



Winters Regular Council Meeting

Tuesday, March 18, 2025 @ 6:30 PM
AGENDA

Members of the City Council

Albert Vallecillo, Mayor
Bill Biasi, Mayor Pro-Tempore
Richard Casavecchia
Jesse Loren
Carol Scianna

Meeting Information

Winters City Council meetings are conducted in person at City Hall Council Chambers, 318 First Street, accessible via the Abbey St side entrance. As a courtesy, and technology permitting, members of the public may continue to participate virtually. However, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Brown Act, City Council meetings will continue despite technical difficulties for participants using the teleconferencing option.

Z o o m : <https://us02web.zoom.us/j/85023197139?pwd=U2xRNUg1U0V6T1ZqUIBGTVZRIJdz09>

Dial: 1 669 444 9171 US Meeting ID: 850 2319 7139 Passcode: 405995

1. If you are joining the meeting via Zoom and wish to make a comment on an item, press the "raise a hand" button. If you are joining the meeting by phone, press *9 to indicate a desire to make a comment. The chair will call you by name or phone number when it is your turn to comment. Speakers will be limited to 3:00 minutes.

2. If you choose not to observe the City Council meeting but wish to make a comment on a specific agenda item, please submit your comment via email by 5:00 p.m. on the Monday prior to the City Council meeting. Please submit your comment to the City Clerk at cityclerk@cityofwinters.org. All public comments submitted to the City Clerk will be summarized and read into record but will not be read verbatim due to time limitations

1. ROLL CALL
2. PLEDGE OF ALLIEGENCE
3. APPROVAL OF THE AGENDA
4. COUNCIL/STAFF COMMENTS

5. 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 matters 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.

6. CONSENT CALENDAR

All matters listed under the consent calendar are considered routine and noncontroversial, 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 March 4, 2025
[City Council Minutes March 18, 2025.docx](#)
- B. Youth Day Street Closure Request - April 26, 2025
[Staff Report - Youth Day Street Closure Request.docx](#)
[Attachment 1 - Youth Day Street Closure Request.pdf](#)
- C. Memorandum of Understanding (MOU) Regarding SACOG Regional State Transportation Improvement Program (STIP) Regional Set-Aside Funding
[Staff Report - YTD STIP Funding MOU.doc](#)
[Attachment 1 - MOU SACOG Regional STIP Funding.docx](#)
- D. Resolution No. 2025-10 Approving the First Amendment to the Professional Services Agreement with Municipal Resource Group, LLC to Increase by \$30,000 for a Total Not-to-Exceed Amount of \$45,500 and Authorizing the City Manager to Execute the Amendment
[Staff Report - First Amendment to PSA with Municipal Resource Group](#)
[Attachment 1 - Resolution 2025-10 Municipal Resource Group LLC Amendment.docx](#)
[Attachment 2 - First Amendment to PSA w Municipal Resource Group.docx](#)
[Attachment 3 - PSA w Municipal Resource Group](#)
- E. Adoption of Ordinance No. 2025-03 Amending Section 17.04.140 and Chapter 17.98 of the Winters Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and Finding the Action to Be Statutorily Exempt from CEQA Under Section 21080.17 of the Public Resources Code
[Staff Report - ADU.docx](#)
[Attachment A - Planning Commission Resolution 2025-01.pdf](#)
[Attachment B - City Council ADU Ordinance](#)
[Attachment C - Redline of Changes to Chapter 17.98.docx](#)
- F. Adoption of Ordinance No. 2025-02 amending the Winters Municipal Code, Sections

17.04.140 (Definitions), 17.52.020 (Land Use/Zone Matrix), and 17.205.030 (Commercial Cannabis Uses and Requirements).
[Staff Report - Cannabis Ordinance \(03.18.25\).doc](#)
[Attachment 1 - Ordinance 2025-02 Cannabis](#)
[Attachment 2 - Winters C-1 and C-2 zoning areas.pdf](#)

7. PRESENTATIONS

A.

Presentation Regarding the ADA Self Evaluation and Transition Plan

[Staff Report - ADA SETP.doc](#)

[City of Winters - ADA Self Evaluation and Transition Plan Presentation.pptx](#)

8. DISCUSSION ITEMS

A. Amend Resolution 2025-11 Reestablishing the Natural Resources Commission, to Revise the Selection Process and Membership Structure

[Staff Report - Natural Resources Commission](#)

[Attachment 1 - Proposed Changes to Natural Resources Commission Appointment Process](#)

[Attachment 2 - Resolution 2025-11 Reestablishing the Natural Resources Commission.doc](#)

[Attachment 3 - Resolution 2021-55 Establish Natural Resource Council Executed 9-7-21.pdf](#)

[Attachment 4 - Redline - Changes to Natural Resources Commission Resolution.docx](#)

B. Resolution No. 2025-09 authorizing the addition of two fire engineers and one firefighter as full-time employee positions and amending the FY 2024/25 budget to reflect assessment revenues

[Staff Report - FTE 218 Positions.docx](#)

[Attachment 1 - Winters Resolution 2025_09 218 FTE Positions.docx](#)

9. CITY MANAGER REPORT

10. INFORMATION ONLY

11. ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the regular meeting of the Winters City Council was posted on the City of Winters website at www.cityofwinters.org and Council Members 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 Thursday, March 13, 2025, and made available to the public during normal business hours.

Zorina Treat, Deputy City Clerk

Winters City Council Agenda

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 http://www.cityofwinters.org/city-council-meetings_/

General Notes: Meeting facilities are accessible to persons with disabilities. To arrange aid or services to modify or accommodate persons with disability to participate in a public meeting, contact the City Clerk.

Staff recommendations are guidelines to the City Council. On any item, the Council may take action, which varies from that recommended by staff.

The city does not transcribe its proceedings. Anyone who desires a verbatim record of this meeting should arrange for attendance by a court reporter or for other acceptable means of recordation. Such arrangements will be at the sole expense of the individual requesting the recordation.

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City Council agenda packets and any attachments to the agenda that are not available online may be viewed at the City Clerk's Office at City Hall - 318 First Street.

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.

A recording of any streamed City Council meeting can be viewed later at <http://www.cityofwinters.org/city-council-meeting-recordings/>.



Minutes of the Regular Meeting of the City Council Held March 4, 2025

Mayor Albert Vallecillo Called the meeting to order at 6:30 PM

Present: Council Members Richard Casavecchia, Jesse Loren, Carol Scianna, Mayor Pro Tem Albert Vallecillo, Mayor Bill Biasi.

Absent: None

Staff: Acting City Manager Joe Gorton, Assistant City Attorney Joanna Gin, Director of Administrative Services Cathy Matthews, Chief of Police John Miller, Chief of Fire Jack Synder, Contract Planner Dave Dowswell, Deputy City Clerk Zorina Treat.

PLEDGE OF ALLIEGENCE

The Girl Scouts led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Motion by Mayor Pro Tem Bill Biasi, seconded by Council member Loren, to approve Item 7.C., Proclamation Recognizing the Month of March as March as Women's History Month, to be taken up before the consent calendar. The motion carried unanimously by the following vote:

AYES: Council Members Richard Casavecchia, Jesse Loren, Carol Scianna, Mayor Pro Tem Bill Biasi, Mayor Albert Vallecillo

NOES: None

ABSENT: None

COUNCIL/STAFF COMMENTS

Verbal updates were provided by Council Members.

PUBLIC COMMENTS

Crystal Apilado provided public comment.

CONSENT CALENDAR

6.A. Warrant Register and Payment of Claims for the Month of January 2025

6.B.

Street Closure Approval for the Downtown Winters Spring Open March 28-29, 2025

6.C. Resolution 2025-08 Approving an Amended FY 2024-2025 Salary Schedule

6.D. Minutes of the Regular Meeting of the Winters City Council Held on February 18, 2025

No public comment. Motion by Council Member Scianna, seconded by Mayor Pro Tem Bill Biasi, to approve the Consent Calendar as presented. Motion carried with the following vote:

AYES: Council Members Richard Casavecchia, Jesse Loren, Carol Scianna, Mayor Pro Tem Bill Biasi, Mayor Albert Vallecillo

NOES: None

ABSENT: None

PRESENTATIONS

7.A. Winters Police Department 2024 Annual Report to Council

Police Chief Miller presented the 2024 annual report, highlighting the department's activities and crime statistics, emphasizing the importance of crime prevention.

Public comment was provided by Tina Lowden, Kate Laddish, Sergeant Manuel Cardoza, CSO Andrea Gonzalez.

7.B. Report on the final audited Annual Comprehensive Financial Report "ACFR" and related documents for the fiscal year ending June 30, 2023

Erica Pastor from MUN CPAs presented the audit report, highlighting the audit process, findings, and recommendations, including an unmodified audit opinion, identified deficiencies, and compliance exceptions.

7.C. Proclamation Recognizing the Month of March as Women's History Month

Mayor Albert Vallecillo introduced a Proclamation designating March as Women's History Month.

Public comment was provided by Crystal Apilado and Kate Laddish.

Motion made by Council Member Loren, seconded by Council Member Scianna, to approve the Proclamation with the following vote:

AYES: Council Members Richard Casavecchia, Jesse Loren, Carol Scianna, Mayor Pro Tem Bill Biasi, Mayor Albert Vallecillo

NOES: None

ABSENT: None

DISCUSSION ITEMS

- 8.A. Public Hearing - Introduce and Waive First Reading of Ordinance No. 2025-03 Amending Section 17.04.140 and Chapter 17.98 of the Winters Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and Finding the Action to Be Statutorily Exempt from CEQA Under Section 21080.17 of the Public Resources Code

Contract Planner Dave Dowswell presented Ordinance 2025-03, which the Planning Commission had approved. This ordinance updates the Winter Municipal Code to align with new state laws regarding accessory dwelling units (ADUs). Key changes include reduced parking requirements, the legalization of existing ADUs, and expanded allowances for multi-family properties.

Mayor Albert Vallecillo opened the hearing at 8:14 p.m. There was no public comment. The public hearing was closed at 8:15 PM.

Motion by Council Member Loren, seconded by Council Member Casavecchia, to waive first reading of Ordinance 2025-03 Amending Section 17.04.140 and Chapter 17.98 of the Winters Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and Finding the Action to Be Statutorily Exempt from CEQA Under Section 21080.17 of the Public Resources Code. Motion carried with the following vote:

AYES: Council Members Richard Casavecchia, Jesse Loren, Carol Scianna, Mayor Pro Tem Bill Biasi, Mayor Albert Vallecillo

NOES: None

ABSENT: None

- 8.B. 2025 City Council Appointments to Local and Regional Committees, Boards, and Authorities

Mayor Albert Vallecillo presented the proposed 2025 council appointments for local and regional committees, boards, and authorities to the Council, seeking their input.

Public comment was made by Kate Laddish.

The Council instructed staff to develop a comprehensive policy and procedures for the Ad Hoc Committees.

Additionally, the Mayor requested that staff print Liaison assignments on 11X17 paper.

Motion by Council member Loren, seconded by Council Member Casavecchia, to approve the list of appointments to various local and regional committees, boards and authorities, with updates discussed. Motion carried with the following vote:

AYES: Council Members Richard Casavecchia, Jesse Loren, Carol Scianna, Mayor Pro Tem Bill Biasi, Mayor Albert Vallecillo

NOES: None

ABSENT: None

CITY MANAGER REPORT

None

INFORMATION ONLY

Council Member Loren announced The Beeline Services update meeting is on Monday, March 10, 2025, referencing a survey available for public comment at public-comment@yctd.org.

ADJOURNMENT

Meeting Adjourned at 8:40 PM

Albert Vallecillo, MAYOR

ATTEST:

Zorina Treat, Deputy City Clerk



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: March 18, 2025
FROM: Jeremy Craig, City Manager
SUBJECT: Youth Day Parade Main Street Closure – April 26, 2025

RECOMMENDATION:

By motion, approve the parade route and street closure request associated with the Youth Day Parade and activities for April 26, 2025.

BACKGROUND:

For over 85 years, the Winters Community has hosted Youth Day in recognition of Winters' youth and civic engagement. Traditionally on the last Saturday in April, activities have varied over the years, although historically, a parade down Main Street is the highlight. While past years have included activities at City Park, this year the committee is moving those activities to Rotary Park.

DISCUSSION:

The Youth Day Committee is a separate non-profit organization. Youth Day celebrations are co-hosted by the City of Winters. The City does not charge fees to use Rotary Park and the City historically has made a contribution of \$2,500 to the Youth Day Committee, which staff will process again this year consistent with the adopted budget.

The Committee has submitted a street closure request to support the Youth Day Parade, which goes down Main Street from Cody Street to First Street, and then the parade will turn left on First and left on Edwards, ending at Second Street. The closure would begin at 7 a.m. and would be lifted after the parade passes, generally by noon. Main Street closures require Council approval. The Committee will leave flyers for the properties along the parade route and will post No Parking signs in advance to ensure the route is cleared of vehicles.

The Committee has also requested additional closures of East Main from Railroad Ave to the Community Center Parking Lot entrance to accommodate the festivities to be held at Rotary Park.

FISCAL IMPACT:

Staff time associated with coordinating the parade route and public safety with the Youth Day Committee and supporting the event. Public Works employees stage and remove the barricades that are deployed along the route.

ATTACHMENT:

Street closure request, including proposed parade route.



City of Winters Request for Street Closure

This application is for citizens or groups that have occasion to request that streets be temporarily closed for such things as bicycle races, running contests, block parties and other such events requiring the re-routing of traffic. If amplified sound will be used during this event, an additional permit is required. If this event includes a parade, a parade permit application is also required.

A request to close streets shall be filed with the Police and Public Works Department at least ten (10) business days prior to the date the street would be closed.

There shall be no closure of the following streets without council approval:

- | | |
|-----------------|---------------------|
| 1. Main Street | 4. Valley Oak Drive |
| 2. Railroad Ave | 5. Abbey Street |
| 3. Grant Avenue | |

Requests to close the streets herein listed shall be submitted at least thirty (30) business days prior to the street closure.

Requests for street closures that are not submitted by the minimum time lines may be granted only by the Winters City Council.

Name: Carol McMasters-Stone	Organization: Winters Youth Day
Address: PO Box 652, Winters, CA 95694	Mailing Address:
Telephone:	Today's Date: 12/11/2025
Streets Requested: E. Main betw Railroad and Elliot from 9:30am to 5:30 pm Main, First, Haven from 8am to 11:30am	
Date of Street Closure: 4/28/2025	Time of Street Closure: see above
Description of Activity: Winters Youth Day Parade and Winters Youth Day Festival	
Services Requested of City: Barricades and water barricades to be placed according to map	

The undersigned, as the representative for the organization listed, agrees to take full responsibility for use of City premises and all individuals/parties/organizations participating in this event will hold the City of Winters, its employees, agents, volunteers and any other person, firm or corporation charged or chargeable with responsibility or liability, free and harmless from any and all claims, demands, damages, costs, expenses, loss of service, action and causes of action by any person or persons, for injuries to persons or loss or damages to property occasioned by or in connection with the use of the facilities, equipment or premises caused by any source whatsoever. I understand that it is unlawful to conduct any activity in violation of the permit provisions and may cause this reservation or the activity/event to be canceled at any time.

Carol McMasters-Stone
Signature

12/12/24
Date



Closure:
 East Main between Railroad
 and the entrance into the
 Comm Center Parking lot

The parts of the Community
 Center parking lot in bright
 green.

Notes:

- *Fencing/signage at North of park
 "alcohol Free Event"
- * partial comm center parking lot closure
- * 48hrs in advance
- No parking signs
- * street closures
- * Rotary Park
- * comm center park lot

Business	Pizza Factory
Business	La Mexicana
Business	Ocean
Business	Eddies Roastery
Residential	107 Main
Business	Downtown Businesses
Business	Abbey House Inn, 101 Abbey
Residential	408 1st
Residential	409 1st
Residential	412 1st
Residential	415 1st
Residential	418 1st
Residential	213 Main
Residential	209 Main
Residential	205 Main

Business 9 E Main (Hooby's Brewing)
 Business 7 E Main (Velo City)
 Business 7 E Main #7B (Copper & Steel)
 Business 5 E Main (Steady Eddy's)

Barricades/Safety Items needed from City for Winters Youth Day Parade Route

Barricades needed at following locations:	Barricades	Road Closed	Cones	Detour Signs	Krails
Cody and Main Street (8 barricades and 5 cones)	8		5		
Main and Edwards					6
Edwards between Haven and Emery		1			
Main and Abbey (6) Road Closed Ahead sign on Abbey between Haven and Emery		1			6
Main and Abbey (6) SW side of intersection					6
Main and Haven (4) One for Alley	5				
Abbey and Haven (3)	3				
4th street Main to Russell (7) barricades, one for alley	7				
Russell and 2nd				1	
4th Street and Edwards				1	
4th Street and Abbey				1	
Emery, both sides of main street					12
Total of each item needed	23	2	5	3	30

Sets of Red Stairs are needed to be put at the City Hall steps and at Meals on Wheels/24 hr lot for reviewing stands

10 Chairs and 4 tables (Winter's fire volunteers delivered last year) 1 table and 2 chairs to Cody and main, 2 tables and 4 chairs to Anytime Fitness parking lot, 2 tables and 4 chairs to City Hall steps.

informed to contact Fire Volunteers

* k-rail fills : Fire Dept contact
Captain Marquez

87TH Annual Winters Youth Day Parade
PO Box 652
Winters, CA 95694
wintersyouthday@gmail.com

ATTENTION

Residents of Main, Cody, Emery, Haven, Fourth and First Streets

On Saturday, April 27, 2024, The City of Winters will celebrate the 86 Anniversary of Winters Youth Day with the annual parade and a day full of festivities.

This is to notify you that there will be **NO PARKING** along these streets from 8:00 am to Noon on **SATURDAY, APRIL 26TH, 2025** to accommodate the parade line-up and route (see map on reverse side for parade route). Any vehicles left on the parade route will be subject to removal by the Winters Police Department.

If there are any questions, please email wintersyouthday@gmail.com. Thank you for your continued support and cooperation!

See you at Youth Day!!!

The Winters Youth Day Committee



**CITY COUNCIL
STAFF REPORT**

TO: Mayor and Council members
DATE: March 18, 2025
FROM: Jeremy Craig, City Manager
SUBJECT: Memorandum of Understanding (MOU) Regarding SACOG Regional State Transportation Improvement Program (STIP) Regional Set-Aside Funding

RECOMMENDATION:

Approve the Memorandum of Understanding (MOU) Regarding SACOG Regional State Transportation Improvement Program (STIP) Regional Set-Aside Funding

BACKGROUND:

The Sacramento Area Council on Government (SACOG) administers the State Transportation Improvement Program (STIP) for Sacramento, Sutter, Yolo, and Yuba counties. The STIP is a five-year program that funds transportation projects in the region. Specifically, the STIP is a hybrid intra-county competitive program that focuses on road maintenance and improving safety, access to mobility, and economic development and would address several of the needs of the local agencies with consistent county-wide funding while supporting regionally prioritized projects.

SACOG is revising the STIP funding allocations to create a new regional funding program, the Four County State STIP Funding, consisting of two pools of funding based on population (75 percent) and highway lane miles (25 percent):

- a. Regional Set-Aside Funding: A regional pooled funding allocation that will be pooled across all four counties (Sacramento, Sutter, Yolo, and Yuba Counties) to support larger regional projects; and
- b. Intra-County Funding: An intra-county competitive program focused on fix-it-first projects that also provide additional benefits and/or modernize roadways.

DISCUSSION:

The purpose of this MOU is to develop a coordinated, strategic approach in an effort to improve capital projects funding planning for all of the Member Agencies by defining the STIP Suballocation percentage for each Member Agency. For purposes of this MOU, the term “Suballocation” refers the Member Agencies’ respective fair-share percentage amount of the STIP Intra-County Funding allocated by SACOG to Yolo County in each cycle (after deducting the Regional Set-Aside Funding), subject to SACOG’s Four-County State Funding Program Guidelines, as those Guidelines may be amended.

This MOU does not affect the Regional Set-Aside Funding, which all eligible SACOG agencies may apply to receive in accordance with SACOG Guidelines.

For the SACOG members of the Member Agencies (County of Yolo and the cities of Davis, Woodland, West Sacramento, and Winters): the equal-weighted population and centerline-miles calculator developed by YoloTD. Note the proposed MOU contains an “Exhibit B” which shows the estimated distributions based upon the calculation for this year.

It is important to note that under this MOU the City will still be responsible for submitting project applications to SACOG to receive the funding up to the amount allocated by the formula. However, consistent with prior years, the City will be able to “roll over” unused amounts to future allocation years to accumulate funding for larger projects.

FISCAL IMPACT:

The MOU provides a methodology to ensure the City receives its share in accordance with the population and lane miles maintained formula. Failure to join the MOU exposes the City to being unable to receive those funds which are estimated to be \$100,000 to \$135,000 per year for road maintenance projects.

ATTACHMENTS:

1. Memorandum of Understanding (MOU) Regarding SACOG Regional State Transportation Improvement Program (STIP) Regional Set-Aside Funding

MEMORANDUM OF UNDERSTANDING REGARDING SACOG REGIONAL STATE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) REGIONAL SET-ASIDE FUNDING

THIS MEMORANDUM OF UNDERSTANDING (“MOU”), entered into as of March ____, 2025 (“Effective Date”), is by and between the Yolo County agencies identified in Exhibit A to this MOU (individually a “Member Agency” and, collectively, the “Member Agencies”).

BACKGROUND

1. The Sacramento Area Council on Government (SACOG) administers the State Transportation Improvement Program (STIP) for Sacramento, Sutter, Yolo, and Yuba counties.
2. The STIP is a five-year program that funds transportation projects in the region. Specifically, the STIP is a hybrid intra-county competitive program that focuses on road maintenance and improving safety, access to mobility, and economic development and would address several of the needs of the local agencies with consistent county-wide funding while supporting regionally prioritized projects.
3. SACOG is revising the STIP funding allocations to create a new regional funding program, the Four County State STIP Funding, consisting of two pools of funding based on population (75 percent) and highway lane miles (25 percent):
 - a. Regional Set-Aside Funding: A regional pooled funding allocation that will be pooled across all four counties (Sacramento, Sutter, Yolo, and Yuba Counties) to support larger regional projects; and
 - b. Intra-County Funding: An intra-county competitive program focused on fix-it-first projects that also provide additional benefits and/or modernize roadways.
4. With respect to the new Intra-County Funding, local agencies only compete against other agencies within their county for their respective county’s allocated funding.
5. The percentage of STIP funding dedicated to the intra-county competitive program versus the amount dedicated to a pooled fund for regional projects will be a policy decision made by the SACOG Board of Directors in advance of releasing the call for projects, once an accurate and up to date fund estimate is available.
6. The Member Agencies desire to work cooperatively together regarding the proportional suballocations of the Yolo County Intra-County Funding to provide certainty

to each party as to how much STIP funding their agency will be suballocated for each STIP funding cycle from Yolo County's Intra-County Funding allocation.

NOW, THEREFORE, the Member Agencies agree as follows:

I. PURPOSE

The purpose of this MOU is to develop a coordinated, strategic approach in an effort to improve capital projects funding planning for all of the Member Agencies by defining the STIP Suballocation percentage for each Member Agency. For purposes of this MOU, the term "Suballocation" refers the Member Agencies' respective fair-share percentage amount of the STIP Intra-County Funding allocated by SACOG to Yolo County in each cycle (after deducting the Regional Set-Aside Funding), subject to SACOG's Four-County State Funding Program Guidelines, as those Guidelines may be amended.

This MOU does not affect the Regional Set-Aside Funding, which all eligible SACOG agencies may apply to receive in accordance with SACOG Guidelines.

II. PROPORTIONAL SUBALLOCATIONS; GRANT APPLICATIONS

A. Proportional Suballocation of Intra-County STIP Funding. Subject to funding availability, the Suballocation amount of the STIP Intra-County Funding in any given STIP cycle shall, as set forth in Exhibit B to this MOU, be based upon the following:

1. For the SACOG members of the Member Agencies (County of Yolo and the cities of Davis, Woodland, West Sacramento, and Winters): the equal-weighted population and centerline-miles calculator developed by YoloTD.
2. For the Unitrans, the historical percentage of SACOG Regional Set-Aside funding awarded in Yolo County.
3. For YoloTD, the difference between its historical percentage of SACOG Regional Set-Aside Funding awarded in Yolo County and the Unitrans suballocation percentage given similar service levels and fleet sizes.

B. Suballocation Adjustments with Each STIP Funding Cycle. The Member Agencies acknowledge that Suballocation amounts in Exhibit B may change with each STIP funding cycle and with any changes in the Member Agencies' respective population / centerline miles.

C. Responsibility for STIP Grant Application. Each Member Agency is responsible for submitting its own grant application(s) to SACOG for STIP funding. No limits are imposed on the number of grant applications that a Member Agency may submit to SACOG; provided, however, that the total STIP funding request of each Member Agency's total SACOG STIP funding grant application(s) for Intra-County Funding shall not exceed the Suballocation amount assigned to each Member Agency for the applicable STIP funding cycle in accordance with the calculations provided in Exhibit B.

D. Carryover. Unprogrammed Suballocations are retained by each respective Member Agency and will carryover year to year without expiration or a term on allocation such Suballocation funds, subject to changes in SACOG STIP funding guidelines or other changes in the law or applicable regulations that would preclude the continued carryover of unprogrammed Suballocations. The Member Agencies agree to meet and try to resolve any disputes that may arise regarding carryovers pursuant to the dispute procedures in Section XI of this MOU.

E. Sharing of Suballocations. Nothing in this MOU precludes any Member Agencies from sharing or negotiating a swap of their respective Suballocations, including available unprogrammed carryover funds, to provide greater project flexibility for the Member Agencies. Specifically, Member Agencies may partner with other Member Agencies and/or non-member agencies with respect to use of their Suballocation share, including the following:

1. Combining STIP Suballocations for a single project;
2. Partnering with non-member agencies on projects of mutual interest;
and
3. Trading STIP Suballocation funds for other funding types.

F. Non-Member Agency Applications for Yolo County's Intra-County Funding. The Member Agencies acknowledge that there are other entities that are not SACOG members but may be eligible to apply for Yolo County's Intra-County Funding in a given STIP cycle, such as the California Department of Transportation (Caltrans, District 3). The Member Agencies understand that such additional applications for Yolo County's share of the Intra-County Funding may require an amendment to Exhibit B and the respective Suballocations in a given STIP cycle. The Member Agencies agree to meet and negotiate any such required Suballocation revisions in good faith and subject to the dispute procedures in Section XI of this MOU.

III. ROLES & RESPONSIBILITIES

A. YoloTD shall:

1. Coordinate communication among the Member Agencies.
2. Assign Suballocation calculations each STIP funding cycle using the agreed upon proportional allocations based upon the equal-weighted population/centerline miles calculation reflected in Exhibit B to this MOU.
 - Assuming SACOG does not further revise the Four-County STIP Funding Program in future STIP cycles, YoloTD will share draft Suballocations with the Member Agencies at least two weeks after the State of California publishes the STIP five-year estimates. Final Suballocations will be shared with the Member Agencies within one week of the SACOG Board of Directors adopting the five-year funding estimate for the Four-County State Funding Program.
 - If SACOG revises the Four-County STIP Funding Program in future STIP cycles, draft and final Suballocation amounts will be shared with the Member Agencies as soon as possible, and subject to the dispute resolution process in Section XI of this MOU.
3. Update the Suballocation calculations each STIP funding cycle according to updated population/centerline miles provided by each Member Agency.
4. Track the following across STIP funding cycles:
 - STIP Grant applications submitted
 - STIP Funding Awards
 - Suballocation carryovers
 - Suballocation funding swaps between member agencies
 - Other administrative tasks as needed related to the Intra-County Funding Suballocations.

B. Other Member Agencies shall:

1. Commit to approach and apply for the Intra-County Funding Program consistent with this MOU and applicable SACOG STIP funding guidelines.
2. Participate in a pre-application consultation with SACOG to ensure grant application projects will achieve the minimum scoring threshold necessary for Intra-County STIP funding eligibility.
3. Determine whether to submit grant application in any given STIP cycle.

4. Notify YoloTD of intent to submit application(s) in any cycle, and relevant project information for tracking and monitoring purposes, including project description and grant request amount.
5. Provide accurate population and centerline miles information to YoloTD each STIP funding cycle to determine the Suballocations for the respective STIP funding cycle.

IV. TERM AND TERMINATION

A. This MOU shall be effective upon the Effective Date and shall, subject to compliance with the terms and conditions of this MOU, automatically be renewed from year to year.

B. Any Member Agency may withdraw from this MOU for any reason by providing written notice to the other Member Agencies as follows: (1) at least 120 days prior to SACOG's release of the Four-County STIP Funding Program amounts; or (2) at least 30 days after the State of California releases the five-year STIP funding estimates. The withdrawal will be effective as to the upcoming STIP funding cycle and shall not change the Suballocations of the current funding cycle in effect at the time of withdrawal; mid-cycle terminations are not permitted. Withdrawal by one party shall not affect this MOU as to the remaining parties. The remaining parties shall meet to determine whether to amend and/or terminate this MOU.

V. RELATIONSHIP OF THE PARTIES

It is expressly understood that this is an agreement between the Member Agencies, independent public entities, and that no individual agency, employee, partnership, joint venture, or other relationship is established by this MOU. The intent of the Member Agencies is simply to create a collaborative relationship regarding the suballocation of the STIP Intra-County Funding. No Member Agency shall engage any person or entity to serve in any capacity or incur any expense or obligation on behalf of any other without the prior written consent of the other Member Agencies.

VI. NOTICES.

All notices and other communications under this MOU must be in writing and will be deemed to have been duly given (i) on the date of delivery, if delivered personally to the party to whom notice is given, or (ii) at the earlier of actual receipt or the second business day following deposit in the United States mail, postage prepaid. Notices and other communications must be directed to the parties at the addresses shown below with each party's signature block, along with a copy of such notice sent by email to the email address(es) provided in this MOU's signature blocks, including an email to the party's legal counsel. A party may change its person designated to receive notice, its

email address, or its address from time to time by giving notice to the other party in accordance with the procedures set forth in this Section.

VII. COMPLIANCE WITH LAWS

The Member Agencies shall comply with all applicable laws, decisions, statutes, regulations, and ordinances. The Member Agencies further agree to be solely responsible and liable for compliance with all SACOG and State requirements applicable to the STIP funding and their respective Suballocations.

VIII. RECORDS

The parties shall each maintain and preserve all records relating to this MOU in its possession and those of any third-party performing work related to this MOU for a period of four (4) years from the termination of this MOU.

IX. INSURANCE

Each party, at its sole cost and expense, shall carry insurance or self-insure its activities in connection with this MOU, and obtain, keep in force and maintain, insurance or equivalent programs of self-insurance, for general liability, workers compensation, and business automobile liability adequate to cover its potential liabilities hereunder.

X. INDEMNITY.

A. With the exception that this section shall in no event be construed to require indemnification by either party to a greater extent than permitted under the public policy of the State of California, each Member Agency shall indemnify, defend, and hold harmless each other, their elected representatives, officials, consultants, agents and employees, from and against any and all loss, damages, liability, claims, suits, costs and expenses (collectively, "Claims"), including reasonable attorney's fees, arising from a Member Agency's performance or non-performance of its obligations under this MOU, except to the degree that a Claim is based upon the negligent or intentional acts or omissions of the Member Agency otherwise eligible for defense and indemnity.

B. Government Code Section 895.2 imposes certain tort liability jointly upon public agencies solely by reason of such public agencies being parties to an agreement as defined in Government Code Section 895. Therefore, the Member Agencies, as between themselves, pursuant to the authorization contained in Government Code Sections 895.4 and 895.6, each assumes the full liability imposed upon it or any of its officers, agents, representatives or employees by law for injury caused by a negligent or wrongful act or omission occurring in the performance of this MOU, to the same extent that such liability would be imposed in the absence of Government Code Section 895.2. To achieve this purpose, each Member Agency indemnifies and holds harmless the other Member Agencies for any loss, cost, or expense, including reasonable

attorneys' fees that may be imposed upon or incurred by such other Member Agency solely by virtue of Government Code Section 895.2.

C. The terms of this Section shall survive the expiration or termination of the MOU.

XI. DISPUTES

In the event of a disagreement between the Member Agencies to this MOU, the first step to resolution shall be discussion between the designated contacts identified in Exhibit A on behalf of their respective Member Agency. If the dispute cannot be resolved via discussion, the second step may be referral to the signatories of this MOU. If the issue remains unresolved, the MOU may be terminated by the unilateral decision of the Member Agencies as provided in the MOU.

XII. NO WAIVER.

The waiver by any party of a breach by the other of any provision of this MOU shall not constitute a continuing waiver or a waiver of any subsequent breach of either the same or a different provision of this Agreement.

