**AMMENDED AGENDA AS OF 8:30AM September 19, 2023**

# Winters Regular Council Meeting
# Tuesday, September 19, 2023 @ 6:30 PM
# AGENDA

*Members of the City Council*
*Bill Biasi, Mayor*
*Albert Vallecillo, Mayor Pro-Tempore*
*Richard Casavecchia*
*Jesse Loren*
*Carol Scianna*

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MEETING INFORMATION
Meeting Information
The Winters City Council meeting will be held in person at Winters City Hall 318 First Street(Abbey Street entrance). Members of the public are welcome to participate via Zoom https://us02web.zoom.us/j/89855949754?pwd=Y09JK1ZaRmt0ejJuazNsRmhvaDRXZz09
Meeting ID: 898 5594 9754 Passcode: 202614
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. REPORT OUT FROM CLOSED SESSIONS HELD ON 9/13 & 9/18
6. 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.
7. 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 from the Regularly Held Meeting of the Winters City Council on September 5,2023.
20230905_Minutes
Exhibit_A_Publicc_Comments

B. Minutes from the Special Meeting of the Winters City Council on September 13, 2023
20230913Minutes
ExhibitA

C. Resolution 2023-57 Approving a New Job Classification for the Maintenance Worker Series [I, II, III] (AMMENDED CLASSIFICAITON CHANGES ARE IN RED)
Staff_Report_Update_Maint_Worker_Series_Classification
Att_1_Resolution2023_57
Att_3_AMMENDED_Job_Description

D. Resolution No. 2023-64 Authorizing the Purchase of Two Zero DSRP Electric Motorcycles from Elk Grove Power Sports in the Amount of $55,705.84 for the Winters Police Department and Amending the Budget by $46,500 in Revenue and $57,745 in Expenditures.
Staff_Report_PD_Authorizing_Electric_Motorcycle
Att_1_Resolution2023_64 Att2_Winter_PD_Bike_1
Att3_Winter_PD_Bike_2
Att5_YSAQMD_Award_Letter
Att4_FY23_24_CTFGP_Intent_to_Award_Winters

E. Resolution of Censure of Councilmember Richard Casavecchia
Staff_Report_Resolution_of_Censure
Resolution2023_66

F. Resolution 2023-67 for Claim of Transportation Development Act Funding
Staff_Report_2023_24_TDA_Claim
Att_1_Resolution_67
Att_2_TDA_Claim_Form

G.Resolution 2023-69 Approving Cradwick Building Deed of Reconveyance and Economic Development Block Grant Loan Payment Deferral for One Year.
Staff_Report_Cradwick_Deed_and_Loan_Deferral
Att_1_Resolution2023_69
Att_2_Cradwick_Partnership_Request
Att_3_Letter_of_Acknowledgment
Att_4_Loan_Amortization_Schedule

H. Resolution 2023-70 Approving a Second Amendment to the Ground Lease Agreement with Sacramento Valley Limited Partnership d/b/a Verizon Wireless and a First Amendment to the Annex Parcel Lease Agreement with American Tower Delaware Corporation
Staff_Report_First_Amendment_to_Annex_Parcel_Lease_Agreement_with_American
Resolution_2023_70

8. PRESENTATIONS
   A. Presentation of Certificate of Appreciation to Mr. Jim Witt for his generous donation of a boat, trailer, and water rescue equipment to enhance the capabilities of the Winters Fire Department Swift Water Rescue Team.
   B. Presentation and report of the 2nd Alarm Commercial Structure Fire at 42 Main Street on August 31, 2023.
9. DISCUSSION ITEMS

A. Consideration of Extension of Period of Refusal to Issue Building Permits and Certificates of Occupancy to Meritage Homes of California, Inc. Under the Amended and Restated Development Agreement Regarding the Winters Highlands Subdivision

Staff_Report_Meritage_Building_Permits

Resolution2023_68

B. Resolution No. 2023-65 Accepting Grant Funding from the Federal Emergency Management Agency (FEMA) Staffing for Adequate Emergency Response (SAFER) Program in the amount of $345,750.

Staff_Report_FEMA_SAFER_Grant

Att_1_Resolution2023_65

Att_2_FEMA_Award_Package

C. Committee Appointments to Replace Councilmember Casavecchia

Staff_Report_Committee_Reassignments_Censure

Casavecchia_Liason_Assignments

10. CITY MANAGER REPORT
11. INFORMATION ONLY
12. 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 , and made available to the public during normal business hours.

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Kathleen Salguero Trepa, 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. How to obtain City Council Agendas and Agenda Packets: View on the internet: http://www.cityofwinters.org/city-council-meetings_/ 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 Winters City Council Held on September 5, 2023

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Mayor Biasi 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: City Manager Kathleen Trepa

Joe Gorton led the Pledge of Allegiance.

APPROVAL OF AGENDA:
Motion by Council Member Loren, second by Mayor Pro Tem Vallecillo to approve the agenda as is. Motion carried with the following vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

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

Mayor Biasi commented there was no reportable action from the closed session held on August 28 nor September 5.

PUBLIC COMMENTS:
Irene Tweedt and Liz Coman invited members of council and the public to a dedication for Kate Humphries in September.

Corrinne Martinez shared the downtown businesses efforts to extend entertainment zones following the expiration of the COVID guidelines in March 2024, and noted compliance with current ABC rules. She also shared that the State just approved a new

AVA in the greater Winters area, called Winters Highland, and noted that two new wineries were opening on Putah Creek Road.

Chris Turkovich expressed his concern for Downtown Visioning Plan being brought forward to the Planning Commission on September 7th and requested the downtown businesses be more involved before any decisions are made since there was minimal public engagement.

CONSENT CALENDAR:

A. Minutes from the Regular Meeting of the Winters City Council on July 18, 2023
B. Minutes from the Regular Meeting of the Winters City Council on August 1, 2023
C. Warrant Register for the Month of July 2023
D. Resolution 2023-56 Ratifying Change Orders to Construction Contract 030-22 With Vintage Paving
E. Resolution No. 2023-58 Approving the Purchase of a Vacuum Excavator for the Public Works Wastewater Division
F. Resolution No. 2023-59 Accepting Grant Funding from the Cal Fire Rural Fire Capacity Program in the amount of $3,545.
G. Resolution No. 2023-61 Ratifying the Purchase of a Patrol Vehicle from Folsom Ford in the Amount of $55,676.71; Authorizing the Upfitting of a 2023 Ford Interceptor in the Amount of $28,513.25 from Lehr for the Police Department; Authorizing the Purchase of a Radio from Motorola in the Amount not to Exceed $7,897.20; and Authorizing the Application of Graphics By Creekside Signs to the Vehicle Acknowledging the Donation and Honoring the Memory of Mrs. Lura Meyer in the Amount not to Exceed $1,287.00.
H. Resolution 2023-63 Approving a General Services Agreement with APS Environmental Inc. for a CCTV Camera Inspection Project at El Rio Villa in the Not to Exceed Amount of $48,000 and Authorizing the City Manager to Approve Change Orders Up to $4,800
I. Main Street Closure Request for the High School Pep Rally September 22, 2023
J. E. Main Street Closure for Festivál de la Comunidád September 30, 2023

City Manager Trepa provided an overview of the consent calendar items.

Motion by Council Member Loren, second by Council Member Scianna to approve the agenda as is. Motion carried with the following vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

PRESENTATION:

DISCUSSION ITEMS:

A. Resolution No. 2023-62 Approving an Animal Control Services Agreement with Yolo County in the not to Exceed Amount of $86,068 for Fiscal Year 2023/24 and Authorizing the City Manager to Execute the Agreement.

Police Chief Miller presented to the City Council.

Mayor Biasi inquired about service levels provided by the county as costs escalate each year. He also requested community input to better understand what the community wants in the way of animal control services.

Alexander Tengolics from the County Administrator's Office responded to council comments and questions.

Council Member Loren inquired on spay and neuter services provided by the county.

Council Member Casavecchia inquired on the number of animal intake calls.

Mayor Biasi commented on his involvement sitting on the Countywide JPA and their recent discussions and noted his desire to bring Animal Control Services back as a future discussion item.

Megan Evans expressed concern for the escalating number of cats and the desire to increase spay and neuter services.

Lisa Gaynes commented on the goals and intention of the JPA and the need to have more transparency and community volunteers to help the program. She said the animal shelter was dilapidated and that public funds should not be used to build a new shelter.

Councilmember Casavecchia inquired about public/private shelters as an option for similar services for the City of Winters in the future.

Karen May commented on her neighbor's barking dogs and their poor living environment; she thanked the individuals who assisted with this animal services/ code compliance case.

Mayor Biasi noted the City was at the County's mercy for services, and that he would like better services and more information regarding the program's financials.

Motion by Council Member Loren, second by Council Member Casavecchia to adopt Resolution No. 2023-62 approving the agreement between the County of Yolo and the City of Winters for Animal Control Services in the not to exceed amount of $86,086 for Fiscal Year 2023/24 and authorizing the City Manager to execute the agreement. Motion carried with the following vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

B. Consideration of Censure of Councilmember Richard Casavecchia and Agendizing a Possible Resolution

Assistant City Attorney Martin de los Angeles presented the item to the Council.

Mayor Pro Tem Vallecillo commented on the oath of office signed by members of the council following the election, which each member enters into freely and willingly. The oath includes swearing allegiance to the constitutions and that as community leaders they should support the law; they can't choose which ones to obey and not obey. He added that community leaders need to lead by example. He expressed his disappointment in having to take action against a colleague early on in his tenure on the city council. He concluded that Council Member Casavecchia's behavior was unacceptable, noting his conviction of two misdemeanors for possession of weapons and stating that assault weapons have been illegal since 1989 and that the charges stemmed from a request by his spouse for a protective order.

Councilmember Scianna commented that elected leaders sign on to be community leaders representing the community, and that the series of events by Council Member Casavecchia have shed a negative light and press on the council and the city. She noted his poor choices and lack of ownership on Council Member Casavecchia's behalf. She noted it would be unacceptable to give him a pass based on his actions and indicated her desire to move forward with the censure.

Public comments submitted prior to the meeting by Nancy Northrup, Susan Stackhouse, Cynthia Rodriguez, and Moises Diaz were read into the record. (Exhibit A)

Sally Brown identified her full support for the council censuring Councilmember Casavecchia and recommended removal from appointments. She concluded that it would be a shame if he didn't step down and then not be re-elected; people would view him favorably if he stepped down.

Woody and Rebecca Fridae commented on the skills that Council Member Casavecchia brings to the council. Woody continued to say that Winters is different and close-knit community, that crosses political lines, unlike national politics, the community has not forgotten how to compromise or apologize if one makes a mistake, but his recent actions are tearing Winters apart. He supports the 2nd amendment, but this is not about owning a gun, what concerns people is his combative stance about owning guns – not an ounce of apology or responsibility when it comes to gun ownership. Ignorance is no excuse. If he just acknowledged he made a mistake, it would go a long way. Accepting a censure would show he was ready to move forward. Taking a combative stance only sets

up further division and turmoil. If do apologize, people will work with him in the future.

Dick Holdstock from Davis commented 5 should vote for censure and that an apology from the councilmember is the right thing to do. He noted his desire to be engaged in a recall should Councilmember Casavecchia not apologize.

Jennifer Rindahl commented on her support for censure. She noted that his remaining on council would contribute to fear amongst members of the public.

Karen May noted her support of him in the election, and that she is now disappointed in his actions and wasted her vote. She doesn't think he understands the gravity of the issue and should offer his resignation. He shows he has no respect for women, and that his child was involved.

Kate Laddish thanked council for the discussion and for waiting until the court process was done and sentencing concluded. She requested that council direct staff to bring forward a resolution of censure and that he be relieved of his committee appointments, and he be asked to resign. She noted that everyone signed the Code of Conduct, and it was up to the community and Council to take action. She also noted he was under probation for a previous infraction when he ran for office.

Council Member Loren recognized the thought and effort put forth in public comment and the desire to put the community as a whole first. She noted that the actions of Mr. Casavecchia have rocked, disturbed and embarrassed her in other public meetings. She noted that police departments must remove weapons following a felony domestic violence charge. She added that she read his Facebook post, and that to paint his arrest as an overreach is unfair to the City, the Police Department and the law. She noted a resolution of censure is necessary to move forward. She cited domestic violence statistics and added that the police department was doing their due diligence to follow the law.

Councilmember Casavecchia noted his disappointment that no one on Council asked him what happened when they could have. He noted the two guns in questions are the most commonly owned firearm in America and were bought legally in Colorado 12-15 years ago; they have been in the same configuration as they always have been. No one has accused him of using them inappropriately. He has a hard time voting for censure for himself when the law has already been ruled unconstitutional once. He believes in following the constitution, not the law. Censure is not in keeping with his oath to follow the constitution.

