



Winters City Council Meeting  
City Council Chambers  
318 First Street  
Tuesday, November 5, 2019  
6:30 p.m.

**REVISED 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*

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PLEASE NOTE – The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Mayor or Councilmembers. Public comments time may be limited and speakers will be asked to state their name.

Roll Call

Pledge of Allegiance

Approval of Agenda

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS

At this time, any member of the public may address the City Council on matters, which are not listed on this agenda. Citizens should reserve their comments for matter listed on this agenda at the time the item is considered by the Council. An exception is made for members of the public for whom it would create a hardship to stay until their item is heard. Those individuals may address the item after the public has spoken on issues that are not listed on the agenda. Presentations may be limited to accommodate all speakers within the time available. Public comments may also be continued to later in the meeting should the time allotted for public comment expire.

### CONSENT CALENDAR

All matters listed under the consent calendar are considered routine and non-controversial, require no discussion and are expected to have unanimous Council support and may be enacted by the City Council in one motion in the form listed below. There will be no separate discussion of these items. However, before the City Council votes on the motion to adopt, members of the City Council, staff, or the public may request that specific items be removed from the Consent Calendar for separate discussion and action. Items(s) removed will be discussed later in the meeting as time permits.

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, October 15, 2019 (pp. 5-12)
- B. West Yost Influent Screen Project – Amendment No. 3 to Agreement 027-17 (pp. 13-17)
- C. Purchase of Storm Drain Pipe for Undersized and Failing System (pp. 18)
- D. Re-Appointment of Garfield House, Representative for the City of Winters to the Sacramento-Yolo Mosquito and Vector Control District Board of Trustees (pp. 19-20)
- E. Change Orders for City Parking Lot and Newt’s Alley (pp. 21-23)
- F. Resolution 2019-44, a Resolution of the City Council of the City of Winters Approving Newt’s Alley Utility Undergrounding Easement (pp. 24-33)
- G. On-Call Contract with The Gumshoe Group, LLC (pp. 34-43)
- H. Resolution 2019-45, a Resolution of the City Council of the City of Winters Approving Budget Adjustments for Fiscal Year 2019-2020 (pp. 44-45)
- I. Resolution 2019-46, a Resolution of the City Council of the City of Winters Approving a Budget Adjustment for Human Resources, Payroll and Scheduling Software (pp. 46-60)
- J. SCADA System Software Replacement (Report under separate cover)

### PRESENTATIONS

None

### DISCUSSION ITEMS

- 1. Second Reading and Adoption of Ordinance 2019-02, an Ordinance of the City Council of the City of Winters Approving Proposed Amendments to Chapter 17.12, Planning Agency, and Chapter 17.52, Land Use Regulations: Zoning Matrix, and Adding

- Chapter 17.54, Vacation Rentals to Title 17 of the Municipal Code (Zoning Ordinance) (pp. 61-77)
2. Second Reading and Adoption of Ordinance 2019-04, an Ordinance of the City Council of the City of Winters Amending the Winters Municipal Code to Add Chapter 13.20, Community Choice Aggregation Authorizing the Implementation of a Community Choice Aggregation Program (pp. 78-82)
  3. Introduction of and Presentation by Christopher Flores, Civic Spark Climate Fellow, Establishing a Climate Action Committee (pp. 83-92)

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## CITY MANAGER REPORT

### INFORMATION ONLY

#### ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the November 5, 2019 regular meeting of the Winters City Council was posted on the City of Winters website at [www.cityofwinters.org](http://www.cityofwinters.org) and Councilmembers were notified via e-mail of its' availability. A copy of the foregoing agenda was also posted on the outside public bulletin board at City Hall, 318 First Street on October 31, 2019, and made available to the public during normal business hours.

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Tracy S. Jensen, City Clerk

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*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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City Hall – Finance Office - 318 First Street

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Minutes of the Regular Meeting of the Winters City Council  
Held on October 15, 2019

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

Present: Council Members Harold Anderson, Jesse Loren, Pierre Neu, Mayor Pro Tem Wade Cowan, and Mayor Bill Biasi  
Absent: None  
Staff: City Manager John W. Donlevy, Jr., City Attorney Ethan Walsh, Contract Planner Dave Dowswell, Police Chief John Miller, Police Sergeant Kelly McCoy, Police Officer Alan Pinette, Planning Commission Chairman Paul Myer, and City Clerk Tracy Jensen

Jesse Salinas led the Pledge of Allegiance.

Approval of Agenda: City Manager Donlevy requested to add a presentation to Public Comments to be provided by Jesse Salinas, Yolo County Assessor/Clerk-Recorder/Registrar of Voters. Motion by Council Member Neu, second by Council Member Loren to approve the agenda with the addition of a presentation during the public comment period. Motion carried with the following vote:

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

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

PUBLIC COMMENTS: Iris Lauren, Guinda, inquired whether the City would be interested in joining a lawsuit along with 90 other cities and counties that are suing the Federal Communications Commission (FCC) regarding 5G, or fifth generation cellular technology.

Tina Lowden, 320 Niemann St., said the PG&E's PSPS (Public Safety Power Shutoff) was a wake-up call and thanked City staff for keeping residents updated and safe. She also added that she and Jerry were not happy with the lack of lap swimming in the community pool.

Denise Cottrell, 210 Main St., asked if there were going to be trees planted in the new City parking lot and who is responsible for the landscaping. City Manager Donlevy said the City has a landscaping plan that will commence now that the weather is cooler. The new paseo will also have an interim path installed between Newt's Expressway and Main Street.

Susan Hamilton, 27270 Co. Rd. 87, asked about the possibility of coordinating lists of volunteers who can help during any future PSPS events: horse trailers, electricians, etc., as well as a list of those who might need help.

Sandy Vickrey thanked everyone from the City for their help with the Chamber of Commerce Rib Cook-Off. She also appreciated the City Manager's emails providing status during the PSPS. She also expressed her gratitude to the City Manager and Gene Ashdown, the Building Official, who stayed and helped residents who were displaced during a recent fire that destroyed two units. Gene was the last to leave, making sure the family had food. Sandy wanted to publicly commend him for his caring attitude, help, and act of kindness.

Kate Laddish, 400 Morgan, thanked the City team for all their help during the power shut-off and for the City Manager's series of updates. A subcommittee is looking at making sure resources are available and a CERT (Certified Emergency Response Team) will be included in their recommendation. Kate also gave a pool update: 2 possible guards, a guard trainer, and 5 lap swimmers are interested in going through lifeguard training.

Michael Ahumada submitted the following in writing: We would like to express our sincere gratitude to Fire Chief Brad Lopez and the Winters Fire Dept. for their act of community service extended to us during the PSPS. Without power to our well pump for the extended time, we had 40 head of cattle that had run out of water. Into the third day, we reached out to Chief Lopez and he delivered a tankful of water to our field. He also made the loop around the area filling other troughs for livestock and horses in the neighborhood. Well done by the Fire Department for going above and beyond. As a token of our appreciation, please accept our donation to the upcoming Shrimp Dinner Fundraiser.

Jesse Salinas, Yolo County Assessor, Clerk/Recorder, Registrar of Voters, displayed the National Recognition Award received on behalf of Y.E.S., the Youth Empowerment Summit program. Mayor Pro Tem Cowan and Council Member Loren have previously attended a summit program, and City Manager gave a presentation about how students can prepare to present themselves. The next step is to grow the program by plugging into the high school programs,

including Winters High. The summits, which have been held in March, will now be held in September to try and capture the interest of High School seniors. YoloFest, scheduled for October 20<sup>th</sup> at the Davis Odd Fellows Hall, will celebrate and promote democracy and highlight the importance of civic engagement.

#### CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, October 1, 2019
- B. Corrected Minutes of the Joint Land Use Planning Workshop of the Winters City Council and the Winters Planning Commission Held on August 21, 2019
- C. Final Acceptance and Notice of Completion of Public Improvements for Hotel Winters
- D. Amendments to the Consultant Service Agreements with Bennett Engineering and Clear Path Land Evolvement for On-Call Map Checking Services
- E. Disposal of Surplus Vehicle, 1964 White Mustang G326 Fire Truck

City Manager Donlevy gave an overview. Council Member Anderson recused himself from Consent Item C due to a possible conflict of interest based on his property being located across the street from Hotel Winters. Motion by Council Member Neu, second by Council Member Loren to approve Consent Items A-B and D-E. Motion carried with the following vote:

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

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

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

PRESENTATIONS: None

DISCUSSION ITEMS

1. Public Hearing and Introduction of Ordinance 2019-02, an Ordinance of the City Council of the City of Winters to Consider Proposed Amendments to Chapter 17.12, Planning Agency and Chapter 17.52, Land Use Regulations: Zoning Matrix and Adding Chapter 17.54, Vacation Rentals to Title 17 of the Municipal Code (Zoning Ordinance)

Contract Planner Dave Dowsell gave an overview of the recommended changes to the ordinance: deleting the restriction prohibiting the use of ADU's (accessory dwelling units) as vacation rentals; adding new wording to clarify what will be inspected by the City as part of a vacation rental permit process, and clarifying that the commission may approve increasing the maximum number of guests who can stay in a hosted or non-hosted vacation rental with a use permit.

Regarding ADU's, there is currently no state law that prohibits vacation rentals. Should the state prohibit them, the City would have to amend the Municipal Code to be compliant. Mayor Pro Tem Cowan said he was concerned about the wording within the ordinance and Dave said the marked-up copy within the agenda packet reflects the desired corrections. Mayor Biasi said "vacation rental" needed to be added to the Land Use Zone Matrix Table, "CO2" needs to be corrected to "CO" under Section 17.54.030, Requirements for an Application, and the wording regarding 10 guests needs to be cleared up. City Attorney Walsh said the State recently passed a series of bills regarding ADUs and vacation rentals, including local jurisdiction's ability to restrict rentals more than 30 days. The bill also provides that the City may receive affordable housing credit for ADUs. The City Council thanked Mayor Pro Tem Cowan, the Planning Commission and members of the community for their input.

Mayor Biasi opened the public hearing at 7:19 p.m.

Sandy Vickrey, 27632 Carmello Way, requested "authorized agent" be included with "Hosted Accommodation" under Chapter 17.54.020, Vacation Rentals, Definitions. Sandy also said after a lot of time was spent on this ordinance and it was time worth spending, the City has an awesome ordinance. By taking a step back, we have something we can be proud of and can be used as a model for the rest of the state. Sandy thanked Dave for working with her and other community members on this ordinance.

Mayor Biasi closed the public hearing at 7:23 p.m.

Motion by Mayor Pro Tem Cowan, second by Council Member Loren to introduce and consider the proposed amendments for Ordinance 2019-02. Motion carried with the following vote:

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

NOES: None  
ABSENT: None  
ABSTAIN: None

2. Second Reading and Adoption of Ordinance 2019-03, an Ordinance of the City Council of the City of Winters Amending the Winters Municipal Code 15.20.040, Section 1001.8, Uniform Fire Code, Hydrants and Fire Department Connections Parking-Prohibited

City Manager Donlevy gave an overview and said the Winters Municipal Code and the Uniform Fire Code currently requires seven feet of clearance for any hydrant or fire department connection. This ordinance would reduce the required minimum to five feet on either side of the hydrant, for a total of 10 feet clearance.

Motion by Council Member Neu, second by Council Member Cowan to adopt Ordinance 2019-03, amending the Winters Municipal Code 15.20.040, Section 1001.8, Uniform Fire Code, Hydrants and Fire Department Connections Parking – Prohibited. Motion carried with the following vote:

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

3. Introduction and First Reading of Ordinance 2019-04, an Ordinance of the City Council of the City of Winters, Amending the Winters Municipal Code to Add Chapter 13.20, Community Choice Aggregation Authorizing the Implementation of a Community Choice Aggregation Program; Adopt Resolution 2019-42, a Resolution of the City Council of the City of Winters Approving the Terms of Membership to the Valley Clean Energy Alliance Joint Powers Agency

Council Member Anderson recused himself and left the dais due to a possible conflict of interest due to his ownership of PG&E stock.

City Manager Donlevy gave an overview of the five actions to be considered by the City Council that are included within the staff recommendation, including three key items: first reading and introduction of Ordinance 2019-04 to add Community Choice Aggregation (CCA) to the Winters Municipal Code; approval of Resolution 2019-42 to become an associate member prior to becoming a full member of Valley Clean Energy Alliance (VCEA); and the appointment of two

City Council members to serve as the City's representatives on the VCEA Board. Although the City will not become a full member until 2021, an associate membership will allow the City to participate with other VCE member jurisdictions in on-going discussions related to the potential acquisition of local PG&E distribution assets.

Mitch Sears, Interim General Manager at Valley Clean Energy, was present and described to process leading up to the December 12<sup>th</sup> VCE board meeting where Winters will be formally added to the program. Supervisor Don Saylor, the initial chairman of VCE, was also present and said VCE will be more powerful with Winters joining. He added that he was amazed by the City's responsiveness during the recent power outage by stepping up to serve the community.

David Springer, 200 Madrone Ct., said this is a momentous occasion and he's proud to be a citizen of Winters. He said he has seen a lot of changes and this is a great movement by giving citizens more control.

Kate Laddish, 400 Morgan, is in favor of joining VCE. This is a good way to decrease greenhouse gas (GHG), provide a way for renters to increase the amount of renewable energy, and gaining local control. VCE is a fantastic example of working together to pool resources.

In response to Sandy Vickrey's questions, Mitch Sears confirmed Yolo County is a member of the VCE Joint Powers Agreement (JPA). He also confirmed that VCE will be replacing PG&E on the generation portion of the bill and PG&E will continue to be shown as the deliverer. Mitch said VCE will match the PG&E rates while delivering greater amounts of renewable energy, giving residents the opportunity for bill credits.

In response to Peter Meyer's questions, Mitch Sears said that VCE is identified as one of the powers of the JPA and explained the voting procedures within the JPA. Council Member Loren said as a Board member for the Water Resources Agency and the Yolo Subbasin Groundwater Agency for Yolo, we have a long history of working collaboratively with Yolo County, which will continue if approved.

Abigail Vargas, 1012 Taft Ct., said she is cautiously optimistic. There is a finite amount of clean energy and if more municipalities opt for it, it will drive up the price. Supervisor Don Saylor said the balance of funding and clean energy rates will always occur in public. The VCE rates are not any higher than the PG&E rates and rate payers are eligible to receive dividends. In response to Ms. Vargas's claims that CCAs don't put funds towards programs, Mr. Sears responded that the Board sets policies for how renewable energy is procured and CCA's like VCE are entities that are driving renewable energy generation.

Mayor Biasi asked if there was a process in place if the City wants to opt out. Mitch Sears said it is more difficult for the City to withdraw once the decision has been made. Once the power has been purchased, it is a contract. But residents and businesses may opt out at any time.

Motion by Mayor Pro Tem Cowan, second by Council Member Loren to introduce Ordinance 2019-04, amending the Winters Municipal Code to Add Chapter 13.20 to be entitled "Community Choice Aggregation" (Electricity) and authorizing the implementation of a Community Choice Aggregation Program; and adopt Resolution 2019-42, approving the terms of membership to the Valley Clean Energy Alliance JPA. Motion carried with the following vote:

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

Motion by Council Member Neu, second by Mayor Biasi to appoint Mayor Pro Tem Cowan and Council Member Loren to represent the City of Winters as VCEA Board Members, with Council Member Neu as an alternate Board Member. Motion carried with the following vote:

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

Council Member Anderson returned to the dais at this time.