XIII. ASSIGNMENT; THIRD-PARTY BENEFICIARIES.

No Member Agency may assign or delegate any right or obligations hereunder without first having received the written and duly executed consent of the other parties. This MOU shall bind and inure to the benefit of authorized successors or assigns of each Member Agency following such consent but shall not otherwise create duties or obligations to or rights in third parties, nor shall this MOU affect the legal liability of any Member Agency by imposing a standard of care different from that otherwise imposed by law.

XIV. CONTROLLING LAW AND VENUE

The validity of this MOU, the interpretation of its terms and conditions, and the performance of the parties hereto shall be governed by the laws of the State of California. Any action brought to enforce this action must be brought in the Superior Court of California in and for the County of Yolo.

XV. AMBIGUITIES

The parties have each carefully reviewed this MOU and have agreed to each term of this MOU. No ambiguity is presumed to be construed against any Member Agency.

XVI. AMENDMENT

This MOU may only be amended by a written instrument executed by all of the Member Agencies.

XVII. INTEGRATION

This MOU embodies the entire agreement of with respect to the subject matter of this MOU, and supersedes any previous or contemporaneous agreements, understandings or communications, whether written or oral, relating to such subject matter.

XVIII. SEVERABILITY

If any provision of this MOU is deemed invalid or unenforceable, the balance of this MOU shall remain in full force and effect; provided that if any material obligation or benefit under this MOU is deemed invalid or unenforceable, the Member Agencies shall negotiate in good faith to amend the MOU to ensure adequate consideration by all Member Agencies.

XIX. EXECUTION IN COUNTERPARTS

This MOU may be executed simultaneously in one or more counterparts, including PDF or electronic signatures, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

XX. AUTHORITY TO BIND

Each of the signatories to this MOU represent that they are authorized to sign this MOU on behalf of such Member Agency and that all approvals, resolutions, and consents that must be obtained to bind such Member Agency have been obtained and that no further approvals, acts, or consents are required to bind such Member Agency to this MOU.

[Signatures start on following page.]

IN WITNESS WHEREOF, the Member Agencies have entered into this MOU on the day and year first hereinabove appearing.

YOLO COUNTY TRANSPORTATION DISTRICT (YoloTD)

Approved as to Form:

By:

By:

AUTUMN BERNSTEIN
Executive Director

Kimberly Hood, Agency Counsel

kimberly.hood@yolocounty.gov

YoloTD
350 Industrial Way
Woodland, CA 95776
abernstein@yctd.org

CITY OF WOODLAND

Approved as to Form:

By:

By:

KEN HIATT
City Manager

Ethan Walsh, City Attorney

ethan.walsh@bbklaw.com

City of Woodland, City Hall
300 First Street
Woodland, CA 95695
ken.hiatt@cityofwoodland.gov

CITY OF DAVIS

Approved as to Form:

By:

By:

MIKE WEBB
City Manager

Inder Khalsa, City Attorney

inder.khalsa@rwglaw.com

City of Davis, City Hall
23 Russell Blvd.
Davis, CA 95616
mwebb@cityofdavis.org

CITY OF WEST SACRAMENTO

Approved as to Form:

By: _____

AARON LAUREL
City Manager

City of West Sacramento, City Hall
1110 West Capitol Ave.
West Sacramento, CA 95691
aaronl@cityofwestsacramento.org

By: _____

Jeffrey A. Mitchell, City Attorney

jmitchell@kmtg.com

CITY OF WINTERS

Approved as to Form:

By: _____

Jeremy Craig
City Manager

City of Winters, City Hall
318 1st Street
Winters, CA 95694
jeremy.craig@cityofwinters.org

By: _____

Ethan Walsh, City Attorney

ethan.walsh@bbklaw.com

COUNTY OF YOLO

Approved as to Form:

By: _____

DIRK BRAZIL
Interim County Administrator

Yolo County, Office of the CAO
625 Court Street, Room 202
Woodland, CA 95695

By: _____

Philip J. Pogledich, County Counsel

philip.pogledich@yolocounty.gov

REGENTS OF UNIVERSITY OF CALIFORNIA AT DAVID (UC Davis/Unitrans)

Approved as to Form:

By: _____

PERRY H. EGGLESTON
Director of Transportation Services

By: _____

Steven T. Kobayashi
Associate Director, Procurement &
Contracting Services, UC Davis

EXHIBIT A

Member Agencies

Member Agency	Designated Contact
1. City of Davis, a municipal corporation	Ryan Chapman, PWET Assistant Director
2. City of Woodland, a municipal corporation	Brent Meyer, Community Development Director
3. City of West Sacramento, a municipal corporation	Jason McCoy, Transportation Manager
4. City of Winters, a municipal corporation	Eric Lucero, Director of Operations & Maintenance
5. County of Yolo, a political subdivision of the State of California	Todd Riddiough, Public Works Director
6. The Regents of the University of California at Davis (UC Davis/Unitrans)	Lucas Griffith, Campus Planning Executive Director
7. Yolo County Transportation District (YoloTD), a California special district organized and existing under the Yolo County Transportation District Act (Public Utilities Code §§ 60000 et seq.).	Brian Abbanat, Planning Director

EXHIBIT B
Member Agency Suballocations of STIP Intra-County Funds

Fair Share "Suballocation": Road Miles & Population (Equal Weight Scenario)								Amount
Four-County STIP Funding Program (Yolo County)								\$ 5,965,000
Amount After 10% Regional Set-Aside								\$ 5,369,000
Place	Centerline Miles	Centerline Miles %	Population*	Population %	% Average RM & Pop	Historical Award Avg	Suballocation %	Amount
YoloTD						11.5%	8.0%	\$ 483,000
Unitrans						5.8%	6.0%	\$ 376,000
Davis	162	11%	65,054	31%	21%	14.9%	18.4%	\$ 962,000
Woodland	220	15%	60,672	29%	22%	17.6%	19.2%	\$ 1,006,000
West Sacramento	261	18%	54,278	26%	22%	30.6%	19.1%	\$ 1,002,000
Winters	33	2%	7,587	4%	3%	1.2%	2.6%	\$ 135,000
Yolo County	752	53%	20,033	10%	31%	18.3%	26.8%	\$ 1,405,000
Total	1,428	100%	207,624	100%	100%	99.9%	100.0%	\$ 5,369,000

* Population source: 2024 California Department of Finance. UC Davis population (14,042) subtracted from countywide total as UC Davis is not a SACOG member.



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers

DATE: March 18, 2025

FROM: Cathy Mathews, Director of Administrative Services

SUBJECT: Resolution No. 2025-10 Approving the First Amendment to the Professional Services Agreement with Municipal Resource Group, LLC to Increase by \$30,000 for a Total Not-to-Exceed Amount of \$45,500 and Authorizing the City Manager to Execute the Amendment

RECOMMENDATION:

Adopt Resolution No. 2025-10 Approving the First Amendment to the Professional Services Agreement with Municipal Resource Group, LLC to Increase by \$30,000 for a Total Not-to-Exceed Amount of \$45,500 and Authorizing the City Manager to Execute the Amendment.

BACKGROUND:

The City of Winters entered into a professional services agreement with MRG in August 2021 under the prior City Manager's purchasing authority for professional guidance regarding the management of City Clerk functions related to regulatory compliance, elections, records management, and public records requests and other services. In July 2024, the services of MRG were engaged by the current City Manager under the City Manager authority due to a vacancy in the Deputy City Clerk position and the upcoming election. The City and MRG seek to increase the scope and the extend term of the Agreement to include ongoing training of the Deputy City Clerk position.

DISCUSSION:

Given the critical nature of elections, position vacancy, and need for ongoing training and guidance in this area, staff recommends that the current Agreement be extended through December 30, 2025, and the maximum contract authority be increased by \$30,000 for a total not to exceed amount of \$45,500.

FISCAL IMPACT:

The cost of an amended agreement with MRG is approximately \$30,000. This expense would be charged to general fund. Budget reduction as a result of the staff vacancy will

offset \$10,500 of the cost. An additional appropriation from the General Fund is required in the current fiscal year of \$10,000. The remaining \$9,500 will be included in the FY 2025-26 budget.

ATTACHMENTS:

1. Resolution 2025-10
2. First Amendment to Professional Services Agreement with Municipal Resource Group, LLC
3. Professional Services Agreement with Municipal Resource Group, LLC

Resolution No. 2025-10

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
APPROVING THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES
AGREEMENT WITH MUNICIPAL RESOURCE GROUP, LLC TO INCREASE BY
\$30,000 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$45,500 AND AUTHORIZING
THE CITY MANAGER TO EXECUTE THE AMENDMENT**

WHEREAS, on August 30, 2021, City and Consultant entered into a Professional Services Agreement (“Agreement”) for professional guidance of the City Clerk functions in the amount of \$15,500;

WHEREAS, City and Consultant desire to amend the Agreement to increase the amount of compensation by \$30,000 for a total not-to-exceed amount of \$45,500 to provide Professional Guidance on the City Clerk’s Function, Elections, and Records, and to extend the term to December 31, 2025; and,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Winters hereby approves the First Amendment to the Professional Services Agreement with Municipal Resource Group, LLC (“First Amendment”), attached hereto as Exhibit A, and authorizes the City Manager to execute the First Amendment.

DULY AND REGULARLY ADOPTED this 18th day of March 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF WINTERS

Albert Vallecillo, Mayor

ATTEST:

Jeremy Craig, City Clerk

EXHIBIT A
First Amendment

EXHIBIT A
CITY OF WINTERS
FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF WINTERS AND MUNICIPAL RESOURCE GROUP, LLC

This First Amendment to the Professional Services Agreement (“First Amendment”) is made and entered into this 18th day of March, 2025, by and between the City of Winters, a California municipal corporation with its principal place of business at 318 First Street, Winters, CA 95694 (“City”) and Municipal Resource Group, LLC, with its principal place of business at 8788 Elk Grove Blvd., Ste. L, Elk Grove, CA 95624 (hereinafter referred to as “Consultant”). City and Consultant are sometimes individually referred to as “Party” and collectively as “Parties” in this Contract.

RECITALS

- A. On August 30, 2021, City and Consultant entered into a Professional Services Agreement (“Agreement”) with Consultant for accounting services in the not-to-exceed amount of \$15,500; and
- B. City and Consultant desire to amend the Agreement to increase the amount of compensation by \$30,000 for a total not-to-exceed amount of \$45,500; and
- C. City and Consultant desire to amend the term of the agreement to December 31, 2025; and
- D. The Parties desire by this First Amendment to establish the terms for City to retain Consultant to provide the services described herein.

CONTRACT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

Section 1. Incorporation of Recitals. The above recitals are true and correct and are incorporated into this First Amendment by reference.

Section 2. Amendment.

Section 2.b of the Agreement is hereby amended in its entirety to read as follows:

“2.b Amount of Compensation. In no event shall the total amount paid for services rendered by Consultant under this Agreement exceed the sum of Forty-Five Thousand Five Hundred Dollars (\$45,500), unless otherwise authorized by the City Council. This amount is to cover all printing and related costs, and the City will not pay any additional fees for printing expenses. Periodic payments shall be made within 30 days of receipt of an invoice which includes a detailed description of the work performed. Payments to Consultant for work performed will be made on a monthly billing basis.”

Section 5 of the Agreement is hereby amended in its entirety to read as follows:

“5. Term

The term of this Agreement shall be from August 30, 2021, to December 31, 2025, unless earlier terminated as provided herein. The Parties may, by mutual, written consent, extend the term of this Agreement if necessary to complete the Project. Consultant shall perform its services in a prompt and timely manner within the term of this Agreement and shall commence performance upon receipt of written notice from the City to proceed (“Notice to Proceed”). The Notice to Proceed shall set forth the date of commencement of work.”

Section 3. Continuing Effect of Agreement. Except as amended by this First Amendment, all other provisions of the Agreement remain in full force and effect and shall govern the actions of the Parties under this First Amendment. From and after the date of this First Amendment, whenever the term “Agreement” appears in the Agreement, it shall mean the Agreement as amended by this First Amendment.

Section 4. Adequate Consideration. The Parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this First Amendment.

Section 5. Severability. If any portion of this First Amendment is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the date first written above.

CITY OF WINTERS

Municipal Resource Group, LLC

By: _____
Jeremy Craig
City Manager

By: _____
Mary Egan
Chief Executive Officer

ATTEST:

By: _____
Jeremy Craig
City Clerk

**CITY OF WINTERS
PROFESSIONAL SERVICES AGREEMENT**

This Agreement is made and entered into as of August 30, 2021, by and between the City of Winters, a California municipal corporation with its principal place of business at 318 First Street, Winters, CA 95694 ("City"), and Municipal Resource Group, LLC, a Limited Liability Company, with its principal place of business in Wilton, California (hereinafter referred to as "Consultant"). City and Consultant are sometimes individually referred to as "Party" and collectively as "Parties" in this Agreement.

RECITALS

A. City is a California municipal corporation and is in need of professional services for the following project:

Assistance with onboarding new City Clerk staff and professional guidance regarding the management of City Clerk functions related to regulatory compliance, elections, records management, and public records requests. MRG will also prepare a Downtown Visioning Project Request for Proposals and related tasks (hereinafter referred to as "the Project").

B. Consultant is duly licensed and has the necessary qualifications to provide such services.

C. The Parties desire by this Agreement to establish the terms for City to retain Consultant to provide the services described herein.

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Services.

Consultant shall provide the City with the services described in the Scope of Services attached hereto as Exhibit "A."

2. Compensation.

a. Subject to paragraph 2(b) below, the City shall pay for such services in accordance with the Schedule of Charges set forth in Exhibit "A"

b. In no event shall the total amount paid for services rendered by Consultant under this Agreement exceed the sum of \$15,500. Periodic payments shall be made within 30 days of receipt of an invoice which includes a detailed description of the work performed. Payments to Consultant for work performed will be made on a monthly billing basis.

3. Additional Work.

If changes in the work seem merited by Consultant or the City, and informal consultations with the other party indicate that a change is warranted, it shall be processed in the following manner: a letter outlining the changes shall be forwarded to the City by Consultant with a statement of estimated changes in fee or time schedule. An amendment to this Agreement shall

be prepared by the City and executed by both Parties before performance of such services, or the City will not be required to pay for the changes in the scope of work. Such amendment shall not render ineffective or invalidate unaffected portions of this Agreement.

4. Maintenance of Records.

Books, documents, papers, accounting records, and other evidence pertaining to costs incurred shall be maintained by Consultant and made available at all reasonable times during the contract period and for four (4) years from the date of final payment under the contract for inspection by City.

5. Term

The term of this Agreement shall be from August 30, 2021 to December 31, 2021, unless earlier terminated as provided herein. The Parties may, by mutual, written consent, extend the term of this Agreement if necessary to complete the Project. Consultant shall perform its services in a prompt and timely manner within the term of this Agreement and shall commence performance upon receipt of written notice from the City to proceed ("Notice to Proceed - The Notice to Proceed shall set forth the date of commencement of work.

6. Delays in Performance.

a. Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; pandemics; war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage or judicial restraint.

b. Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

7. Compliance with Law.

a. Consultant shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local government, including Cal/OSHA requirements.

b. If required, Consultant shall assist the City, as requested, in obtaining and maintaining all permits required of Consultant by federal, state and local regulatory agencies.

c. If applicable, Consultant is responsible for all costs of clean up and/ or removal of hazardous and toxic substances spilled as a result of his or her services or operations performed under this Agreement.

8. Standard of Care

Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions.

9. Assignment and Subconsultant

Consultant shall not assign, sublet, or transfer this Agreement or any rights under or interest in this Agreement without the written consent of the City, which may be withheld for any reason. Any attempt to so assign or so transfer without such consent shall be void and without legal effect and shall constitute grounds for termination. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement. Nothing contained herein shall prevent Consultant from employing independent associates, and subconsultants as Consultant may deem appropriate to assist in the performance of services hereunder.

10. Independent Contractor

Consultant is retained as an independent contractor and is not an employee of City. No employee or agent of Consultant shall become an employee of City. The work to be performed shall be in accordance with the work described in this Agreement, subject to such directions and amendments from City as herein provided.

11. Insurance. Consultant shall not commence work for the City until it has provided evidence satisfactory to the City it has secured all insurance required under this section. In addition, Consultant shall not allow any subcontractor to commence work on any subcontract until it has secured all insurance required under this section.

a. Commercial General Liability

(i) The Consultant shall take out and maintain, during the performance of all work under this Agreement, in amounts not less than specified herein, Commercial General Liability Insurance, in a form and with insurance companies acceptable to the City.

(ii) Coverage for Commercial General Liability insurance shall be at least as broad as the following:

(1) Insurance Services Office Commercial General Liability coverage (Occurrence Form CG 00 01) or exact equivalent.

(iii) Commercial General Liability Insurance must include coverage for the following:

- (1) Bodily Injury and Property Damage
- (2) Personal Injury/Advertising Injury
- (3) Premises/Operations Liability
- (4) Products/Completed Operations Liability
- (5) Aggregate Limits that Apply per Project
- (6) Explosion, Collapse and Underground (UCX) exclusion deleted
- (7) Contractual Liability with respect to this Agreement
- (8) Property Damage
- (9) Independent Contractors Coverage

(iv) The policy shall contain no endorsements or provisions limiting coverage for (1) contractual liability; (2) cross liability exclusion for claims or suits by one insured against another; (3) products/completed operations liability; or (4) contain any other exclusion contrary to the Agreement.

(v) The policy shall give City, its officials, officers, employees, agents and City designated volunteers additional insured status using ISO endorsement forms CG 20 10 10 01 and 20 37 10 01, or endorsements providing the exact same coverage.

(vi) The general liability program may utilize either deductibles or provide coverage excess of a self-insured retention, subject to written approval by the City, and provided that such deductibles shall not apply to the City as an additional insured.

b. Automobile Liability

(i) At all times during the performance of the work under this Agreement, the Consultant shall maintain Automobile Liability Insurance for bodily injury and property damage including coverage for owned, non-owned and hired vehicles, in a form and with insurance companies acceptable to the City.

(ii) Coverage for automobile liability insurance shall be at least as broad as Insurance Services Office Form Number CA 00 01 covering automobile liability (Coverage Symbol 1, any auto).

(iii) The policy shall give City, its officials, officers, employees, agents and City designated volunteers additional insured status.

(iv) Subject to written approval by the City, the automobile liability program may utilize deductibles, provided that such deductibles shall not apply to the City as an additional insured, but not a self-insured retention.

c. Workers' Compensation/Employer's Liability

(i) Consultant certifies that he/she is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and he/she will comply with such provisions before commencing work under this Agreement.

(ii) To the extent Consultant has employees at any time during the term of this Agreement, at all times during the performance of the work under this Agreement, the Consultant shall maintain full compensation insurance for all persons employed directly by him/her to carry out the work contemplated under this Agreement, all in accordance with the "Workers' Compensation and Insurance Act," Division IV of the Labor Code of the State of California and any acts amendatory thereof, and Employer's Liability Coverage in amounts indicated herein. Consultant shall require all subconsultants to obtain and maintain, for the period required by this Agreement, workers' compensation coverage of the same type and limits as specified in this section.

d. Professional Liability (Errors and Omissions)

At all times during the performance of the work under this Agreement the Consultant shall maintain professional liability or Errors and Omissions insurance appropriate to its profession, in a form and with insurance companies acceptable to the City and in an amount indicated herein. This insurance shall be endorsed to include contractual liability applicable to this Agreement and shall be written on a policy form specifically designed to protect against acts, errors or omissions of the Consultant. "Covered Professional Services" as designated in the policy must specifically include work performed under this Agreement. The policy must "pay on behalf of" the insured and must include a provision establishing the insurer's duty to defend.

e. Minimum Policy Limits Required

(i) The following insurance limits are required for the Agreement:

	<u>Combined Single Limit</u>
Commercial General Liability	\$1,000,000 per occurrence/ \$2,000,000 aggregate for bodily injury, personal injury, and property damage
Automobile Liability	\$1,000,000 combined single limit
Employer's Liability	\$1,000,000 per accident or disease
Professional Liability	\$1,000,000 per claim and aggregate (errors and omissions)

(ii) Defense costs shall be payable in addition to the limits.

(iii) Requirements of specific coverage or limits contained in this section are not intended as a limitation on coverage, limits, or other requirement, or a waiver of any coverage normally provided by any insurance. Any available coverage shall be provided to the parties required to be named as Additional Insured pursuant to this Agreement.

f. Evidence Required

Prior to execution of the Agreement, the Consultant shall file with the City evidence of insurance from an insurer or insurers certifying to the coverage of all insurance required herein. Such evidence shall include original copies of the ISO CG 00 01 (or insurer's equivalent) signed by the insurer's representative and Certificate of Insurance (Acord Form 25-S or equivalent), together with required endorsements. All evidence of insurance shall be signed by a properly authorized officer, agent, or qualified representative of the insurer and shall certify the names of the insured, any additional insureds, where appropriate, the type and amount of the insurance, the location and operations to which the insurance applies, and the expiration date of such insurance.

g. Policy Provisions Required

(i) Consultant shall provide the City at least thirty (30) days prior written notice of cancellation of any policy required by this Agreement, except that the Consultant shall provide at least ten (10) days prior written notice of cancellation of any such policy due to non-payment of premium. If any of the required coverage is cancelled or expires during the term

of this Agreement, the Consultant shall deliver renewal certificate(s) including the General Liability Additional Insured Endorsement to the City at least ten (10) days prior to the effective date of cancellation or expiration.

(ii) The Commercial General Liability Policy and Automobile Policy shall each contain a provision stating that Consultant's policy is primary insurance and that any insurance, self-insurance or other coverage maintained by the City or any named insureds shall not be called upon to contribute to any loss.

(iii) The retroactive date (if any) of each policy is to be no later than the effective date of this Agreement. Consultant shall maintain such coverage continuously for a period of at least three years after the completion of the work under this Agreement. Consultant shall purchase a one (1) year extended reporting period A) if the retroactive date is advanced past the effective date of this Agreement; B) if the policy is cancelled or not renewed; or C) if the policy is replaced by another claims-made policy with a retroactive date subsequent to the effective date of this Agreement.

(iv) All required insurance coverages, except for the professional liability coverage, shall contain or be endorsed to provide a waiver of subrogation in favor of the City, its officials, officers, employees, agents, and volunteers or shall specifically allow Consultant or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. Consultant hereby waives its own right of recovery against City, and shall require similar written express waivers and insurance clauses from each of its subconsultants.

(v) The limits set forth herein shall apply separately to each insured against whom claims are made or suits are brought, except with respect to the limits of liability. Further the limits set forth herein shall not be construed to relieve the Consultant from liability in excess of such coverage, nor shall it limit the Consultant's indemnification obligations to the City and shall not preclude the City from taking such other actions available to the City under other provisions of the Agreement or law.

h. Qualifying Insurers

(i) All policies required shall be issued by acceptable insurance companies, as determined by the City, which satisfy the following minimum requirements:

(1) Each such policy shall be from a company or companies with a current A.M. Best's rating of no less than A:VII and admitted to transact in the business of insurance in the State of California, or otherwise allowed to place insurance through surplus line brokers under applicable provisions of the California Insurance Code or any federal law.

i. Additional Insurance Provisions

(i) The foregoing requirements as to the types and limits of insurance coverage to be maintained by Consultant, and any approval of said insurance by the City, is not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Consultant pursuant to this Agreement, including but not limited to, the provisions concerning indemnification.

(ii) If at any time during the life of the Agreement, any policy of insurance required under this Agreement does not comply with these specifications or is canceled and not replaced, City has the right but not the duty to obtain the insurance it deems necessary and any premium paid by City will be promptly reimbursed by Consultant or City will withhold amounts sufficient to pay premium from Consultant payments. In the alternative, City may cancel this Agreement.

(iii) The City may require the Consultant to provide complete copies of all insurance policies in effect for the duration of the Project.

(iv) Neither the City nor any of its officials, officers, employees, agents or volunteers shall be personally responsible for any liability arising under or by virtue of this Agreement.

j. Subconsultant Insurance Requirements. Consultant shall not allow any subcontractors or subconsultants to commence work on any subcontract until they have provided evidence satisfactory to the City that they have secured all insurance required under this section. Policies of commercial general liability insurance provided by such subcontractors or subconsultants shall be endorsed to name the City as an additional insured using ISO form CG 20 38 04 13 or an endorsement providing the exact same coverage. If requested by Consultant, City may approve different scopes or minimum limits of insurance for particular subcontractors or subconsultants.

12. Indemnification.

a. To the fullest extent permitted by law, Consultant shall defend (with counsel of City's choosing), indemnify and hold the City, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses. Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Consultant, the City, its officials, officers, employees, agents, or volunteers.

b. If Consultant's obligation to defend, indemnify, and/or hold harmless arises out of Consultant's performance of "design professional" services (as that term is defined under Civil Code section 2782.8), then, and only to the extent required by Civil Code section 2782.8, which is fully incorporated herein, Consultant's indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant's liability for such claim, including the cost to defend, shall not exceed the Consultant's proportionate percentage of fault.

13. California Labor Code Requirements.

a. Consultant is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects

("Prevailing Wage Laws"). If the services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the Consultant and all subconsultants to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.

b. If the services are being performed as part of an applicable "public works" or "maintenance" project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Consultant and all subconsultants performing such services must be registered with the Department of Industrial Relations. Consultant shall maintain registration for the duration of the Project and require the same of any subconsultants, as applicable. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1.

c. This Agreement may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Consultant's sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor that affect Consultant's performance of services, including any delay, shall be Consultant's sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Consultant caused delay and shall not be compensable by the City. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor.

14. Verification of Employment Eligibility.

By executing this Agreement, Consultant verifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time, and shall require all subconsultants and sub-subconsultants to comply with the same.

15. Reserved.

16. Laws and Venue.

This Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state or federal court situated in the County of Yolo, State of California.

17 Termination or Abandonment

a. City has the right to terminate or abandon any portion or all of the work under this Agreement by giving ten (10) calendar days written notice to Consultant. In such event, City shall be immediately given title and possession to all original field notes, drawings and specifications, written reports and other documents produced or developed for that portion of the work completed and/or being abandoned. City shall pay Consultant the reasonable value of services rendered for any portion of the work completed prior to termination. If said termination occurs prior to completion of any task for the Project for which a payment request has not been received, the charge for services performed during such task shall be the reasonable value of such services, based on an amount mutually agreed to by City and Consultant of the portion of such task completed but not paid prior to said termination. City shall not be liable for any costs other than the charges or portions thereof which are specified herein. Consultant shall not be entitled to payment for unperformed services, and shall not be entitled to damages or compensation for termination of work.

b. Consultant may terminate its obligation to provide further services under this Agreement upon thirty (30) calendar days' written notice to City only in the event of substantial failure by City to perform in accordance with the terms of this Agreement through no fault of Consultant.

18 Documents. Except as otherwise provided in "Termination or Abandonment," above, all original field notes, written reports, Drawings and Specifications and other documents, produced or developed for the Project shall, upon payment in full for the services described in this Agreement, be furnished to and become the property of the City.

19. Organization

Consultant shall assign Shirley Concolino as Project Manager. The Project Manager shall not be removed from the Project or reassigned without the prior written consent of the City.

20. Limitation of Agreement.

This Agreement is limited to and includes only the work included in the Project described above.

21. Notice

Any notice or instrument required to be given or delivered by this Agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to:

CITY:
City of Winters
318 First Street
Winters, CA 95684
Attn: Kathleen Salguero Tropa

CONSULTANT:
Municipal Resource Group, LLC
PO Box 561
Wilton, CA 95693
Attn: Mary Egan

and shall be effective upon receipt thereof.

22. Third Party Rights

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the City and the Consultant.

23. Equal Opportunity Employment.

Consultant represents that it is an equal opportunity employer and that it shall not discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, sex, age or other interests protected by the State or Federal Constitutions. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination.

24. Entire Agreement

This Agreement, with its exhibits, represents the entire understanding of City and Consultant as to those matters contained herein, and supersedes and cancels any prior or contemporaneous oral or written understanding, promises or representations with respect to those matters covered hereunder. Each Party acknowledges that no representations, inducements, promises or agreements have been made by any person which are not incorporated herein, and that any other agreements shall be void. This Agreement may not be modified or altered except in writing signed by both Parties hereto. This is an integrated Agreement.

25. Severability

The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the remaining provisions unenforceable, invalid or illegal.

26. Successors and Assigns

This Agreement shall be binding upon and shall inure to the benefit of the successors in interest, executors, administrators and assigns of each Party to this Agreement. However, Consultant shall not assign or transfer by operation of law or otherwise any or all of its rights, burdens, duties or obligations without the prior written consent of City. Any attempted assignment without such consent shall be invalid and void.

27. Non-Waiver

None of the provisions of this Agreement shall be considered waived by either Party, unless such waiver is specifically specified in writing.

28. Time of Essence

Time is of the essence for each and every provision of this Agreement.

29. City's Right to Employ Other Consultants

City reserves its right to employ other consultants, including engineers, in connection with this Project or other projects.

30. Prohibited Interests

Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no director, official, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

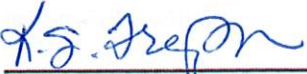
[SIGNATURES ON FOLLOWING PAGE]

**SIGNATURE PAGE FOR PROFESSIONAL SERVICES AGREEMENT
BETWEEN CITY OF WINTERS
AND MUNICIPAL RESOURCE GROUP, LLC**

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

CITY OF WINTERS

Municipal Resource Group, LLC

By: 
Kathleen Salguero Trepa
City Manager


By: 
Its: Managing Partner

Printed Name: Mary Egan

ATTEST:

By: 
City Clerk

APPROVED AS TO FORM:

By: 
Iris P. Yang, City Attorney



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers

DATE: March 18, 2025

FROM: David Dowswell, Contract Planner

SUBJECT: Adoption of Ordinance No. 2025-03 Amending Section 17.04.140 and Chapter 17.98 of the Winters Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and Finding the Action to Be Statutorily Exempt from CEQA Under Section 21080.17 of the Public Resources Code

RECOMMENDATION: Staff recommends that the City Council adopt Ordinance 2025-03 Amending Section 17.04.140 and Chapter 17.98 of the Winters Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units and Finding the Action to Be Statutorily Exempt from CEQA Under Section 21080.17 of the Public Resources Code.

BACKGROUND:

In recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that, among other things, amended various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs. In 2024, the California Legislature approved, and the Governor signed into law, two new bills — AB 2533 and SB 1211 — that further amend state ADU law as summarized below.

AB 2533 – Unpermitted ADUs and JADUs

Subject to limited exceptions, existing state law prohibits a city from denying a permit to legalize an unpermitted ADU that was constructed before January 1, 2018, if the denial is based on the ADU not complying with applicable building, state, or local ADU standards. One exception allows a city to deny a permit to

legalize if the city makes a written finding that correcting the violation is necessary to protect the health and safety of the public or the occupants of the structure.

AB 2533 changes this by: (1) expanding the above prohibition to also include JADUs; (2) moving the construction-cutoff date for both ADUs and JADUs from January 1, 2018, to January 1, 2020; and (3) replacing the above exception with a requirement that local agencies find that correcting the violation is necessary to comply with the standards specified in Health and Safety Code section 17920.3 (Substandard Buildings). (See amended Gov. Code, § 66332(a)–(f).)

SB 1211 – Replacement Parking Requirements; Multifamily ADUs

Replacement Parking

Existing state law prohibits the City from requiring off-street parking spaces to be replaced when a garage, carport, or covered parking structure is demolished in conjunction with the construction of, or conversion to, an ADU.

SB 1211 amends this prohibition to now also prohibit a city from requiring replacement parking when an uncovered parking space is demolished for, or replaced with, an ADU. (See amended Gov. Code, § 66314(d)(11).)

Multifamily ADUs

SB 1211 further defines “livable space” in connection with converted ADUs inside a multifamily dwelling structure. Existing state law requires the City to ministerially approve qualifying building permit applications for ADUs within “portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages” The term “livable space” is not defined by existing state ADU law.

SB 1211 changes this by adding a new definition: “Livable space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.” (See amended Gov. Code, § 66313(e).)

SB 1211 also increases the number of detached ADUs that lots with an existing multifamily dwelling can have. Existing state law allows a lot with an existing or proposed multifamily dwelling to have up to two detached ADUs.

Under SB 1211, a lot with an *existing* multifamily dwelling can have up to eight detached ADUs, or as many detached ADUs as there are primary dwelling units on the lot, whichever is less. (See amended Gov. Code, § 66323(a)(4)(A)(ii).) SB 1211 does not alter the number of ADUs that a lot with a *proposed* multifamily dwelling can have — the limit remains at two. (See amended Gov. Code, § 66323(a)(4).)

DISCUSSION:

The proposed ordinance amends the ADU Ordinance to comply with the most recent changes to State ADU Law.

Key changes to the ADU regulations include:

- Unless otherwise exempt, prohibits cities/counties from denying a permit to legalize an unpermitted ADU and JADUs, constructed before January 1, 2020.
- Prohibits cities/counties from requiring replacement parking when an uncovered parking space is eliminated in order to build an ADU.
- Further defines what is “livable space” in connection with ADUs located inside a multifamily structure.
- Allows existing multifamily dwellings to have up to eight (8) detached ADUs or as many as there are primary dwelling units on a lot, whichever is less.