Mayor Biasi commented that this topic has weighed heavily on him and that censure is a method the council has to address what is perceived as wrong doing. This incident is not related to abuse of authority as a public official but actions that occurred privately. However, Council Member Casavecchia does

represent the City and the Council. The oath of office is to uphold the constitution and the State of California, and the laws prohibit what he pled no contest to. It has the appearance of impropriety. Councilmembers take ethics training. He believes the incident was a mistake, and that he didn't intentionally break the law. The Mayor further stated that asking a council member to resign should be up to the public, with a petition and ballot measure. With regard to removing him from his committee assignments, he hasn't seen anything in writing from any of those committees asking to remove him. Unless he does, he can't support removing him from his assignments. If we make mistakes, and step forward and acknowledge that, it goes a long way.

Councilmember Loren inquired about the need to identify support at this meeting for findings A-G on the proposed findings attached to the staff report.

Councilmember Casavecchia inquired if the resolution needs to be a hearing or can he waive a hearing and can it be placed on the consent calendar in the interest of time. Following some discussion with the Assistant City Attorney, staff recommended that the Council vote on whether the resolution should be placed on the consent calendar.

Mayor Biasi noted the contents of the resolution may need to be discussed.

Mayor Pro Tem Vallecillo commented that council could go through items A-G to ascertain approval or disproval. He noted his desire to continue to uphold due process.

Councilmember Loren supported adoption of resolution including A-F with a modification related to a time limit on D, removal of committee appointments.

Mayor Biasi questioned the need to go through every finding. Staff requested confirmation from council for the record.

Each item was read bv Mayor Pro Tem Vallecillo. Councilmember Casavecchia abstained while the majority of the other four members showed support each item as read, except D, which was amended to remove Council Member Casavecchia from appointments for 6 months and removing G, requesting that Council Member Casavecchia voluntarily resign from the Council.

Council voted to place the resolution on the consent calendar, 4-0-1, with Council Member Casavecchia abstaining.

Councilmember Casavecchia inquired if he could receive an apology if the law is ruled unconstitutional, which was met with protest.

Councilmember Casavecchia apologized for lack of knowledge that caused him to break the law.

CITY MANAGER REPORT:
None

INFORMATION ONLY:

ADJOURNMENT:
Meeting adjourned in honor of Supervisor Gary Sandy at 8:12PM

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Bill Biasi, MAYOR

ATTEST:

_____
Kathleen Salguero Trepa, City Clerk

**From:** Nancy Northrup
**To:** Ellena Branson
**Cc:** Nancy Northrup
**Subject:** Richard Casavecchia
**Date:** Saturday, September 2, 2023 12:10:07 PM

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To: Winters City Council
From: Nancy Northrup
Re: Richard Casavecchia

The purpose of this letter is to address the issue of censuring Winters City Council member, Richard Casavecchia.

I strongly recommend and support the city council censuring Mr. Casavecchia. The definition of censure is: Censure is the public reprimanding of a public official or political party representative for inappropriate conduct or voting behavior.

Mr. Casavecchia has definitely exhibited inappropriate conduct for which he was arrested and plead no contest to possession of an assault rifle. In addition, his actions exhibited poor decision making and a disregard for the law. I, along with many others, had hoped he would resign and spare the people of Winters the angst and embarrassment of having this hang over our city. Resigning would have been the honorable action. Given that he did not resign, I believe the council MUST censure Mr. Casavecchia. Other towns are watching what is done in Winters.

On a personal note, I am disgusted by any public servant thinking they are above the law. As an educator/administrator for 36 years, I know too well that we in service positions must be held to a higher standard!! Unless examples are set for illegal actions by public servants, the trend will continue.

Censure is the only tool at hand to show disapproval for Mr. Casavecchia's illegal actions. I strongly recommend the council step forward and do the right thing.

Sincerely,

Nancy Northrup
942 Potter Street
Winters, Ca.
95694

Dear Council :

As a member of the Winters community, I am very concerned by the scary conduct of Councilmember Casavecchia and his possession of a small arsenal of illegal weapons, including assault weapons; some of the weapons were unregistered and unregisterable.

As a city council member, he has promised to uphold the law and our constitutions, both state and federal. Further, his oath and common decency require that as a leader, he should model honesty, integrity, respect for the law and good judgment. His behavior has demonstrated a sore lack of these leadership qualities. In fact, just the opposite: disrespect for law and poor judgment, inspiring fear in our community.

I strongly urge the Council to vote to censure.

My hope is that the Councilmember will recognize the shame he has brought to his office and resign. He is NOT a role model for our kids, our community, or even our dogs.

With All Due Respect,
Susan Stackhouse
PO Box 1004
Winters, CA 95694

**From:** cynthia rodriguez
**To:** Ellena Branson; Albert Vallecillo; Bill Biasi; Jesse Loren; Carol Scianna
**Subject:** Fw: letter to all city counsel members STAN CAN I SEND THIS ASAP
**Date:** Tuesday, September 5, 2023 9:06:20 AM

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Dear Ellena Branson, Clerk of the Board, to all council members and to be read into the record of todays meeting,

My name is Cynthia Rodriguez and I have lived in Winters for 35 years, right next to the dry creek across from Valley Oak Drive. I am an attorney, my husband is a retired pediatrician, and we raised 4 children in Winters, two of whom remain Winters citizens to this day. They are now a doctor, an attorney, a teacher and a disabled adult, all of whom benefited greatly from the values and community of Winters. My grandchildren now attend the same Winters schools their own parents did. So our roots run deep in Winters, and we are deeply invested in a safe future for our community.

I write this letter on my own behalf, to state the obvious: that councilmember Richard Casavecchia, who broke the law and originally faced felony weapons charges before Yolo county courts, must be censured. Although he was allowed to plead to misdemeanor versions of his crimes in order to save face, his actions underlying the crime endangered and brought shame to the community, as reported through multiple outlets and as forever memorialized by googling Mr. Casavecchia's name along with the city of Winters. Mr. Casavecchia betrayed his obligation to uphold the lawful authority, integrity, and trust that is vital for the face of city government. Mr. Casavecchia's actions compel us, as a community, to act in accordance with these values, because he cannot. I write to urge all with the power to do so that Mr. Casavecchia must be censured.

Mr. Casavecchia ran for office claiming his unique experience in the military allowed him to grasp the needs of Winters. In the military, Mr. Casavecchia's current violations of the law and flaunting of rules and authority would be looked upon very harshly because of the shame it would bring to all associated with him. Winters, all of us, must respect the law, and we cannot require that others respect, or put our futures in, the hands of a council member who blatantly violates it in multiple ways. This is not an example we can allow to stand or be followed. Recall is also a necessity.

Cynthia Rodriguez
28017 State Highway 128
Winters, CA

September 5, 2023

Winters City Council
Attn: Ellena Branson
318 1st St.
Winters, CA 95694

To Ms. Branson,

I am contacting you today in regards to City Councilman Richard Casavecchia. Specifically, about Mr. Casavecchia's censure for inappropriate conduct while serving as a publicly elected official.

As a constituent and member of the greater Yolo County community, it was discouraging to learn that Councilman Casavecchia had been arrested for not just physically assaulting his spouse, but also for being in possession of unlicensed or unregistered firearm weapons.

To be in an elected position is to be a public servant that engenders trust in pursuing public priorities and being a leader that moves with integrity and dignity. Initially, we the public learned that Councilman Casavecchia could potentially be facing felony charges. Soon, however, Councilman Casavecchia was allowed to plead to misdemeanor charges instead. But the damage had already been done.

In an era of heightened violence towards elected officials and volunteer public servants, we must ask ourselves what message we broadcast to the rest of our state and country by turning a blind eye to the infractions of someone expected to behave within the law, not above it? We ask a lot of our elected officials because they represent us and we trust them to be dignified leaders and be good agents of lawful authority. Mr. Casavecchia has betrayed that trust. Not only has he betrayed the public trust, he has demonstrated poor decision-making. How can the community of Winters, and, by extension, the community of Yolo County, expect Councilman Casavecchia to be a responsible leader after such brutish choices? We can't.

As a voter and constituent of Yolo County, I ask for Councilman Casavecchia to be censured for his reckless behavior as a locally elected leader. Were Councilman Casavecchia an active duty service member, his actions would have merited a consequential response. I urge the elected body of this chamber to censure Councilman Casavecchia for his irresponsible conduct demeaning to the office which he holds.

Thank you!

Moises Díaz
City of Davis
Yolo County Resident

**Minutes of the Special Meeting of the Winters City Council on September 13, 2023**

Mayor Biasi called the meeting to order at 8:02am

Present: Council Members Richard Casavecchia, Jesse Loren, Carol Scianna, Mayor Pro Tem Albert Vallecillo, Mayor Bill Biasi
Absent: None

**Public Comment**

Alan Hirsch expressed his concern regarding the local decision-making efforts related to the I-80 widening. He provided a packet of information (Exhibit A), including an article from Monica Stark in the Davis Enterprise. He noted that there is a poor transit system regionally and that this widening effort will only make climate maters and commuting times worse.

**Closed Session**

City Council adjourned to closed session at 8:06am

1. Closed Session pursuant to Government Code § 54957
   Public Employment
   Title: City Manager – Interview Candidates

Report out of closed session will occur at the next meeting of the Winters City Council on September 19, 2023.

_____
Bill Biasi, MAYOR

ATTEST:

_____
Kathleen Salguero Trepa, City Clerk

# Caltrans versus science in the great I-80 debate

Davis Enteprise 9-3-23 pg B3

By Alan Hirsch
*Special to The Enterprise*

## Commentary

There is a litmus test before our local Yolo city council members: will they listen to the scientists saying we have to rethink on our transportation system in response to congestion and climate crisis or will they continue Caltrans' traditional pattern of widening freeways — a pattern history shows never fixes congestion for long, but does assure worsening climate change.

The issue before them is how to deal with the peak-hour traffic congestion on I-80 on the Yolo Causeway, particularly at Tahoe travel times. The issue was brought to a head by the $86 million dollars in "free money" offered by Congress, a down payment on the $380 million project, making it the most expensive public works project in Yolo County by a factor of 10. It will be the larger project most city council folks will likely vote on in the career.

This debate takes on greater urgency as based on UC Davis analysis: this 33% widening of the freeway will encourage more sprawl and longer commutes — an amount of driving equal to adding 12,000 more cars to the road. This is "induced demand" — independent of travel caused by population growth. This make it the most impactful project in regard to climate change in Yolo county.

Thus, the great debate.

## Two views

First, a letter from Professor Susan Handy, head of the National Center for Sustainable Transportation (hosted at UCD). You will note she critiques not just the project's effectiveness, but notes that Caltrans environmental review methods have consistently failed predict what historically happens: the new lanes re-congest in a few years due to "induced demand" effect: wider freeways encourage more and longer commutes that soon fills added lane capacity.