4. Resolution 2019-43, a Resolution of the City Council of the City of Winters, Requiring the City Council to Determine Whether to Initiate the Processing of Development Applications for Projects Outside of the City Boundaries and Requiring Annexation

City Manager Donlevy gave an overview of Resolution 2019-43, which is making modifications to Resolution 2019-35, outlining procedures for projects that are inside and outside the sphere of influence and are not inside the City limits or inside the urban limit lines. City Attorney Walsh clarified the application process and Mayor Biasi thanked City staff members Heidi Tschudin, Ethan Walsh and City Manager Donlevy for addressing the concerns that were addressed at the recent workshop. To further clarify the process, City Attorney Walsh said if a project outside of the City limits is received and the zoning code needs to be amended, it must go to Council before going through that process. The absolute minimum, a zoning amendment, will require legislative action. City Manager Donlevy added that projects received outside City boundaries will go to Council

and they will decide whether to receive an application. City Attorney Walsh clarified that Council may deny a project outright or allow it to go through the planning process, but they can't approve a project outright. Mayor Pro Tem Cowan said this process offers developers and the public a chance to give an indication of how people feel about a project before the applicant gets too invested in a project. This is a good process that helps everyone and get it out to the public at the earliest possible time.

Mayor Biasi said there are no projects before Council and that this resolution clarifies the process. Council Member Loren agreed with Council and said the language within the 2005 resolution was not clear and this resolution makes it clear.

Motion by Council Member Neu, second by Mayor Pro Tem Cowan to adopt Resolution 2019-43, requiring the City Council to determine whether to initiate the processing of development applications for projects outside of the City boundaries and requiring annexation. Motion carried with the following vote:

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

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CITY MANAGER REPORT: None

ADJOURNMENT: Mayor Biasi adjourned the meeting at 8:22 p.m.

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Bill Biasi, MAYOR

ATTEST:

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Tracy S. Jensen, City Clerk



## STAFF REPORT

**TO:** Honorable Mayor and Council Members  
**DATE:** November 5, 2019  
**THROUGH:** John W. Donlevy, Jr., City Manager   
**FROM:** Carol Scianna, Environmental Services Manager *CS*  
**SUBJECT:** West Yost Amendment No. 3 to Agreement 027-17

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**RECOMMENDATION:** Staff recommends that City Council authorize City Manager to execute amendment 3 to consultant services agreement 027-17 with West Yost Associates for additional tasks associated with construction support for the Influent Screen Project 16-03 at the Wastewater Treatment Facility (WWTF), in the amount not to exceed \$5200, as per proposal dated October 9, 2019.

**BACKGROUND:** The Influent Screen Project is very near completion, West Yost has been providing ongoing construction support services for the project. They have exhausted their current budget and are requesting an amendment to cover the remaining task to complete this project. The additional costs are a result of design costs associated with the project scope expansion which included the addition of a flowmeter vault and piping. There have also been more submittals and responses needed than were covered in the original scope of work. There are sufficient contingency funds available within the original project budget so no changes to the project budget will be required.

**FISCAL IMPACT:** NOT TO EXCEED \$5200

Attachments: West Yost Proposal



October 9, 2019

SENT VIA: EMAIL

Ms. Carol Scianna  
City of Winters  
318 First Street  
Winters, CA 95694

**SUBJECT:** Request for Additional Budget for Engineering Services During Construction  
City of Winters Wastewater Treatment Facility Influent Screening Facility

Dear Carol:

As you are aware, West Yost Associates has provided design services and engineering services during construction in connection with the influent screening facility at the City of Winters (City) Wastewater Treatment Facility. We have almost expended our authorized budget for these services, and therefore request additional budget to cover our services during the remainder of the construction period.

#### **SERVICES RESPONSIBLE FOR BUDGET EXCEEDANCE**

Out-of-scope service that are responsible for our current budget situation include:

- We prepared design documents necessary to add a precast concrete flowmeter vault and associated piping by change order to the current construction project.
- Our proposal included review of 14 original submittals. To date we have received and reviewed 23 original submittals.
- Our proposal included response to 6 Requests for Information (RFIs). To date we have responded to 10 RFIs.
- We have performed additional site visits to verify compliance with the Contract Documents.
- We have assisted in negotiating of an agreement between the City and the Construction Contractor (Syblon Reid) regarding payment for the vacuum trucks that were used during the tie-in to the existing 14-inch force main.

Ms. Carol Scianna  
October 9, 2019  
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#### **ADDITIONAL BUDGET REQUESTED**

We expect the construction project to be completed in approximately two months and estimate that a budget increase of \$5,200 will be required to cover our work during the remainder of the construction period. We will continue to perform all work on an hourly basis at standard company charge rates and will not exceed our authorized budget without written authorization.

Sincerely,

WEST YOST ASSOCIATES



Dave Anderson, PE  
Engineering Manager  
RCE #27659

Attachment: 2019 Billing Rates



# 2019 Billing Rate Schedule

(Effective January 1, 2019 through December 31, 2019) \*

POSITIONS	LABOR CHARGES (DOLLARS PER HR)
<b>ENGINEERING</b>	
Principal/Vice President	\$298
Engineering/Scientist/Geologist Manager I / II	\$274 / \$287
Principal Engineer/Scientist/Geologist I / II	\$249 / \$264
Senior Engineer/Scientist/Geologist I / II	\$223 / \$234
Associate Engineer/Scientist/Geologist I / II	\$194 / \$208
Engineer/Scientist/Geologist I / II	\$157 / \$182
Engineering Aide	\$90
Administrative I / II / III / IV	\$79 / \$100 / \$120 / \$133
<b>ENGINEERING TECHNOLOGY</b>	
Engineering Tech Manager I / II	\$283 / \$294
Principal Tech Specialist I / II	\$260 / \$271
Senior Tech Specialist I / II	\$238 / \$249
Senior GIS Analyst	\$217
GIS Analyst	\$205
Technical Specialist I / II / III / IV	\$151 / \$173 / \$195 / \$216
CAD Manager	\$173
CAD Designer I / II	\$134 / \$150
<b>CONSTRUCTION MANAGEMENT</b>	
Senior Construction Manager	\$283
Construction Manager I / II / III / IV	\$170 / \$182 / \$195 / \$246
Resident Inspector (Prevailing Wage Groups 4 / 3 / 2 / 1)	\$149 / \$166 / \$185 / \$192
Apprentice Inspector	\$135
CM Administrative I / II	\$73 / \$97

- Hourly rates include Technology and Communication charges such as general and CAD computer, software, telephone, routine in-house copies/prints, postage, miscellaneous supplies, and other incidental project expenses.
- Outside Services such as vendor reproductions, prints, shipping, and major West Yost reproduction efforts, as well as Engineering Supplies, etc. will be billed at actual cost plus 15%.
- Mileage will be billed at the current Federal Rate and Travel will be billed at cost.
- Subconsultants will be billed at actual cost plus 10%.
- Expert witness, research, technical review, analysis, preparation and meetings billed at 150% of standard hourly rates. Expert witness testimony and depositions billed at 200% of standard hourly rates.
- A Finance Charge of 1.5% per month (an Annual Rate of 18%) on the unpaid balance will be added to invoice amounts if not paid within 45 days from the date of the invoice.

\* This schedule is updated annually



## 2019 Billing Rate Schedule (continued)

(Effective January 1, 2019 through December 31, 2019) \*

### Equipment Charges

EQUIPMENT	BILLING RATES
Gas Detector	\$80/day
Hydrant Pressure Gauge	\$10/day
Hydrant Pressure Recorder, Standard	\$40/day
Hydrant Pressure Recorder, Impulse (Transient)	\$55/day
Trimble GPS – Geo 7x	\$220/day
Vehicle	\$10/hour
Water Flow Probe Meter	\$20/day
Water Quality Multimeter	\$185/day
Well Sounder	\$30/day

\* This schedule is updated annually



CITY COUNCIL  
STAFF REPORT

TO: Honorable Mayor and Council Members  
DATE: November 5, 2019  
THROUGH: John W. Donlevy, Jr., City Manager   
FROM: Eric Lucero, Public Works Superintendent  
SUBJECT: Purchase Storm Drain Pipe for Undersized and Failing System

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**RECOMMENDATION:** Council approval for the purchase of approximately 500' of 42" storm drain pipe.

**BACKGROUND:** It has come to staff's attention that the storm drain at the south end of Third St is undersized and failing. Approximately 500' of pipe needs to be replaced and upsized to meet the Master Plan specs. Public Works Staff will perform the demo of the old system, refabricate a man hole and install new drain pipe. Cost estimate includes materials and equipment rental as needed.

**FISCAL IMPACT:** Total amount not to exceed \$30,000 for materials which is in the 19-20 sewer O & M budget.



**CITY COUNCIL  
STAFF REPORT**

**TO:** Honorable Mayor and Councilmembers  
**DATE:** November 5, 2019  
**THROUGH:** John W. Donlevy, Jr., City Manager   
**FROM:** Tracy Jensen, Records & Info Manager and City Clerk  
**SUBJECT:** Sacramento-Yolo Mosquito Vector Control District Appointment

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**RECOMMENDATION:**

Staff recommends that City Council approve the re-appointment of Gar House to represent the City of Winters as a member of the Board of Trustees of the Sacramento-Yolo Mosquito Vector Control District. The current term of appointment is scheduled to expire on December 31, 2019.

**BACKGROUND:**

On June 18, 1946, the Sacramento County-Yolo County Mosquito Abatement District was formed by joint resolution of the Board of Supervisors for Sacramento and Yolo Counties. The motivating force for the formation of the District was the desire of the people for protection against mosquito-borne diseases and relief from serious pest nuisance. In July of 1990, the District Board voted by resolution to change the name of the District to the Sacramento-Yolo Mosquito and Vector Control District to better reflect the expanded services and responsibilities the District assumed regarding ticks, yellowjackets, and other vectors. Within the District boundaries are 2,013 square miles, encompassing both Sacramento and Yolo Counties.

The Board of Trustees consists of twelve members from Yolo and Sacramento Counties, and the cities of Woodland, Sacramento, Galt, Folsom, Isleton, West Sacramento, Elk Grove, Davis, Citrus Heights and Winters.

Gar House was appointed by the Winters City Council on September 18, 2018 to complete the term of appointment for Trustee Greg Lanzaro to represent the City of Winters as a member of the Board of Trustees.

**FISCAL IMPACT:** None by this action.

SACRAMENTO-YOLO  
MOSQUITO  
& VECTOR  
CONTROL  
DISTRICT

October 22, 2019

MAILING ADDRESS

8631 BOND ROAD  
ELK GROVE, CA 95624

City of Winters  
Attn: Tracy Jensen, City Clerk  
318 1<sup>st</sup> Street  
Winters CA 95694

Tracy.jensen@cityofwinters.org

Re: S.Y.M.V.C.D. Board of Trustees Appointment

1.800.429.1022  
FIGHTtheBITE.net

Dear Tracy:

The term of appointment to the Sacramento-Yolo Mosquito and Vector Control District Board of Trustees will soon expire for the representative of the City of Winters. Trustee Garfield House's appointment expires as of Tuesday, December 31<sup>st</sup>, 2019.

Gary Goodman, MANAGER

The Health and Safety Code provides for appointments up to four years as follows:

2019 BOARD OF TRUSTEES

*"The first term of any member shall not exceed two years. Each subsequent consecutive reappointment, if any, may be for a term of two or four years, at the discretion of the appointing power."*

RAYMOND LATORRE  
PRESIDENT, SACRAMENTO

JAYNA KARPINSKI-COSTA  
VICE PRESIDENT, CITRUS HEIGHTS

CRAIG BURNETT  
FOLSOM

CHRISTOPHER BARKER  
DAVIS

RAUL DeANDA  
WEST SACRAMENTO

SEAN DENNY  
WOODLAND

BRUCE ELDRIDGE  
YOLO COUNTY

GALT

LYNDON HAWKINS  
ELK GROVE

GAR HOUSE  
WINTERS

SUSAN MAGGY  
SACRAMENTO COUNTY

ROBERT J. MCGARVEY  
RANCHO CORDOVA

ROSEMARIE MOORE  
ISLETON

The District requests to be notified, in writing, when this appointment has been filled. Please include the length of the term of appointment in the notification. Please mail this notice as soon as practical after the meeting in which the appointment is made. Please mail to:

Sacramento-Yolo M.V.C.D.  
Attn: Janna McLeod, Administrative Manager  
8631 Bond Road  
Elk Grove, CA, 95624

Please feel free to contact me at (916)405-2054 or [jmcleod@fightthebite.net](mailto:jmcleod@fightthebite.net) with any questions or concerns. We look forward to hearing from you.

Sincerely,

  
Janna McLeod  
Administrative Manager

cc: Trustee Gar House



CITY COUNCIL  
STAFF REPORT

**TO:** Honorable Mayor and Council Members  
**DATE:** November 5, 2019  
**THROUGH:** John W. Donlevy, Jr., City Manager   
**FROM:** Carol Scianna, Environmental Service Manager  
**SUBJECT:** Change Orders for City Parking Lot and Newt's Alley

---

**RECOMMENDATION:** Staff recommends Council approve change orders to Vintage Paving Company contracts for the City Parking Lot project in the amount of \$37,644.97 and Newt's Alley Paving for \$48,403.57

**BACKGROUND:** The City Parking lot at Abbey & First Streets has been completed and Newt's Alley is 95% completed. There were additional tasks associated with each project that have incurred additional expenses and thus the need for change orders. The parking lot additional tasks included concrete work on Abbey Street entrance, the removal of existing footings and buried concrete and 1930 sq. ft additional paving totaling \$37,644.97.

Newt's Alley required additional concrete and demo work on Railroad Ave, over excavation of alley, installation of Tech Fabric (due to compaction issues) and 440 sq. ft of additional paving totaling \$ 48,403.57.

The remaining tasks to be done in Newt's Alley are the addition of the final paving lift and completion of raising the valve boxes. These tasks will be completed once the undergrounding of utilities is completed which is anticipated in late 2020.

**FISCAL IMPACT:** Funds for Newt's Alley are from Transportation Development Act (TDA) \$48,403.57 and City Parking Lot funds are from Service Reserve \$37,644.97



**CONTRACT CHANGE ORDER NO. 1**  
**CITY PARKING LOT**  
**Contract Dated May 21, 2019**

To: Vintage Paving Company

Date: October 15, 2019

Re: Additional Tasks

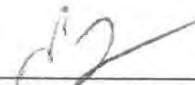
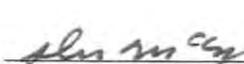
**Description of Change:**

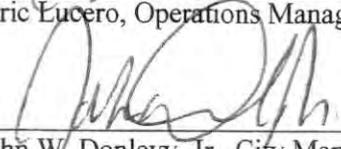
This change order authorized Additional concrete work on Abbey St. including entrance curb/gutter. The removal of existing footings, buried concrete, and 1930 sf additional paving.

