



Minutes of the Regular Meeting of the Winters City Council Held via
Teleconference (Zoom) on May 5, 2020

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: City Manager John W. Donlevy, Jr., City Attorney Iris Yang,
Director of Financial Management Shelly Gunby, Police Chief John
Miller, Fire Chief Brad Lopez, Building Official Gene Ashdown, City
Clerk Tracy Jensen

The Pledge of Allegiance was led by Pierre Neu.

Approval of Agenda: City Manager Donlevy requested Consent Item E,
Authorization to Purchase New Radar Trailer for Winters Police Department, be
removed from the agenda to be brought back to Council on May 19th. Motion by
Council Member Neu, second by Council Member Loren to approve the agenda
with the noted change. 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: Kate Laddish, 400 Morgan St., thanked those who have
continued to deliver food to the Senior Apartments. She also thanked staff for
moving Consent Item E to a discussion item on the May 19th agenda, referencing
SB34 and its public meeting and posted policy requirements.

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, April 21, 2020
- B. Proclamation of the City Council of the City of Winters Celebrating May 2020 as Older Americans Month
- C. Proclamation of the City Council of the City of Winters Recognizing May 7, 2020, as the Big Day of Giving in the City of Winters
- D. Resolution 2020-14, a Resolution of the City Council of the City of Winters Declaring Weeds and Rubbish on Certain Lots and Parcels Within the City of Winters to be a Public Nuisance and Ordering the Institution of Proceedings to Abate Said Public Nuisances
- E. Authorization to Purchase New Radar Trailer for Winters Police Department **(REMOVED FROM THE AGENDA)**

City Manager John Donlevy gave an overview, confirming the removal of Item E from the agenda to be placed on the May 19th City Council agenda. Motion by Council Member Loren, second by Council Member Neu to approve the Consent Calendar with the noted change. 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: None

DISCUSSION ITEMS

1. Housing Element Consultant Recommendation

City Manager Donlevy gave an overview. Staff interviewed four firms and are recommending the highly qualified firm of De Novo Planning Group, who also provided the lowest proposal, to complete the 6th Cycle (2021-2029) Housing Element. De Novo previously completed the NEPA environmental documents for Blue Mountain Terrace, the Mitigated Negative Declaration (CEQA) for the Walnut 10 Subdivision and the City's 5th Cycle 2013 Housing Element.

Mayor Pro Tem Biasi asked for clarification about the area of coverage with this housing element regarding the area within city limits and the area within the sphere of influence. City Manager Donlevy said the initial advertisement included the entire General Plan area, but within the housing element, the State HCD (Housing and Community Development) requires all housing elements to do a site identification to identify properties within the City that are capable of

being developed within the planning period. Mayor Biasi asked if the plan was to be extended, would it cost more money. City Manager Donlevy said no, staff has already completed an extensive amount of the site identification work. De Novo, along with Ascent, who completed the City's Climate Action Plan, are extremely familiar with the City, which was also one of the determining factors.

Motion by Mayor Pro Tem Biasi, second by Council Member Loren to approve an agreement with De Novo Planning Group for the development of the 6th Cycle (2021-2029) Housing Element for the City of Winters. 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

2. City Council Liaison Assignments

Mayor Cowan reported the City Council liaison assignments are reviewed and updated following each election. During the last week, Mayor Cowan had individual conversations with each Council member to discuss any desired changes, which are highlighted on the accompanying liaison list. Council Member Anderson inquired about the LAFCO assignment. Mayor Cowan said due to the rotation of the cities within Yolo County, the City of Winters has been off of LAFCO for the last two years but has cycled back on as an alternate for the next two years and then will be back on as a board member in two years. Council Member Loren thanked Mayor Cowan for being so thorough when reviewing the list and as the new liaison for the Yolo Community Foundation Leadership Advisory Committee, she appreciates the Mayor's strong leadership and his willingness to switch things up.