*Dear Chair Tom Stallard and members, Yolo Transportation District Board of Directors.*

*I support CTC (California Transportation Commission) staff recommendation to not fund the Yolo 80/US 50 Corridor Improvement Project at this time. I oppose this project based both on my expertise as one of the top transportation researchers in the country and as a long-time resident of Davis.*

*Academic studies have convincingly and conclusively established that increases in highway capacity led to increases in vehicle miles of travel (VMT). The work by my team at the Institute of Transportation Studies at the University of California, Davis shows that traditional methods for evaluating highway widening projects consistently underestimate the increase in VMT that such projects generate, thereby over-estimating their benefits with respect to congestion reduction and under-estimating their impacts with respect to greenhouse gas emissions and other environmental impacts. Increased emissions associated with the increase in VMT swamps any reduction in emissions stemming from what will inevitably be a temporary improvement in traffic flow. In short, highway widening projects are inconsistent with the state's goal for reducing greenhouse gas emissions.*

*As a solution to congestion, highway widening projects are ineffective, as research as well as historical experience demonstrate. This is true whether the project is a conventional lane, or a managed lane open to private vehicles. The only proven way to reduce congestion is to combine congestion pricing with substantial investments in alternatives to driving, particularly high-quality transit service. Investments in transit as a mitigation for the highway widening rather than a replacement for it are also ineffective, in that the highway widening reduces the incentive to use transit. Any attempts to mitigate the increase in VMT short of implementing a pricing strategy is likely to fall short.*

*As a Davis resident I regularly observe traffic on I-80 when bicycling to south Davis and when driving to Sacramento at various times of day. Yes, traffic slows in Davis, but it rarely reaches extreme levels except on Friday afternoons. This level of congestion can only be considered a problem because we have set unrealistic standards for travel time and because we have given people few alternatives to driving. The solution is not to persist in a century-old approach that has proved unsuccessful time and time again. The solution is a new way of thinking about transportation.*

*— Susan Handy*

YoloTD Chair Stallard's response (Transcribed from YoloTD board meeting video time beginning stamp: 1:06 https://youtu.be/O7odnLgxuF4):

*We just have to be realistic ...*

*I read the letters sent to us this afternoon. Lot of ideas, good ideas. But I have grandchildren, so I really care about their future ...*

*But with respect for the issue of the fourth lane, I look at this in this context of an interstate freeway that basically goes from Mexico to Canada. From the Carquinez Bridge it is at least four lanes except from Sacramento to Davis, so it is not so much we are working so hard on this to create more vehicle mile traveled we are trying to eliminate what has become a terrible bottleneck that inconveniences thousands of people.*

*I understand some people like the fact there is congestion as it forces them to seek other options, but I think of the fact of my daughter with two young children both of which who have swim team and work out, have piano lessons at different times, (for) all these things transit is not a viable option in many circumstances for many people.*

*I know the kind of expectations put on many of us in many places in our roles, but we just have to be realistic.*

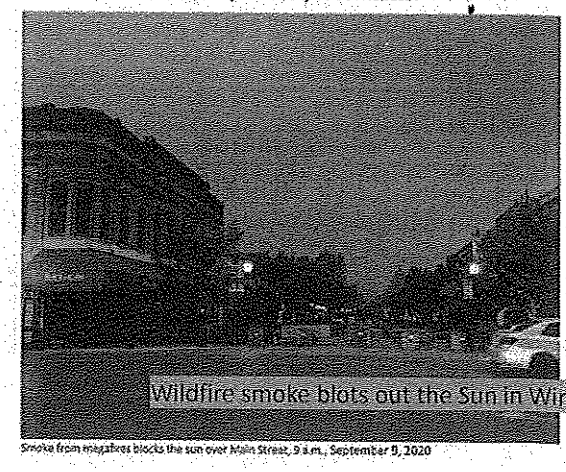
*That said, I am a firm believer in the value of transit ... Traveling in the first-class comfort of the train, I feel like, I hope people don't assume we don't care about environmental implications. We are just the last in line Solano County has moved forward to more accommodating in context of I-80 as it exists over 70 or 80 miles. (stet: only 40). I don't believe in revolution over evolution. The loss of tolling is horrendous. The Golden Gate Bridge toll pays for buses. I wanted to put this on the record. I really believe the district is on the right path.*

*— Alan Hirsch is seen handing out the lawn signs in the Farmers Market, including "Love your neighbor" and the multilingual "Wherever you are from, we're glad you are our neighbor."*

# Transportation Science Denial, Climate Change, and $86 Mil in Free Fed Money

2021 FINAL WINTERS CLIMATE ACTION PLAN

Adopted by Winters City Council 7/20/2021




Smoke from migratory blocks the sun over Main Street, 9 a.m., September 9, 2020

1

1

# Winter's CAAP 2021 ¾ GHG from Driving pg 16

2

| FOCUS AREAS | GHG Re Tar |
|---|---|
| Mobility | 3 |
| Complete Streets Concept Plan | 0 |
| Infill Development, Redevelopment and Repurposing | 0 |
| Smart Growth in New Development | 0 |
| Reducing Motor Vehicle Trips | 1. |
| Increased Public Transit Use, Walking and Biking | 2. |
| Reduced Emissions from Vehicle Idling and Other Equipment | 1 |
| Increased Use of Alternative-Fuel Vehicles | 2 |
| Building and Infrastructure Energy | 61. |
| Lighting Upgrades | 11 |
| Appliance/Office Equipment Upgrades | 1.5 |
| Comprehensive Building Efficiency | 12 |
| Improved Building Temperature Controls | 2 |
| Energy Conservation Education | 3 |
| Renewable Energy Generation and Procurement | 32 |
| Urban Forest and Open Space | 4 |
| Urban Forest Management Plan | 0 |

49

## Mobility

### Introduction

Combustion of fossil fuels for transportation accounts for about three-fourths of Winters' GHG emissions. The mobility sector offers Winters the largest opportunity to reduce GHG emissions to zero or negative emission goals. The main objectives are (1) to reduce reliance on motor vehicle use and (2) to replace gas and diesel vehicles with zero GHG emissions vehicles. Meeting these objectives by reducing the need for vehicle transportation, improving transportation efficiency, and increasing access to alternative mobility options has added benefits for the City's residents, such as improving health and offering economic advantages.

## Mobility

### Introduction

Combustion of fossil fuels for transportation accounts for about three-fourths of Winters' GHG emissions. The mobility sector offers Winters the largest opportunity to reduce GHG emissions to zero or negative emission goals. The main objectives are (1) to reduce reliance on motor vehicle use and (2) to replace gas and diesel vehicles with zero GHG emissions vehicles. Meeting these objectives by reducing the need for vehicle transportation, improving transportation efficiency, and increasing access to alternative mobility options has added benefits for the City's residents, such as improving health and offering economic advantages.

CAP pg 16

Reducing GHG emissions in the mobility sector may synergize with the City's land use

2

2

Figure 1-1. Visualization of Seven Feet of Sea Level Rise in 2100 at SR 37 Near Novato, Looking West




3

It's a crisis: Marin-Napa Hiway 37 under water w/sea level rise Caltrans visualization by century end.

3



To Man with a Hammer-
and $86 Million in free money
everything looks like a nail.....

And for Caltrans it freezes us in
older transportation solution
In stead of transit solutions.

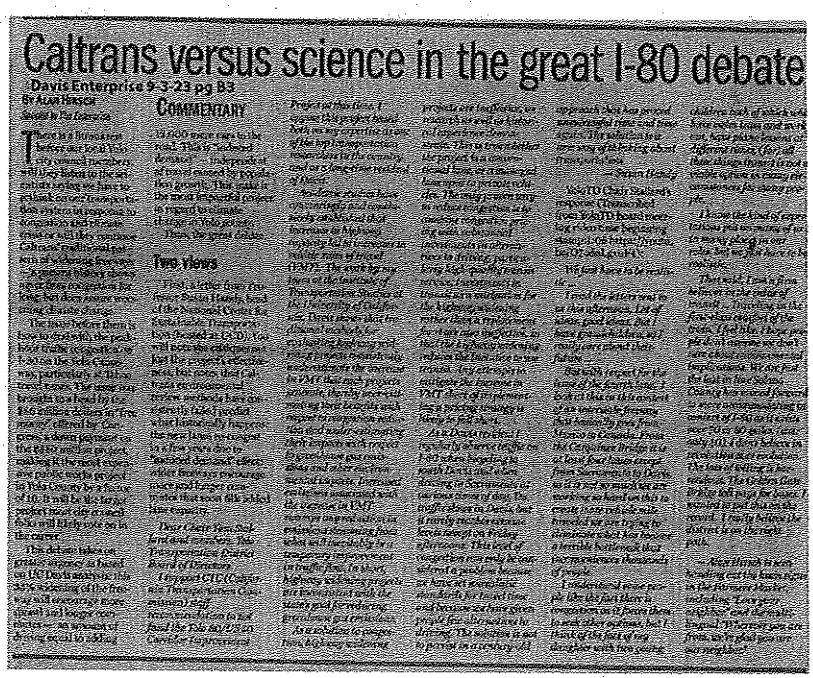
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# Competing Arguments

*UC Davis Top Traffic Scientist*
*vs*
*Chair YoloTD Board*

Chair in denial
1) Induced Demand
2) Urgency of climate crisis



Caltrans versus science in the great I-80 debate

Davis Enterprise 9-3-23 pg B3

By Alan Hirsch

Commentary

Two views

5

5

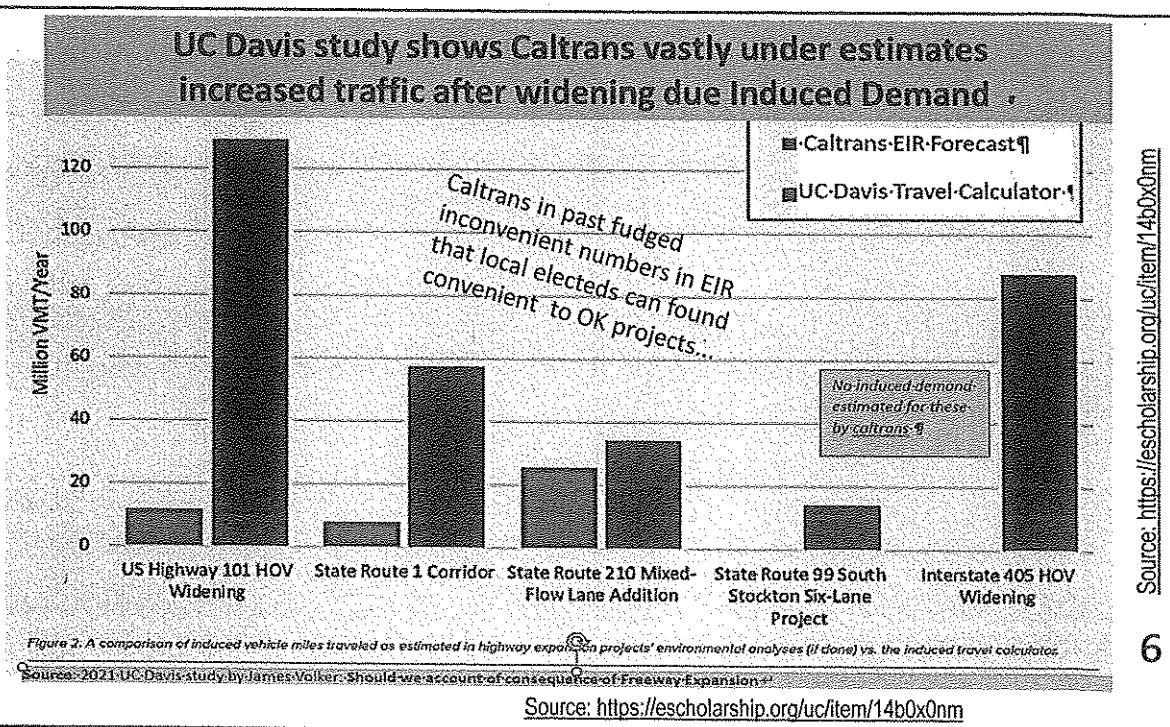



*Figure 3: A comparison of induced vehicle miles traveled as estimated in highway expansion projects' environmental analyses (if done) vs. the induced travel calculator.*

Source: 2021 UC Davis study by James Volker: Should we account of consequence of Freeway Expansion

Source: https://escholarship.org/uc/item/14b0x0nm

6

6

increased driving for I-80 Yolo predicted by science: UC Davis ITS Travel Model

Why encourage more driving instead of transit if need to address climate change?

https:travelcalculator.ncst.ucdavis.edu/

Results

**177.9 million additional VMT/year**

(Vehicle Miles Travelled)

DIY induced demand model

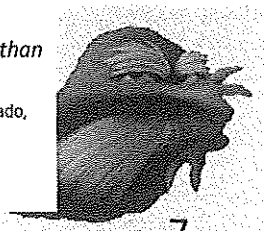
In **2019**, **Sacramento-Roseville-Arden-Arcade MSA** had **1000.7 lane miles** of Interstate highway on which **5.2 billion** vehicle miles are travelled per year.

UC D Tmodel accepted by Caltrans +/- 20%

A project adding **34 lane miles** would induce an additional **177.9 million** vehicle miles travelled per year on average with a rough 95% confidence interval of **142.3 - 213.5 million VMT** (+/-20%). *= 72,000 m-tons GHG- more than all of City of Winters*

Sacramento-Roseville-Arden-Arcade MSA consists of 4 counties (El Dorado, Placer, Sacramento and Yolo).

This calculation is using an elasticity of **1.0**.

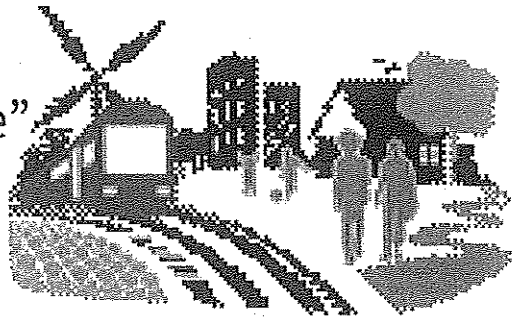


7

7

## 2021 State CAP calls for "transformational change"

"The world's leading climate scientists have made it clear - our window to avoid the worst impacts of climate change is narrowing faster than expected, and success requires unprecedented collective effort and transformational change"



CALIFORNIA CLIMATE ADAPTATION STRATEGY

8

# Legislative versus Adjudicative Actions

## Legislative Role

Through city councils and county boards of supervisors, the laws and policies are adopted that determine further the goals and vision of the community and, in certain areas, regulate the conduct of the public.