TOTAL CCO #1 \$37,644.97

The undersigned contractor has given careful consideration to the change proposed and hereby agrees to provide all equipment, furnish all materials, and perform all services necessary for the work specified above and will accept as full payment therefore the price shown above.

Original Contract Amount:	\$181,991.00
Change Order No. 1:	\$ 37,644.97
Revised Contract Amount:	\$219,635.97

Reviewed:  10-22-19 Accepted:  10/21/19  
Eric Lucero, Operations Manager Date Vintage Paving Co. Date

Approved:   
John W. Donlevy, Jr, City Manager Date



CONTRACT CHANGE ORDER NO. 1

NEWT'S ALLEY
Contract Dated May 07, 2019

To: Vintage Paving Company

Date: October 15, 2019

Re: Additional Tasks

Description of Change:

This change order authorized additional concrete /demo work on Railroad Ave entrance, over excavation of alley, installation of fabric and 440 sf additional paving.

TOTAL CCO #1 \$48,403.57

The undersigned contractor has given careful consideration to the change proposed and hereby agrees to provide all equipment, furnish all materials, and perform all services necessary for the work specified above and will accept as full payment therefore the price shown above.

Original Contract Amount: \$152,725.00
Change Order No. 1: \$ 48,403.57
Revised Contract Amount: \$201,128.57

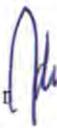
Reviewed: [Signature] 10-22-19
Eric Lucero, Operations Manager Date

Accepted: [Signature] 10/21/19
Vintage Paving Co. Date

Approved:
John W. Donlevy, Jr , City Manager Date



CITY COUNCIL  
STAFF REPORT

TO: Honorable Mayor and Councilmembers  
DATE: November 5, 2019  
THROUGH: John W. Donlevy, Jr., City Manager   
FROM: Carol Scianna, Environmental Services Manager  
SUBJECT: Resolution 2019-44 Approval of Easement Deed Newt's Alley

---

**RECOMMENDATION:** Staff recommends the Council approve Resolution 2019-44, a Resolution of the City Council of the City of Winters accepting public utility easements in Newt's Alley as part of undergrounding utilities in the Alley.

**BACKGROUND:** The City has been working on the activation on Newt's alley with PG & E and other partners, which will include undergrounding utility services. As part of this project several above-ground service boxes will be required. Resolution 2019-44 allows for the required utility easement on City properties for placement of these boxes. We expect three boxes to be placed in the Mini Park at mid-block along southwest edge of property and one at the planter area at the south end of the Alley at First Street near the stop sign. The APNs for these properties are 003-204-012 and 003-204-002. Once approved, the Easement Deeds will be recorded.

**FISCAL IMPACT:** None

**ATTACHMENTS:** Easement Deeds

**RESOLUTION NO. 2019 – 44**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS TO APPROVE AN EASEMENT DEED FOR A PUBLIC UTILITY EASEMENT RELATED TO THE NEWT’S ALLEY UTILITY UNDERGROUNDING PROJECT.**

**WHEREAS**, the City is desiring to underground overhead utilities in Newt’s Alley, which will require installation of above-ground service boxes; and

**WHEREAS**, the city owns certain parcels (APN 003-204-012 and 003-204-002) in Fee Title, along Newt’s Alley and at First Street; and

**WHEREAS**, in order to provide utility company access and service to Newt’s Alley and adjacent parcels, it is necessary to obtain an easement from the City; and

**WHEREAS**, it is determined City property (APN 003-204-012 and 003-204-002) is the most suitable locations for the required utility boxes; and

**WHEREAS**, one utility easement was prepared by PG&E for an Easement Deed from the land owner (City of Winters) to PG&E and is referenced in, and attached to, the Easement Deed; and

**WHEREAS**, adoption of this Resolution will approve the Easement Deed for conveyance of the public utility easement, and authorize the City Clerk to sign and record the Grant Deed on behalf of the City.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Winters as follows:

1. Approve an Easement Deed for a Utility Easement related to the Newt’s Alley Utility Undergrounding project; and
2. Authorize the City Clerk to sign and record the Easement Deed on the City’s behalf.

**PASSED AND ADOPTED** by the City Council of the City of Winters, on this 5<sup>st</sup> day of November, 2019 by the following vote:

**AYES:** Council Members  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

\_\_\_\_\_  
Bill Biasi, Mayor

ATTEST:

\_\_\_\_\_  
Tracy Jensen, City Clerk

**RECORDING REQUESTED BY AND RETURN TO:**

**PACIFIC GAS AND ELECTRIC COMPANY**  
**245 Market Street, N10A, Room 1015**  
**P.O. Box 770000**  
**San Francisco, California 94177**

Location: City/Uninc \_\_\_\_\_  
Recording Fee \$ \_\_\_\_\_  
Document Transfer Tax \$ \_\_\_\_\_

- This is a conveyance where the consideration and Value is less than \$100.00 (R&T 11911).
- Computed on Full Value of Property Conveyed, or
- Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale
- Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

\_\_\_\_\_  
Signature of declarant or agent determining tax

LD#2408-01-10024

**EASEMENT DEED**

CITY OF WINTERS, a California municipal corporation,

hereinafter called Grantor, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Grantee, the right from time to time to excavate for, construct, reconstruct, replace (of initial or any other size), remove, maintain, inspect, and use facilities and associated equipment for public utility purposes, including, but not limited to electric, gas, and communication facilities, together with a right of way therefor, on, over, and under the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of Grantor situate in the City of Winters, County of Yolo, State of California, described as follows:

(APN 003-204-002)

Lots 17, 18 and 21 of Block 10 of the Town of Winters as shown upon the map filed for record May 22, 1875 in Book S of Deeds at page 154, Yolo County Records.

The easement area is described as follows:

The strip of land outlined by heavy dashed lines and crosshatched on the print of Grantee's Drawing No. L-8-1-22 attached hereto and made a part hereof.

Grantor further grants to Grantee the right, from time to time, to trim or to cut down any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in

the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations.

Grantor also grants to Grantee the right to use such portion of said lands contiguous to said easement area as may be reasonably necessary in connection with the excavation, construction, reconstruction, replacement, removal, maintenance and inspection of said facilities.

Grantor shall not place or construct, nor allow a third party to place or construct, any building or other structure, or store flammable substances, or drill or operate any well, or construct any reservoir or other obstruction within said easement area, or diminish or substantially add to the ground level within said easement area, or construct any fences that will interfere with the maintenance and operation of said facilities.

Grantor further grants to Grantee the right to apportion to another public utility (as defined in Section 216 of the California Public Utilities Code) the right to excavate for, construct, reconstruct, replace, remove, maintain, inspect, and use the communications facilities within said easement area including ingress thereto and egress therefrom.

The legal description herein, or the map attached hereto, defining the location of this utility distribution easement, was prepared by Grantee pursuant to Section 8730 (c) of the Business and Professions Code.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

Dated: \_\_\_\_\_, \_\_\_\_\_.

CITY OF WINTERS, a California municipal corporation,

By \_\_\_\_\_

By \_\_\_\_\_

The Area, 6  
Land Service Office Sacramento  
Line of Business: 43  
Business Doc Type: Easements  
MTRSQ: 24.08.01.22.34  
PG&E Drawing Number: L-8-1-22  
PLAT NO. M12, M1225  
TYPE OF INTEREST: 4, 6, 86  
PM #: 35051251  
County: Yolo  
Prepared By: LEPH  
Checked By: RWW0

I hereby certify that a resolution was adopted on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the \_\_\_\_\_ authorizing the foregoing grant of easement.  
By \_\_\_\_\_

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_ Notary Public,  
Insert name  
personally appeared \_\_\_\_\_

\_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public (Seal)

**CAPACITY CLAIMED BY SIGNER**

- Individual(s) signing for oneself/themselves
- Corporate Officer(s) of the above named corporation(s)
- Trustee(s) of the above named Trust(s)
- Partner(s) of the above named Partnership(s)
- Attorney(s)-in-Fact of the above named Principal(s)
- Other \_\_\_\_\_

RANCHO DE LOS PUTOS

ABBAY STREET

60'

LOT 20

CITY OF WINTERS  
APN: 003-204-018  
LOT 19

LOT 18

**CITY OF WINTERS,**  
a California municipal corporation  
APN: 003-204-002  
REC. SER. NO. 2014-0027012

CITY OF WINTERS  
APN: 003-204-030  
LOT 21

LOT 21

DEED BOOK S PG. 154

LOT 17

16'

ALLEY

60'

FIRST STREET

11'± 11'±



**LEGEND:**



PG&E EASEMENT AREA

UNLESS OTHERWISE SHOWN ALL COURSES EXTEND TO OR ALONG ALL BOUNDARIES OR LINES

Applicant:				<b>CITY OF WINTERS</b>		SCALE 1"=40'	DATE 8/21/2019
SECTION (NW 1/4 OF SW 1/4) ( SEC. 22)	TOWNSHIP (8N)	RANGE (1W)	MERIDIAN (M.D.M.)	COUNTY OF: YOLO	CITY OF: WINTERS		
PLAT MAP REFERENCES				F.B.:	DR.BY: LEPH	CH.BY: RWW0	
M12, M1225				PG&E	SACRAMENTO DIVISION	35051251 AUTHORIZ	L-8-1-22 DRAWING NO.

**RECORDING REQUESTED BY AND RETURN TO:**

**PACIFIC GAS AND ELECTRIC COMPANY**  
**245 Market Street, N10A, Room 1015**  
**P.O. Box 770000**  
**San Francisco, California 94177**

Location: City/Uninc \_\_\_\_\_  
Recording Fee \$ \_\_\_\_\_  
Document Transfer Tax \$ \_\_\_\_\_

- This is a conveyance where the consideration and Value is less than \$100.00 (R&T 11911).
- Computed on Full Value of Property Conveyed, or
- Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale
- Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

\_\_\_\_\_  
Signature of declarant or agent determining tax

LD#2408-01-10025

**EASEMENT DEED**

CITY OF WINTERS, a California municipal corporation,

hereinafter called Grantor, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Grantee, the right from time to time to excavate for, construct, reconstruct, replace (of initial or any other size), remove, maintain, inspect, and use facilities and associated equipment for public utility purposes, including, but not limited to electric, gas, and communication facilities, together with a right of way therefor, on, over, and under the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of Grantor situate in the City of Winters, County of Yolo, State of California, described as follows:

(APN 003-204-012)

Lot 9 and the west 15 feet of Lot 8 of Block 10 of the Town of Winters as shown upon the map filed for record May 22, 1875 in Book S of Deeds at page 154, Yolo County Records.

The easement area is described as follows:

The strip of land outlined by heavy dashed lines and crosshatched on the print of Grantee's Drawing No. L-8-1-22 attached hereto and made a part hereof.

Grantor further grants to Grantee the right, from time to time, to trim or to cut down any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in

the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations.

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Grantor further grants to Grantee the right to apportion to another public utility (as defined in Section 216 of the California Public Utilities Code) the right to excavate for, construct, reconstruct, replace, remove, maintain, inspect, and use the communications facilities within said easement area including ingress thereto and egress therefrom.

The legal description herein, or the map attached hereto, defining the location of this utility distribution easement, was prepared by Grantee pursuant to Section 8730 (c) of the Business and Professions Code.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

Dated: \_\_\_\_\_, \_\_\_\_\_.

CITY OF WINTERS, a California municipal corporation,

By \_\_\_\_\_

By \_\_\_\_\_

The Area, 6  
Land Service Office Sacramento  
Line of Business: 43  
Business Doc Type: Easements  
MTRSQ: 24.08.01.22.34  
PG&E Drawing Number: L-8-1-22  
PLAT NO. M12, M1225  
TYPE OF INTEREST: 4, 6, 86  
PM #: 35051251  
County: Yolo  
Prepared By: LEPH  
Checked By: RWW0

I hereby certify that a resolution was adopted on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by the \_\_\_\_\_ authorizing the foregoing grant of easement.  
By \_\_\_\_\_

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_ Notary Public,  
Insert name  
personally appeared \_\_\_\_\_

\_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

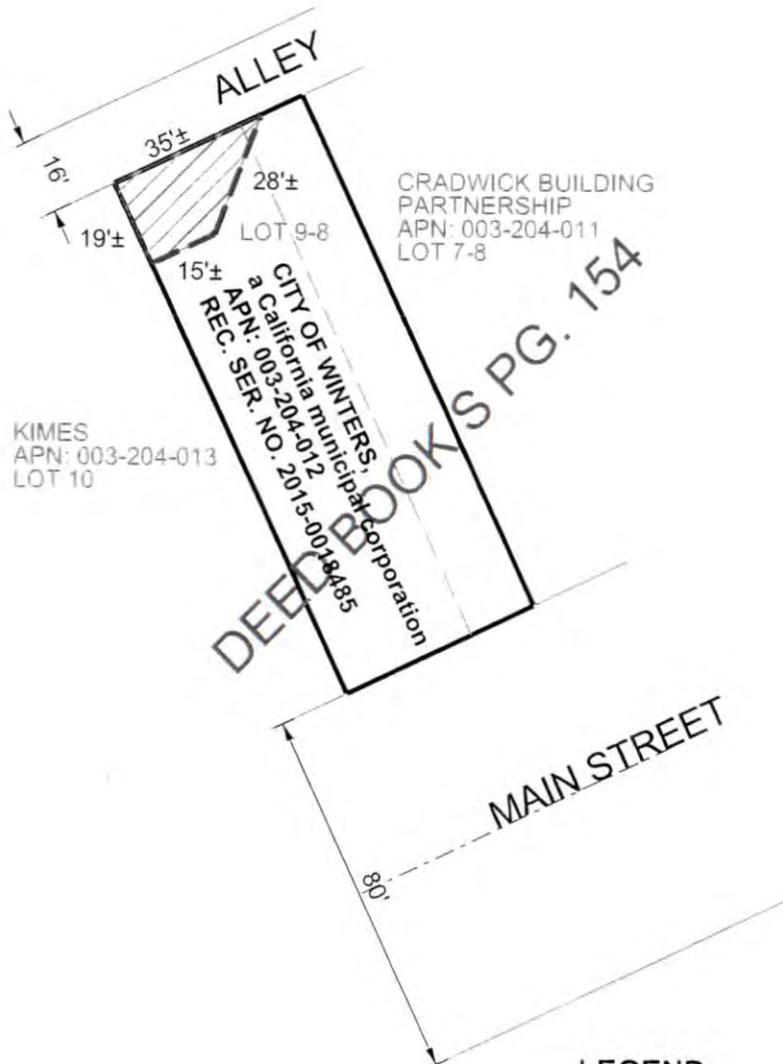
\_\_\_\_\_  
Signature of Notary Public

(Seal)

**CAPACITY CLAIMED BY SIGNER**

- Individual(s) signing for oneself/themselves
- Corporate Officer(s) of the above named corporation(s)
- Trustee(s) of the above named Trust(s)
- Partner(s) of the above named Partnership(s)
- Attorney(s)-in-Fact of the above named Principal(s)
- Other \_\_\_\_\_

RANCHO DE LOS PUTOS



CRADWICK BUILDING PARTNERSHIP  
 APN: 003-204-011  
 LOT 7-8

KIMES  
 APN: 003-204-013  
 LOT 10

DEED BOOKS PG. 154

CITY OF WINTERS,  
 a California municipal corporation  
 APN: 003-204-012  
 REC. SER. NO. 2015-0018485

**LEGEND:**



PG&E EASEMENT AREA

UNLESS OTHERWISE SHOWN ALL COURSES EXTEND TO OR ALONG ALL BOUNDARIES OR LINES

Applicant:				<b>CITY OF WINTERS</b>		SCALE	DATE
						1"=40'	8/21/2019
SECTION (NW 1/4 OF SW 1/4) (SEC. 22)	TOWNSHIP (8N)	RANGE (1W)	MERIDIAN (M.D.M.)	COUNTY OF: YOLO	CITY OF: WINTERS		
PLAT MAP REFERENCES				F.B.:	DR. BY: LEPH	CH. BY: RWW0	
M12, M1225				PG&E	SACRAMENTO DIVISION	35051251 AUTHORIZ	L-8-1-22 DRAWING NO.