Motion by Council Member Loren, second by Council Member Neu to approve the liaison assignments reflected on the May 2020 Liaison Assignment List. Motion carried with the following vote:

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

3. Budget Workshop

City Manager Donlevy said the reality is the COVID-19 pandemic has caused unprecedented financial actions of State and Federal agencies. The focus of the 2020/2021 budget includes several key points, which include preservation of critical services, attrition due to retirements, payroll deduction, preservation of reserves and cash balances, contingency for potential future litigation, and incremental funding through the establishment of a reserve fund.

Director of Financial Management Shelly Gunby gave an overview of revenue projections including budgeted general fund revenues and budgeted general fund expenditures for the period July 2020-June 2021. Following projected budget cuts of \$1.2 million dollars, the budget was reduced from \$6,293,908 to \$5,422,122, with a \$33,315 deficit remaining.

Mayor Pro Tem Biasi said although staff is negotiating with employees for a 5% payroll deduction, what if Police and Fire don't agree? City Manager Donlevy said other avenues will be reviewed, ie: furlough or layoffs. Mayor Pro Tem Biasi asked about the funds being put away for litigation. City Manager said a contingency fund is being created over a four-year period. Council Member Neu asked where the litigation was coming from and asked staff to look into these funds further. He also asked if other jurisdictions have had problems with litigation regarding initiatives that have passed in their cities, adding that Keep Winters Winters will not sue the City. City Manager Donlevy said funding for contingencies is a sound, routine practice and declined to surmise about future litigation. Regarding the building of the contingency fund, Council Member Neu suggested postponing it for one year then build it up over the following four years. Whether the City is entering a short or long recession and whether businesses are coming back, Council Member Neu added he is uncomfortable making cuts and is concerned with the community suffering. City Manager Donlevy replied putting it off will only exacerbate the problem and said the funds will be put into reserves. Council Member Neu said putting money in the reserves is not serving the community and additionally asked does staff plan to look at this each year, will the City continue putting this money away, and how will we know when we need it. Council Member Anderson asked if a reduction in the City-Wide Assessment Transfer was possible. Ms. Gunby said the General Fund has to fund the City-Wide Assessment by \$100K this year and a little more is expected next year. Staff expects to spend more than what they expect to receive, requiring a transfer from the general fund to balance.

Council Member Loren asked staff to look at Police Dept. and O & M, saying the cuts are too severe and would likely impact services. Police Chief Miller said they took a hatchet to the budget, budgeting for emergencies only. For the Police vehicles, all major repairs will be avoided and its down to oil, brakes and tires. No hiring, no background costs, and no anticipation of attrition. Fire Chief Lopez said the Fire Department has taken the same approach as the Police Department by cutting contingencies within their budget, as well as training and vehicle maintenance. While operating at a bare minimum, it's difficult to plan for

emergencies and they are unable to anticipate what kind of emergencies the City will have. Council Member Loren said with the dry winter we've had it could be an early as well as a prolonged fire season. We need a robust budget. If we're not running programs at the pool, can we shift or recapture funds from the school district or recapture funding from our insurance? City Manager Donlevy said the City pays for approximately 80% of the pool costs and due to the contractual relationship between the City and the school district, the ability to shift funding onto the school district is not possible. As per the Governor, pools are considered places of mass gatherings and remain well out in projections for opening. Phase 1 took three months and if each phase takes three months, it will be next year before the pool can re-open under Phase 4.