Those laws and policies can promote public health, safety and welfare, including, for example, protecting property, regulating businesses and governing land use – all of which come together to help create and maintain the unique nature and character of the community.

### Examples of Local Legislation

| Topic | Example |
|---|---|
| Public Safety | Curfews, Anti-Gang Measures |
| Property Protection | Graffiti, Code Enforcement Laws (such as Regulation of Nuisances, Blight, and Land Uses) |
| Business Regulations | Rent Control, Adult Entertainment Restrictions, Parking Requirements, Business License |
| Land Use and Building Regulations | Planning and Zoning Laws, Historic Preservation, Sign Regulations |
| Operational Policies | Instructions to staff on how certain utility and other services are to be operated |

This tip sheet is a service of the Institute for Local Government (ILG) whose mission is to promote good government at the local level with practical, impartial, and easy-to-use resources for California communities. ILG is the nonprofit 501(c)(3) research and education affiliate of the League of California Cities and the California State Association of Counties. For more information and to access the Institute's resources on Local Government 101, go to www.ca-ilg.org/localgovt101.

The Institute welcomes feedback and suggestions on enhancing this resource:

- *Email:* info@ca-ilg.org Subject: Legislative versus Adjudicative
- *Fax:* 916.444.7535
- *Mail:* 1400 K Street, Suite 205 ▪ Sacramento, CA ▪ 95814

## Quasi-Judicial Role

**For More Information . . .**

See Fair Process Requirements in Adjudicative Decision-Making at www.ca-ilg.org/bias

From time to time, local elected officials also play a judge-like role. This occurs when they (or boards and commissions to which they have delegated this task) apply the agency's adopted policies and standards to a particular situation.

An example is when a person applies to engage in a certain use of their property or business operation. The task of the decision-making body is to determine whether the proposed use or business complies with the community's adopted policies and standards.

When the decision is made, it is good practice to adopt statements called findings that explain why the application does or does not satisfy these standards.

When the decision-making body is acting in a quasi-judicial role, it will typically conduct a publicized public hearing on the matter. Under such circumstances decision-makers are not only deciders, they are also stewards of a process that must satisfy certain standards for fairness. These standards require, for example, that the person applying for the permit be heard and given an opportunity to present his or her case before the deciding officials.

### "Ministerial" Decisions

Some decisions involve less discretion. A "ministerial" decision is a matter that must be approved if certain specific standards are met. Because the decision-maker has very little leeway or discretion when making "ministerial" decisions, these kinds of decisions are frequently referred to as mandatory and "nondiscretionary." Sometimes those decisions can be made by the appropriate local agency staff, such as a department head.

For example, a building permit must be approved if all of the conditions and requirements imposed in various building codes have been satisfied. It is approved through a "ministerial" decision.

**CITY COUNCIL**
**STAFF REPORT**

| | |
|---|---|
| **TO:** | Honorable Mayor and Councilmembers |
| **DATE**: | September 19, 2023 |
| **FROM**: | Cathy Mathews, Director of Administrative Services |
| **THROUGH:** | Kathleen Salguero Trepa, City Manager |
| **SUBJECT**: | Resolution 2023-57 Approving a New Job Classification for the Maintenance Worker Series [I, II, III] |

---

## RECOMMENDATION:

Adopt Resolution 2023-57 approving a new job classification for the Maintenance Worker Series [I, II, III].

## BACKGROUND:

The Maintenance Worker Series job description has not been modified for over a decade. Two positions are currently vacant. Staff would like to initiate a recruitment, which requires updating the classification. Given the extensive nature of the changes, a new classification for a series for Maintenance Worker I, II, and III has been prepared.

## DISCUSSION:

The current job description does not meet current position requirements and has been rewritten to reflect the duties, performance, and certification requirements needed to appropriately fill open positions within the series. Staff is not proposing any adjustment to the adopted salary schedule; therefore, there is no budget impact associated with adopting a new classification description. Staff will open a recruitment for two vacant positions as soon as possible following Council approval.

## FISCAL IMPACT:

There is no additional fiscal impact for this job description change.

## ATTACHMENTS:

1. Resolution 2023-57
2. Maintenance Worker Series Classification

**RESOLUTION 2023-57**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS APPROVING A NEW JOB CLASSIFICATION FOR THE MAINTENANCE WORKER SERIES [I, II, III]**

**WHEREAS,** the job classification for the Maintenance Worker Series has not been modified in over a decade; and

**WHEREAS**, a current and updated job description for the Maintenance Worker Series is needed to meet the current requirements of the position; and

**WHEREAS,** staff has proposed a new job classification for the Maintenance Worker I, II, and III series, which is Attachment 2 of the staff report; and

**WHEREAS**, the proposed changes to the job classification will more accurately reflect the requirements for the positions of Maintenance Worker I, II, and III and more appropriately meet the needs of open positions within the series.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Winters does hereby approve the amended job classification for the Maintenance Worker Series I, II, and III, as set forth in Attachment 2 to the attached staff report.

**PASSED AND ADOPTED** by the City Council, City of Winters, this 5th day of September 2023 by the following vote:

**AYES:**
**NOES:**
**ABSTAIN:**
**ABSENT**:

_____
Bill Biasi, Mayor

ATTEST:

_____
Kathleen Salguero Trepa, City Clerk

# MAINTENANCE WORKER I-II-III

## PURPOSE

To perform a variety of semi-skilled and skilled tasks related to the maintenance and repair of the City's parks, buildings, streets, storm drains and related facilities; to perform related duties as assigned.

## WORKING CONDITIONS

Work is performed predominately outdoors and includes exposure to various weather conditions, hazardous materials, noxious odors, confined spaces, airborne particles, noise, and traffic hazards.

## PHYSICAL and SENSORY DEMANDS

Moderate to heavy lifting (up to 50 pounds); prolonged periods of standing, stooping, reaching, crawling, climbing, pushing/pulling, and positioning of tools and equipment, hear motors and alarms; discern smells; discriminate among colors. Wear personal protective equipment (PPE) and safety equipment appropriate for job assignments; comply with Cal OSHA standards.

## SUPERVISION RECEIVED AND EXERCISED

### Maintenance Worker I

Receives direct supervision from an assigned supervisor; may receive technical and functional supervision from a Maintenance Worker III.

### Maintenance Worker II

Receives general supervision from an assigned supervisor; may receive technical and functional supervision from a Maintenance Worker III.

### ~~Water~~ Maintenance Worker III

Receives general supervision from a maintenance facilities manager; may act as a lead worker on jobs assigned from a supervisor. May provide technical and functional supervision of Maintenance Worker I / II on assigned jobs.

## DISTINGUISHING CHARACTERISTICS

**Maintenance Worker I** – This is the entry level class in the Maintenance Worker series. Positions in this class typically have little or no directly related work experience. The Maintenance Worker I

class is distinguished from the II level by the performance of less than the full range of duties assigned to the II level. Incumbents work under immediate supervision while learning job tasks, progressing to general supervision as procedures and processes of assigned area of responsibility are learned. **Maintenance Worker II** - This is the journey level and is distinguished from the I level by the assignment of the full range of duties. Employees at this level receive only occasional instruction or assistance as new, unusual or unique situations arise and are fully aware of operating procedures and policies within the work unit. Positions in this class are flexibly staffed and are normally filled by advancement from the I level. However, based on scope and complexity of work and level of independence, some positions may be permanently allocated to the I level at management discretion.

This class is distinguished from the Maintenance Worker III in that the latter is the advanced journey level class in the series where incumbents perform the most complex duties with greater independence and exercise technical and functional supervision over maintenance staff.

**Maintenance Worker III** - This is the advanced level in the series. Positions at this level are distinguished from other classes within the series by the level of responsibility assumed, complexity of duties assigned, independence of action taken, by the amount of time spent performing the duties, and by the nature of the public contact made. Employees perform the most difficult and responsible types of duties assigned to classes within the series, which may include providing technical and functional supervision over other personnel on assigned jobs.

**ESSENTIAL JOB FUNCTIONS** – Duties may include, but are not limited to, the following:

**WHEN ASSIGNED TO BUILDINGS**
Performs semi-skilled and skilled repair and maintenance tasks of City buildings including the cleaning of City buildings; installs, repairs, and maintains plumbing fixtures and equipment; inspects and repairs doors, locks, windows, floors, and gates; inspects various maintenance projects; reports potential safety problems related to City building and facilities, cleans up spills and unsafe conditions as identified; ensures facilities are properly locked and secured; performs minor electrical repair such as replacing ballasts and installing outlets. Positions operate equipment including, but not limited to, power saws, drills, doweling jigs, routers, drill presses, spray painting equipment, sanders, grinders, sand blasters, compressors, vacuum pumps, vacuum cleaner and floor buffer.

**WHEN ASSIGNED TO STREETS AND STORM DRAIN**
Performs semi-skilled and skilled repair and maintenance tasks involving traffic painting, traffic sign installation and maintenance and the installation of reflectors; performs minor street asphalting, patching and sealing; performs cement work on sidewalks, curbs and gutters; marks underground facilities; performs weed spraying, tree and bush trimming to avoid obstruction of traffic signs and line-of-sight; performs graffiti removal; maintains and inspects storm drain pump station equipment and associated facilities including catch basins. Positions operate backhoe for preparing grades and trenching and operate other equipment including, but not limited to, paint sprayer and striper, tractor, scraper, rototiller, chain saw, weed eater, mower, air compressor, paving machine, sand blaster, and emulsion sprayer.

**WHEN ASSIGNED TO PARKS**

Performs semi-skilled and skilled repair, maintenance and landscaping tasks involving City parks including irrigation system installation and maintenance; performs playground equipment inspection, maintenance, and installation; performs graffiti removal; performs swimming pool maintenance; performs pesticide, herbicide and fungicide spraying subject to appropriate certification; cleans and maintains park facilities, ~~buildings~~buildings, and associated facilities. Position operates equipment including, but not limited to, mowers, spray rigs, electric, air and hydraulic powered hand tools, hedge-shears, blowers, weed eaters, and chain saws.~~.~~

**WHEN ASSIGNED TO WATER**

Performs semi-skilled and skilled maintenance and tasks involving the City water distribution system which includes but not limited to wells, main lines, laterals, water meters, hydrants, valves and SCADA; marks out utilities when USA tickets request it; performs valve exercising and hydrant flushing; performs lateral and main line repairs which requires digging in trenches, compacting and paving; performs swimming pool maintenance; performs pesticide, herbicide and fungicide spraying; cleans and maintains well sites and facilities. Position operates equipment including, but not limited to, mowers, spray rigs, electric, air and hydraulic powered hand tools, hedge-shears, blowers, weed eaters, chain saws, tractors, backhoe and crane truck.

**WHEN ASSIGNED TO WASTEWATER**

Performs semi-skilled and skilled maintenance and tasks involving the City wastewater operating system and treatment plant which includes but not limited to lift stations, force mains, laterals, cleanouts, main lines, aerators, spray heads, pumps, valves, influent screen and SCADA; performs pesticide, herbicide and fungicide spraying; cleans and maintains buildings and associated facilities. Positions operate equipment including, but not limited to, mowers, spray rigs, electric, air and hydraulic powered hand tools, hedge-shears, blowers, weed eaters, chain saws, tractors, backhoes, and crane truck.

**ALL ASSIGNMENTS**

- Makes every reasonable effort to continually improve the way the job is performed and increase the quality of service to the public.
- Builds and maintains positive working relationships with co-workers, other City employees and the public using principles of good customer service.
- Performs related duties as assigned.

**QUALIFICATIONS**

**Maintenance Worker I**

**Knowledge and Abilities:**

Knowledge of uses and purposes of general construction and maintenance tools, materials and equipment; safe working practices.

Ability to learn semi-skilled and skilled tasks involving the maintenance and repair of public works facilities; perform heavy manual labor; understand and carry out oral and written directions; maintain a safe working environment; establish and maintain cooperative relationships with those contacted in the course of work; communicate clearly and concisely, both orally and in writing.

**Education and Experience:** Any combination equivalent to experience and education that would likely provide the required knowledge and abilities would be qualifying.

**Education:** Equivalent to completion of the twelfth grade.
**Experience:** None required; experience performing repair and maintenance tasks related to assignment is highly desirable.

