



Winters City Council Meeting
City Council Chambers, 318 First St., and Teleconference via ZOOM
Tuesday, September 1, 2020

To join the Regular Session ZOOM meeting @ 6:30 p.m.:

<https://us02web.zoom.us/j/87275790214>

Meeting ID: 872 7579 0214

Or to Dial In By Phone: 1-669-900-6833

AGENDA

Members of the City Council

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

*Shelly Gunby, Interim City Manager
Ethan Walsh, City Attorney
Tracy Jensen, City Clerk*

5:30 p.m. – Executive Session

Safe Harbor for Closed Session Pursuant to Government Code Section 54954.5

1. Pursuant to Government Code Section 54956.9 – Conference with Legal Counsel – Anticipated Litigation (One Matter)

6:30 p.m. – Regular Session

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, August 18, 2020 (pp. 5-12)
- B. Proclamation of the City Council of the City of Winters Celebrating September 21-25, 2020 as Fall Prevention Awareness Week (pp. 13)
- C. Waive the Second Reading and Adoption of Ordinance 2020-05, an Ordinance of the City Council of the City of Winters Approving the NeighborWorks Tentative Map and PD Overlay (pp. 14-19)
- D. Final Acceptance of Public Improvements for Winters Highlands (Stone's Throw) Phase 2 Subdivision (pp. 20-24)

DISCUSSION ITEMS

1. Winters Downtown Business Association Update (pp. 25)

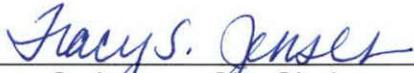
2. Memorandum of Understanding (MOU) with Valley Clean Energy (VCE) for Electric Car Charging Stations (pp. 26-42)
3. Resolution 2020-48, a Resolution of the City Council of the City of Winters Approving Applications for Per Capita Grant Funds as per Prop. 68 (pp. 43-45)

CITY MANAGER REPORT

INFORMATION ONLY

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the September 1, 2020 regular meeting of the Winters City Council was posted on the City of Winters website at www.cityofwinters.org and Councilmembers were notified via e-mail of its' availability. A copy of the foregoing agenda was also posted on the outside public bulletin board at City Hall, 318 First Street on August 26, 2020, and made available to the public during normal business hours.



Tracy S. Jensen, City Clerk

Questions about this agenda – Please call the City Clerk's Office (530) 794-6702. Agendas and staff reports are available on the city web page at www.cityofwinters.org/administrative/admin_council.htm

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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.

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Any attachments to the agenda that are not available online may be viewed at the City Clerk's Office or locations where the hard copy packet is available.

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

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

City Hall – Finance Office - 318 First Street

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Minutes of the Regular Meeting of the Winters City Council
Held via Teleconference (ZOOM) on August 18, 2020

Executive Session – 5:30 p.m.

1. Pursuant to Government Code Section 54957 - Conference with Legal Counsel – Public Employment – Interim City Manager

Mayor Cowan said there was nothing to report from Executive Session.

Regular Session – 6:30 p.m.

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

Present: Council Members Harold Anderson, Jesse Loren, Pierre Neu,
Mayor Pro Tem Bill Biasi, Mayor Wade Cowan
Absent: None
Staff: Interim City Manager Shelly Gunby, City Attorney Ethan Walsh,
Police Chief John Miller, City Engineer Alan Mitchell, Building
Official Gene Ashdown, Housing Consultant Colleen Brock, City
Clerk Tracy Jensen

John W. Donlevy Jr. led the Pledge of Allegiance.

Approval of Agenda: Interim City Manager Shelly Gunby requested to change the order of the Discussion Items by moving Items 3 and 4 to Items 2 and 3, and moving Item 2 to Item 4. Motion by Council Member Loren, second by Council Member Neu to approve the agenda with said changes. Motion carried with the following roll call vote:

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

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

PUBLIC COMMENTS: Kevin Lewis inquired about the outdoor seating being constructed at Preserve. He and none of the surrounding residents were notified that additional outdoor dining was being created. Mayor Cowan requested that Interim City Manager Shelly Gunby follow up with Mr. Lewis.

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, July 21, 2020
- B. Resolution 2020-38, a Resolution of the City Council of the City of Winters to Consent to Accept an Irrevocable Offer of Dedication (IOD) of Right of Way for the Winters Highlands (Stone's Throw) Phase 1 Subdivision and Direct the City Clerk to Sign and Record the Certificate of Acceptance with the County Recorder
- C. Resolution 2020-32, A Resolution of the City Council of the City of Winters Outlining Workers' Compensation Coverage for City Volunteers
- D. Agreement with Public Works 1 for Pavement Condition Assessment
- E. Contract with TelStar for Lift Station 1 Repairs
- F. Resolution 2020-44, a Resolution of the City Council of the City of Winters Approving an Updated Salary Schedule
- G. Resolution 2020-45, A Resolution of the City Council of the City of Winters for the Appointment of Primary and Alternate Representatives on the Yolo Emergency Communications Agency (YECA)
- H. Authorization to Enter into Exclusive Negotiation Agreement (ENA) with NeighborWorks Sacramento

Interim City Manager Shelly Gunby gave an overview. Motion by Mayor Pro Tem Biasi, second by Council Member Neu to approve the Consent Calendar. Motion carried with the following roll call vote:

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

PRESENTATIONS

Presentation of Proclamation in Recognition of Outgoing City
Manager John W. Donlevy, Jr. by Mayor Wade Cowan

Mayor Cowan presented John W. Donlevy Jr. with a proclamation and a plaque in honor of his 19 years of service as City Manager for the City of Winters. John said through 17 Council Members and 122 staff members during his tenure, Winters has always had a different culture and is the best example in the Sacramento Valley of a small city that can, could and did, through 4 downtown phases, 27 facades, 2 hotels, the PG&E facility, two bridges, the development of the Putah Creek Nature Park, the Public Safety Facility, the library, the swimming pool, 24/7 fire service and a level of paramedic service. From a financial standpoint, many thanks to Shelly Gunby, and to Nanci Mills, who was always a cornerstone of the City. Possibly the saddest and most ironic thing is the departure of three City employees with a combined 50 years of service to Winters. But with Council Member Loren being the current President of the League of California Cities, the impact will be felt within the county, the region and the entire state, and he couldn't be more proud. City Attorney John Wallace was a mentor who was affable and smart. Council Member Harold Anderson was quiet and unassuming, but you listened when he talked. The credit for everything we've accomplished goes to the Council and John thanked them profusely. John also recognized his wife Kathy, son Sam and daughter Emily and thanked everyone for their support.

Mayor Pro Tem Biasi said during his 19 years, John never worked less than 10-12 hours a day. Through every crisis, he was always there leading us. John was always professional and Mayor Pro Tem Biasi thanked him for all he has done for the City of Winters and wished him the best of luck.

Through Council Member Loren's participation with the League of California Cities and her contact with State representatives, people have asked her what the City of Winters has for their Hispanic community and she has responded by saying the Hispanic Advisory Committee! Many cities don't have City Managers that have said yes. John consistently championed the strength of others. He was all in, helpful, and had a get-it-done attitude. She thanked John for being a mentor, leader, champion and friend.

Council Member Neu said John has done so much and hopes the public knows about all of the good things he has done and expects that he will do the same types of things for Auburn. He thanked John for his hard work and wished him the best.

Council Member Anderson wish John all the best, and on a personal note, he is still waiting for his bottle of limoncello.

Mayor Cowan said he has been involved with John since coming to Winters. John always had an open-door policy to come in anytime and have a conversation or to provide answers to questions. John always asked what do we have to do to do the best we can? John was always there for every event in

town, volunteering and helping with everything, and he will be missed. He wished John well in Auburn and told him don't be a stranger.

DISCUSSION ITEMS

1. Public Hearing and Introduction of Ordinance 2020-05, an Ordinance of the City Council of the City of Winters Rezoning NeighborWorks Subdivision to Add a Planned Development (PD) Overlay Zone; Adopt Resolution 2020-43, a Resolution of the City Council of the City of Winters Approving the Tentative Subdivision Map for the NeighborWorks Subdivision

Contract Planner Dave Dowswell said five years ago he came to the City of Winters while still working for the City of Dixon. He had to choose between the two and chose Winters because he could see what John had done. Dave then gave an overview of the proposed 24-lot subdivision, reduced from 26 lots, and reviewed the recommended changes included in the staff report, including lot depth, reduced setbacks, 2 conditions that have been added (73 & 74), and patio covers, which when added by the property owner will not require approval from the Planning Commission. The formal tentative map has been received and will be reviewed the City Engineer. If there are any significant changes, the project will have to go back to the Planning Commission.

