs grandson at least five times per week, losing 30 pounds along the way. She also requested the swim season be extended.

Donna Hirschfield submitted a letter via e-mail to Council in support of the pool staff for their efforts in improving the safety, maintenance, cleanliness, vigilance, and professionalism at the pool. This has been the best season since she started swimming 10 years ago. It appears that the public use of the pool is increasing and she and other swimmers have discussed how to utilize the pool more throughout the year. Swimming also has health benefits and is a great way to relieve stress. She said the reinstatement of a pool committee would be a great idea.

Brandon McCapes, staff reporter for the Winters Express, said an old article had mistakenly been published with his name on it. He said he would take care of it online after the City Council meeting concludes.

Gail Wingard, 910 Apricot, said the Council are elected servants to represent and provide service not only to the citizens of Winters, but to those within the school district, farm properties in Yolo and Solano counties, the Fire District, Cemetery District, and within the Yolo and Solano County ambulance service area. He

recommended that Council review the strategy of annexation of additional property and asked Council to consider any commercial changes be conducted by public vote in a special election. He wants to bring this discussion forward to eliminate a divided community and thanked Council for their efforts.

Sandy Vickrey, 305 Main St., requested clarification regarding Main Street, West Main Street, and North Main Street and said anything north of Grant Avenue should be North Main Street.

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, August 6, 2019
- B. Amplified Sound Permit Application for 2019 Winters Healthcare Dinner on the Bridge
- C. Wastewater Treatment Facility Monitoring Services with Luhdorff & Scalmanini
- D. Proclamation Celebrating the Grand Opening and Open House of the new Yolo Food Bank Facility
- E. Salmon Festival Funding Request
- F. Street Closure Request and Amplified Sound Permit for the Winters Chamber of Commerce Annual Earthquake Festival

City Manager Donlevy gave an overview. Council Member Anderson said he had a conflict of interest for Consent Items B, E, and F and Discussion Items 3 and 4 due to the proximity of his property to these items.

Motion by Mayor Pro Tem Cowan, second by Council Member Neu to approve Consent Items A, C, and D. Motion carried with the following vote:

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

Motion by Mayor Pro Tem Cowan, second by Council Member Neu to approve Consent Items B, E, and F. Motion carried with the following vote:

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

PRESENTATIONS: None

DISCUSSION ITEMS

1. Continued Public Hearing of Ordinance 2019-02, an Ordinance of the City Council of the City of Winters Proposing Amendments to Chapter 17.12, Planning Agency, and Adding Chapter 17.54, Vacation Rentals, to Title 17 (Zoning Ordinance) of the Winters Municipal Code

Contract Planner Dave Dowswell gave an overview and said some cities restrict all rental units, some prohibit non-hosted rentals, some prohibit ADU's (Accessory Dwelling Units) as vacation rentals, and some require registration and TOT (Transient Occupancy Tax). There is no legislation in the State of California excluding ADU's as rental units.

Council and staff discussed the number of ADU's in Winters and whether there are any covenants on them. Housing Manager Dan Maguire said AB97 provides a list of properties in Winters with affordability covenants put on them and added there are less than a handful included on the annual performance report during the 2013-2021 reporting period. Mayor Pro Tem Cowan requested revised verbiage in multiple areas of the proposed ordinance regarding the inspection of property, from "meet current building and fire codes" to "check for fire, life, and safety" and revise the verbiage for "all building and fire codes" to "building and fire codes", as long as these changes meet the basic standards. Contract Planner Dowswell said he would work with the City Attorney to clarify and revise the new language in all areas of the Ordinance when it is brought back to Council.

At 7:21 p.m., Mayor Biasi continued the public hearing originally opened at the August 6th City Council meeting.

Jim Crabtree, 727 Main St., said his neighbors are concerned with having AirBNB's in their neighborhoods and are currently circulating a petition against them. Mr. Crabtree said he supports AirBNB's and those owners who are proactive. People should have a right to rent their property.

Benny Dippel, 726 Lupine Way, requested that Council specify what regulations are needed to have a short-term rental. He also requested Council to consider bringing down the fees to correspond with the requirements needed for non-hosted rentals and hosted rentals based on the requirement of a conditional use permit, noticing, individual hearings, etc., as well as the amount of City staff time needed to meet these requirements.

Sandy Vickrey, 305 Main St., said after renting out a secondary unit for 25 years with no problems, it will soon be regulated. She asked who will conduct the inspections and said the \$1,800 fee is more than the required fee in Napa. She cited two cities that are not incorporated and neither one has an ordinance. She

cautioned Council against using the current building codes during the inspections and putting rules on people who are renting homes. This process should be simple and easy.

Jack Vickrey, 115 Orchard Lane, has been a consumer of AirBNB rentals in various locations for over seven years. HeThe City has created an Economic Development Advisory Committee to attract business and this is going against that notion. Conditional Use Permits are restrictive and are not required for hosted or long-term properties. This ordinance is a good foundation, but it's not ready for adoption, suggesting it be returned to the Planning Commission for more work. Mr. Vickrey also had reservations about the fee structure, saying it was cost restrictive.

Council Member Neu asked if there was a rush to complete this ordinance and if it could be made better, he would be willing to see a re-write. Contract Planner Dave Dowsnell said he would be willing to work on the ordinance until it's perfect. Mayor Pro Tem Cowan pinpointed some specific areas within the ordinance that needed to be addressed. After further discussion, City Attorney Walsh recommended taking the ordinance back to the Planning Commission and then bringing it back to Council.