The attached resolution (Attachment A) and the draft ordinance (Attachment B) include changes to Section 17.04.140 (to add the definition of “live and Chapter 17.98.

ENVIRONMENTAL ANALYSIS:

Under California Public Resources Code section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the Government Code, which is California’s ADU law, and which also regulates JADUs, as defined by section 66313. Therefore, the adoption of the proposed ordinance is statutorily exempt from CEQA in that it implements state ADU law.

ATTACHMENTS:

- A. Planning Commission Resolution 2025-01
- B. Ordinance No. 2025-03
- C. Redline of Changes to Chapter 17.98 of the Winters Municipal Code

Planning Commission Resolution No. 2025 – 01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WINTERS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING SECTION 17.04.140 AND CHAPTER 17.98 OF THE WINTERS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER SECTION 21080.17 OF THE PUBLIC RESOURCES CODE

WHEREAS, the Planning and Zoning Law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”); and

WHEREAS, Chapter 17.98 of the Winters Municipal Code governs the local regulation of ADUs and JADUs; and

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that, among other things, amend various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, in 2024, the California Legislature approved, and the Governor signed into law, Assembly Bill 2533 (“AB 2533”) and Senate Bill 1211 (“SB 1211”), which further amend state ADU law;

WHEREAS, AB 2533 and SB 1211 took effect on January 1, 2025, and for the City’s ADU ordinance to remain valid, it must be amended to reflect the requirements of AB 2533 and SB 1211; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to reflect AB 2533’s and SB 1211’s changes to state law; and

WHEREAS, on January 16, 2025, the City gave public notice of the public hearing for the proposed ordinance by publishing in a newspaper of general circulation of a Planning Commission public hearing at which the ordinance would be considered; and

WHEREAS, on January 28, 2025, the Planning Commission held a duly noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning the proposed ordinance.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF WINTERS DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

Section 1. Incorporation. The recitals above are true and correct and are each incorporated by reference and adopted as findings by the Planning Commission.

Section 2. Under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California’s ADU law and which also regulates JADUs, as defined by section 66313. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State’s ADU law.

Section 3. Based on the entire record before the Planning Commission, and all written and oral evidence presented, the Planning Commission hereby finds that the proposed ordinance is consistent with the City’s adopted General Plan as the purpose of the proposed ordinance is to comply with the amended provisions of Government Code sections 65852.2 and 65852.22. The proposed ordinance does not otherwise conflict with any of the General Plan’s goals or policies.

Section 3. The Planning Commission hereby finds that the adoption of the Ordinance is consistent with the General Plan as a matter of law under Government Code section 66314(c).

Section 4. Given the foregoing, and based on the entire record before the Planning Commission, the Planning Commission hereby recommends that the City Council adopt the ordinance attached hereto as Exhibit “A.”

Section 5. This Resolution takes effect immediately upon adoption.

Section 6. The secretary shall attest as to the adoption of this Resolution and cause the same to be maintained in the permanent records of the City.


It is hereby certified that the foregoing Planning Commission Resolution No. 2025-01 was duly adopted on a motion by Commissioner Judith Arce and seconded by Vice Chair Lisa Baker, at a regular meeting of the City of Winters Planning Commission held on the 28th day of January 2025, by the following vote:

Ayes: Commission Members Ramon Altamirano, Judith Arce, Jessica Smith, Matt Stone, Vice Chair Baker, Chair Gregory Contreras
Noes: None
Absent: Eric Dye
Abstain: None

Attest:



Planning Commission Secretary



Chairperson

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF WINTERS AMENDING SECTION
17.04.140 AND CHAPTER 17.98 OF THE
WINTERS MUNICIPAL CODE RELATING TO
ACCESSORY DWELLING UNITS AND JUNIOR
ACCESSORY DWELLING UNITS AND FINDING
THE ACTION TO BE STATUTORILY EXEMPT
FROM CEQA UNDER SECTION 21080.17 OF THE
PUBLIC RESOURCES CODE**

WHEREAS, the City of Winters, California (the “City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the Planning and Zoning Law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”); and

WHEREAS, Government Code sections 66310–66342 (the “State ADU Law”) impose limits on local authority to regulate ADUs and JADUs; and

WHEREAS, the City implements State ADU Law via Winters Municipal Code Chapter 17.98, Accessory Dwelling Units (the “ADU Ordinance”); and

WHEREAS, in recent years, the City has amended the ADU Ordinance as necessary to remain consistent with changes in State ADU Law. Most recently, the City amended the ADU Ordinance via City Council Ordinance No. 2024-06; and

WHEREAS, AB 2533 and SB 1211 took effect on January 1, 2025, which among other things, modified the definition of livable space, increased the number of ADUs that can locate on a lot with an existing multi-family dwelling and allowed uncovered parking spaces to be converted to an ADU without having to replace the uncovered parking space; and

WHEREAS, this proposed Ordinance updates the ADU Ordinance to comply with recent changes to State ADU Law and to make other specified adjustments in order to augment the ADU Ordinance for the benefit of staff and the general public; and

WHEREAS, on January 28, 2025, the Planning Commission held a duly noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning the Ordinance. Following the hearing, the Planning Commission recommended that the City Council adopt the Ordinance; and

WHEREAS, on _____, the City Council conducted a duly noticed public hearing on the Ordinance and considered the staff report, recommendations by staff, and public testimony concerning the Ordinance; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, the City Council of the City of Winters does ordain as follows:

SECTION 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Amendment. The following definition is hereby added to subsection (B) of Section 17.04.140 of the Winters Municipal Code as set forth below. The remainder of subsection (B) remains unchanged.

“17.04.140 Definitions.

B. Definitions.

“Livable space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

SECTION 3. Amendment. Chapter 17.98 of the Winters Municipal Code is hereby amended in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 4. CEQA. Under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city implementing the provisions of section 65852.1 or section 66314 of the Government Code, which is California’s State ADU Law and which also regulates JADUs, as defined by Government Code section 66313. Therefore, the Ordinance is statutorily exempt from CEQA in it implements State ADU Law.

SECTION 5. General Plan. The City Council hereby finds that the adoption of the Ordinance is consistent with the General Plan as a matter of law under Government Code section 66314(c).

SECTION 6. HCD Submittal. In accordance with Government Code section 66326, the City Clerk is directed to submit a copy of this Ordinance to the California Department of Housing and Community Development within 60 days after adoption.

SECTION 7. Severability. Each of the provisions of this Ordinance is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 8. Effective Date. This ordinance shall take effect thirty (30) days after its adoption.

SECTION 9. Publication. The City Clerk is hereby directed to certify the adoption of this Ordinance and shall cause the same to be published as required by law.

INTRODUCED at a regular meeting of the City Council of the City of Winters, California, on the ____ day of ____ and thereafter **ADOPTED** at a regular meeting of the City Council held on this ____nd day of ____ by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED

Albert Vallecillo, Mayor

ATTEST:

Jeremy Craig, City Clerk

Exhibit A

Chapter 17.98 ACCESSORY DWELLING UNITS

17.98.010 Purpose and intent.

The purpose of this section is to permit accessory dwelling units in single-family and multifamily residential zoning districts consistent with state law (California Government Code Sections 66310 through 66342). This section is intended to expand housing opportunities by increasing the number of housing units available within existing neighborhoods while maintaining the primarily “single family” residential character of the area. Accessory dwelling units, which includes junior accessory dwelling units, are intended to provide livable housing at lower cost while providing greater security, companionship, and family support for the occupants, consistent with the general plan. An accessory dwelling unit must comply with all the provisions of this title, except as modified in this chapter.

17.98.020 Administration.

- A. Accessory Dwelling Unit Approval Required. Approval of an ADU shall be obtained prior to construction, conversion, and/or development of the ADU. Pursuant to California Government Code Sections 66316 and 66317, approval of the ADU shall be considered ministerial without any discretionary review or a hearing. ADUs are exempt from the California Environmental Quality Act.
- B. Application.
 - 1. Applications for an ADU shall be filed with the community development director on forms provided by the community development department.
 - 2. An application for an ADU shall be accompanied by a fee, established by resolution of the City Council, to cover the cost of handling the application as prescribed in this subsection.
 - 3. Once an application is deemed complete, the application must be approved or denied within sixty (60) days if there is an existing single-family or multifamily dwelling on the lot.
- C. Existing Accessory Dwelling Units. This section shall in no way validate an illegal accessory dwelling unit. An application for an ADU may be made pursuant to the provisions of this chapter to convert an illegal ADU into a lawful ADU, or to allow for the replacement, alteration, or expansion of an existing nonconforming ADU. The conversion of an illegal ADU into a lawful ADU, or the replacement, alteration, or expansion of an existing nonconforming ADU, shall be subject to the requirements of this chapter.

17.98.030 Development standards for all accessory dwelling units.

- A. Only one (1) ADU and one (1) JADU shall be allowed for each single-family residential lot. No more than eight (8) detached ADUs or as many detached ADUs as there are primary dwelling units on the lot, whichever is less, are permitted on a lot that has an

existing multifamily dwelling. No more than two (2) detached ADUs are permitted on a lot with a proposed multi-family dwelling.

- B. The minimum floor space of a detached ADU shall be one hundred fifty (150) square feet and the maximum area of floor space shall not exceed one thousand two hundred (1,200) square feet. The maximum area of floor space of an attached accessory residential unit shall not exceed fifty percent (50%) of the living area of the existing principal residence, not to exceed a maximum of one thousand two hundred (1,200) square feet.
- C. A detached ADU that is eight hundred (800) square feet or less and the peak height above grade is sixteen (16) feet or less may have a side and rear setback of four (4) feet.
- D. An ADU built above an existing detached garage may be located within five (5) feet of the rear or side property lines, subject to complying with Title 24 of the California Code of Regulations.
- E. The size of the ADU shall not be counted towards the maximum floor area ratio (FAR) for the site.
- F. ADUs shall be subject to complying with zoning requirements in R-R, R-1, R-2, R-3 and R-4 zones, except as modified by the conditions of this section.
- G. The lot on which the ADU is proposed shall contain a residence at the time of construction of the ADU. In the case of vacant lots, the residence and ADU and JADU may be constructed at the same time.
- H. The ADU shall be self-contained with its own separate entrance, kitchen and bathroom and shall comply with all applicable building, fire, energy and other health and safety codes.
- I. A garage, carport or uncovered parking space located on a single-family or multi-family lot may be converted into an ADU, subject to complying with Title 24 of the California Code of Regulations. No off-street parking shall be required for an ADU. Replacement parking is not required when a garage, carport or uncovered parking space is converted to an ADU.
- J. ADUs shall achieve architectural continuity with the principal residence and with the character of the surrounding neighborhood, as determined by the community development department. No entrance to an ADU shall be located on the front building elevation of the principal residence if the ADU is attached to the residence, in order to maintain the appearance of the structure as a single-family residence.
- K. All JADUs are subject to an owner-occupancy agreement. A natural person with equitable title to the property shall occupy either the principal dwelling unit or the JADU as their principal or primary residence as defined by the County Assessor. However, the owner-occupancy agreement in this subsection does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

The form of the deed restriction will be provided by the City and must provide that:

1. Except as otherwise provided in Government Code Section 66341, the JADU may not be sold separately from the primary dwelling.
2. The JADU is restricted to the approved size and to other attributes allowed by this section.
3. The deed restriction runs with the land and may be enforced against future property owners.
4. The deed restriction may be removed if the owner eliminates the JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the community development director, providing evidence the JADU has in fact been eliminated. The community development director may then determine whether the evidence supports the claim that the JADU has been eliminated. Appeal may be taken from the community development director's determination consistent with other provisions of this Code. If the JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an JADU unit removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.
5. The deed restriction is enforceable by the community development director for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.

If either unit should become non-owner-occupied, the JADU, upon notification by the City, shall be converted into a non-JADU by removing the kitchen facilities. To ensure the property is owner-occupied, the property owner shall record a deed restriction with the County Recorder's office and a copy filed with the community development director prior to issuance of a building permit for a JADU.

- L. All new construction or exterior alterations to existing structures proposed for an ADU may be subject to design review as prescribed in Chapter 17.36, except that design review shall be ministerial without any discretionary review or a hearing.
- M. No impact fee shall be imposed on an ADU that is less than seven hundred fifty (750) square feet in size. For purposes of this section "impact fees" include the fees specified in Section 66000 and 66477 of the Government Code, but do not include utility connection fees or capacity charges. Except as mentioned above, the City Council may, by resolution, establish fees for accessory units that mitigate the impact of an ADU on public infrastructure or services based on the square footage of the ADU in relation to the square footage of the principal residence.
- N. An ADU may be required to have a new or separate utility connection directly between the ADU and the utility. The City Council may adopt by resolution a connection fee or capacity charge that is proportionate to the burden of the proposed ADU upon the water and sewer system. The fee shall be based upon either square footage of the ADU or its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and

Mechanical Officials. ADUs shall be exempt from any requirements to install a new or separate utility connection and pay any connection fees or charges if it is created by the conversion of interior space of the principal residence, unless the unit is constructed with a new single-family residence.

- O. An ADU created pursuant to Government Code section 66323 must be rented for terms longer than thirty (30) days.
- P. Income Reporting. In order to facilitate the City's obligation to identify adequate sites for housing in accordance with Government Code sections 65583.1 and 66341, the following requirements must be satisfied:
 - 1. With the building permit application, the applicant must provide the City with an estimate of the projected annualized rent that will be charged for the ADU or JADU.
 - 2. Within ninety (90) days after each yearly anniversary of the issuance of the building permit, the owner must report the actual rent charged for the ADU or JADU during the prior year. If the City does not receive the report within the 90-day period, the owner is in violation of this Code, and the City may send the owner a notice of violation and allow the owner another thirty (30) days to submit the report. If the owner fails to submit the report within the 30-day period, the City may enforce this provision in accordance with applicable law.
- Q. Notice of Construction. At least ten (10) business days before starting any construction of an ADU or JADU, the property owner must give written notice to all the owners of record of each adjacent residential parcels, which notice must include the following information:
 - 1. Notice that construction has been authorized,
 - 2. The anticipated start and end dates for construction,
 - 3. The hours of construction,
 - 4. Contact information for the project manager (for construction-related complaints), and
 - 5. Contact information for the building division.

This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City has no discretion in approving or denying a particular ADU project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.

- R. Demolition Permits. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.
- S. Fire sprinklers. Fire sprinklers are required in an ADU or JADU if sprinklers are required in the primary residence. The construction of an ADU or JADU does not trigger a requirement for fire sprinklers to be installed in the primary residence.

17.98.040 Development standards for streamlined approval of accessory dwelling units.

The community development director shall ministerially approve a building permit application for an ADU or a JADU which meets the following:

- A. **Converted Space on a Single-Family Lot:** One (1) ADU as described in this subsection and one (1) JADU shall be allowed on a lot with a proposed or existing single-family dwelling, where the ADU or JADU:
 - 1. Is within the walls of the proposed or existing single-family dwelling, or within the existing space of an accessory structure, plus up to one hundred fifty (150) additional square feet if the expansion is limited to accommodating ingress and egress, has an exterior access independent of the single-family dwelling and has side and rear yard setbacks that comply with the applicable building and fire codes.
 - 2. Has an exterior access independent of the single-family dwelling.
 - 3. Has side or rear setbacks sufficient for fire and safety, as required by applicable building and fire codes.

- B. **Limited Detached or Single-Family Lot.** One (1) detached, new construction ADU on a lot with a proposed or existing single-family dwelling, in addition to any JADU that might otherwise be established on the lot allowed in subsection A above, if the detached ADU satisfies the following limitations:
 - 1. The side- and rear- yard setbacks are at least four (4) feet.
 - 2. The total floor area is eight hundred (800) square feet or less.
 - 3. The peak height above grade is sixteen (16) feet or less.

- C. **Converted on Multifamily Lot.** Multiple ADUs within portions of existing multifamily dwelling structures not used as livable space, including but not limited storage rooms, passageways, attics, basements, or garages that satisfies the following:
 - 1. If each converted ADU complies with the state building standards for dwellings.
 - 2. Under this subsection, at least one (1) converted ADU is allowed within an existing multifamily dwelling, but the number of ADUs may not exceed twenty-five percent (25%) of the existing multifamily units.

- D. **Limited Detached on a Multifamily Lot.** No more than eight (8) detached ADUs on a lot with an existing multifamily dwelling, or as many detached ADUs as there are primary dwelling units on the lot, whichever is less, are allowed. No more than two (2) detached ADUs are permitted on a lot with a proposed multi-family dwelling, are allowed. Each detached ADU must satisfy the following limitations:
 - 1. The side- and rear-yard setbacks are at least four (4) feet.
 - 2. The peak height above grade is sixteen (16) feet or less.

E. Junior Accessory Dwelling Units.

1. A building permit shall be required for a JADU. A JADU shall not be considered a separate dwelling for purposes of applying building codes, fire codes, collection of impact fees, or the provision of water, sewer, and power, including connection fees that might otherwise be associated with the provision of those services.
2. A JADU may not be sold separately from the single-family dwelling. A deed restriction shall be recorded prohibiting the sale of a JADU separate from the single-family dwelling.
3. The JADU must be installed concurrently with or after the construction of the single-family dwelling.
4. As provided by Government Code section 66313, JADUs are not considered new or separate dwelling units and, therefore, are exempt from the density limitations of the general plan.
5. No more than one (1) JADU may be located on a parcel.
6. One (1) off-street parking space shall be provided. Space can be located within the side yard setback adjacent to an existing driveway.

17.98.050 Effect of Conforming Provisions.

An ADU or JADU that conforms to the standards in this chapter will not be:

1. Deemed to be inconsistent with the City's general plan and zoning designation in which the ADU or JADU is located.
2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
3. Considered in the application of any local ordinance, policy, or program to limit residential growth.
4. Required to correct a nonconforming zoning condition, as defined in Section 17.04.140. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF WINTERS AMENDING SECTION
17.04.140 AND CHAPTER 17.98 OF THE
WINTERS MUNICIPAL CODE RELATING TO
ACCESSORY DWELLING UNITS AND JUNIOR
ACCESSORY DWELLING UNITS AND FINDING
THE ACTION TO BE STATUTORILY EXEMPT
FROM CEQA UNDER SECTION 21080.17 OF THE
PUBLIC RESOURCES CODE**

WHEREAS, the City of Winters, California (the “City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the Planning and Zoning Law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”); and

WHEREAS, Government Code sections 66310–66342 (the “State ADU Law”) impose limits on local authority to regulate ADUs and JADUs; and

WHEREAS, the City implements State ADU Law via Winters Municipal Code Chapter 17.98, Accessory Dwelling Units (the “ADU Ordinance”); and

WHEREAS, in recent years, the City has amended the ADU Ordinance as necessary to remain consistent with changes in State ADU Law. Most recently, the City amended the ADU Ordinance via City Council Ordinance No. 2024-06; and

WHEREAS, AB 2533 and SB 1211 took effect on January 1, 2025, which among other things, modified the definition of livable space, increased the number of ADUs that can locate on a lot with an existing multi-family dwelling and allowed uncovered parking spaces to be converted to an ADU without having to replace the uncovered parking space; and

WHEREAS, this proposed Ordinance updates the ADU Ordinance to comply with recent changes to State ADU Law and to make other specified adjustments in order to augment the ADU Ordinance for the benefit of staff and the general public; and

WHEREAS, on January 28, 2025, the Planning Commission held a duly noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning the Ordinance. Following the hearing, the Planning Commission recommended that the City Council adopt the Ordinance; and

WHEREAS, on March 4, 2025, the City Council conducted a duly noticed public hearing on the Ordinance and considered the staff report, recommendations by staff, and public testimony concerning the Ordinance; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, the City Council of the City of Winters does ordain as follows:

SECTION 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Amendment. The following definition is hereby added to subsection (B) of Section 17.04.140 of the Winters Municipal Code as set forth below. The remainder of subsection (B) remains unchanged.

“17.04.140 Definitions.

B. Definitions.

“Livable space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

SECTION 3. Amendment. Chapter 17.98 of the Winters Municipal Code is hereby amended in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 4. CEQA. Under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city implementing the provisions of section 65852.1 or section 66314 of the Government Code, which is California’s State ADU Law and which also regulates JADUs, as defined by Government Code section 66313. Therefore, the Ordinance is statutorily exempt from CEQA in it implements State ADU Law.

SECTION 5. General Plan. The City Council hereby finds that the adoption of the Ordinance is consistent with the General Plan as a matter of law under Government Code section 66314(c).

SECTION 6. HCD Submittal. In accordance with Government Code section 66326, the City Clerk is directed to submit a copy of this Ordinance to the California Department of Housing and Community Development within 60 days after adoption.

SECTION 7. Severability. Each of the provisions of this Ordinance is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 8. Effective Date. This ordinance shall take effect thirty (30) days after its adoption.

SECTION 9. Publication. The City Clerk is hereby directed to certify the adoption of this Ordinance and shall cause the same to be published as required by law.

INTRODUCED at a regular meeting of the City Council of the City of Winters, California, on the ____nd day of _____ and thereafter **ADOPTED** at a regular meeting of the City Council held on this ____nd day of _____ by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED

Albert Vallecillo, Mayor

ATTEST:

Jeremy Craig, City Clerk

Exhibit A

Chapter 17.98 ACCESSORY DWELLING UNITS

17.98.010 Purpose and intent.

The purpose of this section is to permit accessory dwelling units in single-family and multifamily residential zoning districts consistent with state law (California Government Code Sections 66310 through 66342). This section is intended to expand housing opportunities by increasing the number of housing units available within existing neighborhoods while maintaining the primarily "single family" residential character of the area. Accessory dwelling units, which includes junior accessory dwelling units, are intended to provide livable housing at lower cost while providing greater security, companionship, and family support for the occupants, consistent with the general plan. An accessory dwelling unit must comply with all the provisions of this title, except as modified in this chapter.

17.98.020 Administration.

- A. Accessory Dwelling Unit Approval Required. Approval of an ADU shall be obtained prior to construction, conversion, and/or development of the ADU. Pursuant to California Government Code Sections 66316 and 66317, approval of the ADU shall be considered ministerial without any discretionary review or a hearing. ADUs are exempt from the California Environmental Quality Act.

- B. Application.
 - 1. Applications for an ADU shall be filed with the community development director on forms provided by the community development department.
 - 2. An application for an ADU shall be accompanied by a fee, established by resolution of the City Council, to cover the cost of handling the application as prescribed in this subsection.
 - 3. Once an application is deemed complete, the application must be approved or denied within sixty (60) days if there is an existing single-family or multifamily dwelling on the lot.

- C. Existing Accessory Dwelling Units. This section shall in no way validate an illegal accessory dwelling unit. An application for an ADU may be made pursuant to the provisions of this chapter to convert an illegal ADU into a lawful ADU, or to allow for the replacement, alteration, or expansion of an existing nonconforming ADU. The conversion of an illegal ADU into a lawful ADU, or the replacement, alteration, or expansion of an existing nonconforming ADU, shall be subject to the requirements of this chapter.

17.98.030 Development standards for all accessory dwelling units.

- A. Only one (1) ADU and one (1) JADU shall be allowed for each single-family residential lot. No more than eight (8) detached ADUs or as many detached ADUs as there are primary dwelling units on the lot, whichever is less, are permitted on a lot that has an

existing multifamily dwelling. No more than two (2) detached ADUs are permitted on a lot with a proposed multi-family dwelling.

- B. The minimum floor space of a detached ADU shall be one hundred fifty (150) square feet and the maximum area of floor space shall not exceed one thousand two hundred (1,200) square feet. The maximum area of floor space of an attached accessory residential unit shall not exceed fifty percent (50%) of the living area of the existing principal residence, not to exceed a maximum of one thousand two hundred (1,200) square feet.
- C. A detached ADU that is eight hundred (800) square feet or less and the peak height above grade is sixteen (16) feet or less may have a side and rear setback of four (4) feet.
- D. An ADU built above an existing detached garage may be located within five (5) feet of the rear or side property lines, subject to complying with Title 24 of the California Code of Regulations.
- E. The size of the ADU shall not be counted towards the maximum floor area ratio (FAR) for the site.
- F. ADUs shall be subject to complying with zoning requirements in R-R, R-1, R-2, R-3 and R-4 zones, except as modified by the conditions of this section.
- G. The lot on which the ADU is proposed shall contain a residence at the time of construction of the ADU. In the case of vacant lots, the residence and ADU and JADU may be constructed at the same time.
- H. The ADU shall be self-contained with its own separate entrance, kitchen and bathroom and shall comply with all applicable building, fire, energy and other health and safety codes.
- I. A garage, carport or uncovered parking space located on a single-family or multi-family lot may be converted into an ADU, subject to complying with Title 24 of the California Code of Regulations. No off-street parking shall be required for an ADU. Replacement parking is not required when a garage, carport or uncovered parking space is converted to an ADU.
- J. ADUs shall achieve architectural continuity with the principal residence and with the character of the surrounding neighborhood, as determined by the community development department. No entrance to an ADU shall be located on the front building elevation of the principal residence if the ADU is attached to the residence, in order to maintain the appearance of the structure as a single-family residence.
- K. All JADUs are subject to an owner-occupancy agreement. A natural person with equitable title to the property shall occupy either the principal dwelling unit or the JADU as their principal or primary residence as defined by the County Assessor. However, the owner-occupancy agreement in this subsection does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

The form of the deed restriction will be provided by the City and must provide that:

1. Except as otherwise provided in Government Code Section 66341, the JADU may not be sold separately from the primary dwelling.
2. The JADU is restricted to the approved size and to other attributes allowed by this section.
3. The deed restriction runs with the land and may be enforced against future property owners.
4. The deed restriction may be removed if the owner eliminates the JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the community development director, providing evidence the JADU has in fact been eliminated. The community development director may then determine whether the evidence supports the claim that the JADU has been eliminated. Appeal may be taken from the community development director's determination consistent with other provisions of this Code. If the JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an JADU unit removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.
5. The deed restriction is enforceable by the community development director for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.

If either unit should become non-owner-occupied, the JADU, upon notification by the City, shall be converted into a non-JADU by removing the kitchen facilities. To ensure the property is owner-occupied, the property owner shall record a deed restriction with the County Recorder's office and a copy filed with the community development director prior to issuance of a building permit for a JADU.

- L. All new construction or exterior alterations to existing structures proposed for an ADU may be subject to design review as prescribed in Chapter 17.36, except that design review shall be ministerial without any discretionary review or a hearing.
- M. No impact fee shall be imposed on an ADU that is less than seven hundred fifty (750) square feet in size. For purposes of this section "impact fees" include the fees specified in Section 66000 and 66477 of the Government Code, but do not include utility connection fees or capacity charges. Except as mentioned above, the City Council may, by resolution, establish fees for accessory units that mitigate the impact of an ADU on public infrastructure or services based on the square footage of the ADU in relation to the square footage of the principal residence.
- N. An ADU may be required to have a new or separate utility connection directly between the ADU and the utility. The City Council may adopt by resolution a connection fee or capacity charge that is proportionate to the burden of the proposed ADU upon the water and sewer system. The fee shall be based upon either square footage of the ADU or its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and

Mechanical Officials. ADUs shall be exempt from any requirements to install a new or separate utility connection and pay any connection fees or charges if it is created by the conversion of interior space of the principal residence, unless the unit is constructed with a new single-family residence.

- O. An ADU created pursuant to Government Code section 66323 must be rented for terms longer than thirty (30) days.
- P. Income Reporting. In order to facilitate the City's obligation to identify adequate sites for housing in accordance with Government Code sections 65583.1 and 66341, the following requirements must be satisfied:
 - 1. With the building permit application, the applicant must provide the City with an estimate of the projected annualized rent that will be charged for the ADU or JADU.
 - 2. Within ninety (90) days after each yearly anniversary of the issuance of the building permit, the owner must report the actual rent charged for the ADU or JADU during the prior year. If the City does not receive the report within the 90-day period, the owner is in violation of this Code, and the City may send the owner a notice of violation and allow the owner another thirty (30) days to submit the report. If the owner fails to submit the report within the 30-day period, the City may enforce this provision in accordance with applicable law.
- Q. Notice of Construction. At least ten (10) business days before starting any construction of an ADU or JADU, the property owner must give written notice to all the owners of record of each adjacent residential parcels, which notice must include the following information:
 - 1. Notice that construction has been authorized,
 - 2. The anticipated start and end dates for construction,
 - 3. The hours of construction,
 - 4. Contact information for the project manager (for construction-related complaints), and
 - 5. Contact information for the building division.

This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City has no discretion in approving or denying a particular ADU project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.

- R. Demolition Permits. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.
- S. Fire sprinklers. Fire sprinklers are required in an ADU or JADU if sprinklers are required in the primary residence. The construction of an ADU or JADU does not trigger a requirement for fire sprinklers to be installed in the primary residence.

17.98.040 Development standards for streamlined approval of accessory dwelling units.

The community development director shall ministerially approve a building permit application for an ADU or a JADU which meets the following:

- A. **Converted Space on a Single-Family Lot:** One (1) ADU as described in this subsection and one (1) JADU shall be allowed on a lot with a proposed or existing single-family dwelling, where the ADU or JADU:
 - 1. Is within the walls of the proposed or existing single-family dwelling, or within the existing space of an accessory structure, plus up to one hundred fifty (150) additional square feet if the expansion is limited to accommodating ingress and egress, has an exterior access independent of the single-family dwelling and has side and rear yard setbacks that comply with the applicable building and fire codes.
 - 2. Has an exterior access independent of the single-family dwelling.
 - 3. Has side or rear setbacks sufficient for fire and safety, as required by applicable building and fire codes.

- B. **Limited Detached or Single-Family Lot.** One (1) detached, new construction ADU on a lot with a proposed or existing single-family dwelling, in addition to any JADU that might otherwise be established on the lot allowed in subsection A above, if the detached ADU satisfies the following limitations:
 - 1. The side- and rear- yard setbacks are at least four (4) feet.
 - 2. The total floor area is eight hundred (800) square feet or less.
 - 3. The peak height above grade is sixteen (16) feet or less.

- C. **Converted on Multifamily Lot.** Multiple ADUs within portions of existing multifamily dwelling structures not used as livable space, including but not limited storage rooms, passageways, attics, basements, or garages that satisfies the following:
 - 1. If each converted ADU complies with the state building standards for dwellings.
 - 2. Under this subsection, at least one (1) converted ADU is allowed within an existing multifamily dwelling, but the number of ADUs may not exceed twenty-five percent (25%) of the existing multifamily units.

- D. **Limited Detached on a Multifamily Lot.** No more than eight (8) detached ADUs on a lot with an existing multifamily dwelling, or as many detached ADUs as there are primary dwelling units on the lot, whichever is less, are allowed. No more than two (2) detached ADUs are permitted on a lot with a proposed multi-family dwelling, are allowed. Each detached ADU must satisfy the following limitations:
 - 1. The side- and rear-yard setbacks are at least four (4) feet.
 - 2. The peak height above grade is sixteen (16) feet or less.

E. Junior Accessory Dwelling Units.

1. A building permit shall be required for a JADU. A JADU shall not be considered a separate dwelling for purposes of applying building codes, fire codes, collection of impact fees, or the provision of water, sewer, and power, including connection fees that might otherwise be associated with the provision of those services.
2. A JADU may not be sold separately from the single-family dwelling. A deed restriction shall be recorded prohibiting the sale of a JADU separate from the single-family dwelling.
3. The JADU must be installed concurrently with or after the construction of the single-family dwelling.
4. As provided by Government Code section 66313, JADUs are not considered new or separate dwelling units and, therefore, are exempt from the density limitations of the general plan.
5. No more than one (1) JADU may be located on a parcel.
6. One (1) off-street parking space shall be provided. Space can be located within the side yard setback adjacent to an existing driveway.

17.98.050 Effect of Conforming Provisions.

An ADU or JADU that conforms to the standards in this chapter will not be:

1. Deemed to be inconsistent with the City's general plan and zoning designation in which the ADU or JADU is located.
2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
3. Considered in the application of any local ordinance, policy, or program to limit residential growth.
4. Required to correct a nonconforming zoning condition, as defined in Section 17.04.140. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.

Exhibit A

Chapter 17.98 ACCESSORY DWELLING UNITS

17.98.010 Purpose and intent.

The purpose of this section is to permit accessory dwelling units in single-family and

multifamily residential zoning districts consistent with state law (California Government Code Sections 66310 through 66342). This section is intended to expand housing opportunities by increasing the number of housing units available within existing neighborhoods while maintaining the primarily “single family” residential character of the area. Accessory dwelling units, which includes junior accessory dwelling units, are intended to provide livable housing at lower cost while providing greater security, companionship, and family support for the occupants, consistent with the general plan. An accessory dwelling unit must comply with all the provisions of this title, except as modified in this chapter.

17.98.020 Administration.

A. Accessory Dwelling Unit Approval Required. Approval of an ADU shall be obtained prior to construction, conversion, and/or development of the ADU. Pursuant to California Government Code Sections 66316 and 66317, approval of the ADU shall be considered ministerial without any discretionary review or a hearing. ADUs are exempt from the California Environmental Quality Act.