Mayor Cowan opened the public hearing at 7:18 p.m.

Marcia Gibbs, 204 Main Street, submitted a letter to Council, expressing her support for the proposed NeighborWorks subdivision of 24 self-help (sweat equity) homes in Winters and thanked the City of Winters for their willingness to implement this project.

Kate Laddish, 400 Morgan, echoed Marcia's comments and gave a thumbs up for inclusionary housing and wanted to be assured these homes would be visitable and livable for those who use adaptable equipment. Kate asked about the following: whether solar would be included in the project, affordability, if there was a timeline that would age out, and if the planting strip design allowed for trees. She encouraged staff to think of the future and to diversify the types of buildings that are being built. Mix it up and allow duets, single family homes, and townhouses. Contract Planner Dave Dowswell said solar is required, the continuation of the planting strips are shown on three strips in the tentative map, and the architect is working on visitability, which will be addressed in the design review approval.

Mayor Cowan closed the public hearing at 7:25 p.m.

Council Member Loren said many Hispanic Advisory Committee members live in the original build within the hamlet on the east side of town. Most still live there,

their kids have gone to school and college, and they are members of the community. Their homes allow them to have equity to build on the success of their children and their desire to return to Winters. This project has a great deal of support from the Hispanic Advisory Committee.

Mayor Pro Tem Biasi said he was glad the driveways have been addressed to 20' or longer. The setback allows room for a fence on the side as long as the Fire Department approves of the setbacks. The setback reductions from 20' to 15' is acceptable due to the planting strips. He questioned Condition #8, tree size, and the projected 30' tree canopy within five years; Condition #43, tearing up new pavement for utility trenches has already been addressed; Condition #49, grading, and the way they are graded is flat and asked if that will cause drainage issues. City Engineer Alan Mitchell said the lots have to be able to drain from the back to the front and he will check the grading plan and possibly have soil brought in. Mayor Pro Tem Biasi said overall this is a great project for Winters and there is a lot of demand for this type of project. He suggested a contact name and email address be included on the City's website.

Council Member Neu said he supports this project and that it's time we do something like this. He asked if there will be a lottery system. City Manager Donlevy said there will be no lottery, but an application process with qualifications that must be met. For the last project like this, a NeighborWorks Homebuyer Education Certification was required, which is really important in preparing folks for home ownership. Following the application, qualification and selection process, the decisions will be made by NeighborWorks. Mayor Cowan said this is a fantastic way to do it. With a sweat equity home comes pride of ownership. These are currently some of the best kept houses in town and a lot can be said for those who build their own home.

Motion by Council Member Loren, second by Council Member Neu to approve staff recommendation and adopt Resolution 2020-43, approving the Tentative Map for the property commonly known as the NeighborWorks Subdivision; and introduce and waive the first reading of Ordinance 2020-05 adding a Planned Development (PD) Overlay Zone to the existing Multiple-Family Residential (R-4) Zoning, permitting several modifications to the R-4 Zoning standards. Motion carried with the following vote:

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

2. Resolution 2020-40, A Resolution of the City Council of the City of Winters Providing for the Adoption of Personnel Policies

City Manager Donlevy gave an overview and said these personnel policies represent the law. Any policies that need to be changed in the future must be done by an amendment to the resolution. Council Member Neu said he called Council members in other cities and found their policies are much like those being proposed. He questioned whether a grievance policy was included and wanted assurance that this has been shown to all employees. It's hard to complain after learning other councils have similar policies. After working on this for eight years, Council has been given a couple of days to review and he asked about having more time to review and allow people to approach them. City Manager Donlevy said this process began back in June, when a copy was sent to all employees, inviting each representative or multiple representatives to go through and vet them. These policies have a foundational basis in law, they follow the law, and they are not discretionary. Each association and their employees have reviewed these policies. Mayor Pro Tem Biasi thanked City Manager and City Clerk Nanci Mills for going through and updating these policies. Council Member Loren said there was a lot of information to go through in a short amount of time. Mayor Cowan said in the event of an emergency, all rules may be suspended by the City Manager, ie: civil insurrection, very severe emergency like the Paradise Fire. City Attorney Walsh said it was important to know that rules would not go out the window. Some could be eliminated, but not all. There was continued discussion about at-will employees, and who was covered and who was not covered under these policies. City Manager Donlevy said as employees are hired, they receive a letter stating they are at will employees. Mayor Cowan had questions regarding Eligibility Lists, Use of Sick Leave for Family, and the minimum duration of leave for child bonding, which were clarified by staff.

Motion by Mayor Pro Tem Biasi, second by Council Member Loren to approve Resolution 2020-40 providing for the adoption of Personnel Policies. Motion carried with the following roll call vote:

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

3. Consideration of Resolution 2020-46, A Resolution of the City Council of the City of Winters Approving a Part-Time Employment Agreement with John W. Donlevy, Jr. for Completion of Existing Projects and Transition of City Manager Position

City Attorney Walsh said this proposed part-time temporary agreement would allow City Manager Donlevy to continue some of the projects he has been working on while transitioning during the search for a new City Manager. This agreement would not extend past 12/31/2020 and October 6, 2020 is his

planned last day with the City of Winters. City Attorney Walsh said he appreciates City Manager Donlevy's willingness to help us through the transition period. City Manager Donlevy would continue serving at the pleasure of the Council and the part-time agreement will dictate the terms. He has discussed the agreement with Councils from Winters and Auburn and both are supportive of finishing these projects.

Motion by Mayor Pro Tem Biasi, second by Council Member Neu to approve Resolution 2020-46 approving a part-time employment agreement with John W. Donlevy Jr. Motion carried with the following roll call vote:

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

Mayor Cowan thanked City Manager Donlevy for seeing things through for us.

4. Consideration of Resolution 2020-47, A Resolution of the City Council of the City of Winters Appointing Shelly Gunby as Interim City Manager and Approving an Employment Agreement with Shelly Gunby for the Position of Interim City Manager

City Attorney Walsh gave an overview. On City Manager Donlevy's last day, he designated Director of Financial Management Shelly Gunby to serve as interim City Manager. For an extended period of time, Shelly stated her willingness to serve as Interim City Manager. City Attorney Walsh said Shelly is exceptionally experienced, good at her job, and is the best person to help us through this period. The interim City Manager agreement will dictate her employment while serving as interim City Manager. Once a City Manager is located, Shelly will return to the position of Director of Financial Management for the City of Winters. While serving as Interim City Manager, her salary will be equivalent to John's salary without backfilling, which will be a net savings to the City.

Motion by Council Member Loren, second by Council Member Neu to approve Resolution 2020-47 appointing Shelly Gunby as Interim City Manager and approving an employment agreement with Shelly Gunby for the position of Interim City Manager. Motion carried with the following roll call vote:

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

5. Housing Element Schedule and Outline

City Manager Donlevy said this is an informational item and gave an overview of the 2021-29 Housing Element Update and the Safety Element Update. Beth Thompson of DeNovo Planning is working on the City's Housing Element update and she will roll it out in a couple of weeks with a definitive schedule. This will go before the Affordable Housing Steering Committee (AHSC) and the Planning Commission before it comes back to Council as early as September. In response to Mayor Cowan's question, City Manager Donlevy confirmed 40% of the 500 units will be affordable units within eight years. Council Member Loren said these RHNA Allocation numbers are a shift for us and it's very important to come together and have some top values that influence how we move forward with housing.

Kate Laddish, 400 Morgan, thanked City Manager Donlevy for bringing this item forward. She remains very willing to sit down and have a conversation about community outreach on this and other topics going forward. This issue of real importance needs more than one community workshop and survey and suggested having more than one Zoom workshops. Give people a chance to chew through the issues and make people have to solve the problems. Include people in the community at the outset. Have more than one workshop. Be creative. Braid it in with a Council workshop and end up with a process and product much stronger going forward. Bottom line -- have more than one community workshop!