**CITY COUNCIL  
STAFF REPORT**

**TO:** Honorable Mayor and Councilmembers  
**DATE:** November 5, 2019  
**THROUGH:** John W. Donlevy, Jr., City Manager   
**FROM:** John P. Miller, Chief of Police  
**SUBJECT:** On-call Contract with The Gumshoe Group, LLC

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**RECOMMENDATION:**

Approve on-call contract with The Gumshoe Group, LLC.

**BACKGROUND:**

The Winters Police Department occasionally needs to contract with outside private investigators to conduct administrative investigations. This is necessary due to the large amount of staff time required to conduct more complex investigations.

The Gumshoe Group is comprised of recently retired law enforcement executives who have experience and training in conducting administrative investigations of peace officers, who have specific rights afforded to them under California Government Code §3300 et seq. ("Public Safety Officers Procedural Bill of Rights Act"). This firm is also based close by in Vacaville.

**FISCAL IMPACT:**

Approximately \$6,000.00 per investigation and dependent upon the complexity of the administrative investigation.



CONSULTANT SERVICES AGREEMENT  
AGREEMENT No. \_\_\_\_\_

THIS AGREEMENT is made at Winters, California, as of XXXXXXXX XX, 2019, by and between the City of Winters ("the CITY") and The Gumshoe Group (CONSULTANT)", who agree as follows:

1. SERVICES. Subject to the terms and conditions set forth in this Agreement, CONSULTANTS shall provide to the City the Services described in Exhibit "A", which is the CONSULTANT'S Proposal dated XXXXXXXX XX, 2019. Consultant shall provide said services at the time, place, and in the manner specified by the Scope of Services and Exhibit "A".

2. PAYMENT. PAYMENT. The Consultant shall be paid for the actual costs, for all time and materials expended, in accordance with the Schedule of Fees included in Exhibit "B." City shall pay consultant for services rendered pursuant to the Agreement and described in Exhibit "A".

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

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

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

EXECUTED as of day first above-stated.

CITY OF WINTERS  
a municipal corporation

By: \_\_\_\_\_  
John W. Donlevy, Jr., City Manager

CONSULTANT

By: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Tracy Jenkins, CITY CLERK

**Exhibit "A" Provided by Consultant**

## EXHIBIT A

### SCOPE OF WORK

Services provided by Consultant shall be as-needed employment investigation services as requested by the City, over the term of the Contract period. Consultant shall perform any one task, or combination of services, as requested by the City. The City has no obligation to request any services under this Contract.

Consultant shall conduct comprehensive, objective, fair and professional investigation(s) services. Consultant shall gather facts and make factual findings, which the City will use to make recommendations as to both the legal merits of the allegations and appropriate course of action.

#### **Conduct Investigation:**

- Meet with management to discuss the allegations to be investigated. Provide an investigative plan detailing the issues to be investigated, witnesses to be interviewed, evidence to be reviewed and/or collected, and an estimated timeline for the investigation. The following points may constitute the desired scope of an investigation:
  - Identify factual bases for any of the allegation(s);
  - Identify the absence of factual bases for any such allegation(s);
  - Identify factual bases for any response/counter-allegations raised by witnesses or accused individual;
  - Identify the absence of factual bases for any response/counter-allegations raised by witnesses or accused individuals; and
  - Assess the credibility of the complainant, accused individuals, and other witnesses.
  - The investigation and resulting report shall be thorough and impartial.
- Determine the most appropriate investigative method(s) to be used, for each investigation in conjunction with management.
- Interview witnesses, complainants and other persons, gather documents, administer oaths and examine persons, affidavits, and supporting documentation, and otherwise conduct all research necessary and gather all evidence sufficient to complete each assigned investigation.
- Evaluate all evidence gathered in each investigation to formulate defensible investigative conclusions regarding the alleged violations.

- Provide updates to management on the progress of the investigation at each phase of the investigation, including any anticipated changes to the established timeline, on a weekly basis or as requested by the City.

#### **Submit Report Findings:**

- Submit a final written report with supporting documentation, and findings with all evidence, and applicable materials to management.
- The report may include an executive summary of Consultant finding, the methodology used, a discussion of the evidence received, and any credibility issues were resolved, and detail findings. The report shall not reach any legal conclusion or speculate *on* regarding the legal significance of any claim or defense, or make any recommendations.
- The Consultant shall use the following terms to describe their findings:
  - **SUSTAINED** – The allegation is found to be true and in violation of the rules, regulations, policies procedures or orders of the City.
  - **NOT SUSTAINED** – The allegation can neither be proved nor disproved and no further action is to be considered.
  - **EXONERATED** – The alleged act or failure to act is permitted, or at least not prohibited, by the City and/or was appropriate under the circumstances in the case.
  - **UNFOUNDED** – The allegation has no basis of fact or has been disproved through the investigation.
- Conduct a debriefing session with management.

#### **Other:**

- Comply with all federal, state, and local laws, statutes, ordinances, rules and regulations in conducting all investigations.
- Participate in administrative hearings, in court, or other official proceedings that result from the investigations.
- Provide all work under this Contract in a confidential manner. All materials prepared or assembled by Consultant pursuant to performance of this Contract are confidential and Consultant agrees that they shall not be made available to any individual or organization without the prior written approval of the City except by court order.

**Exhibit "B" Provided by Consultant**

**EXHIBIT B**

**SCHEDULE OF RATES**

For services to be performed under this Agreement, City shall compensate Consultant at the rate of **\$165.00** per hour. The City shall reimburse Consultant for expenses incurred during the course of this investigation, such as, but not limited to transcription service, printing, and/or GIS mapping services.

<b>Out of Area Travel Service Rates*</b>	
<b>Cost</b>	<b>Service (Out of Area Service Fees)</b>
<b>\$0.585/Mile</b>	<ul style="list-style-type: none"><li>• Mileage Reimbursement Rate (outside of City or Consultants Office)</li></ul>
<b>\$85 / Hour</b>	<ul style="list-style-type: none"><li>• Investigator Travel Rate</li></ul>
<b>Cost x1.1</b>	<ul style="list-style-type: none"><li>• Air Travel, Car Rental, Hotel, etc.</li></ul>
<b>Cost x1.1</b>	<ul style="list-style-type: none"><li>• Daily Per Diem as outline by GSA</li><li>• <a href="https://www.gsa.gov/travel/plan-book/per-diem-rates">https://www.gsa.gov/travel/plan-book/per-diem-rates</a></li></ul>

\*Locations beyond 75 miles of contracting agency will be charged hourly, and other travel expenses.

Compensation, mileage, and expenses shall be paid monthly by the City within thirty (30) working days or receipt of a written statement of hours and services performed by Co

## EXHIBIT "C"

### GENERAL PROVISIONS

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

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

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

(4) INSURANCE.

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

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

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

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

(5) ASSIGNMENT PROHIBITED. No party to this Agreement may assign any right or obligation pursuant to this Agreement. Any attempted or purported assignment of any right or obligation pursuant to this

Agreement shall be void and of no effect.

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

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

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

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

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

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

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

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

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

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

When local projects require, subcontractors, contractors, consultants, and developers will solicit proposals

from qualified local firms where possible.

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

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



CITY COUNCIL  
STAFF REPORT

TO: Honorable Mayor and Councilmembers  
DATE: November 5, 2019  
THROUGH: John W. Donlevy, Jr., City Manager   
FROM: Shelly A. Gunby, Director of Financial Management   
SUBJECT: Budget Adjustments for Fiscal Year 2019-2020

---

**RECOMMENDATION:**

Approve Resolution 2019-45 Approving Budget Adjustments for Fiscal Year 2019-2020 for open purchase orders as of June 30, 2019.

**BACKGROUND:**

As of June 30, 2019, approximately \$503,051.82 in purchase orders that were issued but not all services and/or products have been rendered/received. These amounts were approved in the 2018-2019 budget. Each year, the amount of open purchase orders from the prior year are included as budget adjustments in the current year.

This is an annual budget adjustment to encumber the funds committed at year end for multiple year projects.

**FISCAL IMPACT:**

None

**RESOLUTION 2019-45**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS  
AMENDING THE CITY OF WINTERS 2019-2020 ADOPTED OPERATING  
BUDGET FOR OPEN PURCHASE ORDERS AS OF JUNE 30, 2019**

**WHEREAS**, On June 19, 2018 the City Council of the City of Winters adopted the operating budgets for Fiscal Year 2018-2019 and 2019-2020; and

**WHEREAS**, items budgeted in 2018-2019 had purchase orders issued, but merchandise was not delivered, or projects were incomplete as of June 30, 2019.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Winters that the adopted operating budget for fiscal year 2019-2020 be amended as follows:

Section 1: Increase budgeted expenditures in the following funds and accounts

a. 418-57913-640-S16 Miscellaneous Capital Acquisition-Sewer	237,047.80
b. 621-57913-640-S16 Miscellaneous Capital Acquisition-Sewer	171,655.30
c. 328-54419-510 Misc Prof Services-Blue Mountain Terr.	50,000.00
d. 356-54419-510 Misc Prof Services-Blue Mountain Terr	500.00
e. 102-54411-410 Engineering Services-Parcel Map	1,965.00
f. 616-54419-630 Misc Prof Services-Water	9,912.00
g. 101-52915-310 Safety Equipment-Fire	4,221.36
h. 617-52513-630 Water Meter Purchase-Wager	20,027.57
i. 621-57913-640-S16-Miscellaneous Capital Acquisition-Sewer	3,307.50
j. 621-57913-640 Miscellaneous Capital Acquisition-Sewer	4,415.29

**PASSED AND ADOPTED** by the City Council, City of Winters, this 5th day of November 2019 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

\_\_\_\_\_  
Wade Cowan, Mayor

**ATTEST:**

\_\_\_\_\_  
Nanci G. Mills, CITY CLERK



CITY COUNCIL  
STAFF REPORT

TO: Honorable Mayor and Councilmembers  
DATE: November 5, 2019  
THROUGH: John W. Donlevy, Jr., City Manager   
FROM: Shelly A. Gunby, Director of Financial Management   
SUBJECT: Human Resources, Payroll and Scheduling Software

---

**RECOMMENDATION:**

Approve the purchase of two (2) Software Products for managing scheduling of personnel, Human Resources management and Payroll, authorize the City Manager to execute the contracts for the software and approve Resolution 2019-46 Amending the City of Winters 2019-2020 Operating Budget for Annual cost of the InTime and NeoGov Software.

**BACKGROUND:**

The City of Winters currently manages all aspects of Human Resources, Personnel Scheduling and the process of payroll with a paper system. Everything is on paper, timesheets, hiring packets, police schedules, fire schedules, and personnel action forms. The use of paper and pen, allows for a number of errors that may or may not be caught at many points in the processing of applications, employee pay rates, employee scheduling and employee pay.

A recent review of payroll records from 2016-2019 shows that employees are submitting timesheets that are incomplete or inaccurate, mostly due to human error.

Staff has spent some time investigating the options available, and after looking into a few different products is recommending the following.

1. InTime - this is a scheduling software that is used extensively by Police and Fire agencies throughout the Country. This product features easier scheduling by automating scheduling versus manually inputting each and every shift an officer works, provides early warning and alerts for conflicts or errors in scheduling, is web-based, allowing for the use of Smart phone apps so that Safety personnel can remotely access their schedules and be

notified of schedule changes and allow supervisors to more efficiently communicate needed coverage and/or overtime details and allow all officers to respond to such requests ensuring a more consistent and fair system

The InTime system would be used by the sworn officers in the Police Department, and the paid and reserve Fire personnel.

2. NeoGov- this is an all-inclusive Human Resources management program. It is designed specifically for use in the Governmental Sector. Included in the software system is:
  - a. Human Resources
  - b. Employee Portal
  - c. Electronic Timesheets
  - d. Payroll
  - e. Recruiting

Implementation of the NeoGov software would eliminate the following:

- a. Paper timesheets
- b. Individual spreadsheet maintenance for employee leave
- c. Paper Personnel Action Forms
- d. Paper time off requests

Implementation of the NeoGov software will provide solid electronic tracking for the following (as opposed to spreadsheets and paper tracking)

- a. Step Increases
- b. Longevity Pay
- c. Cafeteria Plan Enrollment and Tracking
- d. Performance Evaluations
- e. Tracking for the Affordable Care Act Calculations each year.
- f. OnBoarding of all employees

Implementation of the NeoGov software will also provide the following advantage from a Payroll processing perspective:

- a. Automatically calculate the overtime rate for each employee for each work period (currently done manually using spreadsheets)
- b. Prepares the CalPERS report electronically each pay period
- c. Update Cafeteria Plan balances
- d. Eliminates an employee from being able to submit a timesheet without completing the entire onboarding process through HR
- e. Electronic submittal of timesheets would reduce substantially the human error in timesheets.
- f. Payroll submission will be done electronically from the electronic timesheets, thereby reducing additional chances of human error.
- g. Paychecks can be printed locally if needed instead of being shipped from the payroll service provider.
- h. Import the timesheets of the Police and Fire Personnel from the InTime scheduling software.

Implementation of the NeoGov software will provide each employee with an Employee Portal where they will be able to do the following from their smart phone, tablet, laptop or desktop:

1. Make changes to health and other insurance plans and have those changes electronically submitted to the appropriate carrier.
2. Make changes to tax withholdings
3. View leave balances real time
4. Request time off and receive approval electronically
5. View paycheck stubs at any time, and print them out as necessary
6. View W-2 Forms and reprint when needed.
7. Track certificate and other training that needs to have continuing education to maintain.

The City of Winters has increased our staff in the last few decades, and the ability to recruit, track and pay employees is becoming more and more complicated each year as the State of California and the Court System passes laws, or makes rulings that affect how employees are compensated.

Currently, the City of Winters pays approximately \$7,000 per year for payroll services alone, and \$3,500 for the recruiting program know as CalOPS. Both of these services would be cancelled with the implementation of the NeoGov Software

**FISCAL IMPACT:**

First Year Net Increase in Cost, including the one-time set-up fees are estimated to be as follows:

InTime	\$ 7,431
NeoGov	<u>\$30,632</u>
Total Increase	\$38,063

Subsequent Year Net Increase in Cost

InTime	\$ 4,656
NeoGov	<u>\$17,632</u>
	\$18,088

The inTime fee will be split between Police and Fire, and the NeoGov Fee will be allocated to funds according to the Cost Allocation Plan.