B. Application.

1. Applications for an ADU shall be filed with the community development director on forms provided by the community development department.

2. An application for an ADU shall be accompanied by a fee, established by resolution of the City Council, to cover the cost of handling the application as prescribed in this subsection.

3. Once an application is deemed complete, the application must be approved or denied within sixty (60) days if there is an existing single-family or multifamily dwelling on the lot.

C. Existing Accessory Dwelling Units. This section shall in no way validate an illegal accessory dwelling unit. An application for an ADU may be made pursuant to the provisions of this chapter to convert an illegal ADU into a lawful ADU, or to allow for the replacement, alteration, or expansion of an existing nonconforming ADU. The conversion of an illegal ADU into a lawful ADU, or the replacement, alteration, or expansion of an existing nonconforming ADU, shall be subject to the requirements of this chapter.

17.98.030 Development standards for all accessory dwelling units.

A. Only one (1) ADU and one (1) JADU shall be allowed for each single-family residential lot. No more than eight (8) detached ADUs or as many detached ADUs as there are primary dwelling units on the lot, whichever is less, are permitted on a lot that has an existing multifamily dwelling. No more than two (2) detached ADUs are permitted on a lot ~~that has an existing with a proposed multi-family dwelling. or proposed multifamily dwelling.~~

B. The minimum floor space of a detached ADU shall be one hundred fifty (150) square feet and the maximum area of floor space shall not exceed one thousand two hundred (1,200) square feet. The maximum area of floor space of an attached accessory residential unit shall not exceed fifty percent (50%) of the living area of the existing principal residence, not to exceed a maximum of one thousand two hundred (1,200) square feet.

C. A detached ADU that is eight hundred (800) square feet or less and the peak height above grade is sixteen (16) feet or less may have a side and rear setback of four (4) feet.

D. An ADU built above an existing detached garage may be located within five (5) feet of the rear or side property lines, subject to complying with Title 24 of the California Code of Regulations.

E. The size of the ADU shall not be counted towards the maximum floor area ratio (FAR) for the site.

F. ADUs shall be subject to complying with zoning requirements in R-R, R-1, R-2, R-3 and R-4 zones, except as modified by the conditions of this section.

G. The lot on which the ADU is proposed shall contain a residence at the time of construction of the ADU. In the case of vacant lots, the residence and ADU and JADU may be constructed at the same time.

H. The ADU is shall be self-contained with its own separate entrance, kitchen and bathroom and

shall comply with all applicable building, fire, energy and other health and safety codes.

I. ~~An accessory building or structure, including a garage or carport, may be converted~~

A garage, carport or uncovered parking space located on a single-family or multi-family lot may be converted into an ADU, subject to complying with Title 24 of the California Code of Regulations. No off-street parking shall be required for an ADU. Replacement parking is not required when a garage ~~or~~, carport or uncovered parking space is converted to an ADU.

~~J.~~ ADUs shall achieve architectural continuity with the principal residence and with the character of the surrounding neighborhood, as determined by the community development department. No entrance to an ADU shall be located on the front building elevation of the principal residence if the ADU is attached to the residence, in order to maintain the appearance of the structure as a single-family residence.

~~K. All ADUs and JADUs created before January 1, 2020, are subject to the owneroccupancy requirement that was in place when the ADU or JADU was created.~~

~~Any application for an ADU received after January 1, 2020, is not subject to the owneroccupancy requirement.~~

All JADUs are subject to an owner-occupancy agreement. A natural person with equitable title to the property shall occupy either the principal dwelling unit or the JADU as their principal or primary residence as defined by the County Assessor. However, the owner-occupancy agreement in this subsection does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

The form of the deed restriction will be provided by the City and must provide that:

1. Except as otherwise provided in Government Code Section 66341, the JADU may not be sold separately from the primary dwelling.

2. The JADU is restricted to the approved size and to other attributes allowed by this section.

3. The deed restriction runs with the land and may be enforced against future property owners.

4. The deed restriction may be removed if the owner eliminates the JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the community development director, providing evidence the JADU has in fact been eliminated. The community development director may then determine whether the evidence supports the claim that the JADU has been eliminated. Appeal may be taken from the community development director's determination consistent with other provisions of this Code. If the JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an JADU unit removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.

5. The deed restriction is enforceable by the community development director for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available

to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.

If either unit should become non-owner-occupied, the JADU, upon notification by the City, shall be converted into a non-JADU by removing the kitchen facilities. To ensure the property is owner-occupied, the property owner shall record a deed restriction with the County Recorder's office and a copy filed with the community development director prior to issuance of a building permit for a JADU.

L. All new construction or exterior alterations to existing structures proposed for an ADU may be subject to design review as prescribed in Chapter 17.36, except that design review shall be ministerial without any discretionary review or a hearing.

M. No impact fee shall be imposed on an ADU that is less than seven hundred fifty (750) square feet in size. For purposes of this section "impact fees" include the fees specified in Section 66000 and 66477 of the Government Code, but do not include utility connection fees or capacity charges. Except as mentioned above, the City Council may, by resolution, establish fees for accessory units that mitigate the impact of an ADU on public infrastructure or services based on the square footage of the ADU in relation to the square footage of the principal residence.

N. An ADU may be required to have a new or separate utility connection directly between the ADU and the utility. The City Council may adopt by resolution a connection fee or capacity charge that is proportionate to the burden of the proposed ADU upon the water and sewer system. The fee shall be based upon either square footage of the ADU or its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials. ADUs shall be exempt from any requirements to install a new or separate utility connection and pay any connection fees or charges if it is created by the conversion of interior space of the principal residence, unless the unit is constructed with a new single-family residence.

~~O. The owner of an ADU built before January 1, 2010, may request any correction of building standards enforced by local agencies under the authority of Section 17960 of the California Health and Safety Code be delayed subject to the following:~~

~~1. Prior to January 1, 2030, the owner requests in writing enforcement of any violation of a building standard be delayed for five (5) years.~~

~~2. The community development director, in consultation with the building official determines, the enforcement of the building standard or standards is not necessary~~

~~to protect the health and safety.~~

An ADU created pursuant to Government Code section 66323 must be rented for terms longer than thirty (30) days.

P. Income Reporting. In order to facilitate the City's obligation to identify adequate sites for housing in accordance with Government Code sections 65583.1 and 66341, the following requirements must be satisfied:

1. With the ~~building permit~~building permit application, the applicant must provide the City with an estimate of the projected annualized rent that will be charged for the ADU or JADU.

2. Within ninety (90) days after each yearly anniversary of the issuance of the building permit, the owner must report the actual rent charged for the ADU or JADU during the prior year. If the City does not receive the report within the 90-day period, the owner is in violation of this Code, and the City may send the owner a notice of violation and allow the owner another thirty (30) days to submit the report. If the owner fails to submit the report within the 30-day period, the City may enforce this provision in accordance with applicable law.

Q. Notice of Construction. At least ten (10) business days before starting any construction of an ADU or JADU, the property owner must give written notice to all the owners of record of each adjacent residential parcels, which notice must include the following information:

1. Notice that construction has been authorized,
2. The anticipated start and end dates for construction,
3. The hours of construction,
4. Contact information for the project manager (for construction-related complaints),
and
5. Contact information for the building division.

This notice requirement does not confer a right on the noticed persons or on anyone

else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City has no discretion in approving or denying a particular ADU project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.

R. Demolition Permits. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

S. Fire sprinklers. Fire sprinklers are required in an ADU or JADU if sprinklers are required in the primary residence. The construction of an ADU or JADU does not trigger a requirement for fire sprinklers to be installed in the primary residence.

17.98.040 Development standards for streamlined approval of accessory dwelling units.

The community development director shall ministerially approve a building permit application for an ADU or a JADU which meets the following:

A. Converted Space on a Single-Family Lot: One (1) ADU as described in this subsection and one (1) JADU shall be allowed on a lot with a proposed or existing single-family dwelling, where the ADU or JADU:

1. Is within the walls of the proposed or existing single-family dwelling, or within the existing space of an accessory structure, plus up to one hundred fifty (150) additional square feet if the expansion is limited to accommodating ingress and egress, has an exterior access independent of the single-family dwelling and has side and rear yard setbacks that comply with the applicable building and fire codes.

2. Has an exterior access independent of the single-family dwelling.

3. Has side or rear setbacks sufficient for fire and safety, as required by applicable building and fire codes.

B. Limited Detached or Single-Family Lot. One (1) detached, new construction ADU on a lot with a proposed or existing single-family dwelling, in addition to any JADU that might otherwise be established on the lot allowed in subsection A above, if the detached ADU satisfies the following limitations:

1. The side- and rear- yard setbacks are at least four (4) feet.

2. The total floor area is eight hundred (800) square feet or less.

3. The peak height above grade is sixteen (16) feet or less.

C. Converted on Multifamily Lot. Multiple ADUs within portions of existing multifamily dwelling structures not used as livable space, including but not limited storage rooms, passageways, attics, basements, or garages that satisfies the following:

1. If each converted ADU complies with the state building standards for dwellings.

2. Under this subsection, at least one (1) converted ADU is allowed within an existing multifamily dwelling, but the number of ADUs may not exceed ~~twenty-five~~ twenty-five percent (25%) ~~percent~~ of the existing multifamily units.

D. Limited Detached on a Multifamily Lot. No more than ~~two~~eight (28) detached ADUs on a lot with an existing multifamily dwelling ~~if each, or as many detached ADUs as there are primary dwelling units on the lot, whichever is less, are allowed. No more than two (2) detached ADUs are permitted on a lot with a proposed multi-family dwelling, are allowed. Each~~ detached ADU ~~satisfies~~must satisfy the following limitations:

1. The side- and rear-yard setbacks are at least four (4) feet.
2. The peak height above grade is sixteen (16) feet or less.

E. Junior Accessory Dwelling Units.

1. A building permit shall be required for a JADU. A JADU shall not be considered

a separate dwelling for purposes of applying building codes, fire codes, collection of impact fees, or the provision of water, sewer, and power, including connection fees that might otherwise be associated with the provision of those services.

2. ~~May~~A JADU may not be sold separately from the single-family dwelling. A deed restriction shall be recorded prohibiting the ~~subdivision or~~ sale of a JADU separate from the ~~single family~~single-family dwelling.

3. ~~Permitted by this section~~The JADU must be installed concurrently with or after the construction of the ~~single family~~single-family dwelling.

4. ~~As~~ provided by Government Code section 66313, JADUs are not considered new or separate dwelling units and, therefore, are exempt from the density limitations of the general plan.

5. ~~No~~ more than one (1) ~~junior accessory dwelling~~JADU may be located on a parcel.

6. One (1) off-street parking space shall be provided. Space can be located within the side yard setback adjacent to an existing driveway.

17.98.050 Effect of Conforming Provisions.

An ADU or JADU that conforms to the standards in this chapter will not be:

1. Deemed to be inconsistent with the City's general plan and zoning designation in which the ADU or JADU is located.
2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.

3. Considered in the application of any local ordinance, policy, or program to limit residential growth.

4. Required to correct a nonconforming zoning condition, as defined in Section 17.04.140. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: March 18, 2025
THROUGH: Jeremy Craig, City Manager
FROM: David A. Storer, AICP Contract Planner
SUBJECT: Adoption of Ordinance No. No. 2025-02 Amending the Winters Municipal Code, Sections 17.04.140 (Definitions), 17.52.020 (Land Use/Zone Matrix), and 17.205.030 (Commercial Cannabis Uses and Requirements).

RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance No. 2025-02 Amending the Winters Municipal Code, Sections 17.04.140 (Definitions), 17.52.020 (Land Use/Zone Matrix), and 17.205.030 (Commercial Cannabis Uses and Requirements).

BACKGROUND:

On January 21, 2025, and February 18, 2025, the City Council held public hearings on proposed Ordinance. At the February 18, 2025, City Council meeting, the City Council introduced and waived the first reading of the Ordinance that allows a retail storefront commercial cannabis business in the City in six specified areas.

DISCUSSION:

At the City Council meeting on January 21 2025, Council directed staff to provide specific geographical areas as to where a retail storefront commercial cannabis business could be located in the City in addition to only being allowed within the C-1 and C-2 districts. The Council directed staff to provide a revised map with 500-ft buffers from schools, parks, and youth facilities. The Council also directed staff to revise the language in Section 17.205.03(B)(4)(b) and elsewhere in the Ordinance directing the City Manager to create

procedures to instead refer to City Council creating the procedures by resolution.

At the February 18, 2025 Council meeting, staff returned with the requested revisions and nine areas within the city identified (as mapped areas No's. 1 through 9 in Attachment No. 2 to the City Council staff report, dated February 18, 2025), that included lands with C-1 and C-2 zoning districts and outside of 500-foot buffers near youth-oriented properties and public parks.

At the February 18, 2025 Council meeting, Council introduced and waived the first reading of the Ordinance with an amendment to allow a retail storefront cannabis business in "Areas" marked as Nos. 1, 2, 3, 6, 7 and 8 as shown on the attached map (Attachment 2) which superimposes the Assessors Books and Pages associated with the geographical areas selected by the City Council. The approved locational areas and related Assessor Books and Maps are now included in Section 17.52.020 of the Winters Municipal Code ("Land Use/Zone Matrix") for both the C-1 and C-2 zones in Note No. 8. Note No. 8 reads, "A Commercial Cannabis Permit (CCP) is required. A retail storefront commercial cannabis business must be within the C-1 or C-2 zone and located on Assessor's Parcel Maps, Book 03-16, 03-221, 03-321, 03-35, 03-37, 038-05, 038-07 and 038-19."

Each Assessor's Book and Map page number are attached showing their respective area with C-1 or C-2 zoning in pink highlight with area Number. (Attachment 3)

ENVIRONMENTAL ANALYSIS:

No action is needed for the adoption of the Ordinance. However, the adoption of the Ordinance has been found to be Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines because it is covered by the general rule that CEQA applies only to projects causing a significant effect on the environment, and adoption of the proposed ordinance has no potential for causing a significant effect on the environment.

FISCAL IMPACT:

Costs will be paid by applicants that apply for a Commercial Cannabis Permit (CCP).

ATTACHMENTS:

1. Ordinance No. 2025-02
2. Geographical area map (buffers and zoning) and Assessor's Book and Map pages with black outline borders superimposed.
3. Assessor's Book and Pages with areas and zoning (in pink)

EXHIBIT A

ORDINANCE NO. 2025 – 02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AUTHORIZING COMMERCIAL CANNABIS USES IN THE CITY OF WINTERS BY AMENDING SECTIONS 17.04.140 (DEFINITIONS), 17.52.020 (LAND USE/ZONE MATRIX), AND 17.205.030 (COMMERCIAL CANNABIS USES AND REQUIREMENTS) OF THE WINTERS MUNICIPAL CODE AND FINDING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15061(B)(3) OF THE CEQA GUIDELINES

WHEREAS, pursuant to its police powers and as authorized by the California Compassionate Use Act, the California Medical Cannabis Regulation and Safety Act (“MCRSA”), the Adult Use of Marijuana Act (“AUMA”), SB 94 and the Medical and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”), the City may enact laws or regulations pertaining to cannabis cultivation, dispensing, manufacturing, distribution, transportation, and testing within its jurisdiction; and

WHEREAS, the City wishes to establish a uniform regulatory structure for cannabis uses in the City in accordance with state law; and

WHEREAS, the City of Winters Municipal Code (“WMC”) regulates allowable uses and development standards within the City; and

WHEREAS, this Ordinance adds new definitions to Section 17.04.140, amends the land use zones matrix in Section 17.52.020, and amends the regulations in Section 17.205.030, of the WMC, relating to commercial cannabis uses; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 22, 2024, at which time it reviewed the amendments to the WMC and considered all public comments on the revisions and the related California Environmental Quality Act (“CEQA”) exemption; and

WHEREAS, on October 22, 2024, the Planning Commission continued the public hearing to this date on December 10, 2024, and again, after it reviewed the amendments to the WMC and considered all public comments on the revisions and the related CEQA exemption forwarded a recommendation to the City Council for its consideration; and

WHEREAS, the City Council held a duly noticed public hearing on January 21, 2025, at which time it reviewed the proposed amendments to the WMC and considered the Planning Commission’s recommendation, all public comments on the revisions and the related California Environmental Quality Act (“CEQA”) exemption; and

WHEREAS, on January 21, 2025, the City Council provided direction to staff to incorporate changes into the proposed ordinance and return with additional data on February 18, 2025; and

WHEREAS, the public hearing was continued to February 18, 2025; and

WHEREAS, the proposed ordinance amendments are consistent with the City's General Plan and will not allow for, nor encourage, any more development than is already anticipated under the City's General Plan, or otherwise allow for or promote physical changes in the environment and, therefore, it can be seen with certainty that there is not a possibility that the proposed ordinance may have a significant impact on the environment; and

WHEREAS, the Ordinance is exempt from the CEQA pursuant to Section 15061(b)(3) ("common sense exemption") of the CEQA Guidelines because there is no possibility that the general policymaking and/or administrative activity in the Ordinance will have a significant effect on the environment.

NOW, THEREFORE, the City Council of the City of Winters does ordain as follows:

Section 1. Recitals. The above recitals are hereby declared to be true and correct findings of the City Council of the City of Winters.

Section 2. Amendments to Section 17.04.140(B). Section 17.04.140(B) (Definitions) of Chapter 17.04 (Introductory Provisions and Definitions) of Title 17 (Zoning) of the Winters Municipal Code is hereby amended to include the following definitions:

"Cannabis permit or commercial cannabis permit" means a permit issued by the City pursuant to Section 17.205.030 for the operation of a commercial cannabis business within the City.

"Cannabis storefront retailer (dispensary)" means a facility operated in accordance with state and local laws and regulations, where cannabis and/or cannabis products are offered for retail sale, including an establishment that delivers cannabis and/or cannabis products as part of a retail sale, under a state license Type 10 or a cannabis license type subsequently established. This definition does not include mobile dispensaries.

"Youth oriented property" means any property on which any of the following uses are located: (1) a child day care facility (as defined by California Health and Safety Code Section 1596.750, which includes a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis; and includes day care

centers, employer-sponsored child care centers, and family day care homes); (2) a day care center (as defined by California Health and Safety Code Section 1596.76, including any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school-age child care centers, and includes child care centers licensed pursuant to California Health and Safety Code Section 1596.951); (3) a youth center (as defined by California Health and Safety Code Section 11353.1, which includes any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities); or (4) a school (including any private or public educational facility providing instruction in kindergarten or grades 1 through 12).

Section 3. Amendments to Section 17.52.020. Section 17.52.020 (Land Use/Zone Matrix) of Chapter 17.52 (Land Use Regulations: Zoning Matrix) of Title 17 (Zoning) of the Winters Municipal Code is hereby amended in its entirety to read as follows:

“17.52.020 Land Use/Zone Matrix.

LAND USE/ZONE MATRIX

KEY: Zoning Designations:

C= Conditional Use (A-1) General Agricultural (R-4) High Density Residential (B/P) Business Industrial Park
P= Permitted Use (R-R) Rural Residential (C-1) Neighborhood Commercial (M-1) Light Industrial
T= Temporary Use (R-1) Single-Family Residential (C-2) Central Business District (M-2) Heavy Industrial
(R-2) One- and Two-Family Residential (C-H) Highway Service Commercial (PQP) Public/Quasi-Public
(R-3) Multifamily Residential (O-F) Office (PD) Planned Development

AGRICULTURAL USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Agricultural Operation	P	C														P	
Animal Production	P															C	
Businesses and Uses Prohibited by State or Federal Law																	
COMMERCIAL AND OFFICE USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Adult Entertainment											C	C					
Automobile Repair, Major							C	C			C	C	P				
Automobile Repair, Minor							P	P	P		P						

Bar, Cocktail Lounge							C	C									
Bed and Breakfast Inn			C	C	C	C		C									
Business Service							P	P		P	P						
Businesses and Uses Prohibited by State or Federal Law																	
Financial Institutions							P	P		P	P						
Equipment Sales, Rental, Repair							P	P			P						
Funeral Parlor								P				C					
Hotel, Motel								C	C								
Nurseries	P						P	P			C	C					
Office, Business and Medical							P	P		P	P						
Outdoor Sales							C	C				C					
COMMERCIAL AND OFFICE USES (Continued)																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Personal Retail Services							P	P									
Personal Storage								C			C	C			C	C	
Recreation, Indoor or Outdoor							C	C			C	C					
Recreational Vehicle Park									C		C						
Restaurant							P	P	P		C						
Restaurant, Drive-Through							C	C	P								
Retail Sales, General							P	P	C		C						
Roadside Stand	P	C					C	C									
Service Station							P	P	P		P						
Stationary Food Vendor							C	C	C								
Veterinary Hospital, Kennel	C						C	P									
INDUSTRIAL USES																	

	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Businesses and Uses Prohibited by State or Federal Law																	
Commercial Cannabis (retail storefront only)							C ⁸	C ⁸									
Finished Goods Assembly											P	P	P				
Heavy Equipment Terminal											C	C	P				
Laboratory, Research, Equipment										C		C	C				
Manufacturing, Heavy General													C				
Manufacturing, Light General												C	P				
Mineral Extraction	C												C	C		C	
Recycling Center Collection							P	P			P	P	P				
Recycling and Salvage Yards													C				
Warehouse, Wholesale, Freight Terminal												C	P				
PUBLIC & QUASI-PUBLIC USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Assembly Hall/Community Services	C	C					C	C		C	C			C	C		
Businesses and Uses Prohibited by State or Federal Law																	
Cemetery	C													C		C	
PUBLIC & QUASI-PUBLIC USES (Continued)																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Communication Equipment Facility	C	C			C	C	C	C	C	C	C	P	P	C	C	C	
Convalescence and Care Services		C	C	C	C	C	C							C			

Cultural Facility							C	C							C	C		
Day Care, General		C	C	C	C	C				C	C				C			
Emergency Shelter					P	P		P							P			
Government Offices										C	C				C	C		
Hospital										C	C				C			
Public Parks	C	C	C	C			C	C	C						C	C	C	
Religious Institutions			C	C			C	C		C	C				C			
Safety Services							C	C		C	C				C			
Utility Services, Major	C	C											C	C	C	C		
Utility Services, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Vocational Training Facility															C			
RESIDENTIAL USES																		
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2**	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*	
Accessory Dwelling Units		P	P	P														
Businesses and Uses Prohibited by State or Federal Law																		
Day Care, Limited		P	P	P	P	P												
Dwelling, Multiple-Family					P	P	C	C ³		C								
Dwelling, Single-Family	P	P ⁴	P ⁴	P ⁴	C	C ⁴		C ^{2,3}									C	
Dwelling, Two-Family or Duplex			P ¹	P	C	C												
Farmworker Housing Unit	P		P	P	P	P		P ⁵										
Farmworker Housing Complex	P				P	P		P ⁵										
Mobilehome Park		C	C	C	C	C												
Single Room Occupancy					P	P		C										
Residential Care Facility		C	C	C	C									C				
Vacation Rental (Hosted)		C	C	C	C													

Vacation Rental (Nonhosted)		C	C	C	C												
TEMPORARY USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Arts and Crafts Show	T						T	T	T	T	T	T	T	T	T	T	T
TEMPORARY USES (Continued)																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Businesses and Uses Prohibited by State or Federal Law																	
Carnivals/Fairs/Fund Raisers	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Construction Trailers	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Religious Assembly	T													T	T	T	T
Seasonal Sales	T	T					T	T	T		T	T		T	T	T	T

Footnotes:

- Affordable or market rate duplexes are allowed on all corner lots in the R-1 and R-2 zones citywide.
- Only if an existing historical structure is planned for relocation to a C-2 zone that adjoins a residential district.
- A single residential unit is allowed at a business located in the central business district zone (C-2) upon planning commission approval of a conditional use permit (CUP), while multifamily residential is allowed above a business in the C-2 zone upon planning commission approval of a CUP. A residential unit proposed for a first floor area must be occupied by the property owner or licensed business proprietor, at least four hundred (400) square feet in size, and located at the rear of the business. No more than twenty (20) percent of the existing first floor area can be converted into residential uses and the existing first floor area must be at least two thousand (2,000) square feet in size.
- Manufactured homes and factory-built homes located on a permanent foundation are allowed in the specified zones by right or upon planning commission approval of a conditional use permit (CUP).
- For single farmworkers, single room occupancy housing is permitted.
- Vacation rental (hosted) is allowed in all residential zones upon zoning administrator approval of a vacation rental permit.
- Vacation rental (non-hosted) is allowed in all residential zones upon planning commission approval of a conditional use permit (CUP).
- A Commercial Cannabis Permit (CCP) is required. A retail storefront commercial cannabis business must be within the C-1 or C-2 zone and located on Assessor's Parcel Maps, Book 03-16, 03-221, 03-321, 03-35, 03-37, 038-05, 038-07 and 038-19.

* All PD uses per PD permit, and as consistent with the general plan.

Also see: Chapter 17.36 (Design Review). Design review may be required, including for land uses which are otherwise permitted by this title, depending upon the type and location of the development project proposed.

** A commercial use operating from a residential structure originally constructed as a residential structure can be converted from a commercial use to a residential use."

Section 4. Amendments to Section 17.52.020. Section 17.205.030 of Chapter 17.52 (Cannabis Uses) of Title 17 (Zoning) of the Winters Municipal Code is hereby amended in its entirety to read as follows:

"17.205.030 Commercial cannabis uses and requirements.

A. Standards for All Commercial Cannabis Uses.

1. Purpose. This section provides the development, operating, and permit standards for commercial cannabis uses, to ensure neighborhood compatibility, minimize potential environmental impacts, mitigate potential nuisances, and provide safe, legal access to cannabis. Additional standards may apply to particular commercial cannabis uses, as established in other subsections of this section.
2. Applicability. Commercial cannabis uses shall be permitted only in compliance with the requirements of this section, state law and all other applicable requirements for the specific type of commercial cannabis use and those of the underlying base zone. In addition to the requirements of this section, commercial cannabis uses shall comply with all applicable state laws and regulations, including the California Environmental Quality Act (CEQA), and other applicable provisions of the City's General Plan and the Winters Municipal Code. The terms used in this section are defined in Section 17.04.140, except for those terms that are defined specifically in this section. Except for hospitals and research facilities that obtain written permission for cannabis cultivation under federal law, it is unlawful to engage in any commercial cannabis use within the City without first having obtained from the City a valid commercial cannabis permit issued pursuant to the provisions of this section. Possession of other types of state or city permits or licenses does not exempt a person or entity from the requirement of obtaining a commercial cannabis permit under this section. Unless specific distinctions are made in subsequent subsections, these requirements shall apply equally to either adult use or medical cannabis activities.
3. Limitations on Use. A commercial cannabis use shall only be allowed if such use is in compliance with this section and all applicable provisions set forth and/or incorporated in the Winters Municipal Code, including but not limited to building, plumbing, electrical, fire, hazardous materials, and public health and safety codes. A commercial cannabis use shall comply with all laws and regulations applicable to that type of commercial cannabis use, including all state cannabis laws, and shall comply with all permit, license, approval, inspection, reporting, and operational requirements of other public agencies having jurisdiction over that type of commercial cannabis use. The commercial cannabis use owner or manager shall provide copies of other agency and department permits, licenses, or certificates to the City to serve as verification of such compliance.
4. Application Procedures and Requirements. The form and content of the commercial cannabis permit application, the procedures for submitting a commercial cannabis permit application, and the procedures for the issuance and/or denial of a commercial cannabis permit shall be created by the City Manager or his or her designee, subject to approval and

adoption by resolution by the City Council. In addition to any other disclosures, data, forms, recitals, assurances, agreements, or other information required by federal, state, or local law, applicants for a commercial cannabis permit shall provide the following information when submitting an application for a commercial cannabis permit:

a. Property Owner Consent. Commercial cannabis permits shall only be issued where written permission from the property owner and/or landlord is provided. The applicant shall provide evidence of such consent. The property owner and applicant, if other than the property owner, shall sign the application for the commercial cannabis permit, and shall include affidavits agreeing to abide by and conform to the conditions of the commercial cannabis permit and all provisions of the Winters Municipal Code pertaining to the establishment and operation of the commercial cannabis use. The affidavit(s) shall acknowledge that the approval of the commercial cannabis permit shall, in no way, permit any activity contrary to the Winters Municipal Code, or any activity which violates any applicable laws.

b. Name of proposed commercial cannabis business. The name of the proposed commercial cannabis business, including, if applicable, the name on file with the California Secretary of State and any fictitious business names and/or DBAs. If the proposed commercial cannabis business is incorporated, the names, titles, addresses, and contact information of each corporate officer, the name, address, and contact information of the agent for service of process, a certified copy of the articles of incorporation, and a certified copy of the bylaws. If the proposed commercial cannabis business is a partnership, the names, addresses, and contact information for each partner and the agent for service of process.

c. Contact information of owners. The name, address, and contact information of each owner of the proposed commercial cannabis business. For purposes of this section, "owner" shall have the same meaning as the word "owner" set forth in California Business and Professions Code Section 26001(am) and California Code of Regulations, Title 4, Division 19, Chapter 1, Article 1, Section 15003, which includes, for each applicable commercial cannabis business, any of the following:

- i. a person with an aggregate ownership interest of 20 percent or more in the entity applying for a commercial cannabis permit, unless the interest is solely a security, lien, or encumbrance, or
- ii. an individual who manages, directs, or controls the operations of the commercial cannabis business, including but not limited to:

- aa. a member of the board of directors of a nonprofit;
 - ab. a general partner of a commercial cannabis business that is organized as a partnership;
 - ac. a non-member manager or managing member of a commercial cannabis business that is organized as a limited liability company;
 - ad. the trustee(s) and all persons who have control of the trust and/or the commercial cannabis business that is held in trust; and
 - ae. the chief executive officer, president or their equivalent, or an officer, director, vice president, general manger or their equivalent.
- d. Criminal history requirements. For each applicant, owner, and manager, a criminal history (“LiveScan”), to include state and federal level checks, prepared not more than two weeks prior to the date of submitting the commercial cannabis permit application, demonstrating that there are no convictions or pending charges for a felony, a felony or misdemeanor involving moral turpitude, or any crime involving the sale, possession for sale, manufacture, transportation, cultivation, or distribution of a controlled substance within the previous ten years, and that the business owner is not currently on parole or probation for a felony, a felony or misdemeanor involving moral turpitude, or any crime involving the sale, possession for sale, manufacture, transportation, cultivation, or distribution of a controlled substance. For each owner or manager who becomes part of a commercial cannabis business after a commercial cannabis permit is issued, the commercial cannabis business must submit the required criminal history showing the absence within the past ten years of the offenses listed above to the City Manager or his or her designee within two weeks of the new owner or manager joining the commercial cannabis business. For purposes of this section, “manager” shall mean any person(s) designated by the commercial cannabis business to act as the representative or agent of the commercial cannabis business in managing day-to-day operations with corresponding liabilities and responsibilities, and/or the person in apparent charge of the premises where the commercial cannabis business is located; evidence of management includes, but is not limited to, evidence that the individual has the power to direct, supervise, or hire and

dismiss employees, controls hours of operations, creates policy rules, or purchases supplies.

i. A conviction within the meaning of this sections means a plea or verdict of guilty or a conviction following a plea of nolo contendere or no contest.

ii. A commercial cannabis use shall notify the police chief in writing of any disqualifying conviction described in subsection A.4.d. for an owner or manager within 10 days of the conviction or of any pending charges for offenses described in subsection A.4.d. for an owner or manager within 10 days of the filing of such charges by a prosecuting agency.

iii. A commercial cannabis use may submit to the police chief a written request for a waiver of the prohibition against the convictions specified in subsection A.4.d with regard to a particular applicant, owner, or manager on the ground that such person's involvement with the commercial cannabis business will not pose a threat to public safety. If the police chief determines that the requesting party has not submitted a preponderance of evidence to support the conclusion that there is no threat to public safety, the police chief shall deny the request, subject to the appeal procedures as set forth in Chapter 2.44. When responding to any request for a waiver under this section, and when determining whether a particular commercial cannabis activity with a particular applicant, owner, or manager will not pose a threat to public safety, the police chief will take into consideration: (1) employers are prohibited from using the types of "criminal history" documented in California Code of Regulations Title 2, Division 4.1, Chapter 5, Subchapter 2, Article 2, Section 11017; and (2) the California Department of Cannabis Control will deny a license based on convictions that are substantially related to the qualifications, functions, or duties of the business for which the application is made, including criteria set forth in California Code of Regulations Title 4, Division 19, Chapter 1, Article 3, Sections 15017 and 15035.

e. Manager's contact information. The name and contact information for each manager of a proposed commercial cannabis business. If such information is not available at the time the commercial cannabis permit application is submitted, the commercial cannabis permit applicant shall submit such information to the City Manager as soon as it becomes available.

f. Type of use. The proposed type of commercial cannabis use.

g. Location and compliance with zoning. The proposed location of the commercial cannabis business, demonstrating compliance with the zoning and locational restrictions applicable to that commercial cannabis use.