INTERIM CITY MANAGER REPORT: It's been an interesting week and a half! Fire staff has been at the fire in Cold Canyon as well as the Jones fire. UCD Fire assisted by covering the station. Trying to stay on top of emails, Zoom meetings, and invitations from Yolo County. Getting up to speed. Staff is dedicated and working hard. Things are moving forward well.

ADJOURNMENT: Mayor Cowan adjourned the meeting at 8:34 p.m.

Wade Cowan, MAYOR

ATTEST:

Tracy S. Jensen, City Clerk



A PROCLAMATION OF THE CITY COUNCIL
OF THE CITY OF WINTERS CELEBRATING SEPTEMBER 21-25, 2020 AS
FALL PREVENTION AWARENESS WEEK

WHEREAS, falls among older adults are a significant problem and pose a major threat to health and independence resulting in high personal and economic direct costs; and

WHEREAS, among California's older citizens, falls are the leading cause of hospitalization and death and the rate of deaths is ten times greater for those over 65 than the rate of all ages combined; and

WHEREAS, the combined direct costs of fall-related hospitalizations and emergency department visits in California are over \$4 billion annually; and

WHEREAS, falls are a contributing factor for nursing home placements, which may end an older adult's ability to live independently; and

WHEREAS, falls among older adults occur in all socioeconomic and cultural groups with nearly one-third of older adults experiencing a fall; and

WHEREAS, ensuring that health care providers screen for fall risk among older adults and provide resource material to older adults, their families and caregivers are steps that can help reduce the number of injuries due to falls; and

WHEREAS, promoting the use of evidence-based classes to improve strength and balance has been shown to reduce fall risk among older adults; and

WHEREAS, the California Department on Aging and the California Department of Public Health have fostered partnerships across the aging network to increase the number of evidence-based programs available in California communities to prevent falls:

NOW, THEREFORE, we of the City of Winters do hereby proclaim the week of September 21-25, 2020 to be Fall Prevention Awareness Week and urge all citizens to work together to help reduce preventable falls by our older adult residents including those that have disabilities.

Passed and Adopted the 1st day in September 2020.

Mayor Wade Cowan

Mayor Pro Tem Bill Biasi

Councilmember Harold Anderson

Councilmember Jesse Loren

Councilmember Pierre Neu

City Manager John W. Donlevy Jr.

ATTEST: City Clerk Tracy S. Jensen



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: September 1, 2020
FROM: David Dowswell, Contract Planner, Community Development Department 
THROUGH: Shelly Gunby, Interim City Manager
SUBJECT: Second Reading and Adoption of Ordinance 2020-05, an ordinance of the City of Winters Amending the Official Zoning Map by adding Planned Development (PD) Overlay Zoning to the existing R-4 Zoning and permitting certain modifications to the R-4 zoning standards for the NeighborWorks Subdivision

RECOMMENDATION:

That the City Council waive the second reading and adopt Ordinance No. 2020-05, Amending the Official Zoning Map by adding Planned Development (PD) Overlay Zoning to the existing R-4 Zoning and permitting certain modifications to the R-4 zoning standards for the NeighborWorks Subdivision

BACKGROUND/DISCUSSION:

On August 18, 2020 the City Council held a first reading on Ordinance No. 2020-05 amending the Official Zoning Map by adding Planned Development (PD) Overlay Zoning to the existing R-4 Zoning and permitting certain modifications to the R-4 zoning standards for the NeighborWorks Subdivision. At the conclusion of the hearing the City Council unanimously adopted the proposed ordinance. The City Council directed staff to amend the PD Overlay Permit to allow patio covers added to the rear of the homes to come within 5 feet of the rear property line. Permit has been revised to include this change.

ATTACHMENTS:

A. Ordinance 2020-05

ORDINANCE NO. 2020-05

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS
REZONING NEIGHBORWORKS SUBDIVISION (APN 030-414-022) TO ADD A PLANNED
DEVELOPMENT (PD) OVERLAY ZONE AND ADOPTING PD OVERLAY ZONE
REGULATIONS**

WHEREAS, the City received an application from NeighborWorks (Applicant) requesting the City consider a rezoning of that certain property located between Taylor Street and Wyatt Lane, south of Moody Slough Road, known as ("the NeighborWorks Subdivision") by adding a PD Overlay Zone to the existing High Density Residential Multi-Family Residential, R-4 Zoning that would implement certain PD Overlay Permit Regulations that would apply to such property (the "Zoning Amendment"); and

WHEREAS, the Winters Planning Commission held a duly noticed public hearing on July 28, 2020 to review and consider recommendation to the City Council of the proposed zoning amendment; and

WHEREAS, following said public hearing, the Planning Commission recommended on a 7 to 0 vote that the City Council approve the Zoning Amendment; and

WHEREAS, on August 18, 2020, the City Council conducted a duly noticed public hearing on the Zoning Amendment at which time all persons wishing to testify in connection with the Zoning Amendment were heard and the Zoning Amendment was comprehensively reviewed; and

WHEREAS, the City Council has reviewed all written evidence and all oral testimony presented to date, and all other legal prerequisites to the adoption of this Ordinance have occurred;

NOW, THEREFORE, 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 rezone the property known as the NeighborWorks Subdivision (APN 030-414-022) by adding a Planned Development (PD) Overlay Zone to the existing R-4 Zoning.

2. Findings. Based on the evidence presented to the City Council on or before the public hearing on the Zoning Amendment, the City Council hereby makes the following findings in conformance with Section 17.48.060 of the Winters Municipal Code:

a. The Zoning Amendment and the development of the NeighborWorks Subdivision is consistent with the general plan and the purposes of Chapter 17.48 of the Winters Municipal Code.

b. The Zoning Amendment and the proposed development of the NeighborWorks Subdivision, as contemplated herein, complies with the applicable provisions of the R-4 zoning districts, except for certain reductions to the lot width, lot size, front and side yard setbacks, which will allow for the development of similar to those located nearby on Cottage Lane which are slightly smaller units that are more affordable by design and meet a need for housing in the City of Winters that is more affordable to working families and first time homebuyers.

c. The proposed development is desirable to the public comfort and convenience as it provides new housing consistent with the City's General Plan, that will accommodate a need for smaller, affordable by design units in the City, and will be built on an in-fill site that will accommodate housing within the City limits and help to limit future outward expansion to meet the City's housing needs.

d. The requested development plan will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety or general welfare in that it will allow for development of 24 residential units on property designated and zoned for residential use consistent with the allowable density for the site, with only minor reductions in lot widths and a reduction in average lot size for the proposed development.

e. Adequate utilities, access roads, sanitation and/or necessary facilities and services will be provided, or available, and such requirements are conditions of approval for the tentative subdivision map being considered for such development.

f. The development will not create an adverse fiscal impact for the City in providing necessary services as the development is consistent with the contemplates zoning and land use designations for such site, with the City anticipating that residential units would be prepared for such site.

3. 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 and Chapter 17.48 of the Winters Municipal Code.

3. Rezoning. The subject property is hereby rezoned as shown on Exhibit A, attached hereto and incorporated herein by this reference to rezone APN 030-414-022 by adding a PD Overlay Zone to said property.

4. Adoption of PD Overlay Permit. A PD Overlay Permit is hereby approved which permits a reduction in lot widths and average lot size as set forth in Exhibit B, attached hereto and incorporated herein. All other zoning requirements within this PD Overlay Zone shall be as set forth in the underlying R-1 zoning for this site.

5. Effective Date and Notice. This ordinance shall take effect thirty (30) days after its adoption and, within fifteen (15) days after its passage, shall be published at least once in a newspaper of general circulation published and circulated within the City of Winters.