Ms. Gunby said part of the Fire Department programming includes the State OES truck. When it is called out with our staff, the State pays for repairs and maintenance and reimburses the City for the staff used on the truck, plus administrative costs. This covers the overtime for those on the OES truck as well as those covering shifts back at the station and doesn't negatively impact the City's budget. Mayor Cowan said this pandemic is a first and if it continues, we'll go from bad to worse and lose a lot of businesses in Winters. We need to help get them up and running. The State and Federal governments haven't allocated any funds to cities of our size. If we do receive funds, staff can inject those funds back into the budget and make adjustments. City Manager Donlevy said \$2 trillion dollars was funded into a relief package, but Winters was not on the list, noting small cities were identified as having less than ½ million people. Referring to 2008, there was no relief then and there will likely be no relief now, although our schools and the UC system will be hurting. Ms. Gunby said when emergency leave legislation was passed, it left cities, counties and states out of the remedy. There are some grants available for small cities for PPE (personal protective equipment) or CDBG (Community Development Block Grant) that are specifically structured. The City's issue is on the revenue side as the City has lost a significant portion of the sales tax base. The City, who has become much more reliant on gas stations and restaurants, has received 23% less sales tax. Projections have us getting back on track in 2026/2027, taking six years to get back to where we were a year ago. Staff will come back to employees in February 2021 after the first sales tax payment is received from the county, and will also come back to Council to review the budget and see what has come in. Mayor Cowan and Council Member Loren have attended several LCC (League of California Cities) meetings, providing their input and applying pressure on behalf of small cities and rural areas, who need help just as much as San Francisco and Sacramento. Mayor Cowan said they have also contacted Assemblywoman Aguiar-Curry and Senator Dodd, asking them to apply pressure on behalf of smaller jurisdictions as well. Council Member Loren said the CDBG block grant system awarded 70% of funding to cities over 50,000 and the remaining 30% to smaller cities, confirming the dynamics of the system disadvantages us and puts Winters at the back of the line. While the work of the EDAC is appreciated, one of the recommendations was the need for some fresh eyes to diversify our

portfolio, not relying just on gas and restaurants. Anything should be on the table, including the cannabis industry. Working with the Solano EDAC group, they are trying to bring more medical technology to the area, although it won't satisfy our current economic condition.

Sally Brown, 24 E. Main, said she had questions about two cuts: the reduction in the transfer of \$25K to the library is not a reduction, it's the full amount. The City made a commitment for those funds and she asked staff to reconsider this cut. Library services are an essential service in our community, not an amenity. A lot of unemployed people rely on the library to search for new jobs. Ms. Brown also said when revisiting the budget in February, she asked if staff could revisit the pool since the 2020-2021 budget also covers next summer. She asked staff to see where we're at and reconsider possibly opening the pool in May 2021.

Eric Tavener, Abbey House Inn, submitting his comment from a business perspective, said a lot of businesses would like to open up, and with support from the City and its elected, they need assurance and protection from COVID-19 related lawsuits. The extreme restrictions on hotels and restaurants and the hospitality industry as a whole is eye-opening and the required level of cleanliness is off the charts.

Bob Polkinghorn, 842 Walnut, thanked Council and staff for their hard work now and in the next several months and then asked for greater clarification and transparency regarding the litigation cost in the budget of \$250K for this year and anticipated building out to \$1 million dollars in four years. He asked Council and staff to come forward and explain to citizens the use of \$250K in taxpayer money, as these are public funds and the public deserves an answer. Mr. Polkinghorn also stated he did not understand the rationale for a \$1million dollar litigation cost budget and asked the Council if the City Manager's rationale was sufficient to make a decision to cut salaries, reduce funding for Police and Fire, or cut services and instead put aside \$250K a year for four years. By setting aside litigation costs, does the City anticipate being sued or suing somebody? The City must feel they might be sued by the State of California, but this is pure speculation as there is no transparency despite the promise of a transparency website. The only possible lawsuit might come from the State of California for failing to meet the RHNA targets for low and very low-income categories. As per Mr. Polkinghorn's calculations, the RHNA target is 200 and there are approximately 150 acres in City property that would yield about 1,000 housing units, of which 200 could become low or very low income, especially if we follow the path of greater density for low and very low income. The RHNA standard is 20-30 units per acre and with these numbers the City should be able to meet the RHNA numbers and avoid being sued by the State of California. Mr. Polkinghorn asked if the petition been tied to the litigation fund and that the public deserves an answer regarding public dollars, adding that people suffer with cuts and the pain can be mitigated with \$250K. Mr. Polkinghorn said that Council Member Loren had previously mentioned the EDAC report, which recommended hiring

someone to look at business development within the City with fresh eyes. In closing, Mr. Polkinghorn said while he appreciates the well-intentioned work of staff and Council and doesn't envy their position, it comes down to the lack of transparency and lack of clarity on this issue

City Manager Donlevy said the City has a contingency fund for a variety of reasons. To clarify, items are carried out over a multi-year period. Staff looks at what is being spent, looks at future expenditures and projects where they're going to be, and funds are then set aside. He concluded by saying the City has a complete spending plan.