**ATTACHMENTS**

1. Resolution 2019-46
2. InTime Price Proposal and Contract
3. NeoGov Quote and Contract

## RESOLUTION 2019-46

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING THE CITY OF WINTERS 2019-2020 ADOPTED OPERATING BUDGET FOR JUNE 30, 2019

WHEREAS, On June 19, 2018 the City Council of the City of Winters adopted the operating budgets for Fiscal Year 2018-2019 and 2019-2020; and

WHEREAS, items are being proposed for purchase that were not included in the budget as adopted.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Winters that the adopted operating budget for fiscal year 2019-2020 be amended as follows:

#### Section 1: Increase budgeted expenditures in the following funds and accounts

a. 101-54212-210 Data Processing Police	901.00
b. 101-54212-310 Data Processing Fire	2,825.00
c. 652-54211-999 Computer Services-Overhead	30,632.00
d. 101-52999-110 ISF Allocation City Council	55.14
e. 101-52299-120 ISF Allocation City Clerk	85.77
f. 101-52299-160 ISF Allocation City Manager	471.73
g. 101-52299-170 ISF Allocation Administrative Services	33.70
h. 101-52299-180 ISF Allocation Finance	333.89
i. 101-52299-210 ISF Allocation Police	9,272.31
j. 101-52299-310 ISF Allocation Fire	3,577.82
k. 102-52299-410 ISF Allocation Community Development	287.94
l. 102-52299-420 ISF Allocation Building	1,016.98
m. 101-52299-610 ISF Allocation Public Works	566.69
n. 611-52299-630 ISF Allocation Water Fund	7,305.73
o. 621-52299-640 ISF Allocation Sewer Fund	4,956.26
p. 221-52299-660 ISF Allocation Street Fund	600.39
q. 101-52299-710 ISF Allocation Recreation	94.96
r. 101-52299-720 ISF Allocation Community Center	349.20
s. 211-52299-640 ISF Allocation parks	827.06
t. 101-52299-161 ISF Housing	796.43
u.. 652-52299-999 ISF Allocation	-30,632.00

#### Section 2: Decrease budgeted expenditures in the following funds and accounts

a. 101-54212-110 Data Processing City Council	52.00
b. 101-54212-160 Data Processing City Manager	111.00
c. 101-54212-161 Data Processing Housing	37.00
d. 101-54212-170 Data Processing Admin Services	146.00
e. 101-54212-180 Data Processing Finance	264.00
f. 101-54212-610 Data Processing Public Works	413.00
g. 101-54212-720 Data Processing Community Center	500.00
h. 101-54212-730 Data Processing Swimming Pool	100.00
i. 102-54212-420 Data Processing Building Dept	91.00
j. 211-54212-650 Data Processing Parks	101.00

k. 611-54212-630 Data Processing Water Fund	215.00
l. 621-54212-640 Data Processing Sewer Fund	347.00

**PASSED AND ADOPTED** by the City Council, City of Winters, this 5th day of November 2019 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

\_\_\_\_\_  
Wade Cowan, Mayor

**ATTEST:**

\_\_\_\_\_  
Nanci G. Mills, CITY CLERK



# City of Winters - PD and FD

## Price Proposal

**Prepared for:** Kelly McCoy

**Pricing Issued:** 10.23.2019

**Pricing Valid for:** 90 Days

**Account Executive**

Sean Callegari

scallegari@intimesoft.com

1.877.603.2830 ext. 590

intime.com

# About InTime

InTime is designed to help your public safety organization make better staffing and scheduling decisions. We provide the most flexible and user-friendly scheduling, timekeeping and workforce management solution on the market. With over 100,000 users trusting InTime, we are proving that staff scheduling doesn't have to be so difficult.

100,000

USERS

1996

INTIME FOUNDED

1,500

CLIENTS SERVED

## COMPLETE WORKFORCE MANAGEMENT



### SCHEDULING

Building and managing your schedules are easy when you can see everything on one screen.



### TIMEKEEPING

Timesheets automatically fill themselves with your scheduling data and exceptions.



### OVERTIME MANAGEMENT

Streamline your overtime process and take control of your budget.



### ADVANCED REPORTING

Reports to help with forecasting demand, budget control, fatigue liabilities and more.



### EXTRA-DUTY MANAGEMENT

Integrated extra and regular duty scheduling gives you improved oversight.



### PAYROLL INTEGRATION

Custom web service integrations into your current payroll software.

## FLEXIBLE & MODULAR



Court & Subpoena



Training Management



Equipment Tracking



MyTime Employee App



Time & Attendance



Notifications

# OUR CUSTOMER'S ROI

Our customers have experienced drastic returns on their investment in the forms of reduced administrative workload and improved process management.

## Orange County Law & Justice



Reduction in annual court-related overtime across 23 member agencies

## Springfield-Greene 911



Reduction in time spent building schedules

## Winnebago County Sheriff



Reduction in time spent managing overtime

## Azusa Police Department



Reduction in overtime costs



*The first time we used InTime, we filled 50 days of Overtime in just 2 hours. With the old phone call system it would have taken 3 weeks to complete*

Deputy Chief of Operations, **CAL FIRE**



*Using InTime to manage Secondary Duty, I am able to have full accountability for all my officers and offer better customer service to clients requesting off-duty.*

Chief, **Bluffton Police Department**



*The ability to inform officers instantly via SMS text messaging — if a court date has been continued or dispositioned — saves Member Agencies significant time and money*

Project Coordinator,  
**Integrated Law and Justice For Orange County**

# Price Proposal

Price Summary for: 24 Employees

## SCHEDULING PACKAGE

- Overtime tracking, posting and reporting
- Minimum staffing indicator
- Email notifications
- Integrated special duty assignments
- Integrated court assignments
- Customizable daily rosters
- Comprehensive employee profile
- Skills and attribute tracking
- Staff filters
- 94 standard reports
- History tracking
- Supervisor leave approvals

**\$1,440**  
(\$60/employee annually)

## EMPLOYEE PORTAL & MOBILE APP

- Android and iOS mobile apps
- Web Portal Access
- View individual and team schedule
- Sign up for shifts, OT & extra-duty
- Request time off & receive mobile alerts

included

## SUPPORT & MAINTENANCE

- Unlimited help desk support during business hours
- 24/7 critical support
- Online customer community hub

\$1,800

## SECURE HOSTING

- Two full SAS 70 certified hosting facilities
- Automatic failover
- Real time data redundancy

included

## REMOTE PROJECT SERVICES

- 10 hours of remote implementation
- 5 hours of online training

\$2,775

### SUMMARY *Without Added Modules*

First Year Cost: **\$6,015**

Annual Cost: **\$3,240**

# Optional Modules

(not included in above price)

Price Summary for: 24 Employees

## COURT & SUBPOENA MODULE

\$432

- Court liaison can view witness availability in real time
- Mobile witness notifications for court cancellations and schedule changes
- Electronic subpoena SMS and email delivery

## SHIFT BIDDING MODULE

\$432

- Shift bid template creation
- Posting available shift bids
- App sign-up by Employee with top choices
- Rule based sorting and award of shifts
- Assigned bids and auto schedule creation

## TIMEKEEPING MODULE

\$576

- Electronic overtime requests
- Employee timesheet verification
- Supervisor activity and timesheet approvals (up to 3 levels)
- Employee mobile geo-punch
- Generic Payroll Export

## ASSET TRACKING MODULE

\$288

- Daily & permanent staff inventories
- Bar-code scan compatibility
- Asset usage & tracking reports

## TRAINING MANAGEMENT MODULE

\$288

- Course planning
- Certification tracking & expiries
- Training management reports

## PREMIUM SMS TEXT PLAN

\$600

- 7,500 texts annually
- \$0.10/text over
- Delivery receipts & reply capabilities

1. All prices quoted are in US Dollars
2. This price quotation is valid for 90 days
3. Pricing is based on a subscription fee payable annually
4. Pricing is exclusive of any and all applicable taxes and duties, including withholding taxes.
5. InTime standard terms and standard payment terms for the subscription fee and for professional services (if any) are net thirty (30) days from date of invoice. InTime's standard form services agreement is attached to this proposal. Payment terms are as per the following payment schedule:

**Subscription Fee:** Annually on contract date

**Services and Training:** On contract date

To indicate acceptance of the terms of this proposal, either issue InTime a purchase order for the amounts indicated or sign the document on the spaces indicated below.

Both parties have read and agreed to the terms and conditions of this proposal:

\_\_\_\_\_  
Customer Name

\_\_\_\_\_  
Authorized Signatory

\_\_\_\_\_  
Date

**InTime Services Inc**  
\_\_\_\_\_  
Vendor Name

\_\_\_\_\_  
Authorized Signatory

\_\_\_\_\_  
Date



## ORDER FORM

### Non-Recurring Fees

LINE	DESCRIPTION <sup>1</sup>	NON - RECURRING FEES
	NEOGOV SERVICES	
13	Implementation (All onsite travel costs will be billed to customer) <i>Standard</i>	\$5,000.00
14	Training (All onsite travel costs will be billed to customer) <i>Standard</i> • <i>Additional training options available by request</i>	\$2,500.00
	SUB-TOTAL	\$7,500.00
	ORDER TOTAL	\$33,682.00

<sup>1</sup> More detailed descriptions of the services are contained in the order detail for each service, which are incorporated herein and made a part hereof by this reference.

Note: Items designated as Not Applicable (N/A, NA) on the Order Summary are not included. Customers may request a quote for these services at their discretion through the term of this contract.

<sup>2</sup> NEOGOV ON includes I9 and W4 standard forms that are regularly updated by NEOGOV. Additional form building or form update services are available from NEOGOV Professional Services at the following costs:

- » Background Forms | \$295 per form
- » Dynamic Forms | \$195 per form
- » Updates to Existing Forms | \$200 an hour

Additionally, during the term of any subscription license, the Customer will receive:

- » Customer Support | Provided to the Customer through online resources available 24 hours a day and through live personal services available by telephone Monday - Friday 6 AM to 6 PM Pacific Time (excluding NEOGOV holidays).
- » Product Upgrades to Licensed Software | Customer shall receive all product upgrades to purchased packages. Product upgrades are automatic and available upon the next login following a product upgrade rollout.



# NEOGOV™

IN WITNESS WHEREOF, the parties have caused this Order to be executed by their respective duly authorized officers as of the date set forth below, and consent to the Agreement.

<b>Customer</b>	<b>Governmentjobs.com, Inc. (DBA "NEOGOV")</b>
Entity Name:	
Signature: _____	Signature: _____
Print Name:	Print Name:
Date:	Date:



**TO:** Honorable Mayor and Council Members  
**DATE:** November 5, 2019  
**THROUGH:** John W. Donlevy, Jr., City Manager   
**FROM:** David Dowswell, Contract Planner   
**SUBJECT:** Public Hearing and Consideration of proposed amendments to Chapter 17.12, Planning Agency and adding Chapter 17.54, Vacation Rentals to Title 17 (Zoning Ordinance).

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**RECOMMENDED CITY COUNCIL ACTION**

Waive the second reading and adopt Ordinance No. 2019-02 amending Chapter 17.12, Planning Agency and Chapter 17.52, Land Use Regulations: Zoning Matrix, and adding Chapter 17.54, Vacation Rentals to Title 17 (Zoning Ordinance).

**BACKGROUND:**

On October 15, 2019 the City Council voted unanimously to approve the ordinance amending various provisions of the City's Municipal Code having to do with vacation rentals. At the meeting the Council recommended amending the ordinance by making a minor correction to the definition of "hosted accommodation" and simplifying the language in Section 17.54.040(B)1 and 2 limiting to ten (10) the number of guests who can stay in a vacation rental and the describing the process for increasing the number of guests.

**DISCUSSION:**

The proposed amendments to the Municipal Code regulations are designed to allow food vacation rentals to operate legally within the City consistent with applicable State and County regulations.

**ATTACHMENTS:**

- A) Ordinance 2019-02

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS  
AMENDING CHAPTER 17.12 (PLANNING AGENCY) AND CHAPTER 17.54 (VACATION  
RENTALS 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 Vacation Rentals.

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 17.12 of the Municipal Code is hereby amended to read as follows:

**Chapter 17.12**

**PLANNING AGENCY**

**17.12.030 Powers and duties of the zoning administrator**

D. Projects Subject to Zoning Administrator Review.

1. Minor Modifications and Extensions of Time of Planned Developments.
  - a. The zoning administrator may approve minor modifications of the detailed development plans or detailed development standards as well as time extensions in planned development (PD) overlay zones.
  - b. Findings.

Such minor modifications may be approved only if consistent with required findings in Section 17.48.110. Time extensions may be approved if consistent with required findings in Section 17.48.100.

2. Home Occupations.

- a. Approval Authorized: The zoning administrator may approve applications for home occupations in residential (R) zones.
  - b. Findings: A home occupation shall be approved only if it is found to comply with the provisions of this section and Section 17.60.080 of this title. No public hearing shall be required, although notice of the application shall be provided to all contiguous property owners.
3. Review and Approval of Projects Exempt from California Environmental Quality Act (CEQA).
  - a. Approval Authorized. The zoning administrator may review and approve projects (other than ministerial projects) which are exempt from CEQA. However, the zoning administrator may refer projects involving substantial development, such as large additions to existing structures, to the planning commission for review and approval.
  - b. Findings. Such projects shall be approved only if found to comply in all respects with the provisions of this title.
4. Lot Splits on Parcels Less than One-Half (½) Acre in Size.
  - a. Approval Authorized. The zoning administrator may review and approve lot splits on parcels less than one-half (½) acre in size.
  - b. Findings. Such lot splits shall be approved only if found to comply in all respects with provisions of this title, applicable criteria of the city's subdivision regulations, environmental law and the State Subdivision Map Act.
5. Use Permits and Variances.
  - a. Approval Authorized. The zoning administrator may approve use permit and variance applications for certain projects as specified elsewhere in this title.
  - b. Findings. Use permit and variance applications shall only be approved if found to comply with the provisions of this section and with the required findings for approval of use permit and variance applications specified in Chapters 17.20 and 17.24, respectively.

6. Temporary Activity Permits.
  - a. Approval Authorized. The zoning administrator may approve temporary activity permits for certain activities as specified in this title. The zoning administrator shall determine the appropriate level of noticing, if any, required for each application.
  - b. Findings. A temporary activity permit shall only be approved if found to comply in all respects with the provisions of this section and with the required findings in Chapter 17.32.
7. Exotic Animals.
  - a. Approval Authorized. The zoning administrator may approve a permit for the keeping of exotic animals. While no public hearing is required, notice of the application shall be provided to all contiguous property owners.
  - b. Findings. The application may only be approved if the applicant can demonstrate that the keeping of such animal(s) will not create a general nuisance (such as excessive noise or odor) or pose a safety hazard to the general neighborhood, and that appropriate approvals from regulatory state and/or federal agencies are first obtained.
8. Expansion of Nonconforming Structures.
  - a. Approval Authorized. The zoning administrator may approve the expansion of nonconforming structures. While no public hearing is required, notice of the application shall be provided to all contiguous property owners.
  - b. Findings. The application may only be approved subject to compliance with this section and Chapter 17.104.
9. Sign Permit Review.
  - a. Approved Authorized. The zoning administrator may approve certain sign permits pursuant to Chapter 17.80.
  - b. Findings. The application may only be approved subject to compliance with this section and Section 17.80.080(D).