INTRODUCED at a regular meeting on the 18th day of August, 2020 and **PASSED AND ADOPTED** at a regular meeting of the Winters City Council, County of Yolo, State of California, on the --- day of ----- 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Wade Cowan, Mayor

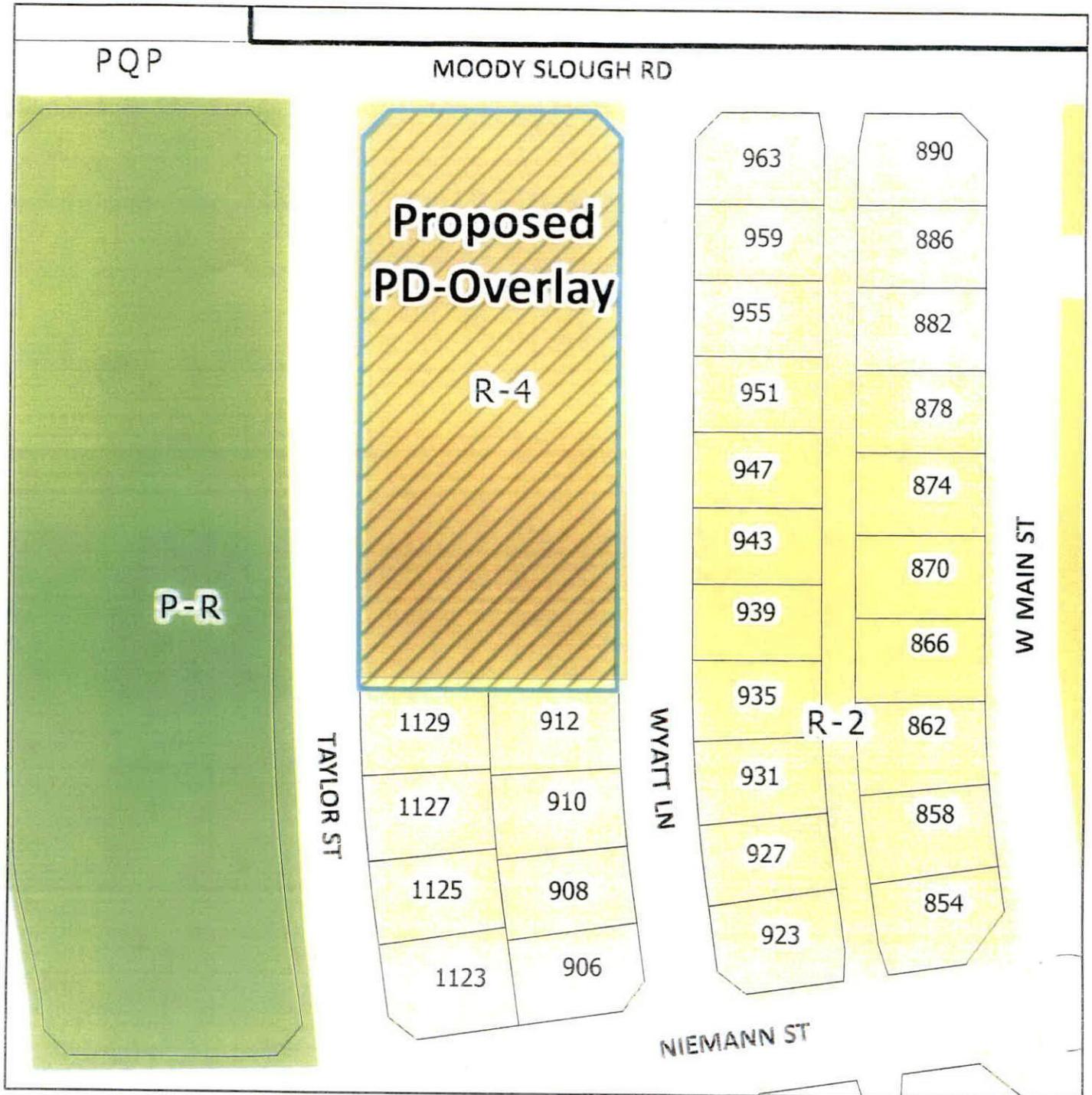
ATTEST:

Tracy S. Jensen, City Clerk

APPROVED AS TO FORM:

Ethan Walsh, City Attorney

P



Zoning Districts

- C-1 Neighborhood Commercial
- C-2 Central Business District
- D-A Downtown A (FBC)
- D-B Downtown B (FBC)
- O-F Office
- B-P Business Park
- C-H Highway Service Commercial

- M-1 Light Industrial
- M-2 Heavy Industrial
- R-1 Single Family Residential (7,000 Sq. Ft. Avg.)
- R-2 Single Family Residential (6,000 Sq. Ft. Avg.)
- R-3 Multi-Family Residential
- R-4 High Density Multi-Family Residential
- R-R Rural Residential
- PQP Public/Quasi-Public

- P-R Parks and Recreation
- O-S Open Space
- A-1 General Agriculture
- Planned Development Overlay
- City Limits



DAGOBERTO FIERROS
WINTERS GIS
JULY 2020

Exhibit "B"

PLANNED DEVELOPMENT (PD) PERMIT NeighborWorks Subdivision August 18, 2020

TERM: Unlimited term pursuant to the requirements of Section 17.48.050 of the Winters Municipal Code (Title 17, Zoning) and subject to compliance with the conditions of approval.

Lot Widths

Reduce lot width from 80 to 34 feet

Lot Size

Reduce lot size from 10,000 to 3,417 square feet

Setbacks

Reduce front setback from 20 to 15 feet

Reduce side yard setbacks from 10 feet to 5 feet 8 inches and from 10 feet to 1 foot 5 inches

Parking

Reduce off-street parking by one (1) space

Patio Covers

Allow patio covers to come within 5 feet of the rear property line



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Council Members
DATE: September 1, 2020
THROUGH: Shelly Gunby, Interim City Manager
FROM: Alan Mitchell, City Engineer
SUBJECT: Final Acceptance of Public Improvements for Winters Highlands (Stone's Throw) Phase 2 Subdivision

RECOMMENDATION: Staff recommends that the City Council:

1. Accept the public improvements as complete;
2. Direct the City Clerk to file a Notice of Completion; and
3. Authorize the Finance Department to release Security.

BACKGROUND: In April 2006, the City approved the Winters Highlands Development Agreement, and an Amended and Restated Development Agreement was recorded on April 20, 2015.

The Winters Highlands Ph 2 Subdivision project consists of approximately 82 lots on approximately 21 acres, located at the northwest corner of Stone's Throw development, bounded by Moody Slough, 3 Oaks Park, Niemann, and Valley Oak. Phase 2 represents the third phase of the Winters Highlands Subdivision (Stones Throw) to move forward (see attached phasing map). On October 1, 2019, City Council approved a Subdivision Improvement and Maintenance Agreement with HBT of Winters Highlands, LLC, for construction of certain public infrastructure.

The Phase 2 Final Map was approved by Council, on May 19, 2020.

DISCUSSION: Construction of Phase 2 improvements was started in late 2019, and was constructed under the city's inspection oversight. The public improvements included construction of roads, curb, gutter, and sidewalk, water, sewer, and storm drains, landscaping, and other public utilities. A 10-foot wide concrete path was extended along Moody Slough, which completes the Ped/Bike Path that runs along Moody Slough and W Main Street. Also,

new paving, along Moody Slough and Co. Rd. 88 up to the WWTF, was completed.

The improvements have been constructed in accordance with the approved improvement plans. Removal of the overhead utility poles is pending, and will be completed once the subdivision is energized by PG&E.

Staff recommends the City Council accept the improvements, direct the City Clerk to file a Notice of Completion, and authorize the Finance Department to release any Security.

ALTERNATIVES: None recommended by staff.

FISCAL IMPACT: No funding impacts are associated with this request.

Attachment: Notice of Completion
Phasing Map

Recording Requested by

CITY OF WINTERS

When Recorded Mail To:

Tracy Jensen, City Clerk
City of Winters
318 First Street
Winters, CA 95694

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

The undersigned is the owner of the interest or estate in the hereinafter described real property, the nature of which estate or interest is fee simple.

The full name and address of the owner and of any and all co-owners is the City of Winters, 318 First Street, Winters, CA 95694.

The nature of the title of the undersigned is Interim City Manager.