**Other Requirements:**

- This position requires possession of a valid Class C California Driver's License and a satisfactory driving record as a condition of initial and continued employment.
- Some positions may require possession of, or ability to obtain, a valid California Pesticide Applicator's Certification and/or Certified Pool/Spa Operator Certification within 6 months, based on assignment.

**Maintenance Worker II -** In addition to the qualifications for Maintenance Worker I:

**Knowledge and Abilities:**

Knowledge of the safe operation of a variety of power and construction equipment including, but not limited to, trucks, loaders and related equipment; tools, methods and materials used in street and storm drain, parks, and building repair and maintenance.

Ability to independently perform semi-skilled and skilled duties related to the maintenance and repair of public works facilities; maintain records; safely operate hand and construction tools and equipment.

**Education and Experience:**

Any combination equivalent to experience and education that would likely provide the required knowledge and abilities would be qualifying. Typical ways to obtain the knowledge and abilities would be:

**Education:** Equivalent to completion of the twelfth grade.
**Experience:** Two years of increasingly responsible experience equivalent to Maintenance Worker I.

**Other Requirements:**

- This position requires possession of a valid Class C California Driver's License and a satisfactory driving record as a condition of initial and continued employment.

- Some positions may require the ability to obtain a Class B or A Driver's License within one year, as designated by management.
- Some positions may require possession of, or ability to obtain, a valid California Pesticide Applicator's Certification within 6 months of assignment.
- Some positions may require possession of, or ability to obtain, a Certified Pool & Spa Operator Certification within 6 months of assignment.
- Positions in Water requires possession of (or ability to obtain within one-year) a valid Water Distribution Grade I Certificate.
- Positions in Wastewater requires possession of (or ability to obtain within one-year) a valid Wastewater Treatment Grade 1 Certificate.

**Maintenance Worker III -** In addition to the qualifications for Maintenance Worker II:

**Knowledge and Abilities:**

Knowledge of principles and practices of technical and functional supervision and training; advanced uses of general construction and maintenance tools, materials and equipment related to assignment; safe working practices; basic computer skills related to data entry/retrieval; basic principles of record keeping; operation of a variety of power and construction equipment including, but not limited to, trucks, loaders and related equipment; tools, methods and materials used in street and storm drain, park, and building repair and maintenance; and regulations regarding storm and water quality, pesticide/herbicide/fungicide use, water conservation.

Ability to provide technical and functional supervision over assigned staff; effectively train staff; perform the most complex tasks associated with the repair and maintenance of public works facilities; perform heavy manual labor; understand and carry out oral and written directions; maintain a safe working environment; establish and maintain cooperative relationships with those contacted in the course of work; communicate clearly and concisely, both orally and in writing; maintain records; safely operate hand and construction tools and equipment.

**Education and Experience:** Any combination equivalent to experience and education that would likely provide the required knowledge and abilities would be qualifying. Typical ways to obtain the knowledge and abilities would be:

**Education:** Equivalent to completion of the twelfth grade.
**Experience:** Two years of responsible journey level experience equivalent to a Maintenance Worker II.
**Other Requirements:**

- This position requires possession of a valid Water Distribution Grade ~~II~~ 2 Certificate (when assigned to Water).
- This position requires possession of a valid Wastewater Treatment Grade 2 Certificate (when assigned to Wastewater).
- Some positions may require possession of, or ability to obtain, a valid California Pesticide Applicator's Certification within 6 months of assignment.

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**CITY COUNCIL**
**STAFF REPORT**

**TO:** Honorable Mayor and Councilmembers

**DATE**: September 19, 2023

**THROUGH:** Kathleen Salguero Trepa, City Manager

**FROM**: John P. Miller, Chief of Police

**SUBJECT**: Resolution No. 2023-64 Authorizing the Purchase of Two Zero DSRP Electric Motorcycles from Elk Grove Power Sports in the Amount of $55,705.84 for the Winters Police Department and Amending the Budget by $46,500 in Revenue and $57,745 in Expenditures.

---

**RECOMMENDATION**:
Adopt Resolution No. 2023-64 authorizing the purchase of two Zero DSRP electric motorcycles from Elk Grove Power Sports in the amount of $55,705.84 for the Winters Police Department and amending the budget by $46,500 in revenue and $57,745 in expenditures.

**BACKGROUND**:
The sheer size and volume of people attending special events in Winters, and the subsequent associated traffic issues, have grown exponentially, especially the Tractor Parade and the July 3rd fireworks event. Additionally, general traffic has increased with the City's growth.

The Winters Police Department has received several grants over the last few years from the California Office of Traffic Safety (OTS) for Selective Traffic Enforcement Programs (STEP) as well as grants from the California Highway Patrol Cannabis Tax Fund Grant Program (CHPCTFGP) to conduct education, outreach, and focused traffic enforcement on DUI, distracted driving, pedestrian and bicycle safety, and seatbelts.

The Winters Police Department implemented a bicycle patrol program in 2017, which has

been instrumental in policing our special events; however, their range is limited. Our bicycles have also been effective in some of these pedestrian and bicycle enforcement efforts but lack effectiveness when conducting vehicle traffic enforcement stops.

Staff recognized a viable alternative were electric motorcycles that combine the mobility of the bicycles but have substantially increased range and speed. Staff subsequently applied for two grants, individually requesting funding for an electric motorcycle, and both grants were awarded.

**DISCUSSION:**

Staff applied for the California Highway Patrol Cannabis Tax Fund Grant Program (CHPCTFGP) and for the Yolo-Solano Air Quality Management District (YSAQMD) Clean Air Funds (CAF), specifically requesting funding for electric motorcycles in each grant. Both grants were awarded and cover most of the cost of purchasing two Zero DSRP electric motorcycles. Each electric motorcycle costs $27,852.92 and are sourced through Elk Grove Motor Sports, the sole distributor in the region for Zero electric motorcycles. Each Zero electric motorcycle was quoted separately to satisfy grant documentation.

The CHPCTFGP grant total awarded was $26,465.72. The YSAQMD CAF grant total awarded was $19,583.00. The Traffic Safety Fund will be used to cover remaining costs for the electric motorcycle and issued safety equipment, including helmets, totaling approximately $11,694.84.

**ENVIRONMENTAL ANALYSIS:**

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines sections 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

**FISCAL IMPACT:**

All funds to purchase the electric motorcycles and safety equipment will be drawn from CHPCTFGP grant ($26,465.72), YSAQMD CAF grant ($19,583.00), and Traffic Safety Fund (approximately $11,694.84). The attached resolution authorizes a budget amendment increasing revenue by $46,500 to reflect both grants and increasing expenditures by $57,745 to purchase the two motorcycles, helmets and other safety equipment.

**ATTACHMENTS:**

1. Resolution 2023-64
2. Elk Grove Motor Sports Quote “Bike 1” (CHPCTFGP)
3. Elk Grove Motor Sports Quote “Bike 2” (YSAQMD CAF)
4. CHPCTFGP Award Letter
5. YSAQMD CAF Award Letter

**RESOLUTION 2023-64**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS AUTHORIZING THE PURCHASE OF TWO ZERO DSRP ELECTRIC MOTORCYCLES IN THE AMOUNT OF $55,705.84 FOR THE WINTERS POLICE DEPARTMENT AND AMENDING THE BUDGET TO INCREASE REVENUES BY $46,500 AND INCREASE EXPENDITURES BY $57,745**

**WHEREAS,** the sheer size and volume of people attending the special events in Winters, and the subsequent associated traffic issues, have grown exponentially and general traffic has increased with the City's growth; and

**WHEREAS**, the Winters Police Department has received several grants over the last few years from the California Office of Traffic Safety (OTS) for Selective Traffic Enforcement Programs (STEP) as well as grants from the California Highway Patrol Cannabis Tax Fund Grant Program (CHPCTFGP) to conduct education, outreach, and focused traffic enforcement on DUI, distracted driving, pedestrian and bicycle safety, and seatbelts; and

**WHEREAS,** the Winters Police Department implemented a bicycle patrol program in 2017, which has been instrumental in policing our special events; however, their range is limited and lack effectiveness when conducting vehicle traffic enforcement stops; and

**WHEREAS,** Staff recognized a viable alternative were electric motorcycles that combine the mobility of the bicycles but have substantially increased range and speed; and

**WHEREAS,** Staff applied for the California Highway Patrol Cannabis Tax Fund Grant Program (CHPCTFGP) and for the Yolo-Solano Air Quality Management District (YSAQMD) Clean Air Funds (CAF), specifically requesting funding for electric motorcycles in each grant. Both grants were awarded and cover most of the cost of purchasing two Zero DSRP electric motorcycles. Each electric motorcycle costs $27,852.92 and are sourced through Elk Grove Motor Sports, the sole distributor in the region for Zero electric motorcycles. Each Zero electric motorcycle was quoted separately to satisfy grant documentation; and

**WHEREAS,** the awarded CHPCTFGP grant totals $26,465.72 and the awarded YSAQMD CAF grant totals $19,583.00, leaving $11,694.84 to be funded by the Traffic Safety Fund to cover remaining costs for the electric motorcycle and safety equipment, including helmets.

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

1) Authorize the purchase of two Zero DSRP electric motorcycles from Elk Grove Motor Sports totaling $55,705.84 and two USDOT approved helmets totaling $2,037.72; and
2) Amend the FY 23-24 operating budget to increase revenues by $46,500 and increase expenditures by $57,745.

**PASSED AND ADOPTED** this 19th day of September 2023, by the following vote:

**AYES:**
**NOES:**
**ABSTAIN:**
**ABSENT:**

CITY OF WINTERS

_____

Bill Biasi, Mayor

ATTEST:

_____

Kathleen Salguero Trepa, City Clerk

# Elk Grove Power Sports

10297 E Stockton Blvd
Elk Grove CA 95624
916-714-7223

## BILL OF SALE

Winters Police Department

702 Main Street
Winters, Ca 95694

Date
Deal No. 4002190
Salesperson James Nau
Lienholder None

H W C 5307952261 ext 152 Email jose.hermosillo@winterspolice.org

I hereby agree to purchase the following unit(s) from you under the terms and conditions specified. Delivery is to be made as soon as possible. It is agreed, however, that neither you nor the manufacturer will be liable for failure to make delivery.

### Unit Information

| New/U | Year | Make | Model | Serial No. | Stock No. | Price (Incl factory options) |
|---|---|---|---|---|---|---|
| New | 2023 | Zero | DSRP 14.4 WHITE | | PREORDER | $22,295.00 |

Options:

| | |
|---|---|
| Dealer Unit Price | $22,295.00 |
| Factory Options | $0.00 |
| Added Accessories | $2,406.64 |
| Freight | $595.00 |
| Dealer Prep | $415.00 |
| Document or Administration Fees | $85.00 |
| Subtotal | $25,796.64 |
| Sales Tax | $1,695.78 |
| Tire Fee | $3.50 |

Parts & Accessories $2,406.64 D

| | |
|---|---|
| MVSC | $33.00 |
| Battery Fee | $2.00 |
| **Cash Price** | $27,530.92 |
| Trade Allowance | $0.00 |
| Payoff | $0.00 |
| Net Trade | $0.00 |
| **Net Sale** (Cash Price - Net Trade) | $27,530.92 |
| Title/License/Registration Fees | $322.00 |
| **Sub Total** | $27,852.92 |
| Cash Down Payment | $0.00 |
| **Amount to Pay/Finance** | $27,852.92 |

Notes:
PO # CHP G 23/24

Trade Information

NOTICE TO BUYER: (1) Do not sign this agreement before you read it or if it contains any blank spaces to be filled in. (2) You are entitled to a completely filled in copy of this agreement. (3) If you default in the performance of your obligations under this agreement, the vehicle may be repossessed and you may be subject to suit and liability for the unpaid indebtedness evidenced by this agreement.
TRADE-IN NOTICE: Customer represents that all trade in units described above are free of all liens and encumbrances except as noted.
*With Approved Credit. Interest rates and monthly payment are approximate and may vary from those determined by the lender.
A 4% processing fee will be added to credit card transactions.
Thank You for Choosing Elk Grove Power Sports, Northern California's Premiere Powersports Dealership. This is a Purchase Agreement.
By signing below, you agree to purchase the products above at the listed price. All deposits are non-refundable.