5. Compliance with County Health Regulations and Requirements. Commercial cannabis uses may be subject to permit requirements and regulations, including inspections, established by the Yolo County Health & Human Services Agency (HHSA) under the direction of the County Health Director, or any other individual designated by the County Health Director to act on his or her behalf.

6. Development Standards.

a. Building Requirements. All structures used for commercial cannabis uses must comply with applicable building and fire code provisions as determined by the City's building official and the fire department official, respectively. In addition, the site of the commercial cannabis use and all associated buildings must comply with all applicable sections of the Winters Municipal Code, as determined by the City Manager, prior to issuance of a commercial cannabis permit. Commercial cannabis uses that provide access to the public, including but not limited to employees, vendors, contractors, business partners, members, customers, or patients, shall meet local, state and federal requirements for accessibility, including accessible parking, paths of travel, seating, restrooms, and washing facilities. All facilities must be inspected by the City and fire department prior to issuance of a commercial cannabis permit.

b. Emissions Control. All commercial cannabis businesses shall utilize appropriate measures in operation and, where applicable, construction, to prevent the emission of dust, smoke, noxious gases, or other substances that have the potential to impact local or regional air quality.

c. Hours of Operation. Hours of operation for commercial cannabis businesses are established in sections below pertaining to each particular use category.

d. Operating Plan. All commercial cannabis businesses shall submit, as a part of the commercial cannabis permit application and thereafter maintain, an operating plan that specifies the manner in which operations will be handled and which details the number of employees and hours and days of operation. Any commercial cannabis business approved under this section shall be operated in conformance with the approved operating plan and shall meet any specific, additional operating procedures and measures as may be imposed as conditions of approval to ensure that the operation of the facility is consistent with protection of the health, safety

and welfare of the community, customers, qualified patients, and primary caregivers, and will not adversely affect surrounding uses. Any change to the operating plan must be approved in writing by the City Manager or his or her designee.

e. Odor Control. Devices and techniques shall be incorporated in all commercial cannabis uses to ensure that odors from cannabis are not detectable off site. Commercial cannabis uses shall provide a sufficient odor-absorbing ventilation and exhaust system so that odor generated inside the facility that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, in any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis use. As such, commercial cannabis uses must install and maintain the following equipment or any other equipment which the building official or designee determines has the same or better effectiveness:

i. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or

ii. An air system that creates negative air pressure between the commercial cannabis business's interior and exterior so that the odors generated inside the commercial cannabis business's facility are not detectable on the outside of the facility.

f. Air Quality. A commercial cannabis permit applicant shall provide a calculation of the business's anticipated emissions of air pollutants. The commercial cannabis permit applicant shall also provide assurances that the business will comply with all best management practices established by the Yolo-Solano Air Quality Management District. No commercial cannabis permit shall be issued to any business that would exceed the thresholds of significance established by the Yolo-Solano Air Quality Management District for evaluating air quality impacts under the California Environmental Quality Act for either operation or construction. After the receiving a commercial cannabis permit from the City, a commercial cannabis business must not exceed the thresholds of significant impacts under the California Environmental Quality Act for either operation or construction.

g. Hazardous Materials. To the extent that a commercial cannabis permit applicant intends to use any hazardous materials in its operations, the applicant shall provide a hazardous materials management plan that complies with all federal, state, and local requirements for management of such substances. "Hazardous materials" includes any hazardous

substance regulated by any federal, state, or local laws or regulations intended to protect human health or the environment from exposure to such substances. After receiving a commercial cannabis permit for a commercial cannabis use that involves hazardous materials, the commercial cannabis business must comply at all times with its approved hazardous materials management plan.

h. Water Supply. If a proposed commercial cannabis business will occupy an existing building, the applicant shall demonstrate to the satisfaction of the City engineer and building official that water usage will not exceed that of the building's intended occupancy class without additional review and prior approval by the City Manager or his or her designee. If a proposed commercial cannabis business will occupy a newly constructed building, the proposed use and construction design shall include all necessary devices and processes to ensure water usage will not exceed an operation typical of the zone or area in which it is proposed. After receiving a commercial cannabis permit, the commercial cannabis business must ensure that its water usage will not exceed that of the building's intended occupancy class without additional review and prior approval by the City Manager or his or her designee.

i. Wastewater. A commercial cannabis permit applicant shall demonstrate to the satisfaction of the City engineer that sufficient wastewater capacity exists for the proposed use. To the extent the proposed commercial cannabis use will result in agricultural or industrial discharges to the City's wastewater system, the applicant shall provide a plan for meeting all federal, state, and local requirements for such discharges. After receiving a commercial cannabis permit, the commercial cannabis business must ensure that its wastewater discharge does not exceed that of the approved occupancy class without additional review and prior approval by the City Manager or his or her designee.

7. Permit Requirements. In addition to state permitting requirements and the requirements of this section, including the requirement of a commercial cannabis permit, commercial cannabis businesses shall be subject to the cannabis permit requirements as shown in the Land Use/Zone Matrix in Section 17.52.020. In addition, all commercial cannabis uses must obtain a zoning clearance and pay applicable fees and taxes. Any violations of the Winters Municipal Code or any other local, state, or federal law pertaining to the structure or property to be used for the commercial cannabis use must be cured prior to issuance of a commercial cannabis permit. The City Manager or his or her designee, may design application forms specific to each permitted category and require inspections of proposed facilities before issuing a permit under this section, for adoption by resolution by the City Council. Commercial cannabis uses shall also be subject to permit requirements and regulations established by the Winters Municipal Code and any additional requirements established by resolution or ordinance of the

City Council, or applicable law. A City business license is required for commercial cannabis uses pursuant to Chapter 5.04.

a. Issuance and Term of Permit. Except as provided in subsection B. of this section pertaining to the approval process for a commercial cannabis permit for cannabis storefront retailers, commercial cannabis permits shall be issued to the operator by the City Manager or his or her designee if the applicant has paid all applicable fees and the commercial cannabis permit application is complete, demonstrates compliance with all applicable federal, state, and local requirements, and includes the information required by this section to the satisfaction of the City Manager, City engineer, building official, or his or her designee as applicable. Each commercial cannabis permit approved under this section, shall be valid for a period not to exceed three years from the date of permit approval and shall be subject to permit renewals, in accordance with subsection A.8. of this section. No property interest, vested right, or entitlement to receive a future permit to operate a commercial cannabis use shall ever inure to the benefit of a commercial cannabis permit holder. Commercial cannabis permits issued pursuant to this section are not transferable without prior City approval. Commercial cannabis permits may be issued with conditions. The City has no duty or obligation to issue commercial cannabis permits. The City may elect at any time to cease issuing commercial cannabis permits, including upon receiving credible information that the federal government will commence enforcement measures against such businesses and/or local governments that permit them.

b. Operator/Permit Holder Qualifications. Owners of commercial cannabis permits must be 21 years of age or older.

c. Priority. When processing permit applications for commercial cannabis uses other than cannabis storefront retailers, priority may be given to applications based on a City Council-adopted applicant selection process.

d. Issues of Significant Public Interest. In considering an application under this section for a commercial cannabis permit, the City Manager or his or her designee's review shall be limited to compliance with this section and applicable federal, state, or local laws and regulations. The City Manager or his or her designee may, however, determine that an application does not meet the requirements for a particular license and that the license may remain unissued due to a significant public interest. "Significant public interest" includes, but is not limited to, potential health or safety impacts, potential conflicts with neighboring uses, unique characteristics of the proposed site, unique characteristics of the proposed

operations, and/or other factors that, in the City Manager or his or her designee's discretion, warrant rejection of application(s).

e. Denial of Commercial Cannabis Permit. In addition to any other basis for denying a commercial cannabis permit set forth in this section, the City Manager or their designee may deny a commercial cannabis permit if the application contains any false or misleading statement or information, misrepresentation, or material omission or if the criminal history for any applicant, owner, or manager includes a felony, a felony or misdemeanor involving moral turpitude, or any crime involving the sale, possession for sale, manufacture, transportation, cultivation, or distribution of a controlled substance within the previous ten years.

8. Exercise and Renewal of Permit. Commercial cannabis permits shall be exercised only by the applicant and are not transferable to any other person or entity without prior written City approval. Permits shall expire upon termination of the business for which it was issued, or upon sale or unauthorized transfer of ownership of the cannabis commercial business. Any commercial cannabis permit that is abandoned for a period of six months shall automatically expire and shall become null and void with no further action required on the part of the City. For purposes of this section, "abandonment" shall mean the failure to initiate the activities described in the permit application or cessation of regular and continuous business operations. All commercial cannabis permits, including commercial cannabis permits for cannabis storefront retailers, have a term of three years and must be renewed prior to expiration. A commercial cannabis use must apply for permit renewal no less than 60 days prior to the expiration of their current permit. Approval of permit renewals may be issued by the City Manager or his or her designee following demonstration by the operator/permittee of compliance with all requirements in effect. Review shall also include, but not be limited to, analyses of the following:

a. Compliance with permit requirements. The commercial cannabis use has been conducted in accordance with this section and all applicable permit conditions, and all applicable state and local laws and regulations, and the business is in good standing with all state and local agencies.

b. Violation and complaints satisfied. Any and all code and/or commercial permit violations or complaints, including complaints related to nuisance activities, have been promptly addressed and cured to the satisfaction of the police chief and City Manager or his or her designee depending on the violation.

c. Authorization of transfer. The commercial cannabis use for which the permit was approved has not been transferred without authorization to another owner or operator.

d. No outstanding violations. There are no outstanding violations of applicable laws, including the Winters Municipal Code and state cannabis laws.

e. Current on city taxes and fees. The business for which the permit was approved is current on all City taxes and fees due.

f. A complete application. The application for renewal is complete, does not contain any false or misleading statement or information, misrepresentation, or material omission, and the criminal history for any owner or manager does not include a felony, a felony or misdemeanor involving moral turpitude, or any crime involving the sale, possession for sale, manufacture, transportation, cultivation, or distribution of a controlled substance within the previous ten years.

9. Health and Safety. Commercial cannabis businesses shall not create a public nuisance of any kind or adversely affect the health or safety of the nearby residents or businesses by creating dust, light, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, unsafe conditions or other impacts, or be hazardous due to the use or storage of materials, processes, products, runoff or wastes.

10. Taxes. Commercial cannabis businesses shall timely remit payment of all applicable taxes that may be enacted by the voters or any additional regulations that may be promulgated in addition to all current applicable state and local taxes.

11. Security. The following security measures shall be adhered to by all commercial cannabis businesses. Additional security measures may apply to particular commercial cannabis uses, as established in this section.

a. Safety and security plan. A safety and security plan shall be required prior to permit issuance and shall be subject to review and approval by the City Manager or his or her designee. All safety and security plans shall be held in a confidential file exempt from disclosure as a public record pursuant to Government Code Section 7922.000. Such plans shall include, at a minimum, information regarding implementation of the requirements of this section. The City Manager or his or her designee may require that additional information be included in the plan. Commercial cannabis permittees must adhere to the requirements of the approved safety and security plan at all times the commercial cannabis permit is active.

b. Security cameras. Security cameras shall be installed with capability to record activity on the property, including parking lots, entry points to the property, and within all buildings and structures on the

property, including all entrances, exits, perimeter windows and all areas where customers and employees may have access, apart from any restroom area. Security cameras shall record 24 hours a day, seven days a week. Additionally:

- i. Areas where cannabis is grown, tested, cured, manufactured, or stored shall have camera placement in the room facing the primary entry door at a height which will provide a clear unobstructed view of activity without sight blockage from lighting hoods, fixtures, or other equipment.
- ii. Cameras shall also be placed at each location where weighing, packaging, transport preparation, processing, or labeling activities occur.
- iii. At least one camera must be dedicated to record the access points to the secured surveillance recording area.
- iv. At each entrance and exit to the facility, camera coverage must enable recording of customer facial features with sufficient clarity to determine identity.

c. Surveillance video. Surveillance video shall be kept for a minimum of 90 days in a format that can be easily accessed for viewing. Video must use standard industry format to support criminal investigations. Permit holders shall be required to cooperate with all law enforcement investigations and provide video footage related to any such investigation upon request. Failure to do so could result in revocation of a commercial cannabis permit. Motion-sensor lighting and alarms shall be required and shall be professionally installed and monitored to ensure the safety of persons and to protect the premises from theft. Alarm and surveillance systems shall be equipped with a failure notification system that provides prompt notification to the commercial cannabis use of any prolonged surveillance interruption and/or failure of the system. The commercial cannabis business shall notify the Winters Police Department within 24 hours of a failure of the surveillance video system. The commercial cannabis use shall restore the surveillance video system within a time period as determined by the police chief or his or her designee. All surveillance equipment, records, and recordings must be stored in a secured area that is only accessible to management staff. Permittees must keep a current list of all authorized employees who have access to the surveillance system and/or alarm system.

d. Security alarm and contracts. A permittee shall maintain up-to-date and current records and existing contracts on the premises that describe the location and operation of each security alarm system, a schematic of security zones, the name of the alarm installation company, and the name

of any monitoring company. Off-site monitoring and video recording storage of the premises by the licensee or an independent third party is authorized if standards exercised at the remote location meet or exceed all standards for on-site monitoring.

e. Security measures operational during outages. All security measures installed on site shall have the capability to remain fully operational during a sustained power outage.

f. Weapons and firearms. With the exceptions of weapons and firearms possessed by on-duty law enforcement officers, weapons and firearms are prohibited on the property of a commercial cannabis use.

g. Fire safety standards and emergency access. Security measures shall be designed to ensure emergency access in compliance with fire safety standards.

h. Locking doors. All structures used for commercial cannabis uses shall have locking doors, with commercial-grade nonresidential locks, to prevent free access.

i. Security measures to prevent loitering. Security measures shall prevent individuals from remaining on the premises of the commercial cannabis use if they are not engaging in activities expressly related to the operations of the business.

j. Safe and secure transportation plan. Security measures shall include a transportation plan that details the procedures established for the safe and secure transport of cannabis, cannabis products, and currency to and from the business, including the transfer of currency for City tax payments.

k. Storage of cannabis products when not on display. Except for live growing cannabis plants and products on display for sale at retail dispensaries during hours when the business is open to the public, all cannabis and cannabis products shall be stored in a secured and locked room, safe, or vault that meets approval of the Winters Police Department. To the fullest extent possible, all cannabis and cannabis products shall be kept in a manner that prevents theft and loss, except for limited amounts used for the purposes of display or immediate sales.

l. Duress alarm buttons. Duress alarm buttons shall be installed in all commercial cannabis use facilities with easy access by employees and all employees shall be properly trained in their use.

m. Interior security bars. Any security bars installed on the windows or the doors of the commercial cannabis business shall be installed only on the interior of the building.

n. Security personnel approval by police chief. Security personnel hired by the commercial cannabis business shall be subject to prior review and approval of the police chief or his or her designee.

o. Liaison contact information. Each commercial cannabis business shall identify a liaison and provide the liaison's contact information to the Winters Police Department. The designated liaison shall be reasonably available to meet with the chief of police or his or her designee regarding security measures and operational issues.

12. Employees.

a. Age of employees. All employees of a commercial cannabis use must be 21 years of age or older.

b. Current register of employees. Each commercial cannabis business shall maintain on site a current register of all the employees currently employed by the commercial cannabis use and shall produce such register to the police chief, his or her designee, or any other City official authorized to enforce the Winters Municipal Code for purposes of determining compliance with this section.

13. Weights and Measures. All scales used for commercial transactions shall be registered for commercial use and sealed by the California Department of Food and Agriculture's Division of Measurement Standards.

14. Tracking. Commercial cannabis businesses and permittees shall comply with any track and trace program established by the City or by County or State agencies. Commercial cannabis businesses must maintain records tracking all cannabis production and products and shall make all records related to the commercial cannabis business available to the City upon request. The City Manager or his or her designee may require commercial cannabis businesses to comply with a County track and trace system if appropriate.

15. Police Notification. Commercial cannabis businesses shall notify the Winters Police Department within 24 hours of discovering any of the following:

a. Discrepancy in inventory. Significant discrepancies identified during inventory. The level of significance shall be two percent of inventory or per state regulations, whichever is stricter.

b. Diversion, theft, loss or criminal activity. Diversion, theft, or loss, or any criminal activity involving the commercial cannabis business or any agent or employee of the commercial cannabis business.

c. Breach of security. Any other breach of security.

16. Inspections. Commercial cannabis businesses shall be subject to inspections by appropriate local and state agencies, including but not limited to the California Department of Public Health, California Department of Food and Agriculture's Division of Measurement Standards, and the City. Commercial cannabis businesses shall be inspected at random times for compliance with the Winters Municipal Code and permit requirements. Unless otherwise allowed under the law, the inspection shall be conducted during regular business hours. If interference in the performance of the duty of the agency having jurisdiction occurs, the agency may request that the City temporarily suspend the permit and order the cannabis operation to immediately cease operations.

17. Restriction on Alcohol Sales. No alcoholic beverages may be sold, dispensed, or consumed on or about the premises of any commercial cannabis business. This section shall not apply to responsible after-hours consumption by employees which does not violate any state or local law or regulation. After-hours consumption, however, is not permitted at any cannabis retail dispensary.

18. Appeal of Decision on Commercial Cannabis Permit. Within 10 days of a decision by the City Manager or his or her designee to approve or disapprove a commercial cannabis permit application for a commercial cannabis use other than a cannabis storefront retailer, or a decision by the City Manager or his or her designee to approve or deny a commercial cannabis permit renewal application, an applicant or interested party may appeal the approval or disapproval by following the procedures for appeals set forth in Chapter 2.44 of the Winters Municipal Code. The appeal hearing shall be set and conducted in accordance with Chapter 2.44.

19. Liability and Indemnification. To the fullest extent permitted by law, any actions taken by a public officer or employee under the provisions of this section shall not become a personal liability of any public officer or employee of the City. To the maximum extent permitted by law, the permittees under this section shall defend (with counsel acceptable to the City), indemnify and hold harmless the City of Winters, the Winters City Council, and its respective officials, officers, employees, representatives, agents and volunteers (hereafter collectively called "City") from any liability, damages, actions, claims, demands, litigation, loss (direct or indirect), causes of action, proceedings, or judgments (including legal costs, attorneys' fees, expert witness or consultant fees, City attorney or staff time, expenses or costs) (collectively called "action") against the City to attack, set aside, void or annul any cannabis related approvals and actions, and strictly comply with the conditions under which such permit is granted, if any. The City

may elect, in its sole discretion, to participate in the defense of said action and the commercial cannabis permittee shall reimburse the City for its reasonable legal costs and attorneys' fees. Permittees under this section shall be required to agree to the above obligations in writing.

B. Standards for Cannabis Storefront Retailers.

1. Purpose. This subsection provides the locational, operational, and permit standards for any commercial cannabis storefront retailers within the City in order to promote the health, safety, and general welfare of its residents and businesses. The standards in this subsection shall be in addition to standards contained in subsection A of this section (Standards for All Commercial Cannabis Uses) for all commercial cannabis businesses.

2. Applicability. Commercial cannabis storefront retailers shall be permitted only in compliance with the requirements of this subsection B, all other applicable requirements of subsection A of this section (Standards for All Commercial Cannabis Uses), and all other applicable requirements of the Winters Municipal Code and state and county agencies.

3. Permit Requirements and Application Procedure. A commercial cannabis permit, issued in addition to any applicable permit issued by the Yolo County Health & Human Services Agency, shall be required to operate a cannabis retail dispensary within the City. Cannabis retail dispensaries shall also be subject to permit requirements and regulations established by the state and those established by the City Council through resolution or ordinance, or applicable law.

4. Commercial cannabis permits for retail dispensaries shall be considered and issued according to the following procedure:

a. City Council approval of commercial cannabis permits. The City Council, following an open application period and review of applications by City staff and recommendations by the City Manager or his or her designee, shall consider commercial cannabis permit applications for retail dispensaries meeting all minimum qualifications at a properly noticed public hearing and, in its sole discretion, may approve the issuance of commercial cannabis permits for retail dispensaries.

b. City Manager to create procedures with City Council approval. The City Manager or his or her designee may create, subject to approval and adoption by resolution by the City Council, such forms, fees, and procedures as are necessary to implement this subsection with respect to the selection, investigation process, renewal, revocation, and suspension of commercial cannabis permits for retail dispensaries. Such procedures

may include a priority ranking system, and appointment of a staff review panel for retail dispensary permits.

c. Permits valid for three years. Each approved commercial cannabis permit for a retail dispensary shall be valid for a period not to exceed three years from the date of permit issuance and shall be subject to permit renewals in accordance with subsection A.8. of this section.

5. Limit on Number of Retail Dispensaries. No more than one retail dispensary shall be permitted within the City at any one time. The one retail dispensary facility authorized under this subsection must maintain a storefront which is open to the public.

6. Location Requirements. Unless otherwise allowed under state law and as modified by this subsection:

a. Allowed in zones listed in Land Use/Zone Matrix. A retail dispensary which is open to the public may only be located within the allowed zoning district(s) in the Land Use/Zone Matrix in section 17.52.020 of the Winters Municipal Code.

b. Location not allowed near residential zones/uses. A retail dispensary shall not be established on any parcel containing a dwelling unit, or immediately abutting (sharing a common property line with) a residential zoning district or within 100 feet of a residential use. Residentially zoned does not include mixed-use zoning for purposes of this section.

c. Locational distance to youth-oriented property. A retail dispensary shall not be established within 500 feet from any youth-oriented property.

d. Distance from public park, public playground or public library. A retail dispensary shall not be established within 500 feet of any public park, public playground, or public library.

e. Measurement of distances from prohibited locations. Distances from prohibited locations listed in subsections b. through d. above are measured as a straight line from the property line (with the cannabis business) to the property line of the prohibited location (parcel to parcel).

7. Operating Standards. In addition to standards contained in subsection A of this section (Standards for All Commercial Cannabis Uses), the following are the minimum development criteria and operational standards applicable to any cannabis retail dispensary:

- a. Compliance with local, state and federal rules and regulations. The building in which the retail dispensary is located shall comply with all applicable local, state and federal rules, regulations, and laws including, but not limited to, building codes and accessibility requirements.
- b. Safety and security plan to be confidential. The retail dispensary shall provide adequate security on the premises pursuant to subsection A.11. of this section, and any additional requirements in this section, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft. The applicant shall submit a safety and security plan for review and approval by the Winters Police Department. The safety and security plan will remain confidential.
- c. Plans to comply with zoning requirements. The site plan, circulation, parking, lighting, facility exterior, and any signage shall be subject to all underlying zoning requirements, director review, and approval. The City Manager may waive this requirement where the applicant can demonstrate that existing facilities, including parking, lighting, and landscaping, already meet the requirements of this section.
- d. Signage restrictions. No exterior signage or symbols shall be displayed which advertise the availability of cannabis using drug-related symbols which are attractive to minors or which are carried out in a manner intended to encourage persons under 21 years of age to consume cannabis or cannabis products, nor shall any such signage or symbols be displayed on the interior of the facility in such a way as to be visible from the exterior.
- e. Persons allowed onto the premises. No person shall be allowed onto the premises of a retail dispensary unless they are an employee, customer, vendor or contractor of the retail dispensary, primary caregiver, qualified patient, or employee of an agency having jurisdiction to monitor or investigate the terms of regulatory compliance by the retail dispensary. If the retailer dispensary denies entry for monitoring and inspection to any employee of an agency having such jurisdiction, the facility may be closed and the commercial cannabis permit may be revoked, modified, or suspended. In strict accordance with California Health and Safety Code Section 11362.5 et seq., no person under the age of 18 shall be allowed on a medical cannabis retail site unless allowed under state law, and no person under the age of 21 shall be allowed on a nonmedical cannabis retail site pursuant to California Business and Professions Code Section 26140. All persons entering the site, except those representing a regulatory agency, shall present a photo identification. A doctor's recommendation shall not be required for customers of a nonmedical cannabis retail dispensary. The operating plan submitted as a part of the

commercial cannabis permit application shall specify how this provision will be complied with and enforced.

f. Prohibition of alcohol license. No retail dispensary shall hold or maintain a license from the California Department of Alcoholic Beverage Control to sell alcoholic beverages or operate a business that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises of a retail dispensary.

g. Sale of goods restricted to those products listed in permit. No cannabis retail dispensary shall conduct or engage in the commercial sale of any product, good or service unless otherwise approved by the commercial cannabis permit. A retail dispensary may sell live starter (immature) plants, clones, and seeds from qualified nurseries, but shall not cultivate or clone cannabis. A retail dispensary may sell manufactured cannabis, including edible products, and vaporizing devices if allowed by a permit issued by the Yolo County Health & Human Services Agency. Not more than five percent of the retail dispensary area, up to a maximum of 200 square feet, may be devoted to the sale of incidental goods for personal cannabis cultivation and use or promotional items such as clothing, hats, or posters.

h. Consumption of cannabis on premises prohibited. No cannabis shall be consumed on the premises of a retail dispensary. For purposes of complying with this requirement, the term "premises" includes the physical building and leasehold space, as well as any accessory structures, parking areas, sidewalks, driveways, or other immediate surroundings

i. No expansion of facility without prior approval. No retail dispensary may increase in size without amending its commercial cannabis permit, as applicable. The size limitation shall be included in the operational plan required by subsection A.6.d. of this section.

j. Physician on site is prohibited. A retail dispensary shall not have a physician on site to evaluate patients for medical cannabis.

k. Parking to be provided on site. Parking required by Chapter 17.72 shall be provided on site.

l. Operating hours. The retail dispensary's operating hours shall be limited to no more than Sunday through Thursday, 9 a.m. to 8 p.m. and Friday and Saturday from 9 a.m. to 9 p.m.

m. Delivery. Delivery of cannabis is allowed by retail dispensaries. Delivery functions must be included in the commercial cannabis permit

application and approved as a discrete function. Delivery functions shall be in conformance with state cannabis laws and all of the following:

- i. Deliveries can only be conducted between the hours of 9 a.m. and 9 p.m.
- ii. Deliveries shall be made by an employee of the licensed retail dispensary and said employee shall carry with him/her at all times a physical copy of the business's commercial cannabis permit, business license, and state cannabis license.

n. Record Keeping. A retail dispensary shall maintain records in accordance with the state and local requirements of its license type. The retail dispensary shall keep accurate records, follow accepted cash handling practices, and maintain a general ledger of cash transactions. The retail dispensary shall allow the City to access the books, records, accounts, and all data relevant to its operations for purposes of conducting an audit or examination to determine compliance with the Winters Municipal Code, administrative regulations, conditions of approval, and applicable laws. Books, records, accounts, and all relevant data shall be produced no later than 24 hours after receipt of the City's request.

o. Required Signage. The following signs, in measurements of not less than eight by ten inches, shall be clearly and legibly posted in a conspicuous location inside the retail dispensary where they will be visible to customers in the normal course of a transaction, stating:

- i. "The dispensing of cannabis without a state license is illegal.
- ii. "Use or consumption of cannabis on this premises or property is prohibited."
- iii. For retail dispensaries: "All visitors to this premises must be at least 21 years of age, or, at least 18 years of age and able to show a government-issued medical cannabis ID card in accordance with California Health and Safety Code Section 11362.7 et seq."

C. Enforcement.

1. Public Nuisance. The violation of this section, any regulation promulgated under this section, and the condition of any permit issued under this section is hereby declared to be a public nuisance and may be abated pursuant to the provisions of Title 19 (Nuisance Abatement) of the Winters Municipal Code.

2. Enforcement by City. The provisions of this section, any regulation promulgated under this section, and the condition of any permit issued under this

section may be enforced by the City by any means provided for in Title 19 (Nuisance Abatement) of in addition to any and all other remedies, civil, equitable or criminal, afforded to the City under the law. Violations of this section, any regulation promulgated under this section, and the condition of any permit issued under this section are punishable as misdemeanors. Each day of engaging in any of the prohibited activities shall constitute a separate offense.

3. Revocation, modification or suspension. In addition to any other remedies available to the City under the law, the City may revoke, modify, or suspend any commercial cannabis permit, following notice and opportunity for a hearing, based on any one of, or combination of, the conditions set forth below:

- a. Minimum qualifications or failure to comply. A permittee ceases to meet any of the minimum qualifications listed in this section or has failed to comply with the requirements of this section or any conditions of approval of the permit.
- b. State license revoked. A permittee's state license for the commercial cannabis use is revoked, terminated, suspended, or not renewed. In the case of a suspension, the City shall not reinstate the commercial cannabis permit until documentation is received showing that the state license is eligible to be reinstated or reissued. It shall be within the City's discretion whether to reinstate any permit.
- c. Cessation of business for six consecutive months. The commercial cannabis use has not been in regular and continuous operation for six consecutive months.
- d. Federal and state laws changed or modified. State law permitting the commercial cannabis use for which the permit was issued is amended or repealed resulting in the prohibition of such use, or the City receives credible information that the federal government will commence enforcement measures against such businesses and/or local governments that permit them.
- e. Change of circumstances. Circumstances under which the permit was granted have changed and the public health, safety, and welfare require the suspension, revocation, or modification.
- f. Misrepresentation or material omissions. The permit was granted or renewed, in whole or in part, on the basis of a misrepresentation or material omission in the permit or renewal application, or the permittee made a misrepresentation or material omission in any submittal required after the issuance of the commercial cannabis permit.
- g. Taxes and fees. The permittee is not current on City taxes or fees.

h. Violation of permit or municipal code. The permittee has violated the Winters Municipal Code, this section, any regulation promulgated under this section, and/or any condition of a commercial cannabis permit issued under this section, and/or has otherwise created a public nuisance pursuant to Civil Code sections 3479 and 3480 or Title 19 of the Winters Municipal Code.

4. Procedures for revocation, modification or suspension. The following procedures apply to the revocation, modification, or suspension of a commercial cannabis permit:

a. Public hearing before City Council after investigation. If, as the result of an investigation, the City determines that one or more of the conditions contained in subsection C.3. of this section applies to a commercial cannabis permit granted in accordance with the provisions of this section, the City Manager shall schedule a public hearing before the City Council to consider the revocation, modification, or suspension of the commercial cannabis permit.

b. Notification of hearing. Written notice of the date, time, place and purpose of such public hearing shall be served to the following parties, as applicable:

i. The owner of the property for which the commercial cannabis permit was granted;

ii. The person or entity to which the commercial cannabis permit was issued, as reflected on the permit and permit application; and

iii. Any person or entity who has been identified as an owner of the commercial cannabis business that is subject to the proposed commercial cannabis permit revocation, modification, or suspension.

c. Notice by registered mail, postage prepaid, return receipt requested. Such notice shall be provided by registered mail, postage prepaid, return receipt requested, not less than 10 days prior to the date of such hearing. Notice may also be posted at the entrance to the commercial cannabis use that is subject to the proposed commercial cannabis permit revocation, modification, or suspension.

d. Public hearing procedures. At the public hearing, each party shall have the right to call and examine witnesses and introduce exhibits. The hearing need not be conducted according to technical rules relating to

evidence and witnesses. The City Council has the right to ask questions and the discretion to exclude evidence if its tendency to prove or disprove an issue is substantially outweighed by the likelihood that its admission will not assist in proving or clarifying a material issue or consume an undue amount of time. Evidence offered during the hearing must be credible and relevant in the estimation of the City Council, but formal rules governing the presentation and consideration of evidence shall not apply. Evidence presented by staff or other officials of the City tending to support an administrative decision shall constitute prima facie evidence that the decision was justified. The burden of proof shall then be on the aggrieved party or other affected person challenging the decision to refute such evidence. The standard to be applied for meeting this burden shall be a preponderance of evidence.

e. City Council may revoke, modify or suspend permit. Following a public hearing, the City Council may revoke, modify, or suspend the commercial cannabis permit after finding one or more of the conditions set forth in subsection C.3. of this section.

5. City may pursue multiple remedies. The election of any particular enforcement remedy shall in no way act as a waiver of the pursuit of any other available enforcement remedy. The City may pursue any enforcement remedy, or combination of enforcement remedies, permitted by law to achieve compliance with this section, any regulation promulgated under this section, and the condition of any permit issued under this section.

Section 5. CEQA. The City Council finds that the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (the “common sense exemption”) because there is no possibility that the general policymaking and/or administrative activity in the Ordinance will have a significant effect on the environment.

Section 6. Effective Date and Publication. This Ordinance of the City of Winters shall be effective thirty (30) days after the date of its passage. This Ordinance shall be published in accordance with Government Code Section 36933.