The full names and complete addresses of all persons, if any, who hold title with the undersigned as joint Co-owner's Name(s) and Complete Address: None

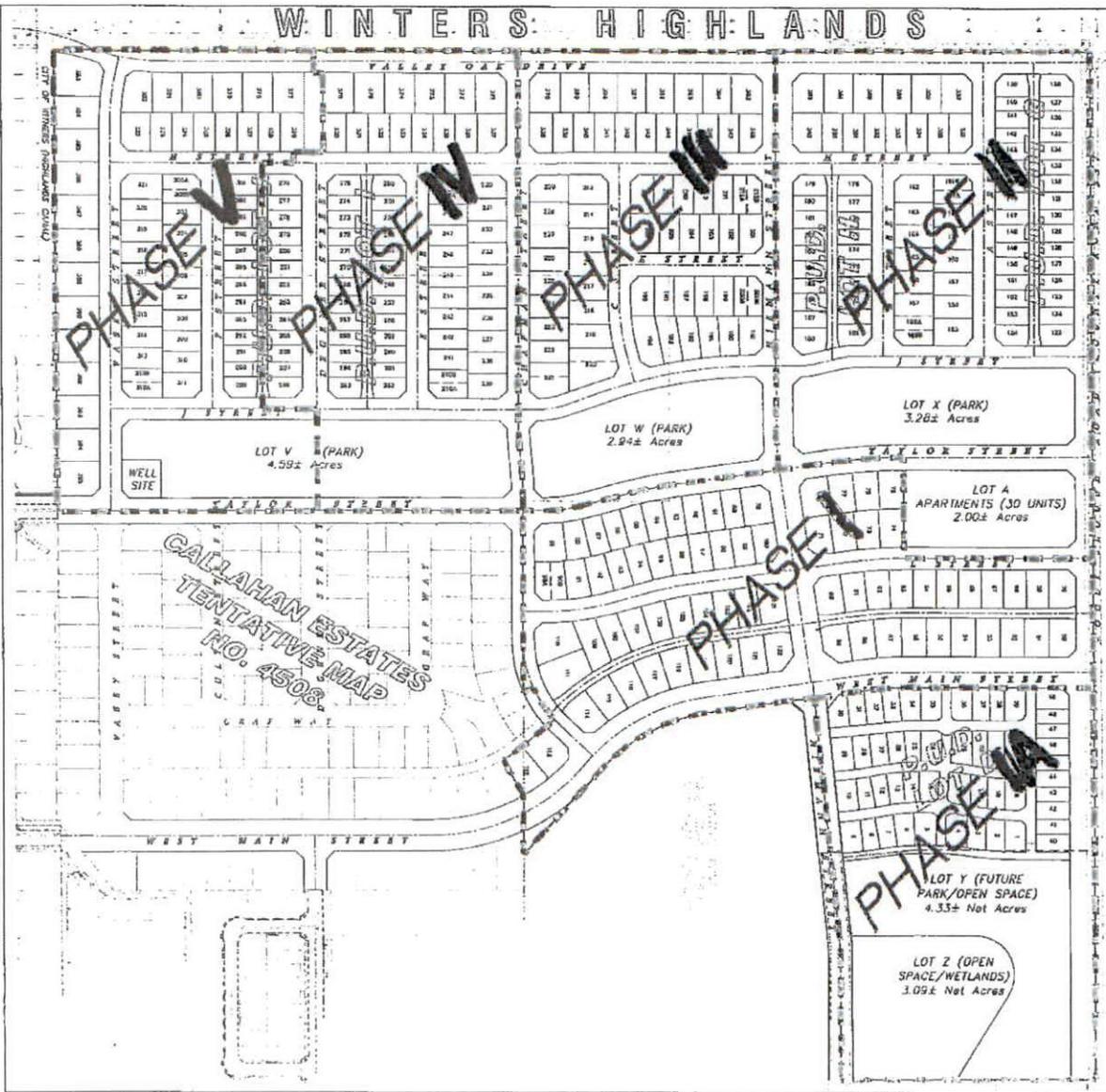
The names of the predecessors in interest of the undersigned, if the property was transferred subsequent to the commencement of the work of improvement herein referred to, include, but are not limited to the following individuals: None

A work of improvement on the property described below was completed and accepted on: September 1, 2020.

The name of the original contractor for the work of improvement was: HBT of Winters Highlands, LLC, 11060 White Rock Road, Suite 150, Rancho Cordova, CA 95670

The kind of work done or finished was the completion of public improvements within the public right of way including the construction of curb, gutter, sidewalk, and pavement, and public utilities.

W I N T E R S H I G H L A N D S



PHASE V

PHASE IV

PHASE III

PHASE II

PHASE I

PHASE IA

CALLAHAN ESTATES
TENTATIVE MAP
NO. 4508

Phase I	
Standard Lot	72
Duplex	1
Alley Loaded	0
Subtotal	73
Phase II	
Standard Lot	26
Duplex	2
Alley Loaded	52
Subtotal	80
Phase III	
Standard Lot	58
Duplex	2
Alley Loaded	49
Subtotal	109
Phase IV	
Standard Lot	32
Duplex	2
Alley Loaded	39
Subtotal	73
Phase V	
Standard Lot	45
Duplex	2
Alley Loaded	13
Subtotal	60
TOTAL	395



PLANNING PLAN
 FOR
 WINTERS HIGHLANDS
 100-1000-1000-0000
 PREPARED BY
 L. M. BAUCENOUR AND MERKLE
 ENGINEERS AND ARCHITECTS
 100-1000-1000-0000
 SHEET # 4 OF 4



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: September 1, 2020
FROM: Shelly A. Gunby, Interim City Manager *Shelly*
SUBJECT: Winters Downtown Business Association Update

RECOMMENDATION:

Staff recommends that the City Council take the following actions:

1. Receive an update from Chris Turkovich, President of the Winters Downtown Business Association.
2. Authorize the closure of Main Street from Railroad Ave to the Mid-block crossing until November 4, 2020.
3. Authorize the temporary seating areas currently in use in public parking spaces until November 4, 2020. (Businesses currently utilizing parking spaces as seating are: El Pueblo, Pizza Factory & Oceans Restaurant, Hoobies, Steady Eddies and Preserve.
4. Authorize reimbursement to the Winters Downtown Business Association from the B.I.D. funds in an amount not to exceed \$4,500.00

BACKGROUND:

The Winters Downtown Business Association was formed in 2019 and includes on its Board of Directors; President Chris Turkovich, Vice President Cole Ogando, Secretary Jeff Boone, Treasurer Jack Vickery, Guysell Geter, Carla Wroten and Gino Mediati. The Vision of the Winters Downtown Business Association is "To Enhance Our Business Community". The Mission of the Winters Downtown Business Association is "To coordinate everyday business needs and facilitate cooperation between businesses, governing bodies, property owners and residents of downtown Winters."

Membership in the Winters Downtown Business Association is available to any Business Owner (or authorized agent) possessing a current annual City of Winters Business License or Property Owners or authorized agent of a location currently used as a commercial business location within the Downtown Master Plan Area as indicated in the City of Winters Downtown Master Plan dated March 2006.

FISCAL IMPACT:

\$4,500 expenditure from the Winters Business Improvement District Fund (WBID).



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: September 1, 2020
THROUGH: Shelly Gunby, Interim City Manager
FROM: Eric Lucero, Public Works Superintendent
SUBJECT: MOU with VCE for Electric Car Charging Stations

RECOMMENDATION: That Council approve an MOU with Valley Clean Energy for Grant Funding for Electric Car Charging Stations and authorize the City Manager to sign the MOU on behalf of the City.

BACKGROUND: VCE, Davis, the City of Woodland and Yolo County are partner jurisdictions in a jointly submitted “Electrify Yolo Project” application to the SACOG Green Region grant funding opportunity in the Fall 2018, with VCE and Davis identified as Project Leads. The Project supports EV infrastructure and improved multi-modal hub development in Yolo County and the cities of Davis, Winters, and Woodland. In December 2018, the applicants were notified that they were awarded a \$2,912,000 grant in federal funds, and VCE will receive up to \$150,000 in grant funds for the installation of electric vehicle charging infrastructure in Winters.

The City proposes to install two Level II electric vehicle chargers at the parking lot adjacent to Hotel Winters. In addition, the City proposes to install one DC Fast Charger there as well. All units will have the capability to charge customers for power consumed. Power will be supplied by connections that are part of the underground work being done the Newt’s Expressway Alley. In addition to the project one Level II charger will be installed at the City Hall parking lot.

FISCAL IMPACT:

Construction costs will be covered by the grant funding and the size of the project can be reduced if necessary, by reducing the number of chargers. The power provided will be paid for by charging users.

