



Minutes of the Regular Meeting of the Winters City Council
Held via Teleconference (Zoom) on June 16, 2020

Mayor Cowan called the meeting to order at 6:30 p.m. and announced that all Council votes will be taken via roll call vote. For those who wish to speak via Zoom, please use the "raise your hand" icon to speak during the desired agenda item.

Present: Council Members Harold Anderson, Jesse Loren, Pierre Neu, Mayor Pro Tempore Bill Biasi, Mayor Wade Cowan
Absent: None
Staff: City Manager John W. Donlevy, Jr., City Attorney Ethan Walsh, Director of Financial Management Shelly Gunby, Police Chief John Miller, Building Official Gene Ashdown, Management Analyst Kristine DeGuerre, City Clerk Tracy Jensen

Council Member Jesse Loren led the Pledge of Allegiance.

Approval of Agenda: City Manager Donlevy reported no changes to the agenda. Motion by Council Member Loren, second by Council Member Neu to approve the agenda with no 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: Tina Lowden, 320 Niemann St., said the recent BLM protest in Winters was well done. There were a lot of City leaders in attendance, including Police Chief Miller. Kudos to the organizers, who did a great job.

Jeff Tenpas, 24 E. Main St., seconded Tina's remarks and asked about the City's Use of Force policy.

CONSENT CALENDAR

- A. **DUE TO THE LENGTH OF THE JUNE 2, 2020 CITY COUNCIL MEETING, THE MEETING MINUTES WILL BE INCLUDED ON THE AGENDA OF THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING ON JULY 7, 2020.**
- B. Purchase of OpenGov Budgeting & Planning Software
- C. Association Side Letter Agreements
- D. Cooperator Agreement with Yolo RCD - Arundo Eradication Program
- E. Resolution 2020-29, a Resolution of the City Council of the City of Winters Accepting an Irrevocable Offer of Dedication (IOD) of Right of Way and Easements for Sidewalk and Pedestrian Access Purposes for the Winters Highlands (Stone's Throw) Phase 1A Subdivision
- F. Proclamation Celebrating June 2020 as World Elder Abuse Awareness Month
- G. Implementation of Paymentus Credit Card Services
- H. Local Early Action Planning Grant Application

City Manager Donlevy gave an overview and said as staff and Council go through it, the Consent Calendar includes some very important things that will help the City in the long term, including budget software, Arundo removal, credit card services and the ability to issue e-bills. Motion by Council 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: None

DISCUSSION ITEMS

1. Review Winters Policy Department Draft Automated License Plate Reader (ALPR) Policy

Police Chief John Miller gave an overview of the draft Automatic License Plate Reader (ALPR) policy, which complies with and addresses all the issues under the California Civil Code under SB34 and SB54. The department contracts with Lexipol, who is utilized to draft policy manuals, which may be modified by local jurisdictions, although most are adopted as issued as they are well-drafted and meet the requirements. Staff reviewed several ALPR policies online and drafted a general order to be utilized in conjunction with the policy manual. Of the 23 or 24 general orders currently in place, staff may modify the general order if needed instead of modifying the entire policy.

Kate Laddish, 400 Morgan St., asked Chief Miller to clarify two items before adopting the draft policy, which states the WPD will conduct audits "periodically." She requested the policy should specifically include when the audits are conducted. She also requested the policy contain the number of agencies that Winters Police Department can receive information from or share information with to eliminate unintended use or abuse of data in the future. Mayor Cowan confirmed Ms. Laddish also submitted a letter to Council outlining these requests, which will be retained as part of the City's permanent record.

Council Member Loren previously spoke to Chief Miller regarding the open-ended language contained in the policy. She then directed staff to add language to specify annual or semi-annual audits. Mayor Cowan agreed with changing the audit frequency to semi-annual or annually and then asked how many agencies the information will be shared with. Chief Miller recommended annual audits, although the City's Records Retention Schedule for ALPR technology is 1 year plus 13 months. Regarding the number of agencies, the Winters Police Department is part of a larger network, and part of the system is to utilize and share the data. He recommended not capping it as he does not know how many agencies will sign the MOU with Winters P.D. Mayor Cowan added that all surrounding agencies are currently using this technology.

Council Member Loren thanked Chief Miller and requested he report out how the policy is being used. Great detail is not necessary, but she would like to see how it is benefitting the community. Mayor Cowan requested this report coincide with the annual audit.

Mayor Pro Tem Biasi said it would be difficult to put a cap on the agencies included in the MOU, which may limit us on investigations and also limit the usefulness of the program. Council Member Neu asked staff to clarify annual or annual plus 13 months. Chief Miller reiterated the City's Records Retention Schedule for data is 12 months plus 13 months, yet the periodic audit for the ALPR policy will be performed annually. If anyone queries our data, it leaves an audit trail and must include the reason they have queried the data.