Customer(s) Signature _____ Dealer Signature _____

# Elk Grove Power Sports

10297 E Stockton Blvd
Elk Grove CA 95624
916-714-7223

## BILL OF SALE

Winters Police Department

702 Main Street
Winters, Ca 95694

Date
Deal No. 4002191
Salesperson James Nau
Lienholder None

H W C 5307952261 ext 152 Email jose.hermosillo@winterspolice.org

I hereby agree to purchase the following unit(s) from you under the terms and conditions specified. Delivery is to be made as soon as possible. It is agreed, however, that neither you nor the manufacturer will be liable for failure to make delivery.

### Unit Information

| New/U | Year | Make | Model | Serial No. | Stock No. | Price (Incl factory options) |
|---|---|---|---|---|---|---|
| New | 2023 | Zero | DSRP 14.4 WHITE | | PREORDER | $22,295.00 |

Options:

Parts & Accessories $2,406.60 D

Notes:
PO # AQG 23/24

Trade Information

| | |
|---|---|
| Dealer Unit Price | $22,295.00 |
| Factory Options | $0.00 |
| Added Accessories | $2,406.60 |
| Freight | $595.00 |
| Dealer Prep | $415.00 |
| Document or Administration Fees | $85.00 |
| Subtotal | $25,796.60 |
| Sales Tax | $1,695.78 |
| Tire Fee | $3.50 |
| MVSC | $33.00 |
| Battery Fee | $2.00 |
| **Cash Price** | $27,530.88 |
| Trade Allowance | $0.00 |
| Payoff | $0.00 |
| Net Trade | $0.00 |
| **Net Sale** (Cash Price - Net Trade) | $27,530.88 |
| Title/License/Registration Fees | $322.00 |
| **Sub Total** | $27,852.88 |
| Cash Down Payment | $0.00 |
| **Amount to Pay/Finance** | $27,852.88 |

NOTICE TO BUYER: (1) Do not sign this agreement before you read it or if it contains any blank spaces to be filled in. (2) You are entitled to a completely filled in copy of this agreement. (3) If you default in the performance of your obligations under this agreement, the vehicle may be repossessed and you may be subject to suit and liability for the unpaid indebtedness evidenced by this agreement.
TRADE-IN NOTICE: Customer represents that all trade in units described above are free of all liens and encumbrances except as noted.
*With Approved Credit. Interest rates and monthly payment are approximate and may vary from those determined by the lender.
A 4% processing fee will be added to credit card transactions.
Thank You for Choosing Elk Grove Power Sports, Northern California's Premiere Powersports Dealership. This is a Purchase Agreement.
By signing below, you agree to purchase the products above at the listed price. All deposits are non-refundable.

Customer(s) Signature _____ Dealer Signature _____

YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT
1947 Galileo Ct., Suite 103 · Davis, CA 95618 · (530) 757-3650 · www.ysaqmd.org

June 27, 2023

Sgt. Manuel Cardoza
Winters Police Department
702 Main Street
Winters, CA 95694

Dear Applicant:

We are pleased to inform you that on June 14, 2023, the Yolo-Solano Air Quality Management District Board of Directors reviewed the final recommendations regarding the Clean Air Funds (CAF) projects for the 2023 program year and selected your application for funding. The Board approved the following listed project(s) and funding level(s):

Zero-Emission Patrol Motorcycle - $19,583.00

Enclosed is an award acknowledgment form, general information on the grant program, a draft work statement and cost schedule for your grant project and a copy of your project application. If there are any project scope changes due to a reduction in the clean air funds awarded to your project or other circumstances, the changes including monetary changes, must be submitted to the District with the acknowledgment form.

Please submit a signed acknowledgement form, completed work statement and cost schedule no later than July 28th. Once the award acknowledgement is received, the agreement for your project will be prepared and forwarded for signature.

If you have any questions, please contact Stephanie Holliday at (530) 757-3657.

Sincerely,

Gretchen Bennitt
Executive Director/APCO

GB/sh

Enclosures

**YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT**
**CLEAN AIR FUNDS "AWARD ACKNOWLEDGMENT**
**FORM" 2023**

Please respond to the questions listed below. This information will allow the District to establish a priority list for this year's funding cycle (2023/2024). We are requesting that the form be e-mailed (cleanair@ysaqmd.org), or faxed (530) 757-3670 by July 28, 2023. If you are unable to meet this deadline, contact Stephanie Holliday at (530) 757-3657.

Project Applicant: Winters Police Department

Project Title: Zero-Emission Patrol Motorcycle

Funding Amount: $19,583.00

Contact Person: _____

Title: _____

Company/Agency: _____

Mailing Address: _____

City/State/Zip Code: _____

Phone #:( )_____ Fax #: ( )_____

E-mail Address: _____

All questions below need to be answered:

1. Have you received all matching funds for your project? [ ] Yes [ ] No [ ] n/a
**Written confirmation** of such funding commitments is required prior to the release of the clean air funds:
**If yes,** please give the amounts of the matching funds, the source and the dates received.

_____

_____

**If no**, when do you anticipate receipt of all project funds?

_____

2. When do you anticipate you will need the clean air funds to begin your project?

_____

3. Attached is the project scope provided in your application. If scope changes have occurred due to a reduction in the CAF grant award or any other reason, the changes must be submitted to the District with this form.

---

**I have read this form and the grant procedures, and understand the Clean Air Funds contract requirements for the Program Year 2023:**

Signature of Responsible Official: _____

Print or Type Name:_____

Date:_____

**DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
**601 North 7th Street**
**Sacramento, CA 95811**
**(916) 843-3330**
**(800) 735-2929 (TT/TDD)**
**(800) 735-2922 (Voice)**

June 7, 2023

File No.: 060.15426.14597.066.2023.06004

Sergeant Jose Hermosillo
Winters Police Department
702 Main Street
Winters, CA 95694

Dear Sergeant Hermosillo:

On behalf of the California Highway Patrol (CHP), it is my pleasure to inform you, the Winters Police Department, is conditionally approved for Cannabis Tax Fund Grant Program (CTFGP) funding in the amount of $26,465.72. The purpose of this grant funding is to help your agency reduce and mitigate the impacts of impaired driving in your community.

All grant awards, including any adjustments to requested funding, were made by the Department based on the merits of the Grant Application, scale of operation, and in accordance with the Request for Application (RFA) requirements and associated regulations.

The official Grant Agreement for signature is forthcoming. In order to execute your Grant Agreement, please provide documentation from a local governing body, authorizing your organization to receive this grant funding, to the Cannabis Grants Unit, by email at CGUGrants@chp.ca.gov, as soon as possible. Refer to California Code of Regulations Title 13, Division 2, Chapter 13, Section 1890.13(g) for additional information.

The CHP looks forward to partnering with you and your agency on this project in an effort to make California's roadways a safer place to travel. If you have any questions, please feel free to contact the Cannabis Grants Unit at (916) 843-4360.

Sincerely,

K. M. DAVIS, Chief
Enforcement and Planning Division

**CITY COUNCIL**
**STAFF REPORT**

**TO:** Honorable Mayor and Councilmembers

**DATE**: September 19, 2023

**THROUGH:** Kathleen Salguero Trepa, City Manager

**FROM**: City Attorney's Office

**SUBJECT**: Resolution of Censure of Councilmember Richard Casavecchia

**RECOMMENDATION**:
Adopt Resolution No. 2023-66 providing for the censure of Councilmember Richard Casavecchia.

**BACKGROUND**:
At the September 5, 2023, City Council meeting, the City Council held a discussion on the possible censure of Councilmember Richard Casavecchia and directed staff to return with a resolution of censure at the subsequent City Council meeting based on findings agreed upon by the Council.

**DISCUSSION:**
A censure is generally understood to be "an official reprimand or condemnation; an authoritative expression of disapproval or blame." (Black's Law Dictionary (10th ed. 2014).) The City Council has the inherent power, right, and authority to censure an individual Councilmember. (*Braun v. City of Taft* (1984) 154 Cal.App.3d 332, 347-348.)

A censure may be adopted by resolution and represents the opinion of the City Council, but does not levy a fine, suspension, or other penalty. While there is no statute directly addressing censure, many local legislative bodies have adopted resolutions condemning inappropriate behavior and violations of policies and laws.

While censure does not remove an elected official from office, it may serve an important purpose by stating to the public that certain behavior is unacceptable to the other council

members. It is a form of self-policing for elected officials.

An elected official who is subject to possible censure is entitled to due process with notice and an opportunity to be heard. The justification and findings for the basis of the proposed censure resolution (Attachment 1) were discussed and agreed upon by the Council at the September 5, 2023, meeting. A copy of the proposed censure resolution was provided to Councilmember Casavecchia in advance of the September 19, 2023, meeting, in order to afford him the opportunity to review the basis of the proposed censure and respond to the findings set forth in the resolution. A motion to adopt a resolution of censure must be adopted by a majority vote of the City Council.

During the Council discussion of September 5, 2023, Councilmember Casavecchia offered to waive his opportunity to be heard as part of a censure hearing to review and consider the resolution of censure and requested that the censure resolution be placed on the consent calendar for adoption at the September 19, 2023 meeting, which the Council accepted.

Therefore, it is recommended that the City Council review and consider the grounds for censure as set forth in the proposed censure resolution, hear any related response or rebuttal by Councilmember Casavecchia and any related public comment, and adopt the resolution of censure.

**FISCAL IMPACT:**

There is no fiscal impact to the City for the review and consideration of a censure resolution beyond staff time.

**ATTACHMENTS:**

1. Resolution of Censure

**RESOLUTION NO. 2023-66**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS PROVIDING FOR THE CENSURE OF COUNCILMEMBER RICHARD CASAVECCHIA**

**WHEREAS**, the City of Winters has determined that it is essential for the proper operation of the City for the public to have confidence in the integrity of its local government officials; and

**WHEREAS,** the City of Winters City Council adopted a Council Code of Conduct at its Regular Meeting of November 2, 2021, which establishes ethical standards of conduct for all City officials and to which each member of the City Council has attested to upon assuming office and upon reelection to that office as a symbol of each Council member's continuing commitment to abide by the principals of the Code of Conduct, which includes the following:

- Serve as a model of civility and leadership in the community.
- Demonstrate honesty and integrity in every action and statement.
- Take responsibility for actions, even when it is uncomfortable to do so; and

**WHEREAS**, each Councilmember upon assuming office and upon reelection to the office affirms to abide and bear true faith and allegiance to the Constitution of the United States, the Constitution of the State of California, and the rule of law represented by these guiding documents, and each member takes on this obligation freely, without any mental reservation or purpose of evasion; and

**WHEREAS,** on April 2, 2023, an Emergency Protective Order was requested by the spouse of Councilmember Casavecchia and was issued by the Winters Police Department; and

**WHEREAS,** on April 2, 2023, because of the Emergency Protective Order, a search of the Casavecchia home and vehicle by the Winters Police Department resulted in discovery of unlicensed, unmarked hand guns and assault weapons which were confiscated; and

**WHEREAS,** on April 2, 2023, Councilmember Casavecchia was arrested on a domestic violence charge and possession of a firearm without an identifying mark *(PC 12094 - Obliteration of identification marks)* and *(PC 23920 - Unlawful purchase, receipt, disposal, sale, offer for sale, or possession with knowledge of change, alteration, removal, or obliteration)*; and

**WHEREAS,** on April 4, 2023, Councilmember Casavecchia was arraigned and charged with an illegal weapons charge possession of a firearm without an identifying

mark *(PC 23920 - Unlawful purchase, receipt, disposal, sale, offer for sale, or possession with knowledge of change, alteration, removal, or obliteration)*; and

**WHEREAS**, on April 4, 2023, the domestic violence charge was not filed due to lack of evidence to prove the charge without a reasonable doubt; and

**WHEREAS,** on April 5, 2023, Councilmember Casavecchia pled not guilty to the charges brought against him; and

**WHEREAS,** on April 20, 2023, the District Attorney's Office, based on additional evidence, amended the complaint adding two counts of a felony possession of an assault weapon; *(PC 30605(a) – Unlawful possession of assault weapon)*; and

**WHEREAS,** on May 17, 2023, Councilmember Casavecchia was arraigned on the amended complaint and pled not guilty and a Pre-Hearing Conference was scheduled for June 7, 2023; and

**WHEREAS,** on July 19, 2023, Councilmember Casavecchia under a plea agreement with the District Attorney's Office pled no contest to two felony counts of possessing an assault weapon, reduced to misdemeanors with a third charge of possession of unserialized firearm dismissed; and

**WHEREAS,** under the plea agreement, Councilmember Casavecchia is to be sentenced to one-year of probation, will perform 100 hours of community service and will surrender the two assault weapons for destruction; and

**WHEREAS,** Councilmember Casavecchia has not voluntarily offered any alterations related to his status and responsibilities as an elected official as a result of the conduct described above; and

**WHEREAS,** the City Council does not condone or approve this type of conduct and behavior and finds it necessary and prudent to declare its strong disapproval of such conduct; and

**WHEREAS,** adoption of this Resolution of Censure is necessary to affirm that such conduct will not be tolerated and to prevent such conduct from being repeated.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Winters as follows:

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

**SECTION 2.** Councilmember Casavecchia violated the City's Code of Conduct and California law with conduct inappropriate and unacceptable for a public official representing the City of Winters, and this Resolution serves as a formal statement of censure of Councilmember Casavecchia's conduct as described above.