INTRODUCED on the 18th day of February, 2025, and **PASSED AND ADOPTED** by the City Council of the City of Winters on this 18th day of March, 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF WINTERS

Albert Vallecillo, Mayor

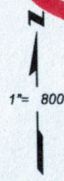
ATTEST:

Jeremy Craig, City Clerk

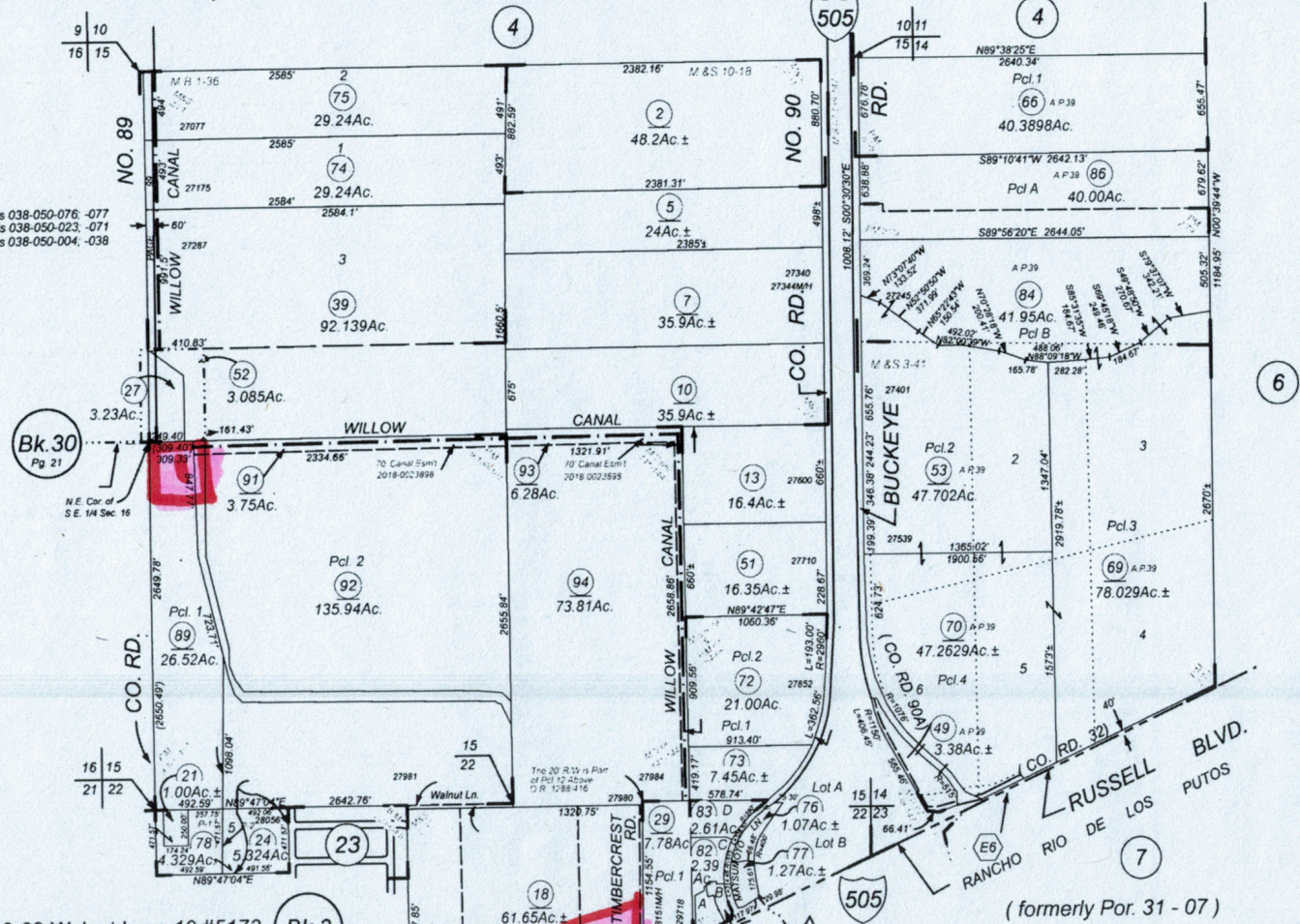
SEC. 15, POR. OF SEC. 14, 22 & 23, T. 8N., R. 1W., M.D.B. & M.

CAUTION - These maps ARE NOT to be used for legal descriptions.

038-05



NOTE: COC # 2013-0038356 APN's 038-050-076 - 077
COC # 2016-0033585 APN's 038-050-023 - 071
COC # 2017-0032580 APN's 038-050-004 - 038



WO 223940	07/12/22
WO 219141	10/05/18 PD
WO 218127	12/07/17
WO 218021	03/09/17
WO 217138	11/09/16
WO 214116E	12/13/13
WO 212134H	12/31/11
WO 212133C	08/22/11
WO 211057G	04/29/10
WO 210121H	10/13/09
WO 208187C	10/10/07
WO 207108C	8/2/06
WO 202162W	12/21/01
WO 202131E	10/4/01
WO 202065B	6/22/01
WO 200100 N	1/22/99
WO 980156G D	5/30/97
WO 100765 A	
WO 9396 N	9/9/92
WO 9340 E	3/27/92
WO 9338 E	3/23/92
WO 8049 J	8/27/90
WO 7816 L	3/8/90
WO 7877 L	1/17/90
WO 7886 L	1/15/89
WO 7445 U	5/11/89
WO 7716 C	10/11/89
WO 7444 J	2/12/88
WO 7284 L	7/10/87
WO 7282 G	7/10/87
WO 6920 M	2/24/86
WO 6326 C	4/26/83
WO 5937 G	7/9/82
WO 5885 A	4/26/82
WO 5845 M	2/25/82
WO 5811 B	2/26/82
WO 5388 K	8/8/80
WO 5387 G	8/18/80
WO 5149 C	11/15/79
WO 5148 D	11/15/79
WO 4881 L	1/4/79
WO 4890 D	1/4/79
WO 4758 C	9/28/78
WO 4706 L	8/9/78
WO 4661 L	9/11/78
WO 4659 J	9/11/78
WO 4657 L	10/1/78
WO 4664 D	8/4/78
WO 4658 D	7/26/78
WO 4658 D	7/26/78
WO 4555 D	2/26/77
WO 4290 D	7/14/77
WO 3218 C D	8/26/75
WO 3145 L	7/14/75
DDT 3116 K	6/27/75
DDT 2465	1/5/75
DDT 2379	1/2/74
DDT 7040	1/16/73

Bk Maps 2022 Pg 66-68 Walnut Lane 10 #5173
 P.M. Bk. 5, Pg. 58 - Pedro G. Manas, # 2978
 M. & S. Bk. 2, Pg. 21 - N.W. Sec. 15, T. 8N., R. 1W., M.D.M.
 for A.H. Brunson
 P.M. Bk. 1, Pg. 57 - Carrion, P.M. # 2176
 M.B. Bk. 1, Pg. 36 - Brunson Subd.
 M. & S. Bk. 3, Pg. 41 - Dexter Tract
 M. & S. Bk. 9, Pg. 39 - P.G. Manas
 M. & S. Bk. 10, Pg. 18 - E. Wood Prop.
 M. & S. Bk. 3, Pg. 37 - Sec. 22, T. 8N., R. 1W., M.D.M.
 M. & S. Bk. 2007, Pg. 138 - 147 - Record of Survey of Monumentation
 St. Highway 505

NOTE - Assessor's Block Number Shown in Ellipses.
Assessor's Parcel Number Shown in Circles.

P.M. Bk. 2, Pg. 79 - Pcl. Map # 2448 for Dexter Estate
 P.M. Bk. 8, Pg. 98 - Warren Johnston, # 3614
 P.M. Bk. 9, Pg. 100, 101 - Yoloma Farms, Inc., # 3761
 P.M. Bk. 01, Pg. 64, 65 - Pcl. Map # 4524.
 M. & S. Bk. 06, Pg. 141-144 - Record of Survey.
 M. & S. Bk. 2011, Pg. 43 - Record of Survey
 P.M. Bk. 2017, Pg. 26-28 - Hospitality Management, Inc. #5019

CITY & VICINITY OF WINTERS
 Assessor's Map Bk. 38, Pg. 05
 County of Yolo, Calif

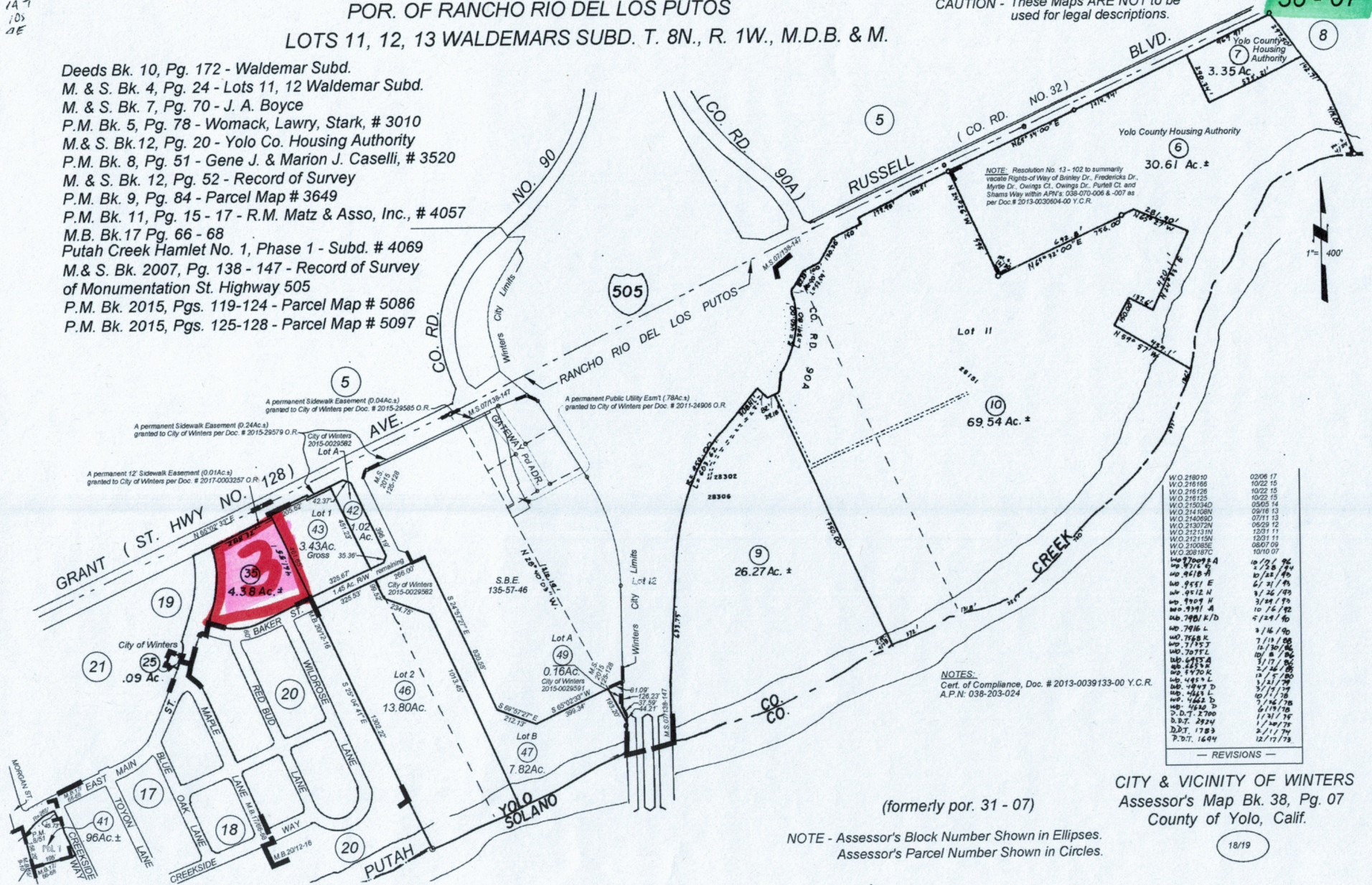
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POR. OF RANCHO RIO DEL LOS PUTOS LOTS 11, 12, 13 WALDEMARS SUBD. T. 8N., R. 1W., M.D.B. & M.

CAUTION - These Maps ARE NOT to be used for legal descriptions.

38-07

- Deeds Bk. 10, Pg. 172 - Waldemar Subd.
- M. & S. Bk. 4, Pg. 24 - Lots 11, 12 Waldemar Subd.
- M. & S. Bk. 7, Pg. 70 - J. A. Boyce
- P.M. Bk. 5, Pg. 78 - Womack, Lawry, Stark, # 3010
- M. & S. Bk. 12, Pg. 20 - Yolo Co. Housing Authority
- P.M. Bk. 8, Pg. 51 - Gene J. & Marion J. Caselli, # 3520
- M. & S. Bk. 12, Pg. 52 - Record of Survey
- P.M. Bk. 9, Pg. 84 - Parcel Map # 3649
- P.M. Bk. 11, Pg. 15 - 17 - R.M. Matz & Asso, Inc., # 4057
- M.B. Bk. 17 Pg. 66 - 68
- Putah Creek Hamlet No. 1, Phase 1 - Subd. # 4069
- M. & S. Bk. 2007, Pg. 138 - 147 - Record of Survey of Monumentation St. Highway 505
- P.M. Bk. 2015, Pgs. 119-124 - Parcel Map # 5086
- P.M. Bk. 2015, Pgs. 125-128 - Parcel Map # 5097



A permanent Sidewalk Easement (0.04Ac.) granted to City of Winters per Doc. # 2015-28585 O.R.

A permanent Sidewalk Easement (0.24Ac.) granted to City of Winters per Doc. # 2015-28579 O.R.

A permanent 12' Sidewalk Easement (0.01Ac.) granted to City of Winters per Doc. # 2017-0003357 O.R.

A permanent Public Utility Easmt (78Ac.) granted to City of Winters per Doc. # 2011-24906 O.R.

W/O 218010	02/06/17
W/O 216166	10/22/15
W/O 216126	10/22/15
W/O 216125	10/22/15
W/O 215034D	05/05/15
W/O 214168H	09/16/13
W/O 214068D	07/11/13
W/O 213072N	06/09/12
W/O 212131N	12/01/11
W/O 212155N	12/01/11
W/O 210085E	08/07/09
W/O 208187C	10/10/07
W/O 87009 # A	10/23/06
W/O 8716 # A	10/23/06
W/O 8618 # A	10/23/06
W/O 8557 # E	8/21/05
W/O 8512 # H	8/21/05
W/O 8509 # H	3/24/05
W/O 8501 # A	10/26/02
W/O 7908 # D	5/24/00
W/O 7816 # L	3/4/00
W/O 7668 # K	7/11/05
W/O 7357 # J	10/30/04
W/O 7097 # L	10/4/04
W/O 6957 # A	3/17/04
W/O 6575 # K	2/16/04
W/O 6470 # C	10/11/00
W/O 4854 # L	1/21/00
W/O 4849 # D	10/11/00
W/O 4662 # D	7/16/00
W/O 4640 # D	6/11/00
D.D.T. 2700	1/31/99
S.T. 2924	1/30/78
D.D.T. 1783	2/11/78
P.D.T. 1694	12/17/73

NOTES:
Cert. of Compliance, Doc. # 2013-0039133-00 Y.C.R.
A.P.N. 038-203-024

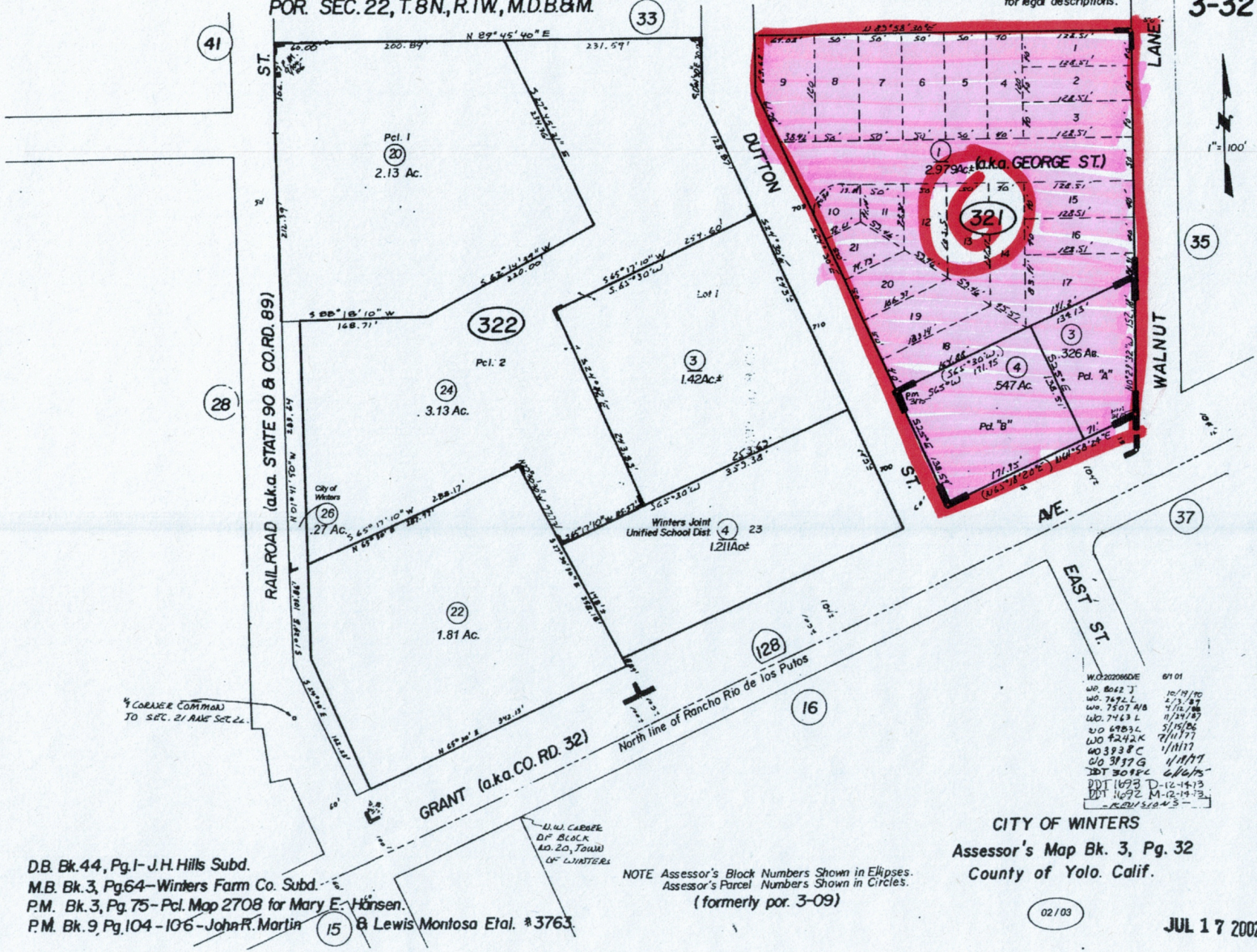
CITY & VICINITY OF WINTERS
Assessor's Map Bk. 38, Pg. 07
County of Yolo, Calif.

NOTE - Assessor's Block Number Shown in Ellipses.
Assessor's Parcel Number Shown in Circles.

POR. SEC. 22, T.8N, R.1W, M.D.B.&M.

CAUTION - These maps ARE NOT to be used for legal descriptions.

3-32



D.B. Bk. 44, Pg. 1 - J.H. Hills Subd.
 M.B. Bk. 3, Pg. 64 - Winters Farm Co. Subd.
 P.M. Bk. 3, Pg. 75 - Pcl. Map 2708 for Mary E. Hansen.
 P.M. Bk. 9, Pg. 104 - 106 - John R. Martin & Lewis Montosa Etal. #3763

NOTE Assessor's Block Numbers Shown in Ellipses.
 Assessor's Parcel Numbers Shown in Circles.
 (formerly por. 3-09)

W.022020606E	87 01
W.02022 J	10/19/10
W.0262 L	4/13/07
W.02507 A/B	7/16/08
W.02743 L	8/24/07
W.02685 L	5/15/06
W.02424 K	7/11/07
W.02393 C	1/11/11
W.02317 G	1/11/11
DT 3095 C	6/16/15
DDT 1693 D-12-14-13	
DDT 1692 M-12-14-13	
REC'D 5/18/13	

CITY OF WINTERS
 Assessor's Map Bk. 3, Pg. 32
 County of Yolo, Calif.

02/03

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87

POR. FRAC. SEC. 22, T. 8N., R. 1W., M.D.B. & M.

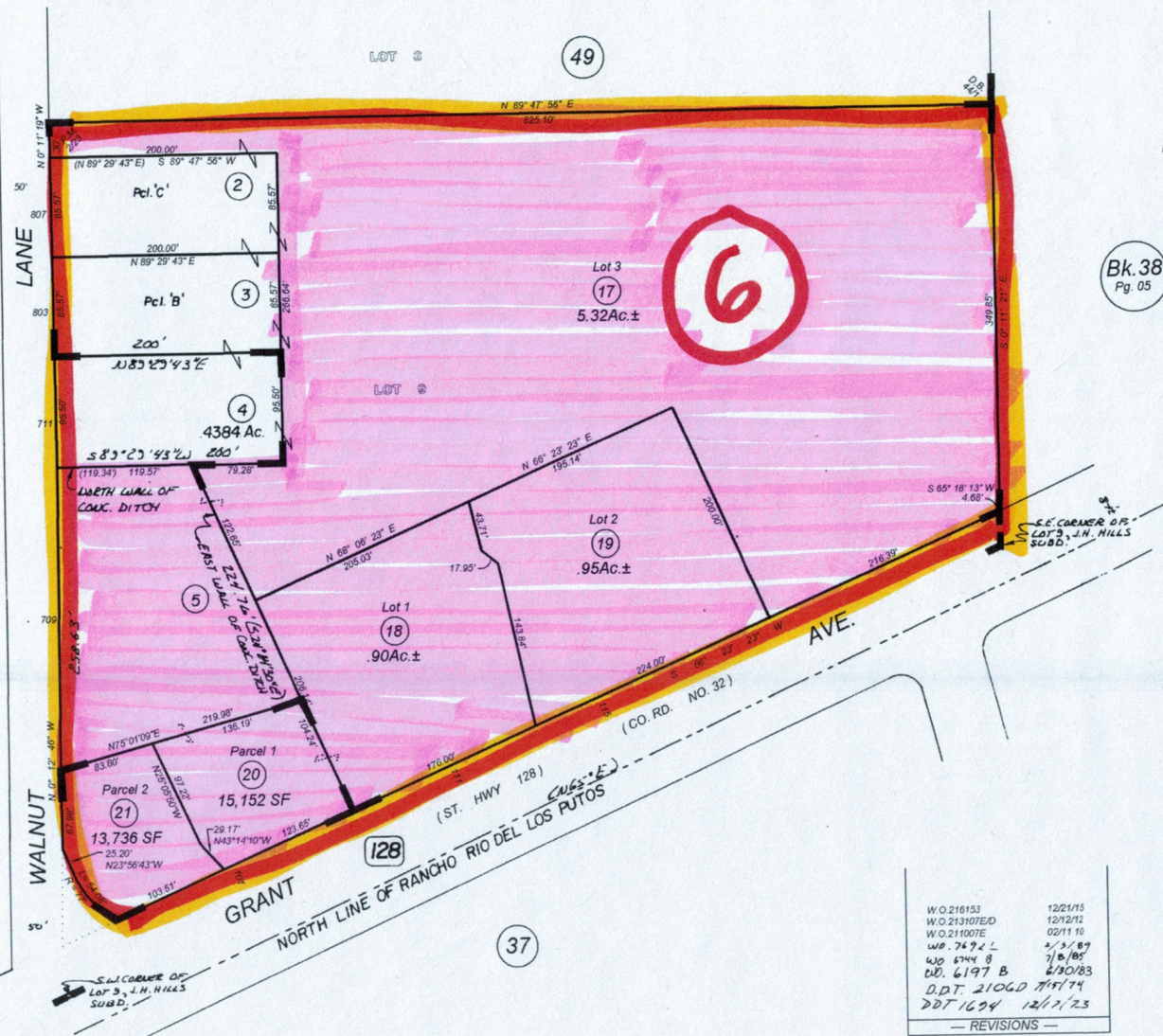
CAUTION - These Maps ARE NOT to be used for legal descriptions.

3-35

33

32

D.B. Bk. 44, Pg. 1 - J.H. Hills Subd.
P.M. Bk. 2, Pg. 23 - Pcl. Map No. 2330 for C. Young.
P.M. Bk. 2015, Pg. 145-147 - #4977 for Edward & Janet Andersen



Bk. 38
Pg. 05



W.O. 216153	12/21/15
W.O. 213107E/D	12/21/12
W.O. 211007E	02/11/10
W.O. 7472 L	3/3/87
W.O. 6744 B	7/8/85
D.B. 6197 B	4/30/83
D.D.T. 21060	7/17/74
D.D.T. 1624	12/17/23
- REVISIONS -	

CITY OF WINTERS
Assessor's Map Bk. 3, Pg. 35
County of Yolo, Calif.

(formerly por. 3 - 01)

NOTE - Assessor's Block Number Shown in Ellipses.
Assessor's Parcel Number Shown in Circles.

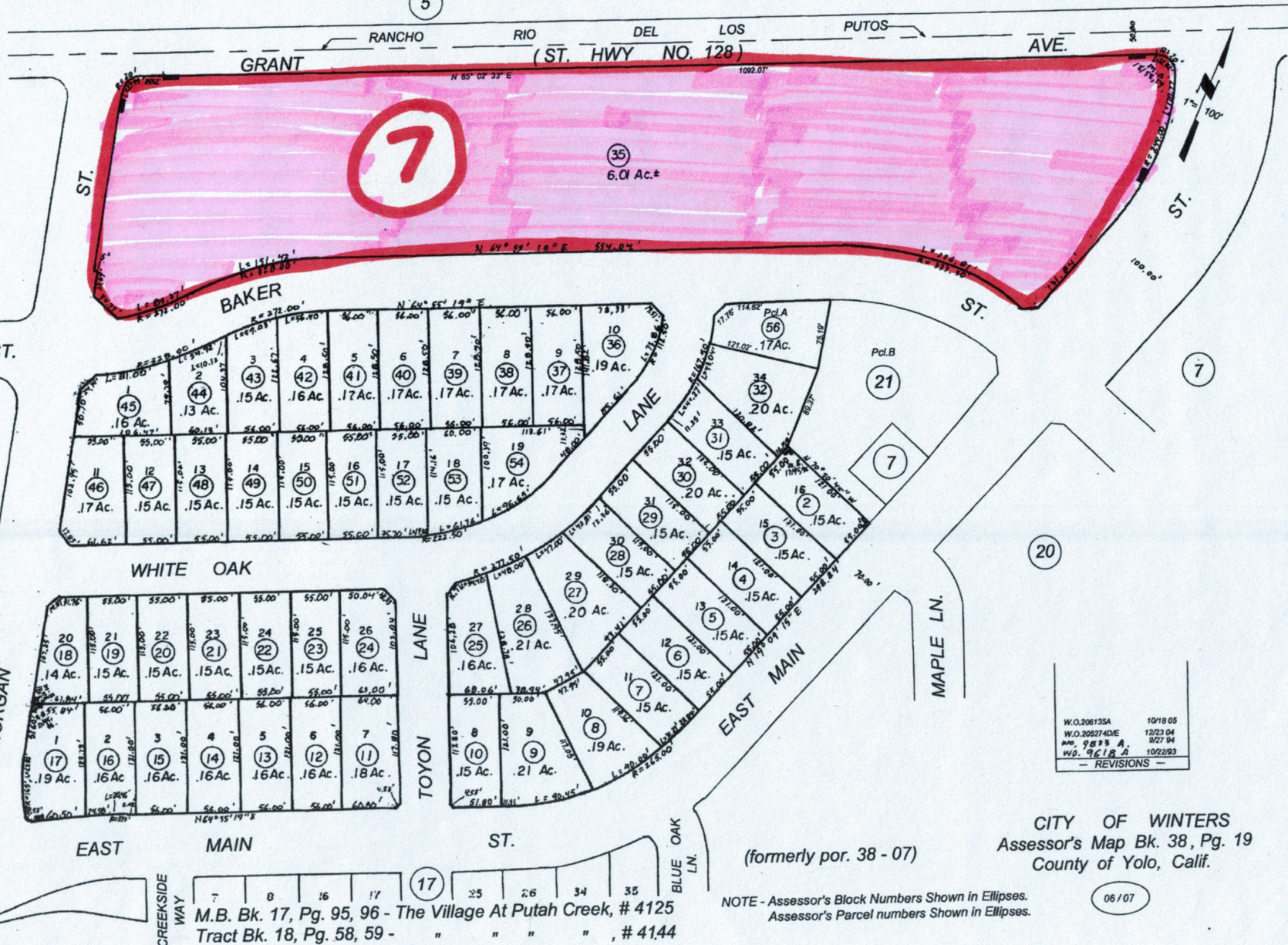
16 / 17

POR. OF RANCHO RIO DEL LOS PUTOS, T. 8N., R. 1W., M.D.B. & M.

CAUTION - These Maps ARE NOT to be Used for Legal Descriptions.

38 - 19

5



Pg. 37
Bk. 3
Pg. 48

W.O. 206135A	10/18 05
W.O. 205274D/E	12/23 04
W.O. 9813 A	02/27 04
W.O. 9818 A	10/22/93

— REVISIONS —

CITY OF WINTERS
Assessor's Map Bk. 38, Pg. 19
County of Yolo, Calif.

(formerly por. 38 - 07)

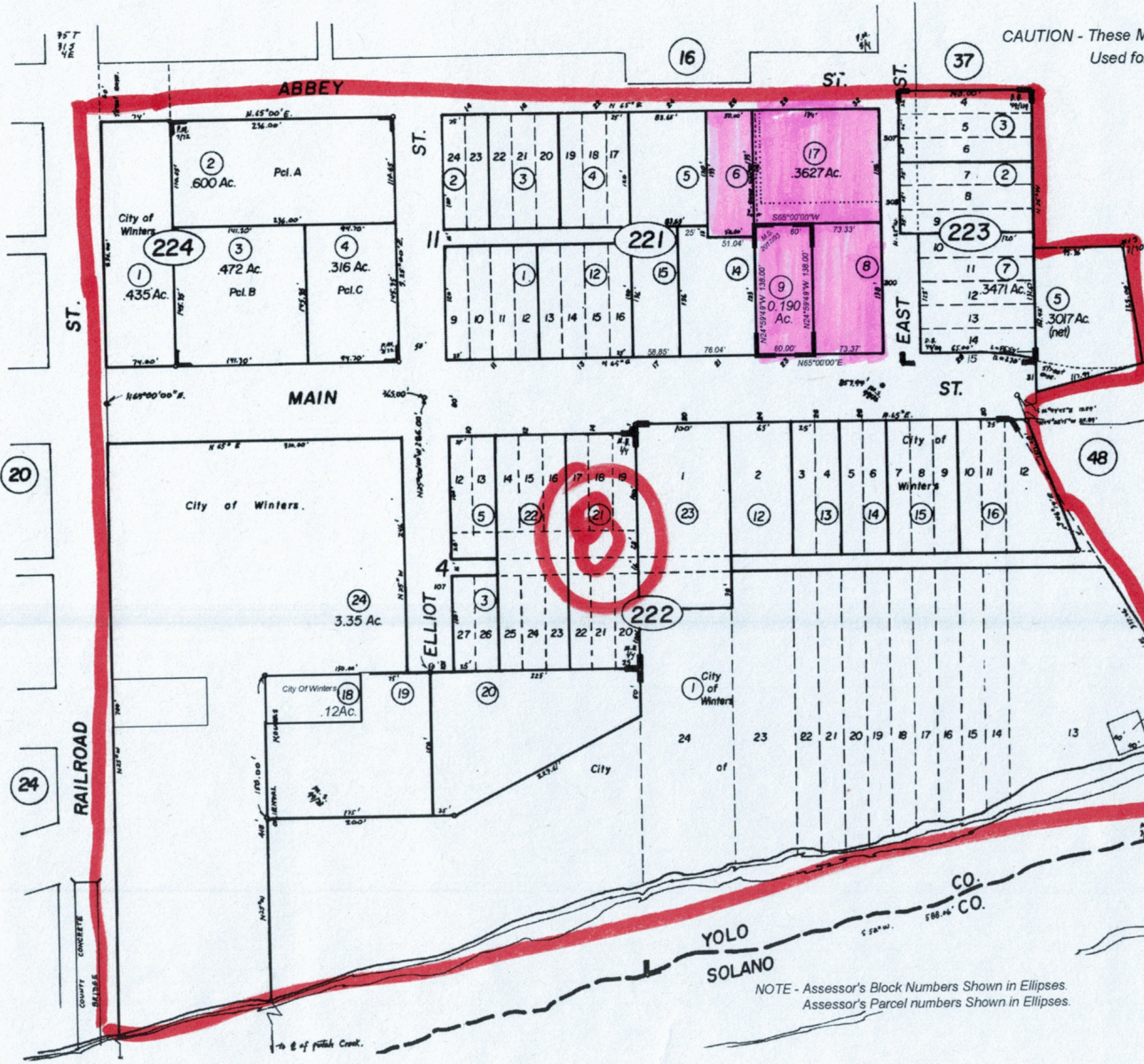
M.B. Bk. 17, Pg. 95, 96 - The Village At Putah Creek, # 4125
Tract Bk. 18, Pg. 58, 59 - " " " " # 4144

NOTE - Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel numbers Shown in Ellipses.