Motion by Council Member Loren, second by Council Member Anderson to adopt the Winters Police Department Draft Automated License Plate Reader (ALPR) Policy and to include an annual audit period. 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. Resolution 2020-30, a Resolution of the City Council of the City of Winters Approving and Adopting a Budget of Estimated Revenues and Expenditures for Fiscal Year 2020-2021

City Manager Donlevy indicated the overall City budget has been discussed at the last four City Council meetings, including the financial impacts of COVID-19. In one scenario provided by staff, the litigation contingency fund of \$250K has been added back into the overall budget, and the City will deal with any issues if/when they arise.

Director of Financial Management Shelly Gunby prepared and presented two budget plans for Council to review. Although the general fund revenue sources and amounts remain unchanged from the last City Council meeting, the general fund expenditures differ due to several factors, including the removal of the litigation contingency fund, the rescission of pay cuts, the deferral of a 2.5% COLA from 7/1/20 to 7/1/21, \$25K in library funding, and restoring funding to Police and Fire.

City Manager Donlevy said the swimming pool and Community Center closures are not cuts, but savings at this point. The State has issued guidelines for swimming, which is currently the #1 issue in California. If the City has an opportunity to open the pool for lap swimming and recreation swim, it will be done. Pool supporters Sally Brown and Kate Laddish have a Zoom meeting scheduled with staff on Thursday to discuss lap swimming parameters at the very least. City Manager Donlevy said lap swimming will require a reservation system, constant social distancing, no restroom use, and will require that lap swimmers become a 'member' and sign an agreement stating if one lap swimmer contracts COVID-19, all lap swimmers must quarantine for 14 days. The same would hold true for youth swimming. Council also discussed the closure of the Community Center due to restrictions on public gatherings of more than 10 people, which is strictly prohibited, and how this is affecting the senior lunch program at the Community Center. Unfortunately, the Community Center falls into Stage 4 of reopening. Mayor Cowan noted the receipt of letters from Bob Polkinghorn, Jim Rix, Sally Brown, Mark Fink, and Moira Barsotti to restore funding to the pool and library, and to get the seniors back to the Community Center. Council Member Anderson has reviewed information and protocols for the swimming pool and surmised it is achievable for adults but not for children with parents, who would likely gather in groups. Mayor Cowan thanked Shelly for all her work on the budget and for finding a way to restore 5% back to the employees. He suggested a budget review every two months going forward. Ms. Gunby concluded by saying this is a realistic budget, with significant reductions in staffing (25%) and wages (2%). COVID-19 has been decimating and the need for economic development and the diversification of our economy is greater now than ever before. City Manager Donlevy requested Council adopt Resolution 2020-30 without the litigation contingency fund and to review the overall budget in September.

Sally Brown, 24 E. Main, thanked staff for their service and being receptive to input. She is very interested in the pool reopening and resume swimming for all groups, including lap swimmers, swim lessons, swim team and recreation swim. She recommended the appointment of an ad hoc committee that includes a representative

from each swim group, adding she is willing to donate \$500 to help fund the pool for all swim groups.

Kate Laddish, 400 Morgan, thanked Shelly for her extraordinary work, and voiced her approval of no pay cuts, restoring the funding for the library, and opening of the pool if there is a way to meet the protocols beyond lap swimming. She is confident that social distancing lap swimming can be accomplished, but recreation swim is tougher. Some other programs may not happen this year unless they change drastically. There are many creative and dedicated people in the community and she looks forward to continuing the conversation.

Tina Lowden, 320 Niemann, applauded staff for their efforts in balancing the budget, and encouraged the City to reinstate the following expenditures: Community Center for the seniors, who need nutritional meals and the social interaction with each other; keep our financial commitment to the Yolo County Library, which is central for all ages within the community; and open the pool for lap swimmers during the months of July, August and September. Since most of the City's tax revenue come from the highway businesses, she encouraged everyone to support these businesses and together we will get through this budgetary situation.

Mayor Pro Tem Biasi said he was glad to see we're discussing the pool. The State and Yolo County issued recommendations after the staff report was finalized and meeting these requirements will add to the overall cost. He said he was in favor of pursuing a group to work out a schedule, adding there are a lot of details to work out on the pool. No mass gatherings or receptions are allowed at the Community Center and although the seniors would like to reopen, the biggest recommendation in the guidelines is to not put our seniors in an enclosed space. Staff will continue to review and will keep an eye out as things change. Funding for the library is important, as is not cutting personnel pay by 5% and the re-opening of businesses. Staff and Council previously discussed funding for potential litigation and the recommendation was to take it out. An Ad Hoc committee has been meeting with representatives from Keep Winters Winters with hopes of producing a fruitful compromise and doing away with the need for a litigation fund. Council Member Loren concurred with Mayor Pro Tem Biasi's comments and suggested phasing in parts of the pool by starting with lap swim and then move forward to other programs. She said she supports the updated budget that contains some tough decisions that may hurt people and thanked John and Shelly for bringing the budget forward. Council Member Neu agreed with the budget discussion and said this is the best possible budget under these circumstances.