Mark Fink, Yolo County Librarian, thanked the City for their difficult work. He said the library has enjoyed tremendous support from the residents of Winters. The Yolo County Library currently has an MOU with the City of Winters and WJUSD, which involves collaboration when making changes to the MOU. Mr. Fink requested the library be brought into the conversation that affects the MOU. If funds are cut, services and hours will be reduced and he respects the difficult decisions that have to be made.

Council Member Loren mentioned for Mr. Tavener that during a meeting on May 4th with Cal OES, the State, and the League of California Cities (LCC), she had an extensive conversation regarding the service and hospitality industry, and there were a lot of questions that came from League President and Mayor of Yountville John Dunbar. A lot of regions in the area have a lot of similar types of businesses. Not being satisfied with the information provided about the requirements for hospitality, Council Member Loren wrote a letter to Melanie Perone with the LCC who collaborates with the State and asked for specific guidance on a series of questions about the hotel business, including cleaning and simplifying the process. Any information received will be shared with Mr. Tavener.

Mayor Pro Tem Biasi said the library is currently closed, as are the Community Center and the swimming pool and we don't know when they will be reopened. He asked if we can possibly look at the budget sooner than February 2021.

City Manager Donlevy confirmed this item will come back to Council as an information item at the next Council meeting to keep Council in the loop about what staff is hearing and to solicit additional input.

Director of Financial Management Shelly Gunby said staff needs to finish talking to some of the employee groups about their decision so she can have a better idea of where we're headed and see what the Governor is opening or not opening. She will include any updates at the 5/19 City Council meeting. Council Member Loren said although it is minimal, she suggested Council take a 5% reduction in their stipends since staff is taking a 5% reduction in pay to be in the same boat as staff, even if it is a small amount.

Mayor Cowan asked if City Attorney Walsh could speak to the litigation fund at the 5/19 City Council meeting. This is a heartbreaking thing for all of us. Asking people to give up 5% of their current pay and not being able to hire police and fire is a heartbreaking thing for all of us. It's sad to see how much damage can be done in such a short period of time. How soon can we begin to recover and get back to normal? It depends on how quickly we can get businesses safely back up and running. Eric at the Abbey House Inn has a legitimate concern and Council and staff are looking to our lawmakers to come up with legislation to protect all of us from frivolous lawsuits claiming they got COVID-19 from a business that recently re-opened. This is a legitimate thing for the State to be looking at to help protect all of us. We need to do all we can to help our businesses in Winters get up and running safely and as quickly as possible.

CITY MANAGER REPORT: One of the numbers that hasn't been brought up over the years and it's a big deal for some of us - the contribution of 457 match from employees. We had many of the same issues in 2008. Some staff members began giving back 7% in 2008 and have continued to donate these funds back into the City's general fund since then. Between four staff members, contributions total over \$300,000 over the last 12 years. Looking at the various ways to keep things alive reflects the uniqueness of this time. Mr. Donlevy previously participated on a committee through Yolo County called MAC, whose #1 quest was to get businesses open. Ultimately the Yolo County Health Officer will decide when businesses will open based on recommendations from the MAC committee. In an effort to get businesses open, Mr. Donlevy began writing guidance protocols for wineries, tasting rooms, distilleries, breweries, barbering and cosmetology businesses, and also participated in a call about how to open up small retail businesses by rolling out low risk businesses in four phases, including the speed of the rollout for the various levels of business, low, medium and high risk. Winters businesses mostly fall into a medium risk, but we're trying to pull the City down into low risk. Mr. Donlevy began sending out draft protocols before the MAC committee was discontinued, deferring to the State regarding the reopening of businesses. Last week the Mayor spoke at the Capitol regarding Chromium 6 and staff is now drafting a comment letter to submit to participate in the white paper discussion.

INFORMATION ONLY: None

ADJOURNMENT: Mayor Cowan adjourned the meeting at 8:32 p.m. in honor of Eleanor "Rose" Kent's 100th birthday.


Wade Cowan, MAYOR

ATTEST:


Tracy S. Jensen, City Clerk