ATTACHMENTS: MOU EV Charging Winters Valley Clean Energy Final Draft

MEMORANDUM OF UNDERSTANDING
Between City of Winters and Valley Clean Energy Alliance

This Memorandum of Understanding ("MOU") is entered into by the City of Winters ("Winters") and the Valley Clean Energy Alliance ("VCE") together known as the "Parties", in order to implement electric vehicle ("EV") charging infrastructure identified in the "Electrify Yolo Project" ("Project"). The Project is funded through a grant provided by the Sacramento Area Council of Governments ("SACOG") with the City of Davis ("Davis") acting as the fiscal agent. This MOU is effective as of the date of the last signature below.

I. RECITALS

- A. **Whereas**, VCE, Davis, the City of Woodland and Yolo County ("Applicants") were partner jurisdictions in a jointly submitted "Electrify Yolo Project" application to the SACOG Green Region grant funding opportunity in the Fall 2018, with VCE and Davis identified as Project Leads. The Project supports EV infrastructure and improved multi-modal hub development in Yolo County and the cities of Davis, Winters, and Woodland; and
- B. **Whereas**, in December 2018, the Applicants were notified that they were awarded a \$2,912,000 grant in federal funds, and
- C. **Whereas**, VCE will receive up to \$150,000 in grant funds for the installation of electric vehicle charging infrastructure in Winters as first priority, and/or other locations within Yolo County, and
- D. **Whereas**, Winters has expressed interest in increasing the availability of electric vehicle charging infrastructure on properties within Winters city limits, and
- E. **Whereas**, VCE has contracted with an electrical engineering firm to evaluate potential charger locations and complete the project design in coordination with Winters staff, and
- F. **Whereas**, Winters will project manage the installation, and own and operate the charging infrastructure upon project completion, and
- E. **Whereas**, the Parties enter into this MOU to install electric vehicle charging infrastructure on one or more properties within Winters city limits.

Accordingly, the Parties hereby agree as follows:

II. STATEMENT OF SHARED GOALS AND PRINCIPLES

- A. The Parties recognize that the implementation of EV charging infrastructure is a shared goal. The Parties desire to provide networked EV charging which is either

- publicly accessible and/or for municipal use on public property.
- C. The Parties agree to meet the requirements and minimum qualifications of the MOU between Davis and VCE (**Attachment A**) and the Fund Exchange Agreement between Davis and SACOG (**Attachment B**).

III. AGREEMENTS FOR PROJECT IMPLEMENTATION

A. Definitions

1. Per the MOU between Davis and VCE in Attachment A.

B. Minimum Implementation Requirements:

The Parties agree to the following Project minimum implementation requirements:

1. All project funding provided to Winters will be expended exclusively for the installation of EV charging infrastructure in Winters, except as provided herein, and all work and installations will be completed on or before December 31st, 2023.
2. Parties agree to complete all Project implementation and fund expenditures using its approved agency procurement/purchasing policies, and contract bidding/award process to install and maintain EV charging infrastructure, in accordance with their own local requirements and in compliance with all applicable state or federal laws and regulations, including but not limited to payment of prevailing wages. Parties shall require all contractors to obtain adequate insurance to cover any risks associated with the construction and operation of such infrastructure.
3. Winters will be responsible for the construction work and acquisition of the equipment, including compliance with any public bidding requirements and award of contract(s). Winters will utilize the project designs prepared by the consultant under contract with VCE and completed with input from Winters. Winters will pay for the construction and the equipment, subject to reimbursement as set forth in this MOU.
4. Winters will provide copies of paid invoices (if applicable) to VCE on a minimum of a quarterly basis (starting three months from the effective date of this MOU), or as completed, as proof of completion of EV charging infrastructure expenses, including consultant and contractor services for site selection, design, permitting, construction document completion, any required environmental review, installation and maintenance of EV charging infrastructure.
5. Winters will provide annual reporting on progress, including photos as appropriate, to VCE no later than May 30 of each year of project implementation, starting on May 30, 2021, and continuing while the project is active and until Winters has

satisfactorily performed all of its obligations hereunder, including completion of all required EV charger installations and has provided unconditional releases from all contractors performing work for Winters pursuant to this MOU.

6. Upon project completion, and no later than October 31st, 2023, Winters will submit a final report with photographs of the physical construction, including any relevant documentation needed to demonstrate full project delivery. Winters acknowledges that failure to perform on or deliver the required Project per this MOU may be considered by VCE as a disqualifying factor for future funding collaboration with VCE, and/or as a disqualifying or discounting factor for existing or future projects proposed through SACOG's competitive funding programs.
7. Winters will install, own, and operate a minimum of the following:
 - One (1) networked, publicly accessible Level 3 (DC Fast Charger) in the downtown City of Winters located on public property, within 5 miles of the major freeway corridor (I-505), with funding for an optional maintenance contract of up to five years; **And/Or**
 - Two (2) networked, publicly accessible Level 2 EV Charging stations in Winters on public property, with funding for an optional maintenance contract of up to five years.

If MOU funds remain after the minimum station(s) above are constructed, Winters agrees that all remaining funding will stay with VCE to be used for additional Level 2 and/or Level 3 (DC Fast Chargers) within Yolo County.
8. Winters will submit to VCE, within one week of the execution of this MOU, a letter on agency letterhead, signed by the acting City Manager, indicating the names and positions of those authorized to submit reports and request funds.

C. Funding Allocation

1. \$150,000 is available to implement the minimum requirements as stated above.
2. Costs exceeding \$150,000 will be the sole responsibility of Winters.
3. No cost share is required for equipment and construction; to the extent the project can be implemented for \$150,000 or less, Winters will not be required to pay for equipment and construction costs.
4. Winters is required to own, maintain and operate the charging infrastructure for a period of at least 5 years after construction completion.
5. Parties agree that VCE will act as fiduciary agent for this project, and will distribute funds to Winters as follows:
 - a. VCE will pay for the consultant to design the project using grant funds designated for the Winters project.

- b. VCE will pay approved equipment and construction invoices received from Winters within 30 days of receipt.

D. Overall Organization and Coordination among Parties

1. Meetings: During the first year after the effective date of this MOU and/or during the Project implementation, the project representatives shall meet at least quarterly, and/or as necessary to implement the Project, discuss their mutual opportunities and how to best leverage partner resources; identify challenges or areas of concern and identify potential solutions; and explore additional funding or resources for further EV charging infrastructure and improved multi-modal hub development.

IV. GENERAL PROVISIONS

- A. The Parties intend and agree that this MOU, and each and every provision thereof, shall be binding and enforceable upon the Parties according to the terms and provisions specified herein.
- B. This MOU constitutes the entire agreement between the Parties as to the matters referred to herein. Any other terms, promises, provisions, obligations or agreements by or between the Parties shall be enforceable only as set forth in any other applicable written agreement.
- C. Winters shall indemnify, defend and hold harmless VCE, its directors, officers, employees and agents from any and all claims, demands, causes of action, losses, damages, costs and expenses of any kind arising from its acts or omissions under this MOU, including but not limited to any damage caused by VCE or its contractors to the property of Winters.
- D. Public Records Act - Upon its execution, this MOU (including all exhibits and attachments) shall be subject to disclosure pursuant to the California Public Records Act.
- E. Applicable Laws - This MOU shall be deemed to be executed within the State of California and construed in accordance with and governed by the laws of the State of California. Any action or proceeding arising out of this MOU shall be filed and resolved in a California State court located in Woodland, California. After consultation with the undersigned counsel, each party to this MOU represents and warrants that it authorized and has the capacity to enter into this MOU, and that each signatory to this MOU on its behalf is authorized and has the capacity to sign this MOU on its behalf.
- F. Except to the extent other remedies for default under this MOU are otherwise specified herein, the Parties' obligations under this MOU shall be specifically enforceable, and any non-defaulting party may bring an action for specific performance or any other appropriate relief in the Superior Court. This MOU is not intended, nor shall it, create any right or remedy in any third party.