10. Vacation Rentals.

a. Approval Authorized. The zoning administrator may approve a vacation rental permit for a "hosted" vacation rental. While no public hearing is required, notice of the application shall be provided to all property owners located with one hundred (100) feet of the proposed vacation rental.

b. Findings. The application may only be approved subject to compliance with this sections and Chapter 17.54.

b. Table 2 of Section 17.52.020 of the Municipal Code is hereby amended to read as follows:

17.52.020 Land Use/Zone Matrix. Revised 4/16 Revised 3/17 Revised 5/19 

LAND USE/ZONE MATRIX

KEY:

Zoning Designations:

- C= Conditional Use (A-1) General Agricultural (R-4) High Density Residential B/P) Business Industrial Park
- P= Permitted Use (R-R) Rural Residential (C-1) Neighborhood Commercial (M-1) Light Industrial
- T= Temporary Use (R-1) Single-Family Residential (C-2) Central Business District (M-2) Heavy Industrial
- (R-2) One- and Two-Family Residential (C-H) Highway Service Commercial (PQP) Public/Quasi-
- (R-3) Multifamily Residential (O-F) Office (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
Agricultural Operation	P	C											
Animal Production	P												
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
Adult Entertainment											C	C	
Automobile Repair, Major							C	C			C	C	F
Automobile Repair, Minor							P	P	P		P		
Bar, Cocktail Lounge							C	C					
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		
COMMERCIAL AND OFFICE USES (Continued)													
	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
Personal Retail Services							P	P					
Personal Storage								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	
Stationary Food Vendor								C	C	C			
Veterinary Hospital, Kennel	C							C	P				

INDUSTRIAL 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	
Businesses and Uses Prohibited by State or Federal Law														
Finished Goods Assembly											P	P	F	
Heavy Equipment Terminal											C	C	F	
Laboratory, Research, Equipment										C		C	C	
Manufacturing, Heavy General													C	
Manufacturing, Light General												C	F	
Mineral Extraction	C												C	
Recycling Center Collection								P	P			P	P	F



Utility Services, Major	C	C												
Utility Services, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Vocational Training Facility														

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
Accessory Dwelling Units		P	P	P									
Businesses and Uses Prohibited by State or Federal Law													
Day Care, Limited		P	P	P	P	P							
Dwelling, Multiple-Family					P	P	C	C3		C			
Dwelling, Single-Family	P	P4	P4	P4	C	C4		C2,3					
Dwelling, Two-Family or Duplex			P1	P	C	C							
Farmworker Housing Unit	P		P	P	P	P		P5					
Farmworker Housing Complex	P				P	P		P5					
Mobilehome Park		C	C	C	C	C							
Single Room Occupancy					P	P		C					
Residential Care Facility		C	C	C	C								
Vacation Rental (Hosted)		C	C	C	C								
Vacation Rental (Non-hosted)		C	C	C	C								

TEMPORARY 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
Arts and Crafts Show	T						T	T	T	T	T	T	T
TEMPORARY USES (Continued)													
	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
Businesses and Uses Prohibited by State or Federal Law													
Carnivals/Fairs/Fund Raisers	T	T	T	T	T	T	T	T	T	T	T	T	T
Construction Trailers	T	T	T	T	T	T	T	T	T	T	T	T	T
Religious Assembly	T												
Seasonal Sales	T	T					T	T	T		T	T	

Footnotes:

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.
6. Vacation rental (hosted) is allowed in all residential zones upon zoning administrator approval of a vacation rental permit.

7. Vacation rental (non-hosted) is allowed in all residential zones upon planning commission approval of a conditional use permit (CUP).

\* 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.

c. Subdivision (B) of Section 17.54 of the Municipal Code is hereby amended to read as follows:

## **Chapter 17.54 VACATION RENTALS**

### **Sections:**

<b>17.54.010</b>	<b>Purpose and intent</b>
<b>17.54.020</b>	<b>Definitions</b>
<b>17.54.030</b>	<b>Requirements for an application</b>
<b>17.54.040</b>	<b>Permit requirements</b>
<b>17.54.050</b>	<b>Enforcement</b>

### **17.54.010 Purpose and intent.**

The purpose of this chapter is to minimize the potential adverse impacts of transient occupancy uses in residential neighborhoods on traffic, noise and density, to ensure the health, safety and welfare of renters and guests patronizing vacation rentals in order to ensure the long term availability of housing stock in compliance with the Housing Element of the city of Winters General Plan.

### **17.54.020. Definitions.**

“Advertise” means any communication that induces or encourages any person to rent for transient occupancy purposes, or provides information (to any person) that promotes the availability to rent for transient occupancy purposes, any building in the city of Winters.

“Applicant” is as defined in Section 17.04.140 of this code.

“Authorized agent” means the person specifically authorized by an owner to represent and act on behalf of the owner and to act as an operator, manager and contact person of a non-hosted accommodation, and to provide and receive any

notices identified in this section on behalf of the owner, applicant, permittee, or authorized agent.

“Bedroom” means any habitable room with no less than seventy (70) square feet of floor area and no dimension less than seven (7) feet in a dwelling other than bathroom(s), kitchen, living and dining room. Unless specifically designed to exclude its use as a bedroom (e.g., no closet, enlarged entry ways without doors, no windows open to the exterior, etc.), any den, study or other room meeting the above definition of a bedroom shall be considered a bedroom for the purpose of meeting the standards of the code.

“Community development director” as defined in Section 17.04 of this code.

“Enforcement officer” means the community development director, building official, code enforcement officer, city department manager (to the extent responsible for enforcing provisions of this code), or any other city employee designated by the community development director or city manager to enforce this section.

“Guest” means an invitee of a renter or other person visiting a renter of a vacation rental unit who does not rent the unit.

“Hosted accommodation” means a vacation rental business for which the owner or authorized agent sleeps on the property of the vacation rental unit while it is being rented for transient occupancy pursuant to this section.

“Life safety” means those items required by the state of California (NFPA 101), which include: smoke and carbon monoxide detectors, fire extinguisher, functioning water heater, furnace and other gas appliances, six (6) inch or lighted address numbers visible from the street and openable windows (mean of egress) from bedrooms.

“Non-hosted accommodation” means a vacation rental business for which the authorized agent is not required to reside at the vacation rental unit which is rented for transient occupancy pursuant to this section.

“Owner” is as defined in Section 17.04.140 of this code.

“Permittee” means the person to whom a vacation rental permit is issued pursuant to this section. To the extent this section identifies requirements of a permit, or obligations of the permittee, the owner and any identified authorized agent shall be jointly and severally liable (see Chapter 1.16.).

“Renter” means a person, not an owner, renting or occupying a vacation rental unit in accordance with the terms of this section.

“Reside” as used in this section, means the “domicile” of a person, as defined by California Elections Code Section 349, which generally means the place in which the person’s habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one (1) domicile.

“Transient occupancy” means any person’s use or possession, or right to use or possess, a building (or any portion thereof) for dwelling, lodging, or sleeping purposes, for a period of thirty (30) consecutive calendar days or less (counting portions of calendar days as full days).

“Vacation rental” means any transient occupancy use for which the city has issued a vacation rental permit pursuant to this section. The term “vacation rental” shall be used to include all vacation rental businesses, all hosted accommodation vacation rentals, and all non-hosted accommodation vacation rentals.

“Vacation rental permit” means a permit issued by the community development director or a use permit issued by the planning commission.

“Vacation rental unit” means the structure in which the vacation rental use is permitted to operate, pursuant to a permit issued in accordance with this section.

“Zoning administrator” means the office of the zoning administrator pursuant to Section 65900 of the Government Code of the state.

#### **17.54.030 Requirements for an application**

The community development director shall invite applications for vacation rental permits pursuant to this subsection

A. Each application for a vacation rental permit shall include the following information, signed by the owner and the authorized agent for non-hosted accommodations:

1. Identify the owner of the real property on which the vacation rental is proposed (include the name, mailing address, email address, and telephone number).
2. Identify whether the application is for a hosted or a non-hosted accommodation.
3. If the vacation rental is proposed for a non-hosted accommodation, identify the owner’s authorized agent (include the name, mailing address, email address, and telephone number).
4. Identify the number of bedrooms and approximate square footage in the vacation rental unit, and the maximum number of overnight renters under the limitations imposed under subsection 17.54.040(D).
5. Insure all designated bedrooms and structures being used for habitation meet life safety codes to include the following:
  - a. Smoke and carbon (CO) monoxide detectors.
  - b. Fire extinguisher.
  - c. Six (6) inch or lighted address numbers visible from the street.
  - d. Openable windows (means of egress) from bedrooms
  - e. Functioning water heater, furnace and other gas appliances.

An inspection by the City may be necessary to verify compliance.

6. Identify the number and location of designated on-site parking spaces, and the maximum number of vehicles allowed for overnight occupants. Each vacation rental must provide one (1) legal off-street parking space for each guest vehicle. On-street parking in front of the vacation rental may be counted towards meeting the parking requirement.

7. Acknowledge the owner and authorized agent for non-hosted accommodations has read all regulations pertaining to the operation of a

vacation rental, including this section, the city's Transient Occupancy Tax Ordinance (Chapter 3.24) and the city's Business License Ordinance (Chapter 5.04) of this code, and any additional administrative regulations as determined by the community development director necessary to implement this section.

8. Provide any other information as the community development director deems reasonably necessary to administer this section.

9. Agree that any and all use of the property for vacation rental/transient occupancy purposes shall cease upon the revocation of the vacation rental permit pursuant to subsection 17.54.040(A).

B. The community development director shall evaluate permit applications, and process the applications for review by the zoning administrator pursuant to Section 17.12.030(D.)10 or the planning commission pursuant to Chapter 17.20 of this code and subsection D. Each applicant shall provide the following supplemental submittal in a form acceptable to the community development director:

1. Payment of the application and processing fee established by city council resolution. The fee is paid when establishing the use and is non-recurring.

2. Public notice mailing labels for "non-hosted accommodation" (to notify neighboring property owners, pursuant to Section 17.16.040(C)).

C. If the community development director determines an applicant has failed to satisfy the application requirements of subsection B or C of this section, the community development director shall provide written notice to the applicant of the determination.

D. If the community development director determines an applicant (hosted accommodation) has satisfied the application requirements of subsections B and C of this section, and the owner has borne the burden of proving the owner will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the community development director shall schedule for a review by the zoning administrator pursuant to Section 17.12.030(D)10 of this code. The community development director, at his or her discretion, may refer an application for a hosted facility to the planning commission. The notice shall identify the date and time on which zoning administrator shall consider the permit application

E. If the community development director determines an applicant (non-hosted accommodation) has satisfied the application requirements of subsections B and C of this section, and the owner has borne the burden of proving the owner will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the community development director shall schedule for a public hearing a use permit pursuant to Chapter 17.20 and of this code.

#### **17.54.040 Permit requirements**

Each vacation rental permit issued pursuant to this section shall be subject to all of the following requirements:

A. Each vacation rental permit issued under the authority of this section may be subject to an annual review by the community development department or planning commission.

B. Each vacation rental permit will be subject to the house rules set forth in this paragraph. The permittee shall provide the community development director with a copy of the house rules prior to rental of the vacation rental unit, and shall promptly notify the community development director in writing identifying any changes to the house rules. Prior to each rental of a vacation rental unit a copy of the house rules shall be posted in a prominent location inside the vacation rental unit. Each vacation rental shall at a minimum comply with the following:

1. The permittee shall limit overnight occupancy of the vacation rental to the specific number of renters designated in the permit, with the number of renters not to exceed two (2) guests per bedroom, plus two (2) additional guests per vacation rental unit.

In no case may more than ten (10) guests, not including the host family, be allowed to sleep in a vacation rental unit, this includes any property which has multiple habitable buildings, except that the planning commission may allow with a use permit more than ten (10) guests to sleep in a hosted or non-hosted vacation rental unit.

2. The permittee shall limit the number overnight renters to the maximum number designated in the permit and shall require overnight renters to utilize designated on-site parking spaces to the maximum extent possible.

3. The permittee shall provide access to the garage or carport if that area has been included in the determination of the number of available onsite spaces per this code.

4. The permittee shall provide appropriate refuse and recycling service for the vacation rental business. Property shall be free of debris both onsite and in the street. Trash cans shall be maintained in a clean and sanitary manner in conformance with Chapter 8.04 of this code. Trash cans shall not be placed on the street prior to twenty-four (24) hours before pick up day and shall be promptly removed from the street following service.

5. Guests of the vacation rental shall comply with the city's noise regulations in Chapter 8.20 and performance standards in Chapter 17.68.

6. The permittee shall, upon notification that renters and/or guests of his or her vacation rental have violated any house rules promptly act to stop the violation and prevent a recurrence of the violation.

7. It is prohibited to use the vacation rental unit for any wedding, reception, auction, commercial function, or other similar event that is

inconsistent with the use of the property for transient occupancy in a residential neighborhood.

8. Pets may be permitted by vacation rental business owner; however, the pet must be attended to at all times.

C. No person shall advertise the use of a building in a residential or nonresidential zoning district of the city for a transient occupancy use unless: (a) the use is an approved hotel or bed and breakfast inn; or (b) the use is a vacation rental, which has been issued a vacation rental permit or a use permit pursuant to Chapter 17.20 of this code.

D. For each vacation rental use:

1. The owner or the authorized agent must be available by telephone within twenty-four (24) hours, while the vacation rental is rented.

2. The owner or the authorized agent (non-hosted accommodation) must be on the premises of the vacation rental unit within twenty-four hours of being notified (by a renter, or enforcement officer) there is a need for the owner to address an issue of permit compliance or the health, safety, or welfare of the public or the renter.

3. Only one (1) rental agreement per vacation rental unit shall be in effect at any one time.

E. No person shall transfer, or attempt to transfer, a vacation rental permit to any other person, unless the transfer is made in accordance with this subsection

F. Any attempt to transfer a vacation rental permit, or use a transferred vacation rental permit, not transferred in accordance with this subsection shall be void and shall constitute a violation of this code.

G. A use permit granted for a non-hosted vacation rental is transferrable to a purchaser of the real property on which the permitted vacation rental unit is located, subject to the conditions of approval in the use permit and set forth in this paragraph. No purchaser shall operate a vacation rental use under the permitted owner's vacation rental permit until after the community development director has approved the transfer of the permit. The permitted owner shall submit to the community development director a written notice of intent to transfer the permit to the purchaser.

H. Each vacation rental permit issued pursuant to this section may be subject to an annual permit review and inspection to insure for compliance with life safety codes as stated in Section 17.54.030.A5.

1. If an inspection is required by the city the owner shall pay the inspection fee established by city council resolution.

2. If the community development director determines the permittee is in compliance with all requirements of this section and the permit, the community development director shall provide written notice to the permittee.

3. If the community development director determines the permittee has failed to comply with this section or the permit, the community development director may notice a public hearing of the planning commission pursuant to Section 17.20.050 of this code.

4. Upon revocation of any vacation rental permit, it shall be of no further force, validity or effect, and use of the property for transient occupancy purposes shall cease.

