



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

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 20th 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 Dowswell 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 12th 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

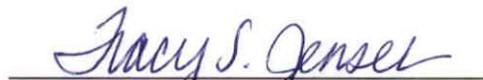
CITY MANAGER REPORT: None

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



Bill Biasi, MAYOR

ATTEST:



Tracy S. Jensen, City Clerk