- G. This MOU may be executed in multiple counterparts and signatures exchanged by facsimile or electronically, each of which shall be deemed to be an original document, and all of which together shall constitute one and the same document.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the last day and month provided below:

CITY OF WINTERS

Printed Name, Winters City Manager

Signature, Winters City Manager

Date: _____

Approved as to form:

Ethan Walsh, Winters City Attorney

VALLEY CLEAN ENERGY

Signature, Mitch Sears, VCE Interim General Manager

Date: _____

Approved as to form:

Harriet Steiner, VCE Attorney

ATTACHMENT A

MEMORANDUM OF UNDERSTANDING

BETWEEN THE CITY OF DAVIS AND VALLEY CLEAN ENERGY

MEMORANDUM OF UNDERSTANDING

Between City of Davis and Valley Clean Energy Alliance

This Memorandum of Understanding ("MOU") is entered into by the City of Davis ("Davis") and the Valley Clean Energy Alliance ("VCE") together known as the "Parties", in order to implement electric vehicle ("EV") infrastructure identified in the "Electrify Yolo Project" ("Project"). The Project is funded with local Davis funds through a Fund Exchange Agreement between Davis and the Sacramento Area Council of Governments ("SACOG"). This MOU is effective as of the date of the last signature below.

I. RECITALS

- A. **Whereas**, the Parties were partner jurisdictions in a jointly submitted "Electrify Yolo Project" application to the SACOG Green Region grant funding opportunity in the Fall 2018, with VCE and Davis identified as Project Applicants. The Project supports EV infrastructure and improved multi-modal hub development in Yolo County and the cities of Davis, Winters, and Woodland. Other implementing Project partner jurisdictions include Yolo County and City of Woodland; and
- B. **Whereas**, in December 2018, the Parties were notified that they were awarded a \$2,912,000 grant in federal funds, with a match requirement of 11.47%, for a total Project cost of \$3,289,000; and
- C. **Whereas**, based on SACOG funding policies and preference to deliver funds through a Fund Exchange Agreement to a qualified Applicant, and understanding the opportunity to expedite project implementation by simplifying/eliminating certain federal funding requirements including 1) eliminating National Environmental Protection Agency (NEPA) requirements and 2) eliminating the 11.47% match requirement, the Parties agreed that Davis will execute the requested Fund Exchange Agreement with SACOG, and will be the fiduciary agent for the Project, now at a total Project cost of \$2,912,000; and
- D. **Whereas**, on January 28, 2020, Davis City Council authorized the Davis City Manager to 1) sign the SACOG/Davis Fund Exchange Agreement, which exchanges \$2,912,000 federal funding in the Metropolitan Transportation Improvement Program from the Electrify Yolo Project Green Region grant award into the City of Davis Richards/I-80 Interchange Project, and to replace an equal \$2,912,000 in local funds for the Project, 2) prepare and execute a Budget Adjustment in Fiscal Year 2019-20 to provide \$2,912,000 in local funds for Project implementation, and 3) prepare and execute MOUs between Davis and each Project partner jurisdiction; and

- E. **Whereas**, the Parties enter into this MOU to recognize their mutual interests and goals, and to formalize an agreement to identify roles and responsibilities for Project implementation of EV infrastructure and improved multi-modal hub development.

Accordingly, the Parties hereby agree as follows:

II. STATEMENT OF SHARED GOALS AND PRINCIPLES

- A. The Parties recognize that the implementation of EV charging infrastructure is a shared goal. The Parties desire to provide networked EV charging which is either publicly accessible and/or for county/municipal use on public property.
- B. The Parties desire to establish regular communication channels and meet and share information in an effort to jointly implement county-wide networked EV charging, based on the Fund Exchange Agreement with SACOG and among all regional Project jurisdictions.
- C. The Parties agree to meet the requirements and minimum qualifications of the executed Fund Exchange Agreement (**Attachment A**), dated December 18, 2019, and as noted herein, including completion of the Project by December 31st, 2023. To the extent any provision of this MOU conflicts with the terms of the Fund Exchange Agreement, the terms of the Fund Exchange Agreement shall be controlling.

III. AGREEMENTS FOR PROJECT IMPLEMENTATION

A. Definitions 1. ‘Networked’ EV Chargers for this Project shall mean:

- a. Network capable, with ability for agency to engage in two-way communication via internet or cell phone;
 - b. Demand response capable;
 - c. Flexibility for agency to require users to pay for electricity (fuel), and to have varying fuel costs for different users and/or different lengths of time (e.g. for agency employees vs. the public; free for the first hour, then charged at increasing rates for subsequent hours; or other);
 - d. Providing agency with ability to push software upgrades through the communication channel; and
 - e. Providing agency with ability to collect use data and/or maintenance/operational data.
2. ‘Publicly accessible’ EV Chargers for this Project shall mean available for public use at a minimum of six hours per day (e.g. 9am to 3pm), for a minimum of five

days/week, with the goal of providing maximum time of public use. Placing chargers within fenced county/municipal properties such as libraries, county/municipal offices or other locations is acceptable as long as the minimally available hours noted here are provided.

3. 'Public property' for this Project shall mean property owned by Yolo County and/or Davis, Woodland or Winters, incorporated cities within Yolo County.

B. Minimum Implementation Requirements:

The Parties agree to the following Project minimum implementation requirements:

1. All project funding provided to VCE will be expended exclusively for the installation of EV charging infrastructure in Winters, (or Davis, Woodland, or Yolo County) and all work and installations will be completed by or before December 31st, 2023.
2. VCE agrees to complete all Project implementation and fund expenditures using its approved agency procurement/purchasing policies, and contract bidding/award process to install and maintain EV charging infrastructure, in accordance with their own local requirements and in compliance with all applicable state or federal laws and regulations, including but not limited to payment of prevailing wages. VCE shall require all contractors to obtain adequate insurance to cover any risks associated with the construction and operation of such infrastructure.
3. VCE will provide copies of paid invoices to Davis on a minimum of a quarterly basis (starting three months from the effective date of this MOU), or as completed, as proof of completion of EV charging infrastructure expenses, including consultant and contractor services for site selection, design, permitting, construction document completion, any required environmental review, installation and maintenance of EV charging infrastructure.
4. VCE will provide annual reporting on progress, including photos as appropriate, to Davis no later than May 30 of each year of project implementation, starting on May 30, 2020, and continuing while the project is active and until VCE has satisfactorily performed all of its obligations hereunder, including completion of all required EV charger installations and has provided unconditional releases from all contractors performing work for VCE pursuant to this MOU.
5. Upon total Project implementation, and no later than October 31st, 2023, VCE will submit a final report with photographs of the physical construction, including any relevant documentation needed to demonstrate full project delivery. VCE

acknowledges that failure to perform on or deliver the required Project as per this MOU may be considered by Davis as a disqualifying factor for future funding collaboration with Davis, and/or as a disqualifying or discounting factor for existing or future projects proposed through SACOG's competitive funding programs. If VCE fails to timely complete the work and expend the MOU funds identified in Section III(C) below by such time, it shall return any unspent funds to Davis or enter into an agreement with Davis to provide for the expenditure of such funds.

6. VCE will install a minimum of the following:
 - One (1) networked, publicly accessible Level 3 (DC Fast Charger) in downtown City of Winters public property location, within 5 miles of major freeway corridor (I-505), with funding for an optional maintenance contract of up to five years; **OR**
 - Two (2) networked, publicly accessible Level 2 EV Charging stations in Winters on public property, with funding for an optional maintenance contract of up to five years.

If MOU funds remain after the minimum station(s) above are constructed, VCE agrees that all remaining funding will be used for additional Level 2 and/or Level 3 (DC Fast Chargers) in Winters, Davis, Woodland, or Yolo County, either available to the public and/or for exclusive county/municipal use on public property. Such facilities shall be adequately maintained, and VCE may also use MOU funds to enter into a maintenance contract of up to five years.
7. VCE will submit to Davis, within one week of the execution of this MOU, a letter on agency letterhead, signed by General Manager or Board of Directors (as applicable), indicating the names and positions of those authorized to submit reports and request funds.
8. Additionally, Davis will be responsible for implementing remaining Fund Exchange Agreement requirements, including completing minimum remaining quantities of networked, publicly accessible Level 2 and Level 3 (DC Fast Chargers) in City of Davis locations on public property, purchase of mobile solar chargers, and purchase/lease of EVs for implementation of an electric microtransit pilot in Davis.
9. Additionally, Davis will submit progress reports by email to SACOG no less than annually on July 1st of each year the overall project is active, on behalf of the Electrify

Yolo Project. Davis will submit a final report of the full Project to SACOG by email, with photographs of the physical construction, including any relevant documentation needed to demonstrate full Project delivery, no later than December 31st, 2023.