I. At any time during the term of a vacation rental permit, the community development director is authorized to initiate proceedings to revoke or modify the permit (or pursue any other remedy set forth in Title 1 of this code), if the community development director determines in his or her discretion: (1) a vacation rental use is detrimental to the public health, safety, or welfare; (2) the permittee has provided materially false or misleading information in any submittal required under this section; or (3) the permittee is in violation of, or has failed to comply with, any requirements of this section or the permit.

1. Pursue any of the remedies set forth in Chapter 17.40 of this code; including, but not limited to notice a public hearing of the planning commission to consider a revocation of the use permit pursuant to Section 17.20.050 of this code.

2. Pursue any of the remedies set forth in Chapter 1.16 of this code, including, but not limited to, issuance of an administrative citation in accordance with Chapter 1.24 of this code and subsection 17.54.050.

**17.54.050 Enforcement**

It is a violation of this code, subject to enforcement pursuant to Chapter 1.16 of this code, for any person to establish or operate a transient occupancy use in any residential or nonresidential zoning district unless: (1) the use is in compliance with a hotel use in a nonresidential zoning district approved by the city pursuant to Title 17; or (2) the use is in compliance with a vacation rental permit pursuant to this section; or (3) the use is in compliance with a use permit for a bed and breakfast inn pursuant to Chapter 17.20 of this code.



**DATE:** November 5, 2019  
**TO:** Mayor and City Council  
**FROM:** John W. Donlevy, Jr., City Manager   
**SUBJECT:** Community Choice Aggregation – Second Reading of Authorizing CCA Ordinance

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**Recommendations**

1. Waive the Second Reading and adopt Ordinance No. 2019-04 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING THE WINTERS MUNICIPAL CODE TO ADD CHAPTER 13.20 TO BE ENTITLED COMMUNITY CHOICE AGGREGATION (ELECTRICITY) AND AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM for all electricity customers in Winters by and through participation in Valley Clean Energy Alliance (VCEA) after the VCEA Board has approved Winters' membership in the VCEA joint powers agency (JPA).

**Discussion:**

At the October 15, 2019 City Council Meeting, the Council adopted by a 4-0 vote (Councilmember Harold Anderson recused) Ordinance No. 2019-04 amending the Municipal Code to add Community Choice Aggregation. Further, the City Council approved membership in Valley Clean Energy and selected Councilmembers Loren and Cowan to serve on the Board.

The second reading and adoption will complete the necessary process to incorporate Community Choice Aggregation in the Municipal Code.

**Fiscal Analysis**

As noted in the September Council staff report, the City has submitted a \$25,000 membership fee to off-set costs associated with the load data request from PG&E, load analysis, and Implementation Plan amendments that will be submitted by VCE to the California Public Utilities Commission. Per VCE's new membership policy, this fee is refundable upon enrollment of Winters customers in VCE in 2021.

**Background on CCA and Membership in VCE:**

JPA Membership and CCA Ordinance

Section 366.2(c)(12)(B) of the Public Utilities Code expressly contemplates the creation of a JPA so that counties and/or cities can “participate as a group in a community choice aggregation program.” The County and each city can exercise this option by doing two things: 1) entering into a Joint Powers Agreement forming a JPA under Section 6500, et seq. of the Government Code; and 2) adopting an Ordinance electing to implement a community choice program within its jurisdiction as required by Section 366.2(c)(12)(A).

Adoption of an Ordinance requires two public hearings, the first to introduce the ordinance and the second to adopt it. Also the current JPA Agreement establishing the Valley Clean Energy Alliance is included as an exhibit to the Ordinance.

The JPA document establishes the framework for operation of the CCA program. Key provisions of the JPA document address:

- Governance, membership, and voting (Article 3)
- Roles and responsibilities of the VCEA Board (Section 3.3)
- Recovery of initial start-up loans by City and County (Section 5.3.2)
- Addition of new member jurisdictions and withdrawal of existing members (Article 6)

Adoption of the resolution forming the JPA requires the City to appoint two members to the VCEA Board (Section 3.1). Staff is recommending that the Council make preliminary appointments of two Council members to the VCEA Board to facilitate participation by Winters on the VCEA Board as early as possible (anticipated to be in December).

The resolution also approves interim participation in VCEA as an Associate Member prior to joining as a full member. This would allow Winters to participate with other VCE member jurisdictions in on-going discussions related to the potential acquisition of local PG&E distribution assets. Full membership in VCE is not contingent upon nor impacted by the Council’s decision to join early as an Associate Member.

The JPA agreement was designed to promote consensus decision making and to ensure a balanced approach between equal representation by agency and weighted representation according to the proportion of total energy use represented by each agency. Some key aspects of the JPA’s governance and organization are summarized below.

- Board Composition: Board consists of elected officials of the members’ governing bodies. Two Directors per member agency as long as there are fewer than five member agencies. If there are five or more members, each shall have only one Director.
- Upon request of two members present at a meeting, each from a different member agency, a weighted vote by shares will also be conducted. When such a request is made, an action must be approved by both a majority vote of Directors present and a majority vote of the weighted votes by shares present.
- Voting shares to be determined according to the formula: (Member’s annual energy use/All members’ annual energy use) x 100

- Two-thirds voting approval required for Board actions regarding (i) involuntary termination of a member and (ii) amendment of the JPA agreement.
- Seventy-five percent voting approval required for decisions (i) to exercise the power of eminent domain to acquire property interest and (ii) to impose on any member an obligation to make contributions or pledge assets as a condition of continued participation in the program.

As noted in the earlier staff reports, the City and VCEA will continue community engagement efforts to raise awareness of the program and answer community questions. A summary of these efforts include:

- Winters specific webpages, social media and printed materials in Spanish and English
- Continued public workshops and community events
- Meetings with key stakeholder groups, commercial and large energy users
- At least four customer notices (the minimum required by law)

#### Winters VCEA representation

As part of the action to join VCE the City Council name two Council members to the VCEA Board, pending final the approval of Winters membership by the VCEA Board. In addition, Winters will be asked to recommend appointment of three community representatives to the VCEA Advisory Committee which will be considered for appointment by the full VCE Board following the seating of Winters representatives on the VCEA Board.

#### Environmental review

The adoption of the CCA ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to the CEQA guidelines as it is not a "project" and it has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment (14 Cal Code Regs. 15378(a)). Further, the ordinance is exempt from CEQA as there is no possibility that the ordinance or its implementation would have a significant effect on the environment (14 Cal Code Regs. 15061(b)(3)). The ordinance is also categorically exempt because it is an action taken by a regulatory agency to assume the maintenance, restoration, enhancement or protection of the environment (14 Cal Code Regs. 15308(a)).

The City Attorney has reviewed and approved the Ordinance as to form.

#### Attachments

1. CCA Ordinance

**ORDINANCE NO. 2019-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING THE WINTERS MUNICIPAL CODE TO ADD CHAPTER 13.20 TO BE ENTITLED COMMUNITY CHOICE AGGREGATION (ELECTRICITY) AND AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM**

BE IT ORDAINED by the City Council of the City of Winters as follows:

**SECTION 1. PURPOSE**

The purpose of this Ordinance is to authorize the implementation of a community choice aggregation program, otherwise known as community choice energy, through the Valley Clean Energy Alliance Joint Powers Authority, as required by California Public Utilities Code section 366.2(c)(12).

**SECTION 2. AMENDMENT OF THE MUNICIPAL CODE:** Chapter 13.20 is hereby added to the Municipal Code to read as follows:

**Chapter 13.20: Community Choice Aggregation (Electricity)**

**Article 13.20.01 : Authorization to Implement a Community Choice Aggregation Program.**

**Section 13.20.01.010. Authorization:** In order to provide businesses and residents within the City with a choice of power providers, the City hereby elects to implement a community choice aggregation program within the jurisdiction of the City by participating in the Community Choice Aggregation Program of the Valley Clean Energy Alliance, as described in its Joint Powers Agreement.

**SECTION 3. SEVERABILITY**

If any section, sub-section, sentence, clause, or phrase of this Ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, sub-section, sentence, clause, and phrase hereof, irrespective of the fact that one or more sections, sub-sections, sentences, clauses, and phrases be declared invalid.

**SECTION 4. EFFECTIVE DATE**

This Ordinance shall take effect and be in force thirty (30) days following its adoption. Prior to expiration of fifteen (15) days after its passage of this Ordinance, it shall be published by title and summary only in a newspaper of general circulation together with the names of members

of the City Council voting for and against the same.

I HEREBY CERTIFY that the foregoing Ordinance was introduced before the City Council of the City of Winters at a duly called City Council meeting on the 15<sup>th</sup> day of October, 2019, and, at a further regular Council meeting, the Council adopted this Ordinance on the 5<sup>th</sup> day of November, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Bill Biasi, MAYOR

ATTEST:

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Tracy Jensen, City Clerk



**STAFF REPORT**

**TO:** Honorable Mayor and Council Members  
**DATE:** November 5, 2019  
**THROUGH:** John W. Donlevy, Jr., City Manager  
**FROM:** Christopher Flores, CivicSpark Climate Fellow *CF*  
**SUBJECT:** Establishing a Climate Action Committee

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**RECOMMENDATION:**

Fellow recommends the City Council consider the proposal for the formation of a Climate Action Committee. Establishment of the committee would expedite the adoption of a final version of a Climate Action Plan (CAP) and engage community members on local climate resiliency issues.

**BACKGROUND:**

This action follows recommendations completed for the City of Winters in the Climate Action Plan Strategy Report delivered in May 2019. In addition to recommended pathways of greenhouse gas (GHG) reductions, the report also suggests establishment of a Winters Climate Change Committee, now referred to as the Climate Action Committee. The Committee would serve at the pleasure of the City Council and act as a resource for recommendations on climate issues and offer input on the final version of the CAP.

2019 updates to the draft CAP will also include a regional GHG inventory using a recent (2016) baseline year for emissions calculations and consider recommendations from the Yolo Resiliency Collaborative Toolbox. Committee establishment and these planned measures will support a more robust CAP and improve the longevity of the guiding document.

**FISCAL IMPACT:**

None

**ATTACHMENTS:**

Proposal



## Climate Action Committee

### **Membership**

The committee shall consist of no less than six (6) but no more than eleven (11) members. Six (6) members shall be appointed by the City Council. Membership shall consist of the following below:

- Four (4) voting members appointed by the City Council
- One (1) voting youth member appointed by the City Council or an alternate appointee in the event a youth member is not available to serve for the academic calendar year
- One (1) advisory member from city staff

The committee may also include other non-voting advisory members from existing city committee/commission bodies or interested and knowledgeable members of the community. Potential sources of advisory members may include but are not limited to:

- One (1) member from the Planning Commission
- One (1) member from the Economic Advisory Committee
- One (1) member from the Hispanic Advisory Committee
- One (1) member from the Senior Commission on Aging

### **Terms**

Appointed members shall serve for a term of four (4) years or until a successor is appointed. Advisory members are encouraged to maintain a service term of four (4) years. The terms for two (2) voting appointed members shall expire in four (4) years and the remaining two (2) voting members' terms shall expire in the following year. One (1) youth member shall serve for one (1) year. In the event a youth member is not available to serve on the committee, an alternate appointed member shall serve for one (1) year. If deemed necessary, committee may consider members for removal from committee by majority appointed member vote. Members may be removed from service at any time by the City Council. Service terms shall commence and expire on the first of September each year.

### **Meetings**

Regular meetings shall be held on the third Thursday of each month at 6:00pm. Meetings are held in the City Council Chambers, 318 First Street, Winters CA. Three (3) voting appointed members are required to hold quorum. Special meetings may be called to order by chairperson or majority of committee.

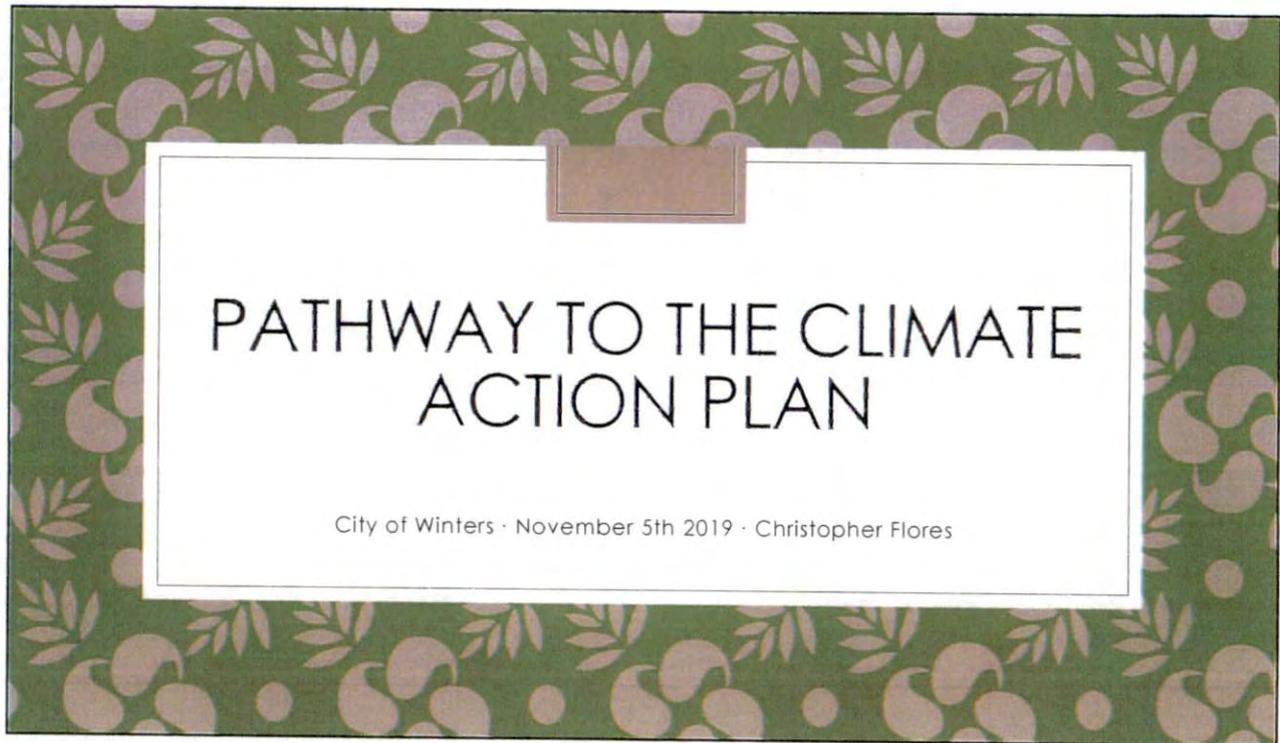
### **Officers**

The committee shall nominate chairperson and vice chairperson to serve for one (1) year or until a successor is appointed. The chairperson shall call meetings to order, lead discussion on agenda items, and report to City Council. The vice chairperson shall serve as temporary chairperson in the event the chairperson is not in regular attendance. The advisory member from city staff shall collect minutes, ensure records are kept, and make all meeting proceedings and resolutions available to the public. The committee may form and appoint members to subcommittees.