**SECTION 3.** Councilmember Casavecchia's actions and disrespect for the law reflect negatively upon the City of Winters, the City Council and the community as a whole.

**SECTION 4.** Councilmember Casavecchia can no longer effectively represent and lead the citizens of Winters with his actions, disrespect for the law and poor judgement in not following the laws of the State of California. He sets a poor example of leadership with his actions which severely damaged the community's trust and confidence that he will abide by our City, state and national laws.

**SECTION 5.** Councilmember Casavecchia can no longer effectively represent the City of Winters, and all assignments to regional agencies, standing committees, and ad hoc committees that were confirmed by a vote of the City Council on January 10, 2023, are hereby revoked for a period of six (6) months from the date of adoption of this Resolution.

**SECTION 6.** Councilmember Casavecchia has put into question if the community can be certain that he will conduct himself, going forward, with the community's best interest at heart with his actions and deeds.

**SECTION 7.** This Resolution of Censure is to inform the community that we, the Winters City Council, do not condone Councilmember Casavecchia's actions and behavior and to express our disappointment in how those actions have reflected upon on our community.

**DULY AND REGULARLY ADOPTED** this 19th day of September, 2023, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

CITY OF WINTERS

_____
Bill Biasi, Mayor

ATTEST:

_____
Kathleen Salguero Trepa, City Clerk

**CITY COUNCIL**
**STAFF REPORT**

**TO:** Honorable Mayor and Councilmembers

**DATE**: September 19, 2023

**THROUGH:** Kathleen Salguero Trepa, City Manager

**FROM**: Cathy Mathews, Director of Administrative Services

**SUBJECT**: Resolution 2023-67 for Claim of Transportation Development Act Funding

**RECOMMENDATION**:
Adopt Resolution 2023-67 approving a claim for Transportation Development Act funding from the Sacramento Area Council of Governments (SACOG).

**BACKGROUND**:
Each year the City of Winters receives funding from SACOG from the Local Transportation Fund (LTF) and from the State Transit Assistance Fund (STA) for local transportation needs. In order to receive the funding, the City of Winters is required to file a claim with SACOG each year.

All the STA funds and a portion of the LTF funds received are used to pay for public transportation services provided by Yolo Transportation District (YTD) to the Winters community. YTD prepares a budget each year for the cost of the transportation services to be provided to the City of Winters and any LTF funds not used for transportation services may be used for certain street and road expenditures.

**DISCUSSION:**
The total LTF and STA allocation for 2023-2024 and unclaimed funds from 2021-2022 is $649,617, of which $180,958 will be expended for public transportation services provided by YTD, $15,992 will be expended for SACOG planning expenses and the balance of $452,667 available to be used for street and road work.

**FISCAL IMPACT:**

1. Funding will be expended for public transportation services provided by the Yolo Transportation District in the amount of $180,958 for the period of July 1, 2023, to June 30, 2024.
2. Funding of $452,667 will be combined with the Road Maintenance and Rehabilitation Account (RMRA provided by SB1) for street maintenance as proposed by the Public Works Department.

**ATTACHMENT:**

1. Resolution 2023-67
2. TDA Claim Form

**Resolution No. 2023-67**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS APPROVING A CLAIM FOR TRANSPORTATION DEVELOPMENT ACT FUNDING FROM THE SACRAMENTO AREA COUNCIL OF GOVERNMENTS**

**WHEREAS,** Section 99260 of the Public Utilities Code requires a local agency to file an estimated claim of transportation needs for each fiscal year; and

**WHEREAS,** the Sacramento Area Council of Governments (SACOG) is designated as the Transportation Planning Agency for the City of Winters to receive such claims for approval; and

**WHEREAS,** SACOG has adopted a finding of apportionment of Local Transportation Funds and State Assistance Funds for Fiscal Year 2023-2024; and

**WHEREAS,** surplus funds may be used for certain street and road expenditures.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Winters that the Fiscal Year 2023-2024 Annual Project and Expenditure Plan and the Fiscal Year 2023-2024 Transportation Development Act Claim included as Attachment A is hereby approved and that the City Manager and/or her designee is hereby authorized to execute the attached claim and forward them to SACOG.

**DULY AND REGULARLY ADOPTED** this 19th day of September 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF WINTERS

_____
Bill Biasi, Mayor

ATTEST:

_____
Kathleen Salguero Trepa, City Clerk




# TRANSPORTATION

# DEVELOPMENT ACT

# CLAIM PACKET

Sacramento Area Council of Governments
1415 L Street. Suite 300
Sacramento, CA 95814

**TRANSPORTATION DEVELOPMENT ACT**
**CLAIM CHECKLIST**

Please check the following, items as being either included with the attached TDA claim package or are on file at SACOG.

| Item | Claimant | Attached | On file |
|---|---|---|---|
| • TDA-1 Annual Transportation Development Claim | All claimants | ☐ | N/A |
| • TDA-2 Project and Expenditure Plan (for the fiscal year of this claim and the prior fiscal year) | All claimants | ☐ | N/A |
| • TDA-3 Status of Previously Approved Projects | All claimants | ☐ | N/A |
| • TDA-4 Statement of Conformance | All claimants | ☐ | N/A |
| • TDA-5 TDA Claim Certification | All claimants | ☐ | N/A |
| • Resolution by governing body that authorized the claim | All claimants | ☐ | N/A |
| *If Claimant is a Transit Agency or Jurisdiction is Contracting for Transit Service* | | | |
| • CHP Safety Compliance Report (Completed within the past 13 months) | Claimants for transit service | ☐ | ☐ |
| • Adopted or proposed budget for the fiscal year of the claim | Claimants for transit service | ☐ | ☐ |
| • Signed copy of transit service contract | Claimants for transit service | ☐ | ☐ |
| • Area wide transfer agreement, resolution | Claimants that allow inter-system transfers | ☐ | ☐ |
| • Information establishing eligibility under efficiency criteria – STA Operator Qualifying Criteria calculation based on Section 99314.6 | Claimants for revenue-based STA funds | ☐ | ☐ |
| • Certification that claim is consistent with Capital Improvement Program | Claimants for bike/ped facilities | ☐ | ☐ |
| • Compliance with PUC Sec. 99155 & 99155.5 | Claimants for transit service | ☐ | ☐ |
| • Copy of Ten Year Capital & Operations Program | Claimants for transit service | ☐ | ☐ |

**TDA-1**

**TRANSPORTATION DEVELOPMENT ACT CLAIM**

TO: Sacramento Area Council of Governments
1415 L Street, Suite 300
Sacramento, CA 95814

FROM: Claimant City of Winters
Address 318 First Street
City Winters, CA Zip Code 95694
Contact Person Shery Enos, Senior Accountant
Phone 530-794-5704 Email shery.enos@cityofwinters.org

The above claimant hereby requests, in accordance with authority granted under the Transportation Development Act and applicable rules and regulations adopted by the Sacramento Area Council of Governments (SACOG), that its request for funding be approved as follows:

**LTF** $533,065 (FY2023/2024)
$13,401 (FY2021/2022)
_____ (FY____/____)
_____ (FY____/____)

**STA** $91,618 (FY2023/2024)
$11,533 (FY2021/2022)
_____ (FY____/____)

**STA-SGR** _____ (FY____/____)
_____ (FY____/____)

(Specify STA and/or STA-SGR)

Submitted By Cathy Mathews
Title Director of Administrative Services
Date_____

**TDA-2**

**ANNUAL PROJECT AND EXPENDITURE PLAN**

| | **Claimant: City of Winters** | | | | | | | **Fiscal Year: 2023-2024** | | |
|---|---|---|---|---|---|---|---|---|---|---|
| **Project Title and TDA Article Number** | | **SOURCES OF FUNDING** | | | | | | | | |
| | TDA LTF | TDA STA | TDA STA-SGR | Transit Fares | Measure A | Road Fund | Developer Fees/Const. Tax | Federal/ State | Other | **TOTAL** |
| Article 8 Section 99400(C) Yolo Bus Operations | 89,340 | 91,618 | | | | | | | | 180,958 |
| Article 8 Section 99400 (a) Street and Roads | 427,733 | | | | | | | | | 427,733 |
| Article 8 Section 99400 (a) Street and Roads (unclaimed PY) | 13,401 | 11,533 | | | | | | | | $24,934 |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| SACOG Planning | 15,992 | | | | | | | | | 15,992 |
| **TOTAL REQUEST** | $546,466 | $103,151 | $ | $ | $ | $ | $ | $ | $ | $649,617 |

**TDA-3**
**STATUS OF PREVIOUSLY APPROVED PROJECTS**

Instructions: Describe the status of all prior fiscal year TDA claim projects and any projects from previous years, which are still active.

- Include both operating and capital projects
- Approved amounts should he as specified in TDA claims approved by SACOG
- Expenditures should be to date
- Project status should be either "Complete" or "Active"

| Fiscal Year | Project Title | Amount Approved | Expenditures | Project Status |
|---|---|---|---|---|
| 18-19 | Streets and Roads Roundabout | $139,315 | 139,315 | complete |
| 19-20 | Streets and Roads | 388,957 | 388,957 | Complete |
| 20-21 | Bus Service | $104,940 | $104,940 | Complete |
| 20-21 | Streets and Roads | $347,026 | $347,026 | Complete |
| 21-22 | Bus Service | $127,810 | $127,810 | Complete |
| 21-22 | Streets and Roads | $342,353 | $342,353 | Complete |
| 22-23 | Bus Service | $156,000 | $156,000 | Complete |
| 22-23 | Streets and Roads | $437,664 | $220,520 | Active |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| **TOTAL** | | $2,044,065 | $1,826,921 | |

**TDA-4**
**STATEMENT OF CONFORMANCE**

Form TDA-4 must be completed and signed by the Administrative Office of the submitting claimant.

The City of Winters hereby certifies that the Transportation Development Act claim for fiscal year(s) 2023-2024 and 2021-2022 in the amount of $ 649,617 (LTF), $ 546,466 (STA) and $ 0 (STA-SGR) for a total of $ 103,151 conforms to the requirements of the Transportation Development Act and applicable rules and regulations. (See Attachment A for listing of conformance requirements)

Certified by Chief Financial Officer Cathy Mathews
Title Director of Administrative Services
Date _____

**TDA-5**

**TDA Claim Certification Form**

I, _____, Chief Finance Officer for the City of Winters, do hereby attest, as required under the California Code of Regulations, Title 21, Division 3, Chapter 2, Section 6632, to the reasonableness and accuracy of the following:

(a) The attached budget or proposed budget for FY 2023/2024.

(b) The attached certification by the Department of the California Highway Patrol verifying that N/A is in compliance with Section 1808.1 of the Vehicle Code, as required in Public Utilities Code Section 99251.

(c) The estimated amount of FY 2023/2024 maximum eligibility for moneys from the local transportation fund and the state assistance fund, as defined in Section 6634, is $ 624,683.

_____

(Signature) Chief Financial Officer

City of Winters

(Agency Name)

_____

(Date)

**ATTACHMENT A**
**CONFORMANCE - TDA CLAIMANTS**
**Standard Assurances**

1) 180-Day Certified Fiscal Audit *(Applies to all claims; SACOG administers fiscal audits for all operators in the region, with the exception of the Sacramento Regional Transit District)* -Assurance that the claimant has submitted a satisfactory independent fiscal audit, with required certification, to SACOG and to the State Controller not more than 180 days after the end of the prior fiscal year (Sections 99245 and 6664).

2) 90-Day Annual State Controller Report (*Applies to all transit claims)* – Assurance that claimant has submitted this report to the State Controller in conformance with the uniform system of accounts and record not more than 90 days after the end of the prior fiscal year (110 days for electronically submissions) (Section 99243). Claimant should also supply a copy of the State Controller report (SCR) to SACOG no more than 120 days after the end of the prior fiscal year.

3) Use of Federal Funds (*Applies to all Article 4 claims)* –

- Claimant filing a claim for TDA funds for capital intensive projects pursuant to Section 99268.7 certifies that is has made every effort to obtain federal funding for any project which is funded pursuant to Section 99268.7.