C. Funding Allocation of Total Project Award

1. Parties agree to the following Project fund share allocation to VCE from the \$2,912,000 SACOG grant total: \$150,000 for implementation of minimum requirements above.
2. Parties agree that Davis will act as Project fiduciary agent, and will distribute funds to VCE as follows:
 - a. Following provision to Davis of VCE Board of Directors signed Resolution and Budget documentation, Davis will provide 85% of fund share allocation to VCE for implementation of Project minimum requirements above.
 - b. Following provision of VCE final report as noted above, along with an invoice for remaining 15%, Davis will reimburse the final 15% installment.

D. Overall Organization and Coordination among Parties

1. Agency representatives: Each Party will identify one (1) responsible representative and one (1) alternate as Project Representatives who will attend meetings, provide progress reports and coordinate with other Parties as necessary in a timely manner. These individuals will be named in the Agency letter described in III.B.6 of this MOU.
2. Meetings: During the first year after the effective date of this MOU and/or during the Project implementation, the Party Representatives shall meet in person at least quarterly, and/or as necessary to implement the Project, discuss their mutual opportunities and how to best leverage partner resources; identify challenges or areas of concern and identify potential solutions; and explore additional funding or resources for further EV charging infrastructure and improved multi-modal hub development.

IV. GENERAL PROVISIONS

- A. The Parties intend and agree that this MOU, and each and every provision thereof, shall be binding and enforceable upon the Parties according to the terms and provisions specified herein.

- B. This MOU constitutes the entire agreement between the Parties as to the matters referred to herein. Any other terms, promises, provisions, obligations or agreements by or between the Parties shall be enforceable only as set forth in any other applicable written agreement.
- C. VCE shall indemnify, defend and hold harmless the City (Davis), its officers, employees and agents from any and all claims, demands, causes of action, losses, damages, costs and expenses of any kind arising from its acts or omissions under this MOU, including but not limited to any damage caused by VCE or its contractors to the property of the City(ies). The City(ies) shall indemnify, defend and hold harmless VCE, its directors, officers, employees and agents from any all claims, demands, causes of action, losses, damages, costs and expenses of any kind arising from its acts or omissions under this MOU, including but not limited to any damage caused by the City to the property of VCE.
- D. Public Records Act - Upon its execution, this MOU (including all exhibits and attachments) shall be subject to disclosure pursuant to the California Public Records Act.
- E. Applicable Laws - This MOU shall be deemed to be executed within the State of California and construed in accordance with and governed by the laws of the State of California. Any action or proceeding arising out of this MOU shall be filed and resolved in a California State court located in Woodland, California. After consultation with the undersigned counsel, each party to this MOU represents and warrants that it authorized and has the capacity to enter into this MOU, and that each signatory to this MOU on its behalf is authorized and has the capacity to sign this MOU on its behalf.
- F. Except to the extent other remedies for default under this MOU are otherwise specified herein, the Parties' obligations under this MOU shall be specifically enforceable, and any non-defaulting party may bring an action for specific performance or any other appropriate relief in the Superior Court. This MOU is not intended, nor shall it, create any right or remedy in any third party.
- G. This MOU may be executed in multiple counterparts and signatures exchanged by facsimile or electronically, each of which shall be deemed to be an original document, and all of which together shall constitute one and the same document.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the last day and month provided below:

Dated: _____

CITY OF DAVIS

Mike Webb, City Manager

Approved as to form:

Inder Khalsa, City Attorney

Dated: _____

VALLEY CLEAN ENERGY ALLIANCE

Mitch Sears, Interim General Manager

Approved as to form:

Attorney

Attachment A:

SACOG/City of Davis Fund Exchange Agreement

ATTACHMENT B

FUND EXCHANGE AGREEMENT

BETWEEN THE CITY OF DAVIS AND THE SACRAMENTO COUNCIL OF GOVERNMENTS

Put copy of the Fund Exchange Agreement here.



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: September 1, 2020
FROM: Shelly A. Gunby, Interim City Manager *Shelly*
SUBJECT: Resolution 2020-48-Approving Applications for Per Capita Grant Funds

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 2020-48, A Resolution of the City Council of the City of Winters approving Applications for Per Capital Grant Funds. The adoption of the resolution is the second step in accessing the funds under Prop 68. Staff completed the first step by attending a mandatory workshop in early August 2020.

BACKGROUND:

The Parks and Water Bond Act of 2018 (Proposition 68) provides funds for local park rehabilitation, creation and improvements on a per capita basis. Specifically, the grants are to rehabilitate existing infrastructure and address deficiencies in neighborhoods lacking access to the outdoors. The City of Winters allocation is \$177,952 and the City would be required to provide a match of \$44,488.00 for a total investment into parks of \$222,440.00.

The timeline for the Grant is as follows:

- Attend mandatory per capital technical assistance workshop - completed.
- Pass a resolution accepting the Per Capita Funds - attached
- Identify projects-next step
- Submit application package-due December 2021
- Execute contract-due June 2022
- Complete Project-due December 2023
- Submit project completion package to Sate Project Officer -due March 2024.

Staff will retune to the City Council for recommendations on what projects could/should be funded by these funds.

FISCAL IMPACT:

None at this time.

ATTACHMENTS:

Resolution 2020-48

RESOLUTION 2020-48

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS APPROVING APPLICATIONS FOR PER CAPITA GRANT FUNDS

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Per Capita Grant Program, setting up necessary procedures governing application(s); and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the grantee's Governing Body to certify by resolution the approval of project application(s) before submission of said applications to the State; and

WHEREAS, the grantee will enter into a contract(s) with the State of California to complete project(s);

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Winters hereby:

1. Approves the filing of project application(s) for Per Capita program grant project(s); and
2. Certifies that said grantee has or will have available, prior to commencement of project work utilizing Per Capita funding, sufficient funds to complete the project(s); and
3. Certifies that the grantee has or will have sufficient funds to operate and maintain the project(s), and
4. Certifies that all projects proposed will be consistent with the park and recreation element of the City of Winters general or recreation plan (PRC §80063(a); and
5. Certifies that these funds will be used to supplement, not supplant, local revenues in existence as of June 5, 2018 (PRC §80062(d)), and
6. Certifies that it will comply with the provisions of §1771.5 of the State Labor Code, and
7. (PRC §80001(b)(8)(A-G)) To the extent practicable, as identified in the "Presidential Memorandum-- Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters," dated January 12, 2017, the City of Winters will consider a range of actions that include, but are not limited to, the following:
 - (A) Conducting active outreach to diverse populations, particularly minority, low- income, and disabled populations and tribal communities, to increase awareness within those communities and the public generally about specific programs and opportunities.
 - (B) Mentoring new environmental, outdoor recreation, and conservation leaders to increase diverse representation across these areas.
 - (C) Creating new partnerships with state, local, tribal, private, and nonprofit organizations to expand access for diverse populations.
 - (D) Identifying and implementing improvements to existing programs to increase visitation and access by diverse populations, particularly minority, low-income, and disabled populations and tribal communities.

(E) Expanding the use of multilingual and culturally appropriate materials in public communications and educational strategies, including through social media strategies, as appropriate, that target diverse populations.

(F) Developing or expanding coordinated efforts to promote youth engagement and empowerment, including fostering new partnerships with diversity-serving and youth-serving organizations, urban areas, and programs.

(G) Identifying possible staff liaisons to diverse populations.

8. Agrees that to the extent practicable, the project(s) will provide workforce education and training, contractor and job opportunities for disadvantaged communities (PRC §80001(b)(5)).

9. Certifies that the grantee shall not reduce the amount of funding otherwise available to be spent on parks or other projects eligible for funds under this division in its jurisdiction. A one-time allocation of other funding that has been expended for parks or other projects, but which is not available on an ongoing basis, shall not be considered when calculating a recipient's annual expenditures. (PRC §80062(d)).

10. Certifies that the grantee has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Procedural Guide; and

11. Delegates the authority to the City Manager, or designee to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope(s); and

12. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

Approved and adopted the 1st day of September, 2020.

I, the undersigned, hereby certify that the foregoing Resolution Number 2020-48 was duly adopted by the City Council of the City of Winters following a roll call vote:

Ayes:

Noes:

Absent:

Wade Cowan, Mayor

I, the undersigned, hereby certify that the foregoing Resolution Number 2020-48 was duly adopted by the City of Winters City Council following a roll call vote:

ATTEST:

Tracy Jensen, CITY CLERK