### **Duties**

The Climate Action Committee is tasked with the following duties:

- Provide comments and recommendations to City Council on issues regarding current efforts on climate mitigation, adaptation planning, and other ongoing efforts concerning sustainability
- Support implementation of the Climate Action Plan across elements considered in the General Plan and assist with metric tracking towards climate goals
- Engage and educate residents on climate action in Winters and serve as a resource for public feedback and suggestions
- Maintain knowledge of domestic and international climate policy and support implementation of executable methods to reduce greenhouse gas emissions



## Introductions

- Christopher Flores – CivicSpark Climate Fellow serving City of Winters 2019-2020
- CivicSpark is an AmeriCorps program, administered by California Volunteers and the Local Government Commission
- Build capacity for local governments by providing Fellows who foster connections and develop resources on resiliency issues



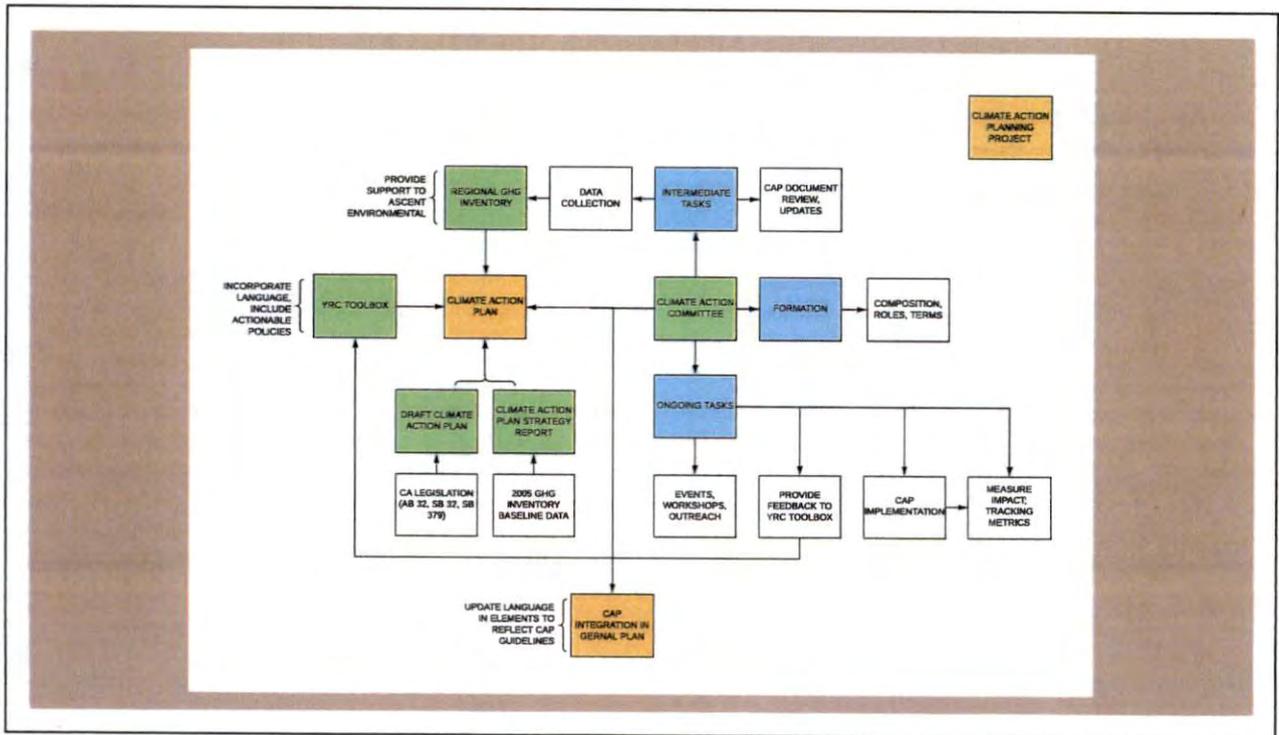
Local Government Commission  
*Leaders for Livable Communities*

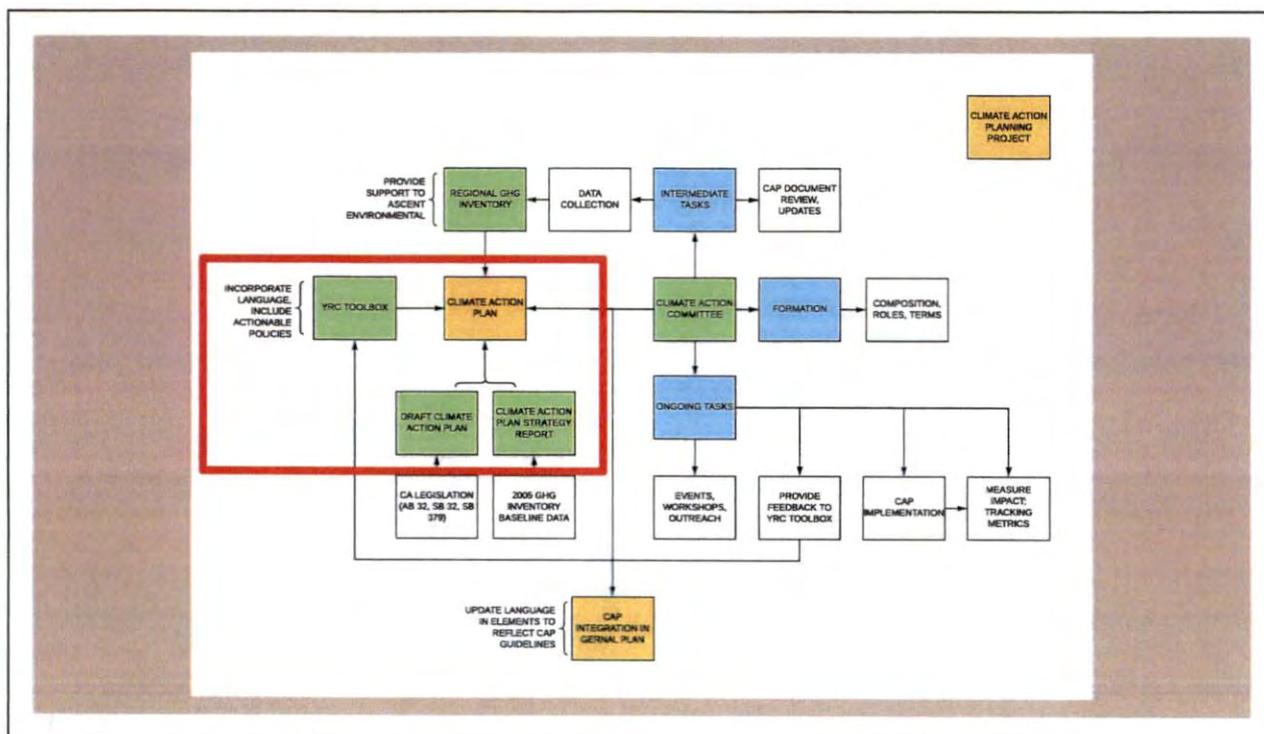


**CITY OF WINTERS**  
*california*  
Est. 1875

## Goals

- Support adoption of finalized CAP
- Ensure staff and decision makers are knowledgeable of climate impacts and use CAP for guidance
- Develop resources for the City of Winters so CAP may be used to improve existing infrastructure and in future planning
- Support formation of a Climate Action Committee to engage community members and stakeholders





## State Legislation and Local Documents

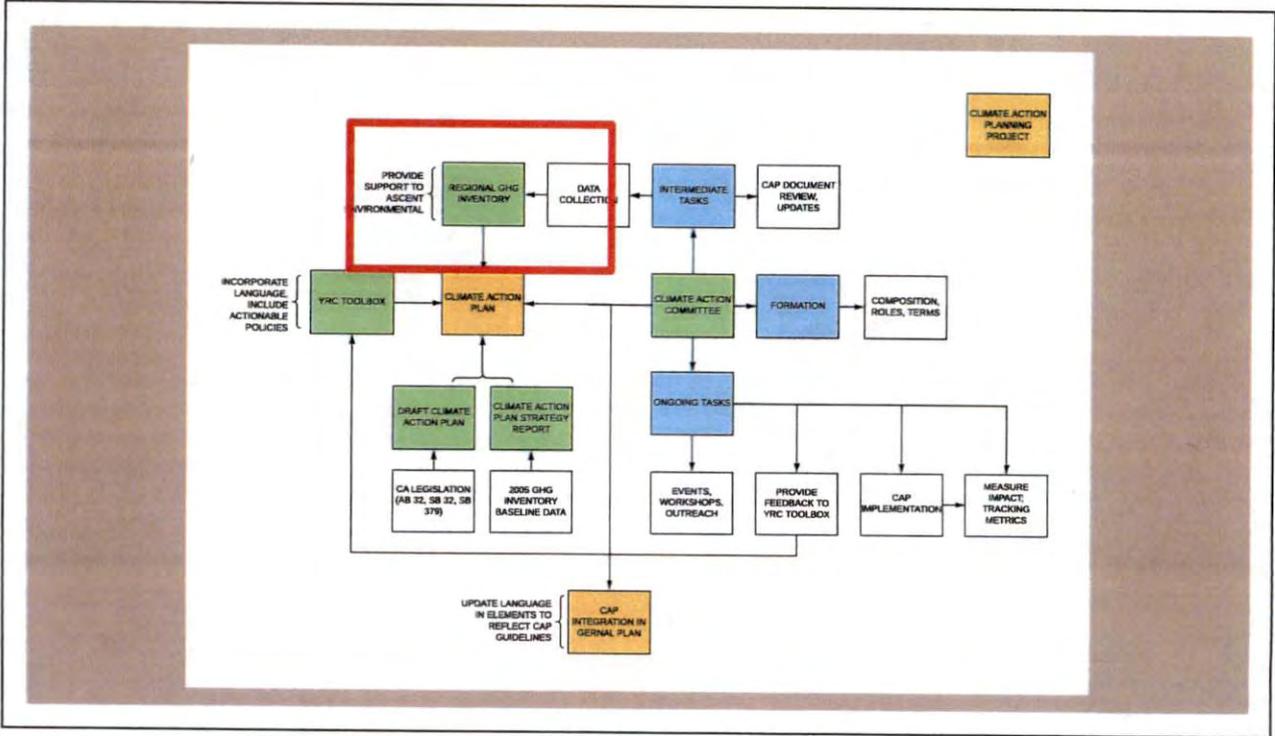
- AB32 (2006): set emissions reductions goals to be met by 2020: Reduce emissions to 1990 levels (~15% reduction)
- SB32 (2016): extension of AB32: set goal of reducing emissions 40% below 1990 levels by 2030 and 80% below 1990 levels by 2050
- SB 379 (2015): requires safety element to address climate adaptation and resiliency strategies with any revisions after 2017 or by 2022 if not in place

➔

- Climate Action Plan Strategy Report
- Draft 2025 Climate Action Plan
- Yolo Resiliency Collaborative (YRC) Resiliency Planning Toolbox

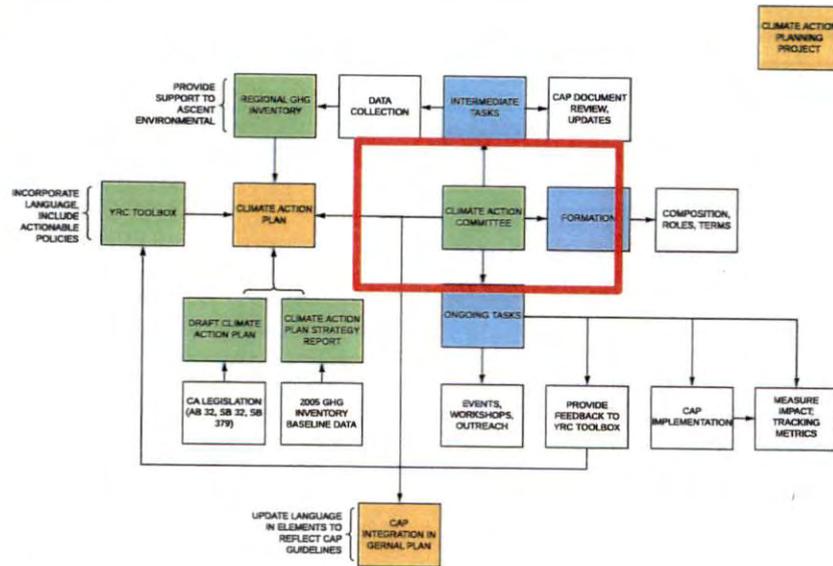
# Existing Resources

- Climate Action Plan Strategy Report
  - Draft 2025 Climate Action Plan
  - Yolo Resiliency Collaborative (YRC) Resiliency Planning Toolbox
- 
- Suggested methods to reduce GHG emissions in Winters
  - Provides guidance for climate sensitivity in elements of the General Plan
  - Ready-to-incorporate language concerning resiliency and adaptation



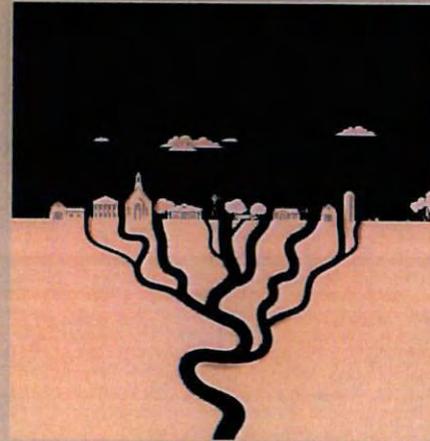
# Regional GHG Inventory

- Partnered effort by Yolo County, City of Winters, City of Woodland, City of Davis, and City of West Sacramento.
- Will consider emission sources like transportation, energy use, water consumption, solid waste, agriculture, and natural lands
- Necessary for producing a CAP with long-term viability



## Climate Action Committee

- Will provide recommendations to City Council and support implementation of Climate Action Plan
- To consist of 5 voting members appointed by City Council, up to 6 additional advisory members
- Engage community action on climate issues and track GHG reduction progress



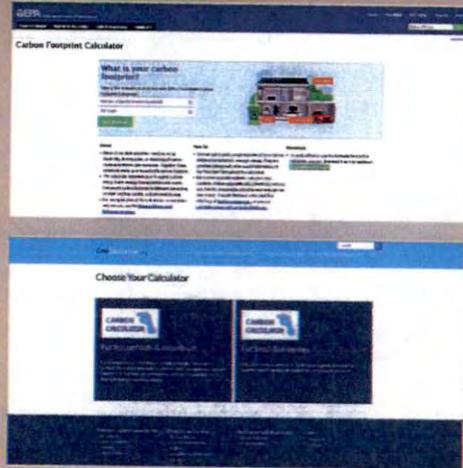
## Next Steps



- City Council accepts or suggests improvements to proposal for committee establishment listed in staff report
- Community members or other civic bodies may express their interest in joining the committee and submit a written letter of interest to City Hall or via email to: [christopher.flores@cityofwinters.org](mailto:christopher.flores@cityofwinters.org)
- City Council to consider membership recommendations provided by staff

# What's Your Footprint?

- Make a difference with your individual actions!
- Carbon footprint calculators:
  - US EPA:  
<https://www3.epa.gov/carbon-footprint-calculator/>
  - California Air Resources Board:  
<https://coolcalifornia.arb.ca.gov/choose-your-calculator>



Thank you for listening! Questions?

[christopher.flores@cityofwinters.org](mailto:christopher.flores@cityofwinters.org) · (530) 794-6713