Motion by Council Member Neu, second by Council Member Loren to adopt Resolution 2020-30 approving and adopting a budget of estimated expenditures for Fiscal Year 2020-2021 without the litigation contingency fund and no pay reduction. Motion carried with the following vote:

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

NOES: None
ABSENT: None
ABSTAIN: None

Letters and/or emails received from Mona Biasi, Jon Tice, Kate Laddish, Sally Brown, Sam Warren, and Tina Lowden will be retained as part of the permanent record.

3. Update on Elections Code Section 9212 Report (Oral Report Provided by City Attorney)

City Attorney Ethan Walsh gave an overview and recommended hiring an outside consultant to prepare the initiative impact report. Ad Hoc Committee members Cowan and Neu will discuss this with the KWW proponents. City Attorney Walsh has had several meetings and conversations with KWW's attorney, which have been very constructive, and they have agreed to keep these discussions private for now. City Attorney Walsh noted the approximate cost to complete the 9212 base report, \$75K, that would include any supplemental planning and engineering analysis. Staff has 30 days to complete the report, and it would be in the City's best interest to narrow the scope and have City Attorney Walsh prepare the streamlined report. Once prepared, the KWW attorney will have the opportunity to review the report. Staff will then bring the report to Council at the July 2nd Special City Council meeting. City Manager Donlevy requested Council feedback on Ethan's recommendation given the cost of the report and trying to use the budget in a more efficient way.

Mayor Cowan said this would be the best approach and Ethan's report will satisfy the law. Mayor Pro Tem Biasi said as per Ethan's advice, moving forward on a streamlined report is a good direction. Council Member Loren said she strongly supports this process and by letting the process take place, that's how we move forward.

Bob Polkinghorn thanked Council and the City Attorney for a clear presentation and confirmed on behalf of KWW the outline described above. He thanked staff for engaging in a productive way with KWW and their attorney and supports Ethan's outline.

Jeff Tenpas said this is going in the right direction and that spending money on an expensive report is not the way to go.

Taylor Buley expressed his surprise that KWW wants these discussions kept private and not as open as possible for these types of discussions. This seems to go against the spirit of the movement and the value of transparency through these processes. Bob Polkinghorn said it was by mutual agreement between the Ad Hoc Committee and KWW to maintain confidentiality.

Mayor Cowan thanked Mr. Polkinghorn for addressing this and confirmed it was a mutual decision regarding ongoing conversations while trying to work through things.

Staff hopes to present the report before the 30-day limit and it is possible that we can come to a consensus.

City Attorney Walsh said regarding private conversations, there is a thorough process and nobody is going to make public decisions without public input, followed by the petition going before the voters. It is easier to discuss it in a private setting and the public will have an opportunity to address the issue. Council Member Anderson reminded everyone that July 2nd is the 30th day and City Attorney Walsh confirmed the special City Council meeting will be scheduled on July 2nd.

Executive Session

Safe Harbor for Closed Session Pursuant to G.C. Section 54954.5

1. Pursuant to Government Code Section 54957 - Public Employee Performance Evaluation – City Manager
2. Pursuant to Government Code Section 54956.9 – Conference with Legal Counsel – Anticipated Litigation (One Matter)

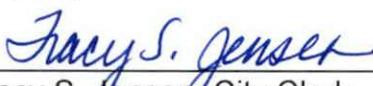
CITY MANAGER REPORT: Acknowledgement goes out to our partners Yolo OES and Solano County Fire regarding the Quail Fire. One home was lost but the collaboration between Solano County and Yolo OES was good. Kudos to the Winters Police Department and the young folks who organized the BLM protest. There is chatter about the fireworks, which is a Phase 4 activity as per the Governor's State guidance and protocols. We want to have the fireworks show, but the last few years have been a challenge due to local fires and COVID-19. \$5k remains in a deposit account, and there is no huge bank of money. This was not an easy call and hopefully next year we can have a show. The re-opening of the business community, including Hotel Winters and non-retail businesses is predicated on compliance with State and County requirements.

INFORMATION ONLY: Council Member Loren said there is an outdoor concert at the Palms on Friday, June 19th from 6-8pm. Keep the Palms viable by going to the Palms website and donate online.

ADJOURNMENT: Mayor Cowan adjourned the meeting at 8:26 p.m.


Wade Cowan, MAYOR

ATTEST:


Tracy S. Jensen, City Clerk