06/07

3 - 22

CAUTION - These Maps ARE NOT to be Used for Legal Descriptions.



- D.B. Bk. S, Pg. 150 - City of Winters.
- D.B. Bk. 49, Pg. 119 - Emilie Kahns Addition to Winters.
- M.B. Bk. 1, Pg. 4 - S.P.R.R. Subd. of Block. 4.
- M.B. Bk. 2, Pg. 5 - M.O. Wyatt's Add.
- M. & S. Bk. 3, Pg. 66 - M.O. Wyatt's Add.
- M. & S. Bk. 2, Pg. 51 - Town of Winters.
- P.M. Bk. 5, Pg. 4 - Epp & Audro D. Norsworthy. # 2944.
- M. & S. Bk. 7, Pg. 70 - J.A. Boyce
- P.M. Bk. 7, Pg. 72 - Pcl. Map # 3319 for Elliot Landes
- M. S. Bk. 99, Pg. 22 - City of Winters.

M.S. Bk. 2017, Pg. 93 - Record of Survey.

WO 218121	11/15/17
WO 218122	07/01/04
WO 218123	2/1/17
WO 218124	1/1/17
WO 218125	3/1/17
WO 218126	4/1/17
WO 218127	5/1/17
WO 218128	6/1/17
WO 218129	7/1/17
WO 218130	8/1/17
WO 218131	9/1/17
WO 218132	10/1/17
WO 218133	11/1/17
WO 218134	12/1/17
- Revision -	

City of Winters Assessor's Map Bk. 3 Pg. 22 County of Yolo, Calif.

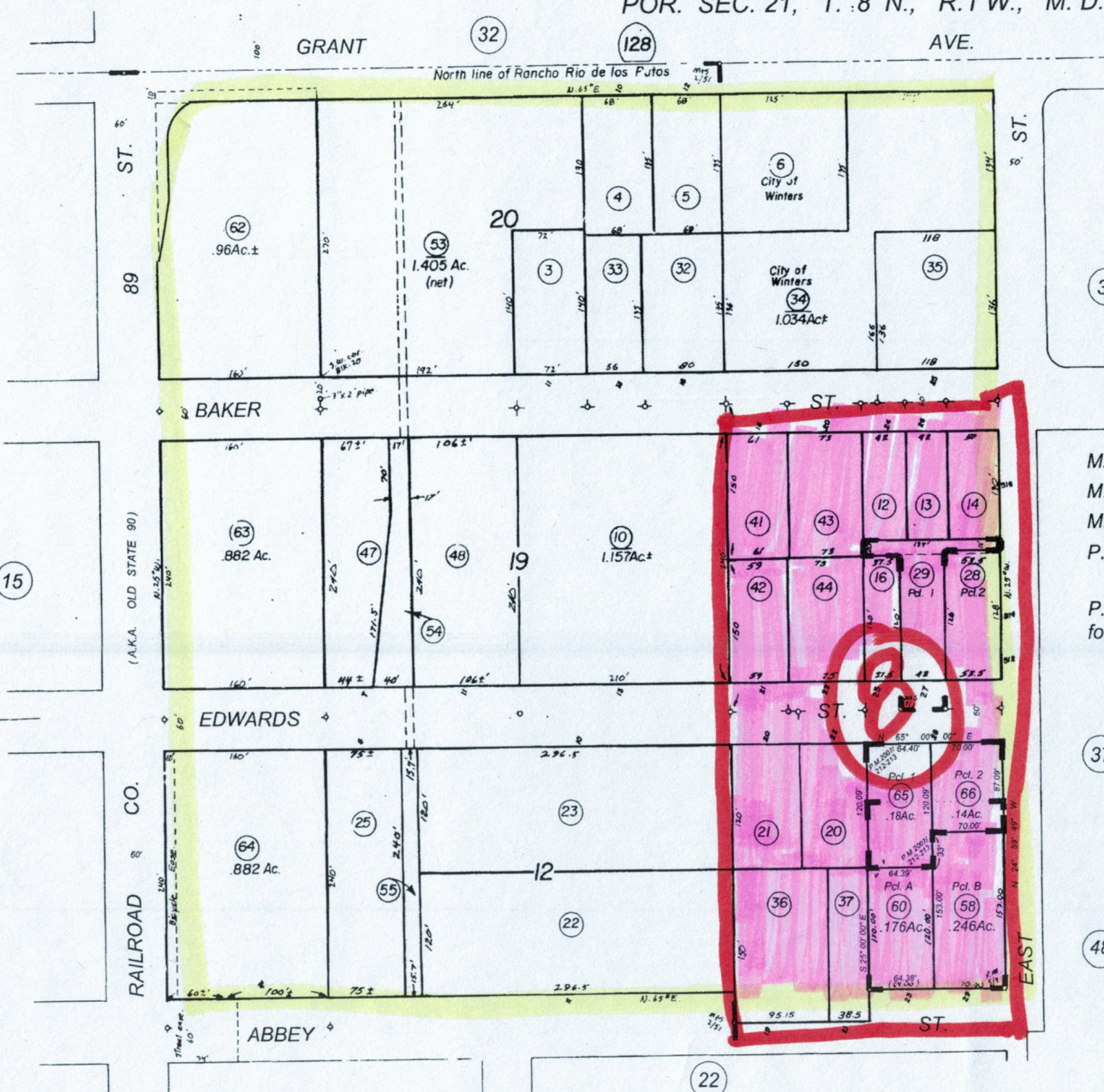
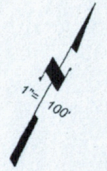
18 / 19

NOTE - Assessor's Block Numbers Shown in Ellipses. Assessor's Parcel numbers Shown in Ellipses.

POR. SEC. 21, T. 8 N., R. 1 W., M. D. B. & M.

3 - 16

CAUTION-These maps ARE NOT to be used for legal descriptions.



M.B. Bk. 1, Pg. 49 - R. R. Survey
 M. & S. Bk. 2, Pg. 51 - Town of Winters
 M. & S. Bk. 7, Pg. 1 - Plot of Survey
 P.M. Bk. 5, Pg. 4 - Pcl. Map # 2944
 for Epp & Audra D. Norsworthy
 P.M. Bk. 2007, Pg. 212 - 213 - Pcl. Map # 4925
 for John & Lois Herrington

W.O. 2082148	12/28/2007
W.O. 2051728	7/27/04
W.O. 4604 G	12/18/04
W.O. 5942 T	6/29/02
W.O. 5276 C	12/21/79
W.O. 5275 D	11/21/78
W.O. 5074 F	8/16/75
W.O. 5058 D	8/16/75
W.O. 4291 B	7/15/77
W.O. 4201 G	7/11/77
W.O. 4178 G	2/11/77
W.O. 3372	11/10/75
W.O. 3249 D	10/10/75
DDT 3098 C	6/16/75
DDT 1672 M	12/12/73
DDT 1388 S	10/12/73
DDT 861 C	7/23/73
D.D.T. 731	
D.D.T. 665 RL 1/8/73	
— REVISIONS —	

CITY OF WINTERS
 Assessor's Map Bk. 3, Pg. 16
 County of Yolo, Calif.

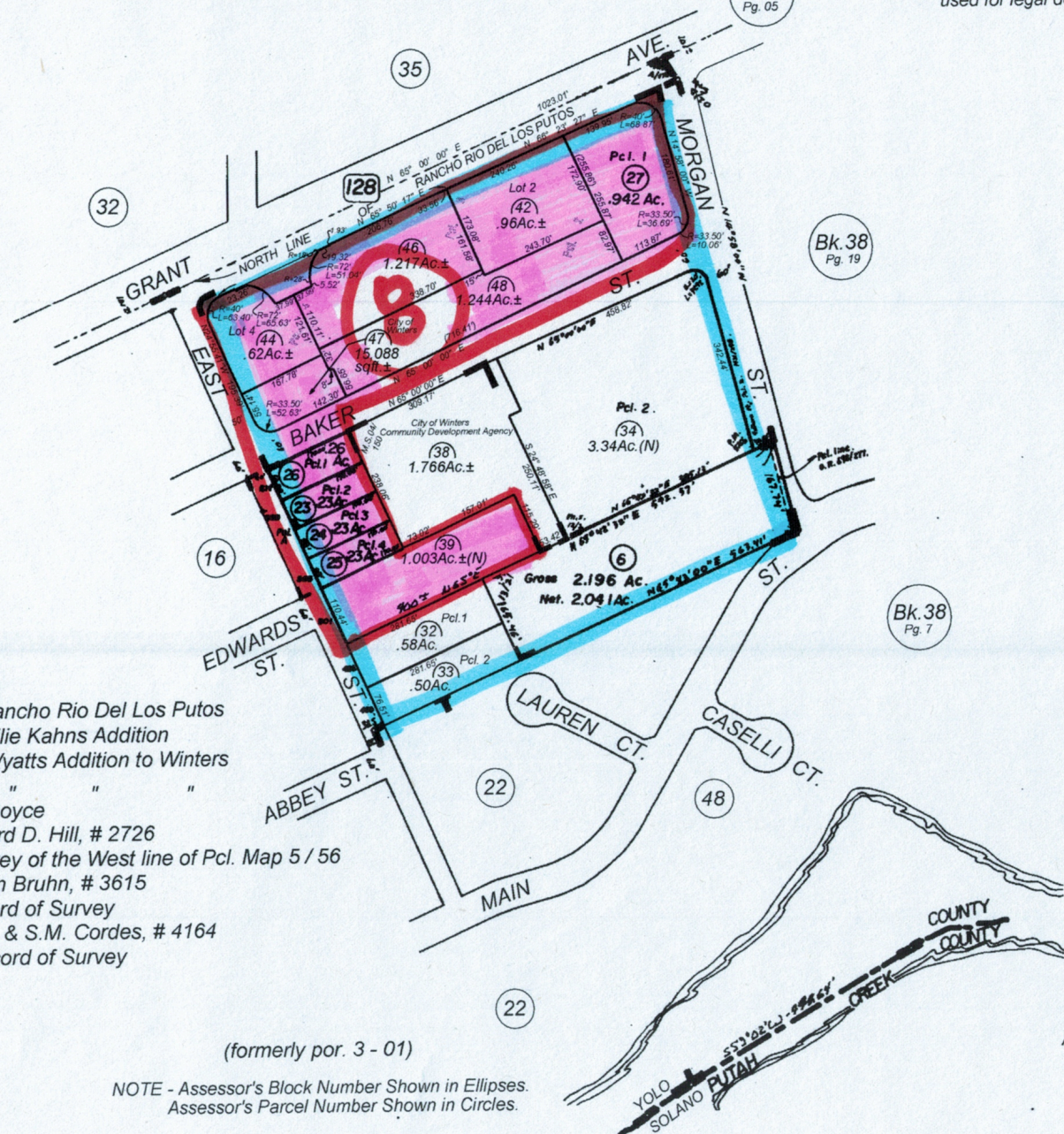
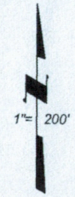
POR. OF RANCHO RIO DEL LOS PUTOS

Bk. 38
Pg. 05

CAUTION - These Maps ARE NOT to be used for legal descriptions.

3 - 37

NOTES:
Cert. of Compliance, Doc. # 2014-0015918-00 Y.C.R.
and Doc. # 2014-0029364-00 Y.C.R.
APN's: 003-370-042-043-044
COC # 2016-0010383 APN's 003-370-043



- Misc. Bk. "A", Pg. 172 - Rancho Rio Del Los Putos
- D. B. Bk. 49, Pg. 119 - Emilie Kahns Addition
- M. B. Bk. 2, Pg. 5 - M.O. Wyatts Addition to Winters
- M.S. Bk. 3, Pg. 66 - " " " "
- M.S. Bk. 7, Pg. 70 - J. A. Boyce
- P.M. Bk. 5, Pg. 56 - Leonard D. Hill, # 2726
- M.S. Bk. 12, Pg. 2 - Resurvey of the West line of Pcl. Map 5 / 56
- P.M. Bk. 8, Pg. 97 - Vernon Bruhn, # 3615
- M.S. Bk. 13, Pg. 21 - Record of Survey
- P.M. Bk. 11, Pg. 30 - R. A. & S.M. Cordes, # 4164
- M.S. Bk. 04, Pg. 150 - Record of Survey

(formerly por. 3 - 01)

NOTE - Assessor's Block Number Shown in Ellipses.
Assessor's Parcel Number Shown in Circles.

W.O. 219167	12/11 18 PG
W.O. 217151	11/21 16
W.O. 217047	04/22 16
W.O. 216180	12/03 15
W.O. 215076G	08/22 14
W.O. 215075G	07/21 14
W.O. 215024D/E	07/21 14
W.O. 215023E/H	03/11 14
W.O. 214063N	06/20 13
W.O. 212024N	03/16 11
W.O. 210048H	4/30 09
W.O. 209161N	12/19 08
W.O. 207124E/D	9/29 06
W.O. 205247H	11/19 04
W.O. 205222C	10/20 02
W.O. 203171D/E	12/12 02
W.O. 195000	3/2/00
W.O. 195000 C	4/7/00
W.O. 1650 G	11/4/00
W.O. 1710 G	2/1/00
W.O. 1331 J	4/13/07
W.O. 1155 F	12/14/05
W.O. 10757 L	10/1/05
W.O. 8732 K	7/4/00
W.O. 5380 D	7/26/00
W.O. 5370 E	7/26/00
W.O. 4216 L	10/17/97
DST 3000 B	2/28/75
DST 2700	4/31/75
DST 1604	12/17/73

REVISIONS
CITY OF WINTERS
Assessor's Map Bk. 3, Pg. 37
County of Yolo, Calif.



**CITY COUNCIL
STAFF REPORT**

TO: Mayor and Council members
DATE: March 18, 2025
FROM: Eric Lucero, Public Works Director of Operations & Maintenance
THROUGH: Jeremy Craig, City Manager
SUBJECT: Presentation Regarding the ADA Self Evaluation and Transition Plan

RECOMMENDATION:

Receive the Presentation Regarding the ADA Self Evaluation and Transition Plan.

BACKGROUND:

On June 6, 2017, staff updated the City's 2009 ADA Self-Evaluation Plan, identifying and prioritizing problem areas around the city that were out of compliance. The plan suggested increasing the annual budget for sidewalk repairs, focusing on the areas with the highest public usage. In 2022, the city implemented a Capital Improvement Plan and identified updating the ADA Self-Evaluation & Transition Plan as a top priority. On December 5, 2023, City Council approved resolution 2023-93 Approving a Professional Services Agreement with Sally Swanson Architects Inc. for the ADA Self Evaluation & Transition Plan.

Discussion:

On January 5, 2024, Sally Swanson Architects, Inc. commenced work on the ADA Self Evaluation & Transition Plan project. On December 4, 2024, Sally Swanson Architects, Inc. completed the project with a public workshop held at the downstairs conference room at City Hall where Sally Swanson Architects, Inc. showed a presentation of the process.

The work outlined in the Sally Swanson Architects, Inc. agreement has been completed.

FISCAL IMPACT:

None.

ATTACHMENT:

1. Presentation

CITY OF
WINTERS
california
EST. 1875



City of Winters ADA Self-Evaluation and Transition Plan



Project Team

Sally Swanson Architects, Inc.



Principal-In-Charge
Project Manager
Sally Swanson, AIA



Facilities Specialist
Don Salts, CASp



ADA Policy Specialist
Tina Dorius, Esq.



GIS and
Database Specialist
Deniz Turan, Ph.D.

What the ADA Requires: Title II - Public Entities

- ❑ The state and local governmental entities give people with disabilities an equal opportunity to benefit from their programs, services and activities.
- ❑ Ensure program access, effective communication, and to make all new construction, additions, and alterations comply with the specific standards.





- ❑ What is a Transition Plan?
- ❑ Self-Evaluation Survey
- ❑ Facilities Survey
- ❑ Public Right-of-Way Survey



What is a Self-Evaluation?

- ❑ A Self-Evaluation is a public entity's assessment of its programs, services, activities as well as grievance procedures.
- ❑ After conducting a Self-Evaluation, a public entity can develop a Transition Plan and work with public entity's departments for modifications.



Transition Plan Process



REASONABLE MODIFICATIONS

49 CFR SECTION 207.7(E) AND 28 CFR SECTION 35.130(B)

REASONABLE MODIFICATIONS ARE REQUIRED FOR PEOPLE WITH DISABILITIES, EXCEPT IN CASES OF:

- UNDUE BURDEN
- FUNDAMENTAL ALTERATION
- DIRECT THREAT

ACCOMMODATION AND MODIFICATION REQUESTS SHOULD BE SUBMITTED TO THE ADA COORDINATOR. THE ADA COORDINATOR WILL WORK WITH THE APPROPRIATE DEPARTMENT AND RESPOND TO THE PERSON WHO SUBMITTED THE REQUEST.

Priority Ranking for Facilities

1. Possibly dangerous conditions, Accessible Routes, Restrooms.
2. Conference Rooms, Service Desks, Telephones
3. Parking and Signs
4. Employee Only, Safe Harbor

Facilities

Survey

Sample:

City of Winters Community Center - 201 Railroad Ave Winters, CA 95694

Findings with no area description

Lat/Long: [38.52127, -121.9684]

BFID: 977497

The door operating hardware is not accessible.

Hand-activated door opening hardware, handles, pulls, latches, locks, and other operating devices on accessible doors shall have a shape that is easy to grasp with one hand and does not require tight grasping, pinching or twisting of the wrist to operate.

2022 CBC 11B Section 11B-404.2.7

Handles, pulls, latches, locks, and other operable parts on doors and gates shall comply with Section 11B-309.4. Operable parts of such hardware shall be 34 inches (864 mm) minimum and 44 inches (1118 mm) maximum above the finish floor or ground. Where sliding doors are in the fully open position, operating hardware shall be exposed and usable from both sides.

Citation:	As Built:	Budgeting Range:
2022 CBC 11B Section: 11B-404.2.7	N/A	\$25 - \$150.00

Recommendation:

N/A - Refer to Finding

Barrier Priority:

High (1): Should be completed immediately. (Includes; Findings that have little or no cost, were in violation of the codes at the time of construction, or pose an imminent safety threat)

Notes:

N/A



Finding 977497 Main Photo

Findings with no area description

Lat/Long: [38.52189, -121.9712]

BFID: 974518

The "Minimum Fine \$250.00" signage is missing from each accessible parking space.

Each parking space reserved for persons with disabilities shall be identified by a reflectorized sign permanently posted immediately adjacent to and visible from each stall or space, consisting of the International Symbol of Accessibility in white on a dark blue background. The sign shall not be smaller than 70 square inches. An additional sign or additional language below the symbol of accessibility shall state "Minimum Fine \$250."

2022 CBC 11B Section 11B-502.6.2

Additional language or an additional sign below the International Symbol of Accessibility shall state "Minimum Fine \$250."

Citation:	As Built:	Budgeting Range:
2022 CBC 11B Section: 11B-502.6.2	Signs need to be updated	\$75 - \$350.00

Recommendation:

N/A - Refer to Finding

Barrier Priority:

High (1): Should be completed immediately. (Includes; Findings that have little or no cost, were in violation of the codes at the time of construction, or pose an imminent safety threat)

Notes:

N/A



Finding 974518 Main Photo



Survey
Sample:

Survey Sample:

City of Winters Blue Oak Park - 400 E Main St Winters, CA 95694

Findings with no area description

Lat/Long: [38.52598, -121.9609]

BFID: 978406

The work surface does not provide the required knee clearance.

The accessible surface must be on an accessible route (36 inches minimum) and have knee and toe spaces at least 27 inches high, 30 inches wide and 19 inches deep. The tops of work surfaces shall be 28 inches to 34 inches from the floor or ground.

2022 CBC 11B Section 11B-902.2

A clear floor space complying with Section 11B-305 positioned for a forward approach shall be provided. Knee and toe clearance complying with Section 11B-306 shall be provided.

Citation:

2022 CBC 11B Section:
11B-902.2

As Built:

Bbq should have concrete pad
under to allow access

Budgeting Range:

\$500 - \$1,500.00

Recommendation:

NA - Refer to Finding

Barrier Priority:

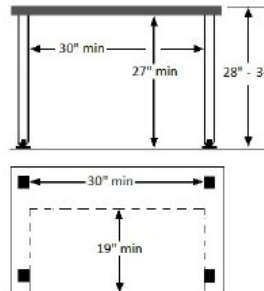
High (1): Should be completed immediately. (Includes; Findings that have little or no cost, were in violation of the codes at the time of construction, or pose an imminent safety threat)

Notes:

NA



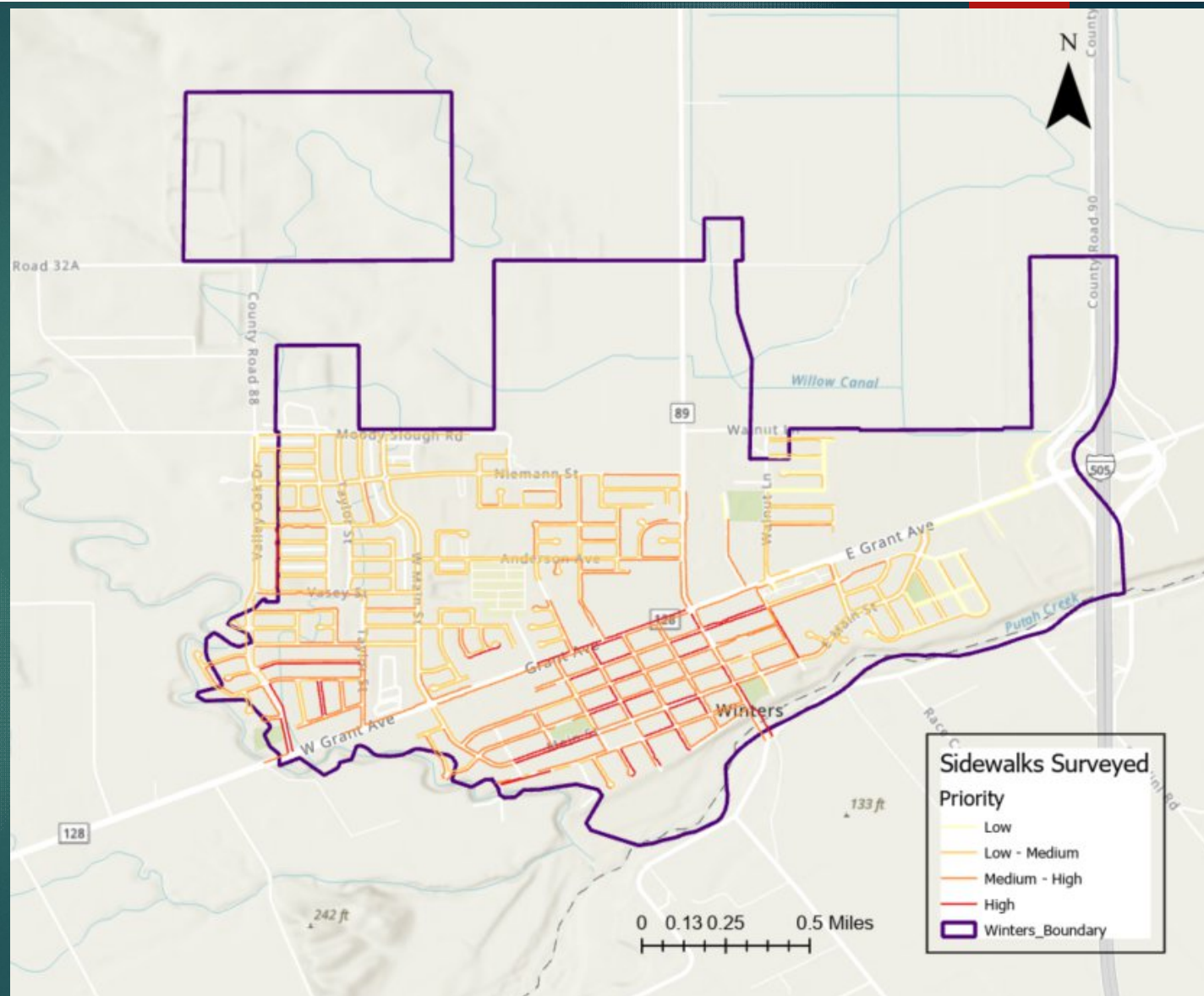
Finding 978406 Main Photo

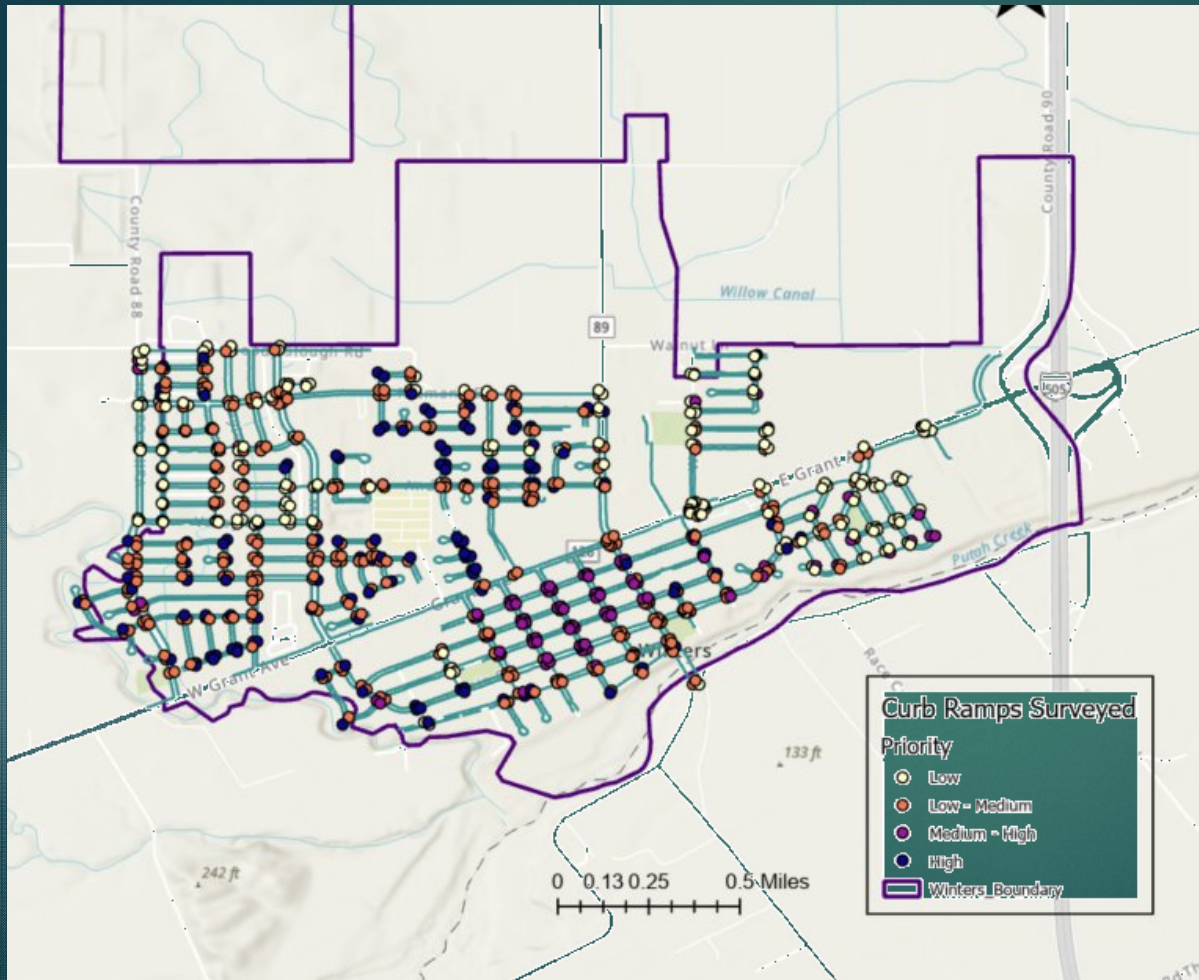




Public Right-of-Way (PROW) Elements

Final Priority Map: Sidewalks





Final Priority Map: Curb Ramps

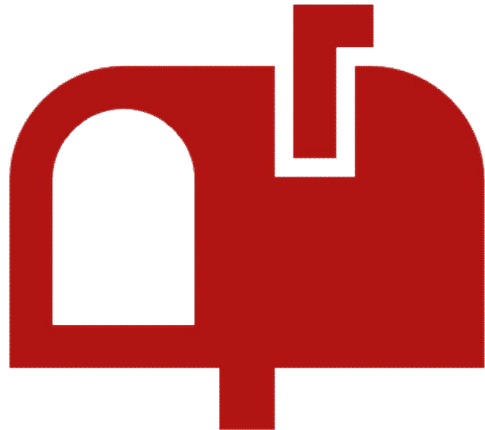
The access compliance surveys of the Public Rights-of-Way (PROW), along with the surveys of City owned and leased facilities, completely fulfill the first two requirements for an ADA Transition Plan. As a part of this effort, approximately 48 miles of sidewalk, 729 curb ramps, and 22 pedestrian signals were surveyed for access compliance and that the financial cost to mitigate all barriers identified in the surveys to be approximately \$254 million.

Features	Total Number Surveyed	Number ADA Compliant	Total Cost Estimate (\$)
Sidewalks	48 miles	10 miles	\$249,854,115.60
Curb Ramps	729 curb ramps	48 curb ramps	\$3,697,000.00
Pedestrian Signals	22 pedestrian signals	0 pedestrian signals	\$117,030.00
Parking Lots			\$14,592.00
TOTAL			\$253,682,737.60

The information obtained from the surveys of the PROW is maintained on a geographic information system (GIS) database.

Overview: Access Compliance Surveys Of the Public Rights-Of-Way

ADA Coordinator



Eric Lucero

Director of Operations and Maintenance

City of Winters, Public Works Department

318 1st Street

Winters, CA 95694

Phone: [530-794-6715](tel:530-794-6715)

eric.lucero@cityofwinters.org



City of Winter's ADA Final Executive Summary can be reached at:

https://www.cityofwinters.org/DocumentCenter/View/1334/City-of-Winters-ADA-Self-Evaluation-and-Transition-Plan_Final-Draft



Questions?





**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: March 18, 2025
FROM: Jeremy Craig, City Manager
SUBJECT: Approve Resolution No. 2025-XX Reestablishing the Natural Resources Commission, to Revise the Selection Process and Membership Structure

RECOMMENDATION:

Adopt Resolution No. 2025-XX Reestablishing the Natural Resources Commission, to change the selection process and membership structure as proposed by the NRC. Additional information regarding NRC's recommendation is described in Attachment 1, Proposed Changes to Winters Natural Resources Commission's Appointment Process and Structure dated January 13, 2025.

BACKGROUND:

Winters City Council established the Winters Natural Resources Commission (NRC) with [Resolution No. 2021-55](#) on September 7, 2021. The NRC is a successor to the Winters Putah Creek Committee (WPCC) and serves the City in an advisory role as a source of technical expertise in the area of natural resources and environmental sustainability, conservation and preservation.

NRC MEMBERSHIP

The NRC is comprised of six members, five of whom are designated by individual Councilmembers. The sixth member is designated as a representative from the Lower Putah Creek Coordinating Committee (LPCCC) who is also appointed by the Winters City Council.

The table below reflects the designated NRC voting members.

NATURAL RESOURCES COMMISSION					
Member	Voting Member	City Resident	Appointed	Term Expires	Designee
Kurt Balasek	Yes	No	*12/2024	*12/2028	Biasi designee
Miles DePrato	Yes	Yes	*11/2023	*12/2026	Scianna designee
Kate Laddish	Yes	Yes	*12/2024	*12/2028	Loren designee
Rich Marovich	Yes	No	*1/2023	*12/2026	Casavecchia designee
Eric Jepson	Yes	Yes	*1/2023	*12/2026	Vallecillo designee
Dennis Kilkenny	Yes	Yes	*9/2021	*9/2025	LPCCC Council designee

On January 13, 2025, Dennis Kilkenny resigned his position, so the NRC is down to five voting members at this time.

The current liaison to the NRC is Councilmember Scianna and the assigned staff member is Environmental Services Manager Kristine DeGuerre.

Resolution 2021-55 states that the majority of the voting members must reside within the community of Winters or have a Winters address. Because technical and professional expertise within an environmental science is critical for the purpose of the Commission, allowing for the appointment of people who live outside of the City but within the broader Winters community is advantageous.

DISCUSSION:

The recommended changes by the NRC (Attachment 1) are summarized below. The NRC recommends:

- The City Council change the appointment process from direct appointments to an open application process.
- That all NRC commissioners be appointed by City Council and that the Lower Putah Creek Coordinating Committee (CPCCC) be represented via the Streamkeeper or other LPCCC representative as a non-voting liaison.
- Changing the number of seats to an odd number (e.g., increasing from six to seven).
- Changing the description of rural Winters from “Winters address” to “Greater Winters Area” to include areas within the school district and/or the fire protection district.