2. Consideration of Resolution 2019-35, a Resolution of the City Council of the City of Winters Replacing Council Resolution No. 2001-05, and Clarifying that the City Council Shall Consider Whether to Initiate Processing of any Development Entitlements for Projects Outside of the Urban Limit Line Set Forth in the City's General Plan

Based on Mayor Biasi's request to bring this item before Council, Contract Planner Heidi Tschudin gave an overview.

Al Vallecillo, 210 Main St., appreciated that the resolution was being revised, but was concerned about the language within the resolution. He requested that Council direct staff to define the urban limit line, sphere of influence, and develop definitions and diagrams to show how they exist together to alleviate confusion in the community.

Susan Hamilton, Co. Rd. 87, asked that any decisions regarding annexation be put before popular vote as annexation would affect the community immensely.

Jeff Tenpas, 24 E. Main, thanked Contract Planner Tschudin for her presentation and said the community should be involved in the consideration of any development proposals that would require annexation.

Contract Planner Tschudin said this resolution is to clarify procedures that we already have in place and can be brought back to Council if necessary.

City Attorney Walsh said Mr. Tenpas raised some good policy issues and told Council that staff could re-work the resolution if they don't want to adopt it as presented.

Gail Wingard expressed the community's desire to consider any annexation through a ballot measure.

Peter Hunter, 28472 Rd. 87D, requested that Council hold off on approving the resolution tonight in light of the Land Use Workshop scheduled for tomorrow night. The urban limit line is based on a general plan that was devised in 1992 and over half of the town was not present at that time. He proposed that the resolution include not only land outside the urban limit line, but everything outside the city limits and to bring all proposals to Council that are outside the city limits.

Council Member Neu said the resolution is an improvement but could be improved more. City Attorney Walsh confirmed an additional resolution could be brought back before Council, if desired.

Motion by Mayor Pro Tem Cowan, second by Council Member Anderson to adopt Resolution 2019-35 to supersede and replace City Council Resolution 2001-05 in its entirety. Motion carried with the following vote:

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

3. Authorize Sharing Agreement with Hotel Winters for Use of City-Owned Buses

Council Member Anderson recused himself due to a possible conflict of interest due to the proximity of his property to this item.

Economic Development and Housing Manager Dan Maguire gave an overview and confirmed this agreement does not preclude the City from using the buses. City Attorney Walsh confirmed the City would provide a City Use Schedule of events, and if a revision is needed, it would require 20 days advance written notice. Council and staff discussed whether repairs would be based on mileage, percentage of use, or cost sharing.

Motion by Mayor Pro Tem Cowan, second by Council Member Neu to approve the sharing agreement with Hotel Winters for City-owned buses for shuttle

service for hotel guests to and from the PG&E Training Academy and to request that staff expand on their conversation with Hotel Winters regarding major repairs. Motion carried with the following vote:

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

4. Parking Master Plan Update

City Manager Donlevy gave an overview of the updated Parking Master Plan – Status Report. City staff has re-striped several areas on the downtown, creating an additional 54 “new” parking spaces. Signage has been completed, the 30-minute spaces are doing well and parking enforcement has been implemented in the downtown. The First Street parking lot is being striped tomorrow, signage will be added, and the lights are being changed from acorn lights to hooded lumen lights that direct the light downward. While many items within the report have been implemented, some of the items in the report have not yet been initiated.

Mayor Biasi asked about the handicapped parking space in front of Steady Eddy’s that has been removed and replaced with a 2-hour parking sign. Public Works Superintendent Lucero agreed to explore places to consider installing handicapped parking.

Abigail Vargas, 1012 Taft Court, requested a 10-minute parking space in the downtown to pick up to-to food.

5. City Projects Overview

Council Member Anderson returned to the dais.

City Manager Donlevy gave an overview of the City’s active projects list, including the Police Department’s high-tech improvements, the Finance Department’s commencement of the next two-year budget, capital projects including the Senior Center and Blue Mountain Terrace apartments, Planning/Climate Change and approximately forty items regarding the General Plan. Staff is also working on Succession Planning due to the impending departure of two key staff members in the Housing, Planning, Community Development areas who will be retiring soon. The entire list will be available on the City’s website.

Mayor Biasi said the long list was impressive and there is a lot more going on than most people realize.

Kate Laddish, 400 Morgan St., thanked the City Manager for meeting with her and talking about the City projects, taking the time to go over things in detail. She expressed her interest in two projects: the General Plan refresh and when will it come to Council, and a Climate Action Plan with the formation of a Climate Commission.

CITY MANAGER REPORT: No report was given by City Manager Donlevy.

Mayor Pro Tem Cowan said nothing has been done on the Olive Grove project to take care of the flooding issue, yet they have started grading again. This must be corrected and dealt with before it starts raining. The attorney for Yolo County has written a letter on behalf of the Cemetery District.

The Joint Land Use Planning Workshop is being held tomorrow night at 5pm at the Public Safety Facility, and the Earthquake Festival will take place in the downtown area on Friday beginning at 5pm.

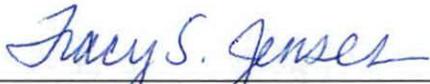
INFORMATION ONLY: None

ADJOURNMENT: Mayor Biasi adjourned the meeting at 9:31 p.m.



Bill Biasi, MAYOR

ATTEST:



Tracy S. Jensen, City Clerk