FISCAL IMPACT:

None

ATTACHMENTS:

1. Proposed Changes to Winters NRC’s Appointment Process and Structure
2. Resolution No. 2025-XX

3. Resolution No. 2021-55
4. Redline of Changes

ATTACHMENT 1

Proposed Changes to Winters Natural Resources Commission's Appointment Process and Structure

Kate Laddish, Chair, Winters Natural Resources Commission
January 13, 2025

Overview

Winters City Council established the Winters Natural Resources Commission (NRC) with [Resolution No. 2021-55](#) on September 7, 2021. The NRC is a successor to the Winters Putah Creek Committee (WPCC), which Council established in 2006 to oversee the restoration and public use of Putah Creek and the public lands adjacent to Dry Creek. While the NRC also considers Putah Creek and Dry Creek, its much broader scope includes stewardship of all natural resources important to the City.

The appointment process and membership structure of the NRC are largely artifacts of the antecedent creek committee and do not align with other City of Winters commissions. This has unintended consequences.

The Natural Resources Commission recommends City Council revise the NRC appointment process and membership structure as described below, which would bring it into alignment with commissions such as the Climate Action Commission, decrease confusion, create beneficial opportunities for the City and residents, and help the Commission fulfill its mission to make recommendations to City Council and Planning Commission on preservation, conservation, and enhancement of natural resources important to the City and to provide technical expertise to the City and the community.

Stemming from discussion in the NRC's December 2024 and January 2025 meetings:

- The Commission recommends that City Council change the appointment process from direct appointments to an open application process.
- The Commission recommends that all NRC commissioners be appointed by City Council and that Lower Putah Creek Coordinating Committee be represented via the Streamkeeper or other LPCCC representative as a non-voting liaison.
- The Commission recommends changing the number of seats to an odd number (e.g., increasing from six to seven).
- The Commission recommends changing the description of rural Winters from "Winters address" to "Greater Winters Area" to include areas within the school district and/or the fire protection district.

These recommendations are about process and structure, and are neither a reflection on current or past commissioners nor an attempt to change who is serving on the NRC.

NRC Discussion and Recommendations

At its December 2024 and January 2025 meetings, the NRC discussed four questions.

1. Should the NRC recommend to Council that the appointment process change from direct appointment by individual councilmembers to an application process that's open

to the public, with an ad hoc Council committee making recommendations to Council and the full Council voting?

In a holdover from the Winters Putah Creek Committee, five of six NRC commissioners are appointed by individual councilmembers. There is no application process open to the public and Commission vacancies are not advertised, so Commission membership is restricted to people with connections to councilmembers. This limits qualified residents' opportunity to serve, constrains the City's ability to tap into residents' expertise, and constricts a pathway to civic engagement and leadership. It can lead to unintentionally narrow representation on the Commission. In addition, direct appointments can create the appearance of decreased independence, and potentially decrease actual independence if appointment or continued service becomes subject to favor.

The NRC recommends that City Council change the appointment process from direct appointments to an open application process.

If Council makes this change, Council may also want to consider changing when NRC terms start and end, since Resolution No. 2021-55 links commissioners' four-year terms to when the appointing councilmember is elected. Currently, each Council-appointed NRC commissioner's term starts and ends the month after the election of the appointing councilmember.

2. Should the NRC recommend to Council that the Commission seat that is designated to represent (and may be appointed by?) the Lower Putah Creek Coordinating Committee become a standard Council-appointed seat?

Resolution No. 2021-55 has some ambiguities about the LPCCC commissioner, and has been interpreted to mean that LPCCC may appoint a commissioner to represent LPCCC's interests, or that Council appoints a commissioner to represent LPCCC but without LPCCC's input. While it was important to have LPCCC representation on the more narrowly focused Winters Putah Creek Committee, the Commission recommends against continuing to reserve a voting seat on a City commission for a separate agency.

Because LPCCC's Streamkeeper, Max Stevenson, provides updates and participates in discussions and projects as a liaison to the Commission, LPCCC would continue to have a voice in Commission meetings even if there is not an LPCCC commissioner. Having LPCCC interests represented by a liaison, rather than a commissioner, would remove ambiguity about which agency's interests commissioners are representing and which body appoints commissioners.

The Commission recommends that all commissioners be appointed by City Council and LPCCC be represented via the Streamkeeper or other LPCCC representative as a (non-voting) liaison.

3. Should the NRC recommend to Council that Commission size be adjusted from six seats to an odd number, and if so, should it be five or seven?

To avoid tie votes and to make quorum-related application of the Brown Act clearer, legislative bodies generally have an odd number of members. However, the NRC has six seats. The Commission discussed whether to recommend revising it to five (via attrition) or seven.

The Commission recommends having an odd number of seats. During the January 2025 meeting, Commission consensus was in favor of adding a seventh seat, and recommending that Council fill it via an open application process. This would give Council an opportunity to take stock of the Commission's current strengths and gaps and to make a selection accordingly.

After discussion concluded, the Commission learned that Commissioner Dennis Kilkenny had chosen to conclude his service, bringing the number of current commissioners to five.

4. Should the NRC recommend to Council that future commissioners be residents of the City of Winters and/or the Greater Winters Area, rather than requiring that a majority live in the Winters area?

The Commission broached this in the context of maximizing clarity in NRC appointments and structure.

Members of legislative bodies generally live in the area they serve and represent. Resolution 2021-55 says that the majority of NRC commissioners must live in the City or have a Winters address. Currently, three commissioners live in Winters, one lives in rural Winters (but has a Vacaville address), and one lives in Davis.

The NRC discussed pros and cons of a residential requirement. On one hand, commissioners living in Winters or the Winters area bring lived experience of local issues and conditions to the Commission, and a chance for neighbors to connect with commissioners informally on issues of interest or concern. On the other hand, casting a wider net beyond Winters creates an opportunity to draw on subject-matter experts who live elsewhere.

The Commission has several non-voting liaisons from local and regional partner organizations who attend regularly and bring additional expertise. The Commission also reaches out to experts on topics of interest, including groundwater and air quality.

The Commission noted that, if Council chooses to create a residential requirement, Council could consider applying that to future commissioners and let current non-Winters area commissioners continue serving.

The NRC leans in favor of not recommending requiring that all future commissioners live in the City or the Winters area.

The Commission recommends Council adjust the language used to describe rural Winters from areas with a Winters address to the Greater Winters Area, defined as areas in unincorporated Yolo and Solano counties with a Winters address or that are in the Winters Joint Unified School District and/or Winters Fire Protection District.

RESOLUTION NO. 2025-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS REESTABLISHING THE NATURAL RESOURCES COMMISSION

WHEREAS, the protection, advocacy, and management of natural resources is increasingly important as human activities produce negative impacts to the environment; and

WHEREAS, the City Council of the City of Winters (the “City Council”) established the Winters Natural Resources Commission (NRC) with Resolution No. 2021-55 on September 7, 2021 as a successor to the Putah Creek Committee (WPCC) to expand their focus in the area of natural resources and environmental sustainability, conservation and preservation; and

WHEREAS, at the December 16, 2025 NRC meeting, voting members discussed and proposed certain changes to the NRC’s appointment process and membership structure to align with other City of Winters commissions; and

WHEREAS, at the January 13, 2025 NRC meeting, voting members finalized their recommendations in the Proposed Changes to Winters Natural Resources Commission’s Appointment Process and Structure document dated January 18, 2025; and

WHEREAS, at the January 21, 2025 City Council Meeting, City Council expressed interest in reviewing the proposed changes being recommended by the NRC for discussion at the February 18, 2025 City Council meeting.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Winters hereby approves to amend and replace Resolution 2021-55 to reestablish the NRC and revise the selection process to include an application and change its membership structure.

Section 1. The City hereby finds and determines that the foregoing recitations are true and correct and are incorporated herein by this reference.

Section 2. The City hereby creates the Natural Resources Commission to achieve the following:

1. PURPOSE

The Natural Resources Commission (the “Commission”) shall perform the following functions:

A. Act as an advisory body to the City Council related to the promotion, preservation, conservation, and enhancement of geologic, hydrologic,

hydrogeologic, ecologic, biologic, atmospheric and other natural resources; and

B. Serve as a body of technical expertise in the area of natural resources to City staff and the community; and

C. Develop and implement public information programs related to increasing awareness of and promoting the conservation and stewardship of natural resources, such as developing a speakers' bureau on topics and assisting with disseminating public information; and

D. Assist with supporting staff as a "force multiplier" for staff assigned projects, such as water conservation, drought mitigation measures, reclaimed water, and other possible projects by conducting research, preparing reports, and developing recommendations.

2. MEMBERSHIP

The Commission shall consist of seven (7) voting members who represent technical expertise in a natural resource area, have significant interest or work within the natural resources/environmental sustainability field, and reside within the City of Winters or in the Greater Winters Area to include areas within the school district and/or the fire protection district. All voting members of the Commission shall be appointed by the City Council.

The voting members will be selected by an open application process. In appointing members to the Commission, the City Council shall also endeavor to appoint individuals that represents the diversity of the community by race, age and gender as well as technical or professional expertise.

The Solano County Water Agency (SCWA) Streamkeeper or other Lower Putah Creek Coordinating Committee (LPCCC) representative shall serve as an ex officio non-voting member in order to ensure alignment, collaboration, and coordination related to the restoration and management of Putah Creek.

The Commission is strongly encouraged to maintain connections with other related entities, such as the Putah Creek Council, the Solano County Resource Conservation District, and others and may appoint liaisons to and from those entities as part of its work.

The Commission is strongly encouraged to maintain connections with other City advisory bodies and may appoint liaisons to and from those advisory bodies as part of its work.

The Commission may also be assigned a Council liaison as appointed by the City Council.

The City Manager will assign a staff member to support the Commission.

3. TERMS OF OFFICE

Each Commissioner shall serve a term of four (4) years appointed by the full Council, or until a successor is appointed, unless otherwise terminated earlier pursuant to Section 4. Terms shall be staggered.

4. TERMINATION OF APPOINTMENT

The term of any member of the Commission who has been absent from three (3) consecutive regular or special meetings, or who has missed more than 1/3 of the meetings in a 12-month period, without the approval of the City Council, shall automatically terminate.

A commissioner's term will terminate after four (4) years, or until a successor is appointed. The individual commissioner may continue to serve until a new appointment is made.

A commissioner may be re-appointed to serve multiple terms.

Members of the Commission serve at the pleasure of the City Council and may be removed from office by a majority vote of the City Council.

5. VACANCIES

Vacancies on the Commission shall be filled for the unexpired term in the same manner in which regular appointments are otherwise made.

6. OFFICERS OF THE COMMISSION

The members of the Commission shall annually select one (1) of its members as Chairperson and one (1) of its members as Vice Chairperson. No Chairperson or Vice Chairperson shall serve more than two (2) consecutive years as chair. The Commission may also select a Secretary to assist with preparing agendas and minutes.

- a. The Chairperson of the Commission shall call the meetings to order at the appointed time; appoint all committees, subject to approval of the Commission; have all the powers and duties of the presiding officer as described in Rosenberg's Rules of Order; and perform such other duties as may from time to time be prescribed by the Commission.
- b. The Vice Chairperson of the Commission shall have all the powers and perform all the duties of the Chairperson in the case of absence or inability of the Chairperson to act. The Vice Chairperson shall perform

such other duties as may from time to time be prescribed by the Commission or the Chairperson.

- c. The Secretary assists with preparing agendas and minutes, working closing with the assigned staff member to ensure Brown Act compliance.

7. MEETINGS OF THE COMMISSION

The Commission shall establish a regular time and place of meeting and shall hold regular meetings. Special meetings of the Commission may be called by the Chairperson, or by any four (4) or more voting members of the Commission, with permission of the City Council. Personal notice of a special meeting must be given to all members of the Commission. If personal notice cannot be given, written notice must be mailed to such members at least twenty-four (24) hours prior to said meeting, unless said notice requirement is waived in writing by said member.

8. QUORUM

For the purpose of transacting business, a quorum of the Commission shall consist of four (4) of the seven (7) members.

9. OPEN GOVERNMENT

All meetings and deliberations of the Commission shall be conducted openly and publicly in accordance with the requirements of the Ralph M. Brown Act.

Section 3. The existing members of the Winters Putah Creek Committee are noted in Exhibit A attached hereto and incorporated herein by reference.

Section 3. Resolution No. 2021-55 is hereby repealed.

This resolution was duly and regularly adopted by the City Council of the City of Winters, on the 18th day of March, 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF WINTERS

Albert Vallecillo, Mayor

ATTEST:

Jeremy Craig, City Clerk

EXHIBIT A

NATURAL RESOURCES COMMISSION					
Member	Voting Member	City Resident	Appointed	Term Expires	Designee
Kurt Balasek	Yes	No	*12/2024	*12/2028	Biasi designee
Miles DePrato	Yes	Yes	*11/2023	*12/2026	Scianna designee
Kate Laddish	Yes	Yes	*12/2024	*12/2028	Loren designee
Rich Marovich	Yes	No	*1/2023	*12/2026	Casavecchia designee
Eric Jepson	Yes	Yes	*1/2023	*12/2026	Vallecillo designee
Vacant	No	Yes	*9/2021	*9/2025	LPCCC Council designee

RESOLUTION NO. 2021-55

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
ESTABLISHING THE NATURAL RESOURCES COMMISSION**

WHEREAS, the protection, advocacy, and management of natural resources is increasingly important as human activities produce negative impacts to the environment; and

WHEREAS, the Winters Putah Creek Committee was formed in 2006 to oversee the restoration and public use of Putah Creek and the public lands adjacent to Dry Creek as well as other projects related to the management and maintenance of said public lands; and

WHEREAS, the Committee has substantially completed its work and desires to remain active as a working committee to support City program, projects and policy development related to the stewardship of the City's natural resources, serving as a body of technical expertise and knowledge in an advisory capacity to the City Council, staff and the community; and

WHEREAS, on July 20, 2021, the City Council of the City of Winters (the "City Council") expressed intent to form a Natural Resources Commission; and

WHEREAS, the existing 5 voting members of the Winters Putah Creek Committee wish to become members of the Natural Resources Commission, as identified in Exhibit A; and

WHEREAS, Dennis Kilkenny, whose term on the Lower Putah Creek Coordinating Committee expired in August 2021, wishes to be appointed to the Natural Resources Commission for a four-year term.

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

Section 1. The City hereby finds and determines that the foregoing recitations are true and correct and are incorporated herein by this reference.

Section 2. The City hereby creates the Natural Resources Commission to achieve the following:

1. PURPOSE

The Natural Resources Commission (the "Commission") shall perform the following functions:

A. Act as an advisory body to the City Council related to the promotion, preservation, conservation, and enhancement of geologic, hydrologic, hydrogeologic, ecologic, biologic, atmospheric and other natural resources; and

B. Serve as a body of technical expertise in the area of natural resources to City staff and the community; and

C. Develop and implement public information programs related to increasing awareness of and promoting the conservation and stewardship of natural resources, such as developing a speakers' bureau on topics and assisting with disseminating public information; and

D. Assist with supporting staff as a "force multiplier" for staff assigned projects, such as water conservation, drought mitigation measures, reclaimed water, and other possible projects by conducting research, preparing reports, and developing recommendations.

2. MEMBERSHIP

The Commission shall consist of six (6) voting members who represent technical expertise in a natural resource area, the majority of whom must reside within the City of Winters or have a Winters address. All voting members of the Commission shall be appointed by the City Council.

Five (5) of the voting members will be selected by individual councilmembers, such that each councilmember shall recommend to the Council for appointment an individual with technical, professional, or significant interest or work within the natural resources / environmental sustainability field. In appointing members to the Commission, the councilmembers shall also endeavor to appoint individuals that represents the diversity of the community by race, age and gender as well as technical or professional expertise.

The sixth voting member shall represent the Lower Putah Creek Coordinating Council in order to ensure alignment, collaboration, and coordination related to the restoration and management of Putah Creek.

The Commission is strongly encouraged to maintain connections with other related entities, such as the Putah Creek Council, the Solano County Resource District, and others and may appoint liaisons to and from those entities as part of its work.

The Commission is strongly encouraged to maintain connections with other City advisory bodies and may appoint liaisons to and from those advisory bodies as part of its work.

The Commission may also be assigned a Council liaison as appointed by the City Council.

The City Manager will assign a staff member to support the Commission.

3. TERMS OF OFFICE

Each Commissioner shall serve a term of four (4) years. Each commissioner selected by a councilmember shall be selected upon the councilmember's election and confirmed by the full Council, or until a successor is appointed, unless otherwise terminated earlier pursuant to Section 4. As a result, terms shall be staggered following Council elections; commissioners will be appointed by the full Council in the month following the Council elections. The commissioner representing the Lower Putah Creek Coordinating Committee shall begin his or her term with the formation of the Commission.

4. TERMINATION OF APPOINTMENT

The term of any member of the Commission who has been absent from three (3) consecutive regular or special meetings, or who has missed more than 1/3 of the meetings in a 12-month period, without the approval of the City Council, shall automatically terminate. The Councilmember who designated that commissioner shall then designate a new commissioner for Council appointment. If the commissioner representing the Lower Putah Creek Coordinating Committee, the Council shall appoint a new commissioner.

A commissioner's term will terminate after four (4) years, or until a successor is appointed, unless earlier terminated by the election or appointment of a councilmember who will replace the councilmember who selected the individual Commissioner for appointment. The incoming councilmember shall then have an opportunity to designate a commissioner for Council appointment. The individual commissioner may continue to serve until a new appointment is made.

A commissioner may be re-designated and appointed to serve multiple terms.

Members of the Commission serve at the pleasure of the City Council and may be removed from office by a majority vote of the City Council.

5. VACANCIES

Vacancies on the Commission shall be filled for the unexpired term in the same manner in which regular appointments are otherwise made.

6. OFFICERS OF THE COMMISSION

The members of the Commission shall annually select one (1) of its members as Chairperson and one (1) of its members as Vice Chairperson. No Chairperson or Vice Chairperson shall serve more than two (2) consecutive years as chair. The Commission may also select a Secretary to assist with preparing agendas and minutes.

- a. The Chairperson of the Commission shall call the meetings to order at the appointed time; appoint all committees, subject to approval of the Commission; have all the powers and duties of the presiding officer as described in Rosenberg's Rules of Order; and perform such other duties as may from time to time be prescribed by the Commission.
- b. The Vice Chairperson of the Commission shall have all the powers and perform all the duties of the Chairperson in the case of absence or inability of the Chairperson to act. The Vice Chairperson shall perform such other duties as may from time to time be prescribed by the Commission or the Chairperson.
- c. The Secretary assists with preparing agendas and minutes, working closing with the assigned staff member to ensure Brown Act compliance.

7. MEETINGS OF THE COMMISSION

The Commission shall establish a regular time and place of meeting and shall hold regular meetings. Special meetings of the Commission may be called by the Chairperson, or by any four (4) or more voting members of the Commission, with permission of the City Council. Personal notice of a special meeting must be given to all members of the Commission. If personal notice cannot be given, written notice must be mailed to such members at least twenty-four (24) hours prior to said meeting, unless said notice requirement is waived in writing by said member.

8. QUORUM

For the purpose of transacting business, a quorum of the Commission shall consist of four (4) of the six (6) members.

9. OPEN GOVERNMENT

All meetings and deliberations of the Commission shall be conducted openly and publicly in accordance with the requirements of the Ralph M. Brown Act.

Section 3. The existing voting members of the Winters Putah Creek Committee and Dennis Kilkenny of the Lower Putah Creek Coordinating

Committee have expressed a desire to be appointed to the Natural Resources Commission. The City Council hereby appoints these individuals to the Natural Resources Commission consistent with the terms so noted in Exhibit A attached hereto and incorporated herein by reference.

This resolution was duly and regularly adopted by the City Council of the City of Winters, on the 7th day of September, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:



Wade Cowan, Mayor
City of Winters

ATTEST:



City Clerk
City of Winters

EXHIBIT A

RESOLUTION NO. 2021-55

NATURAL RESOURCES COMMISSION					
Member	Voting Member	City Resident	Appointed	Term Expires	Designee
Kurt Balasek	Yes	No	*8/2008	*8/2024	Biasi designee
Carol Scianna	Yes	Yes	*1/2021	*8/2022	Anderson Designee
Kate Laddish	Yes	Yes	*1/2018	*8/2024	Loren designee
Eric Larsen	Yes	Yes	*8/2018	*8/2022	Cowen designee
Eric Jepsen	Yes	Yes	*1/2020	*8/2022	Neu designee
Dennis Kilkenny	Yes	No	*8/2019	*8/2025	LPCCC Council designee

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS REESTABLISHING THE NATURAL RESOURCES COMMISSION ~~A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS~~ ~~ESTABLISHING THE NATURAL RESOURCES COMMISSION~~

NOW, THEREFORE, BE IT RESOLVED ~~by~~that the City Council of the City of Winters ~~that~~hereby approves to amend and replace Resolution 2021-55 to reestablish the NRC and revise the selection process to include an application and change its membership structure.

Section 1. The City hereby finds and determines that the foregoing recitations are true and correct and are incorporated herein by this reference.

Section 2. The City hereby creates the Natural Resources Commission to achieve the following:

1. ~~4.~~ PURPOSE

The Natural Resources Commission (the "Commission") shall perform the following functions:

~~A.~~A. Act as an advisory body to the City Council related to the promotion, preservation, conservation, and enhancement of geologic, hydrologic, hydrogeologic, ecologic, biologic, atmospheric and other natural resources; and

~~B.~~B. Serve as a body of technical expertise in the area of natural resources to City staff and the community; and

~~C.~~C. Develop and implement public information programs related to increasing awareness of and promoting the conservation and stewardship of natural resources, such as developing a speakers' bureau on topics and assisting with disseminating public information; and

~~D.~~D. Assist with supporting staff as a "force multiplier" for staff assigned projects, such as water conservation, drought mitigation measures, reclaimed water, and other possible projects by conducting research, preparing reports, and developing recommendations.

2. ~~2.~~ MEMBERSHIP

The Commission shall consist of ~~six~~seven (~~6~~7) voting members who represent technical expertise in a natural resource area, ~~the majority of whom must have~~

significant interest or work within the natural resources/environmental sustainability field, and reside within the City of Winters or ~~have an~~ in the Greater Winters address Area to include areas within the school district and/or the fire protection district. All voting members of the Commission shall be appointed by the City Council.

~~Five (5) of the~~ The voting members will be selected by ~~individual councilmembers, such that each councilmember shall recommend to the Council for appointment an individual with technical, professional, or significant interest or work within the natural resources / environmental sustainability field~~ an open application process. In appointing members to the Commission, the ~~councilmembers~~ City Council shall also endeavor to appoint individuals that represents the diversity of the community by race, age and gender as well as technical or professional expertise.

The ~~sixth voting member shall represent the~~ Solano County Water Agency (SCWA) Streamkeeper or other Lower Putah Creek Coordinating ~~Council~~ Committee (LPCCC) representative shall serve as an ex officio non-voting member in order to ensure alignment, collaboration, and coordination related to the restoration and management of Putah Creek.

The Commission is strongly encouraged to maintain connections with other related entities, such as the Putah Creek Council, the Solano County Resource Conservation District, and others and may appoint liaisons to and from those entities as part of its work.

The Commission is strongly encouraged to maintain connections with other City advisory bodies and may appoint liaisons to and from those advisory bodies as part of its work.

The Commission may also be assigned a Council liaison as appointed by the City Council.

The City Manager will assign a staff member to support the Commission.

3. TERMS OF OFFICE

Each Commissioner shall serve a term of four (4) years. ~~Each commissioner selected by a councilmember shall be selected upon the councilmember's election and confirmed~~ appointed by the full Council, or until a successor is appointed, unless otherwise terminated earlier pursuant to Section 4. ~~As a result, terms~~ Terms shall be staggered ~~following Council elections: commissioners will be appointed by the full Council in the month following the Council elections. The commissioner representing the Lower Putah Creek Coordinating Committee shall begin his or her term with the formation of the Commission.~~

4. TERMINATION OF APPOINTMENT

The term of any member of the Commission who has been absent from three (3) consecutive regular or special meetings, or who has missed more than 1/3 of the meetings in a 12-month period, without the approval of the City Council, shall automatically terminate.

~~shall automatically terminate. The Councilmember who designated that commissioner shall then designate a new commissioner for Council appointment. If the commissioner representing the Lower Putah Creek Coordinating Committee, the Council shall appoint a new commissioner.~~

A ~~commissioner's~~commissioner's term will terminate after four (4) years), or until a successor is appointed, ~~unless earlier terminated by the election or appointment of a councilmember who will replace the councilmember who selected the individual Commissioner for appointment. The incoming councilmember shall then have an opportunity to designate a commissioner for Council appointment.~~ The individual commissioner may continue to serve until a new appointment is made.

A commissioner may be ~~re-designated and appointed~~re-appointed to serve multiple terms.

Members of the Commission serve at the pleasure of the City Council and may be removed from office by a majority vote of the City Council.

5. VACANCIES

Vacancies on the Commission shall be filled for the unexpired term in the same manner in which regular appointments are otherwise made.

6. ~~6.~~ OFFICERS OF THE COMMISSION

The members of the Commission shall annually select one (1) of its members as Chairperson and one (1) of its members as Vice Chairperson. No Chairperson or Vice Chairperson shall serve more than two (2) consecutive years as chair. The Commission may also select a Secretary to assist with preparing agendas and minutes.

- a. The Chairperson of the Commission shall call the meetings to order at the appointed time; appoint all committees, subject to approval of the Commission; have all the powers and duties of the presiding officer as described in ~~Rosenberg's~~Rosenberg's Rules of Order; and perform such other duties as may from time to time be prescribed by the Commission.
- b. The Vice Chairperson of the Commission shall have all the powers and perform all the duties of the Chairperson in the case of absence or

inability of the Chairperson to act. The Vice Chairperson shall perform such other duties as may from time to time be prescribed by the Commission or the Chairperson.

- c. The Secretary assists with preparing agendas and minutes, working closing with the assigned staff member to ensure Brown Act compliance.

7. ~~7.~~ MEETINGS OF THE COMMISSION

The Commission shall establish a regular time and place of meeting and shall hold regular meetings. Special meetings of the Commission may be called by the Chairperson, or by any four (4) or more voting members of the Commission, with permission of the City Council. Personal notice of a special meeting must be given to all members of the Commission. If personal notice cannot be given, written notice must be mailed to such members at least twenty-four (24) hours prior to said meeting, unless said notice requirement is waived in writing by said member.

8. ~~8.~~ QUORUM

For the purpose of transacting business, a quorum of the Commission shall consist of four (4) of the ~~six~~seven (~~6~~7) members.

9. ~~9.~~ OPEN GOVERNMENT

All meetings and deliberations of the Commission shall be conducted openly and publicly in accordance with the requirements of the Ralph M. Brown Act.

Section 3. The existing ~~voting~~ members of the Winters Putah Creek Committee are ~~Committee and Dennis Kilkenny of the Lower Putah Creek Coordinating~~

~~Committee have expressed a desire to be appointed to the Natural Resources Commission. The City Council hereby appoints these individuals to the Natural Resources Commission consistent with the terms so~~ noted in Exhibit A attached hereto and incorporated herein by reference.

Section 3. Resolution No. 2021-55 is hereby repealed.

EXHIBIT A

NATURAL RESOURCES COMMISSION					
Member	Voting Member	City Resident	Appointed	Term Expires	Designee

Kurt Balasek	Yes	No	* 8/12/2008 <u>2024</u>	* 8/12/2024 <u>2028</u>	Biasi designee
Carol-Scianna <u>Miles</u> <u>DePrato</u>	Yes	Yes	* 1/11/2021 <u>2023</u>	* 8/12/2022 <u>2026</u>	Anderson Designee <u>Scianna</u> designee
Kate Laddish	Yes	Yes	* 1/12/2018 <u>2024</u>	* 8/12/2024 <u>2028</u>	Loren designee
Eric-Larsen <u>Rich</u> <u>Marovich</u>	Yes	Yes <u>No</u>	* 8/1/2018 <u>2023</u>	* 8/12/2022 <u>2026</u>	Cowen <u>Casavecchia</u> designee
Eric Jepsen <u>Jepson</u>	Yes	Yes	* 1/2020 <u>2023</u>	* 8/12/2022 <u>2026</u>	Neu <u>Vallecillo</u> designee
Dennis Kilkenny <u>Vacant</u>	Yes <u>No</u>	No <u>Yes</u>	* 8/9/2019 <u>2021</u>	* 8/9/2025	LPCCC Council designee



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers

DATE: March 18, 2025

THROUGH: Jeremy Craig, City Manager

FROM: Jack S. Snyder III, Fire Chief

SUBJECT: Resolution No. 2025-09 Authorizing the Addition of Two Fire Engineers and One Firefighter as Full-time Employee Positions and Amending the FY 2024/25 Budget to reflect assessment revenues.

RECOMMENDATION:

Approve Resolution No. 2025-09 authorizing the addition of two fire engineers and one firefighter as full-time employee positions and amending the FY 2024/25 budget to reflect assessment revenues.

BACKGROUND:

The property owners a ballot and notice of a public hearing to consider an assessment to fund three additional full-time firefighters and department needs. Of the ballots returned, there was more support than opposition for the assessment, weighted based on the financial obligation of the property owner. At its August 6, 2024 meeting, the City approved the assessment. The assessment revenues would fund firefighting positions and vehicle and equipment replacement . . The positions identified in the department's needs are for an additional two fire engineers and one firefighter at a budgeted cost of \$446,148 annually.

DISCUSSION:

Since the approval of the assessment subject to Proposition 218, the City of Winters needs to add three new full-time employee positions. These positions will include two fire engineers and one firefighter. All funding for these positions will come from the revenues generated from the assessment placed on property tax bills.

Fire assessment revenue activity is based upon the tax year (Jan-Dec) while the City

operates on a fiscal year (July-June). This difference creates a timing difference in revenues and expenses for the program's first year. Here is the proposed budget impact for the entire year for the fire assessment:

Property Tax Assessment Revenues (Prop 218) -	\$640,379
Salaries and Benefits – Fire	\$446,148
Designated for Fire Capital and Equipment -	\$194,231

For fiscal 2024-2025 budget purposes, staff is requesting the following budget adjustments, as the rest of the expenditure activity will fall into next year's fiscal budget and will be part of the proposed FY 2025-2026 budget:

Property Tax Assessment Revenues (Prop 218) -	\$640,379
Salaries and Benefits – Fire (April-June)	\$111,537

The action proposed tonight will create three (3) new full-time positions in the fire department (two fire engineers and one firefighter) and authorize a FY 2024-2025 budget amendment to account for the property tax revenue received in the current fiscal year and the expenditure activity anticipated in the current fiscal year. The remaining expenditure activities will fall into the FY 2025-2026 budget process.

ENVIRONMENTAL ANALYSIS:

The action being considered is exempt from the California Environmental Quality Act (CEQA) because it is not a "project" per Section 15378(b)(5) of the CEQA Guidelines. The action involves an organizational or administrative activity of governments that will not result in direct or indirect physical change in the environment.

FISCAL IMPACT:

A whole year of assessment activity will increase revenues by \$640,379 with offsetting expenditures of \$640,379 (\$446,148 in personnel costs and \$194,231 for capital and equipment)

ATTACHMENTS:

1. Resolution 2025-09

Resolution No. 2025-09

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
AUTHORIZING THE ADDITION OF TWO FIRE ENGINEERS AND ONE
FIREFIGHTER AS FULL-TIME EMPLOYEE POSITIONS AND AMENDING THE FY
2024/25 BUDGET TO REFLECT ASSESSMENT REVENUES**

WHEREAS property owners in the City of Winters and approved an assessment on August 6, 2024 that allowed for additional revenue for the Fire Department to enhance its operations, capabilities and sustainability; and

WHEREAS, the purpose of the assessment is to provide funding for the Fire Department to enhance its ability to mitigate emergencies in the City of Winters by hiring additional staff in addition to procuring or replacing fleet and equipment; and

WHEREAS, the Fire Department has identified the need for additional full-time employee staff as two engineers and one firefighter with the use of assessment revenues; and

WHEREAS, the new Fire Department positions will result in the use of \$446,148 in assessment revenues, to fund the salaries and benefits of the three positions for a full twelve months; and

WHEREAS, the City of Winters needs to augment the FY 2024/25 budget to add the three new full-time employee positions; and

WHEREAS, the FY 2024-2025 year budget needs to be amended to reflect the assessment revenues during the fiscal year.

NOW, THEREFORE, the City Council of the City of Winters does hereby resolve as follows:

SECTION 1. The above Recitals are true and correct and by this reference. incorporate herein.

SECTION 2. The City Council authorizes the addition of two (2) Fire Engineers and one (1) Firefighter full time positions.

SECTION 3. The City Council authorizes a budget amendment to the fiscal year 2024-2025 budget to include Property Tax Assessment Revenues (Prop 218) - \$640,379 and Salaries and Benefits – Fire (April-June) - \$111,537

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Winters, California, at a regular meeting thereof held this 18th day of March 2025, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

CITY OF WINTERS

Albert Vallecillo, MAYOR

ATTEST:

Jeremy Craig, City Clerk