- Claimant qualifying for funds pursuant to Section 99268.1 and tiling a claim for TDA funds in excess of the amount allowed by Section 99268 certifies that such funds are required in order to obtain maximum federal operating funds in the year such funds are claimed pursuant to Section 6633.1.

4) Elderly/Disabled (*Applies to all transit claims*) – That the transit operator is question is in compliance with Section 99155 pertaining to reduced transit fares for elderly and disabled persons and Section 99155.5 pertaining to dial-a-ride and paratransit services.

5) Farebox Recovery Ratio Requirements (*Applies to all transit claims*) – Claimant filing a claim for LTF or STA funds certifies that it will maintain for the project that ratio of fare revenues and local support to operating cost required under Sections 99268 (including all subparts), 99270.1, 99270.2, 99270.6, and under the "Farebox Requirements for Urbanized and Non-Urbanized Service' adopted by the SACOG Board of Directors on March 18, 1982, whichever is appropriate.

Exceptions:

6) 50% Expenditure Limitation (*Applies only to claims for LTF*) – Claimant certifies that it was in compliance with Section 99268 certifying that it (the claim) will not exceed 50% of the amount required to meet operating, maintenance, capital and debt service costs of the transit system after deduction of approved federal grants and STA funds estimated to be received for the system. (A claimant can received up to 100% of capital costs for grade-separated mass transit projects under Section 99268 and 99281, for capital intensive transit-related projects under Section 99268.7. and for extension of services under Section 6619.1 and 6633.8)

7) Extension of Services (*Applies only to LTF claims*) - Claimant who received an allocation of LTF funds for extension of service pursuant to Section 99268.8 certifies that it will file a report of these services pursuant to Section 6633.8(b) within 90 days after close of the fiscal year in which that allocation was granted.

8) Retirement System (*Applies only to LTF claims*) - Claimant certifies that (1) the current cost of its retirement system is fully funded with respect to the officers and employees of its public transportation system; or (2) the operator

is implementing a plan approved by SACOG which will fully find the retirement system for such officers and employees within 40 years; or (3) the operator has a private pension plan which sets aside and invests, on a current bases, funds sufficient to provide for the payment of future pension benefits and which is fully compliant with the requirements stated in Section 99272 and 99273.

9) Maximum Use of Local Transportation Funds *(Applies only to Sacramento Regional Transit District STA claim)* - That the operator is receiving the maximum allowable amount from the Local Transportation Fund.

10) Part-Time Employees *(Applies only to claims for STA)* - Claimant certifies that it is not precluded by any contract entered into on or after June 28, 1979 from employing part-time drivers or contracting with common carriers of persons operating under a franchise or license. Claimant further certifies that no person who was a full-time employee on June 28, 1979 shall have his/her employment terminated or his/her regular hours of employment, excluding overtime, reduced as a result of it employing part-time drivers or contracting with such common carriers.

11) Conformance with the Metropolitan (Regional) Transportation Plan *(Applies only to claims for STA)* - Claimant certifies that all of the purposes for claim expenditures are in conformance with the current Short Range Transit Plan, which is an appendix to the Metropolitan (Regional) Transportation Plan.

12) Full Use of Federal Funds *(Applies only to STA claims)* - Claimant certifies that it is making full use of federal funds available under the Urban Mass Transportation Act of 1964, as amended.

13) Implementation of Productivity Improvements *(Applies only to STA claims)* - Claimant certifies that the operator has made a reasonable effort to implement the productivity improvements recommended pursuant to Section 99244.

**CITY COUNCIL**
**STAFF REPORT**

**TO:** Honorable Mayor and Councilmembers

**DATE:** September 19, 2023

**FROM:** Kathleen Salguero Trepa, City Manager

**SUBJECT:** Resolution 2023-69 Approving Cradwick Building Deed of Reconveyance and Economic Development Block Grant Loan Payment Deferral for One Year.

## RECOMMENDATION:

Adopt Resolution No. 2023-69

1) approving a Deed of Reconveyance for the Cradwick Building;

2) subordinating the existing City Economic Development Block Grant loan to the State of California Housing and Community Development loan;

3) approving a twelve-month deferral of the Cradwick Building Economic Development Block Grant loan payments beginning May 1, 2023; and

4) authorizing the City Manager to execute a deed reconveyance and the loan modification agreement in a form approved by the City Attorney.

## BACKGROUND:

The Cradwick Building, which is located on Main Street, is home to several commercial tenants' downstairs and six affordable housing units upstairs. It was rehabilitated in 1997-1998 through a joint effort between the Cradwick Building Partnership, which owns the Cradwick Building, and the City of Winters. In exchange for public investment to assist with earthquake retrofitting and renovations to the building, the second story of the building contains six affordable housing one-bedroom apartments that are

designated for low and very low income residents. These units were deed restricted for affordability for fifty years. The first story is currently occupied by commercial tenants.

As part of the original financing framework, which included various public funding sources, the Partnership received a Community Development Block Grant loan, which has since been paid off, and an Economic Development Block Grant loan through the City for the first floor rehabilitation in the amount of $210,000.

The project goal was that the rents from the commercial tenants and the six residential tenants in aggregate would be sufficient to operate and maintain the building and repay the various loans. However, the rents for the deed restricted apartments at very low and low incomes, plus interruptions in commercial tenancy, have created challenges for the Partnership. Through the years, building income has fluctuated, and the Partnership has periodically requested assistance with either reducing interest for a period of time, or deferring payments for a period of time.

In 2020, as a result of the pandemic, the Partnership requested a six-month deferral through December 2020, which was administratively approved. Interest continued to accrue and was folded into the loan principle, and the loan term was extended.

In February 2022, the Partnership contacted staff again about obtaining a twelve-month loan deferral to assist with stabilizing the building's finances. Reserves had been used to support operations. On the residential side, some tenants ceased paying rent and were protected under the eviction moratorium. The vacancy created by the relocation of Winters Healthcare reduced revenue and the Partnership incurred expenses (or deferred rent) associated with splitting the larger space into two for new tenants, the pharmacy and boutique. Interest continued to accrue and was folded into the loan principle, and the loan term was extended.

In May 2023, the Partnership again made an additional request for deferral due to continued vacancies following the pandemic, lagging rents, and the need to replenish reserves for the building. The Partnership has requested a one-year deferral starting May 1, 2023 through April, 30, 2024. To date, the deferral has been administratively approved and staff is recommending formal approval of that deferral by the City Council.. Additionally, the Partnership requires a deed of reconveyance to remove a paid in full loan notation from the Preliminary Title Report to allow for financing with the State Housing and Community Development. (HCD).

**DISCUSSION:**

The Partnership contacted staff requesting a twelve-month loan deferral to assist with stabilizing the building's finances. Reserves had been used to support operations and mitigate vacancies, causing a negative financial impact. The Partnership indicated that the reserve account has been depleted and that generated revenue is being allocated to cover operating costs. Allowing the deferral would help the Partnership replenish depleted reserve accounts.

The current loan balance without accrued interest is $170,884.05. This balance includes payments made through April 2023 and includes two missed payments in 2021. Using May 1, 2024, as the first payment due date and the deferred interest from 2/1/23 through 5/1/2024 is calculated to be $8,746.48. With $8,746.48 added to the loan balance of $170,884.05, the new loan amount would be $179,630.53 with repayment starting on 5/1/2024. Adding one year to the prior loan schedule makes the ending date 6/1/2035.

Attachment #3 includes the Adjusted Amortization Schedule.

If the Council is supportive of this deferral and deed of reconveyance, staff will prepare the necessary documents in a form approved by the City Attorney to be signed by the City Manager.

## FISCAL IMPACT

The deferral of $8,746 interest payments for one year. The interest on the loan is considered Economic Development Block Grant (EDBG) program income and does not affect General Fund operations or programs.

## ATTACHMENTS:

1. Resolution 2023-69
2. Request by the Cradwick Building Partnership
3. Letter of Acknowledgement by the City of Winters
4. Revised 2023 Amortization Schedule

**RESOLUTION NO. 2023-69**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS APPROVING AN AMENDMENT TO THE TERMS OF THE ECONOMIC DEVELOPMENT BLOCK GRANT LOAN WITH THE CRADWICK BUILDING PARTNERSHIP AND SUBORDINATING THE LOAN TO THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

**WHEREAS,** the Cradwick Building Partnership received Economic and Community Development Block Grant (EDBG & CDBG) loans from the City of Winters to assist with the rehabilitation/seismic retrofitting of the Cradwick Building; and

**WHEREAS,** the Partnership has paid the CDBG loan in full; and

**WHEREAS,** the Partnership experienced several extraordinary expenses which have depleted their capital replacement reserves, including the COVID pandemic resulting in unrecoverable rent revenue from residential tenants, and loss of a major commercial tenant (Winters Clinic), which necessitated major repairs and remodeling costs in order to re-lease the spaces; and

**WHEREAS,** the Partnership has made a request to the City to defer the EDBG loan payments for one year starting May 1, 2023 through April 30, 2024 to help stabilize the Partnership's finances and rebuild its reserve fund; and

**WHEREAS,** the deferred interest of $8,746.48 will be added to the principal of the loan with a current balance of $170,884.05 for a new loan balance of $179,630.53; and

**WHEREAS,** interest will continue to accrue on the unpaid balance during the time of the payment deferral, and the deferral does not waive any payments due under the loan. Payments will recommence on May1, 2024, and the loan term will be extended with the final payment due on June 1, 2035; and

**WHEREAS,** the Partnership is pursuing financing from the State Department of Housing and Community Development which requires subordination of the EDBG loan and a deed of reconveyance to remove the paid off CDBG loan from the preliminary title report.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Winters hereby approves the following actions:

1. Amending the terms of Economic Development Block Grant loan to defer the loan until May 2024, effective May 1, 2023; and

2. Executing a deed of reconveyance to remove the paid off CDBG loan from the preliminary title report; and

3. Subordinating the existing EDBG loan to the State Department of Housing and Community Development; and

4. Authorizing the City Manager to execute a deed of reconveyance and loan modification agreement documents, and any other documents necessary to complete the transaction, in a form approved by the City Attorney.

**PASSED AND ADOPTED** at a regular meeting of the Winters City Council, County of Yolo, State of California, on the 19th day of September 2023, by the following roll call vote:

**AYES:**
**NOES:**
**ABSENT:**
**ABSTAIN:**

CITY OF WINTERS

_____
Bill Biasi, Mayor

ATTEST:

_____
Kathleen Salguero Trepa, City Clerk

September 5, 2023

Kathleen Salguero Treppa
City Manager
City of Winters
318 First Street
Winters, CA. 95694

RE: Historic Cradwick Building 17-23 Main Street

We are requesting a 12-month deferral on the Cradwick Building Partnership's EDBG loan payments to the City of Winters. To summarize, several extraordinary expenses have depleted our capital replacement reserves, including the COVID pandemic resulting in unrecoverable rent revenue from residential tenants, and loss of a major commercial tenant (Winters Clinic), which necessitated major repairs and remodeling costs in order to re-lease the spaces.

We've also had a rash of general repairs outlined below:

| | | | |
|---|---|---|---|
| 2020 | | | |
| Replacement of 2 HVAC units -residential | $11,200 | | |
| Water Heater Replace residential | $4,877 | | |
| 2021 | | | |
| Commercial tenant improvements | $11,600 | | |
| HVAC residential | $7,751 | | |
| Plumbing, major floor repair-Clinic space | $6,459 | | |
| Repair Exterior Brick & Seal Coat | $ 930 | | |
| Replace window sill, paint | $ 850 | | |
| Plumbing Repairs | $2,011 | | |
| Replace Windows | $5,232 | | |
| New waste, overflow lines | $2,773 | | |
| 2022 | | | |
| Replace windows, screens | $5,292 | | |
| Exit signs replaced, water heater repair | $1,134 | | |
| Carpeting, Flooring Replaced | $2,821 | | |
| Painting | $1,500 | | |

| | | | |
|---|---|---|---|
| 2023 | | | |
| Replaced 40 gallon water heater | $4,300 | | |
| TOTAL | $68,730 | | |

By deferring the EDBG payments for twelve months beginning May 1, 2023, all of the savings will be diverted to our capital replacement reserve account to pay for any future repairs to ensure this historic property is well maintained for the tenants and the community.

I have attached an EDBG loan amortization table. The current EDBG balance is $170,884.05. If the City defers payments for twelve months until May 2024, the adjusted loan balance (with accrued interest) will be $179,630.53. Beginning in May 1, 2024 this loan balance will be paid in monthly payments of $1,658.79 until the loan is fully repaid in 6/1/2035.

We have now owned this historic property for close to 25 years and managed to maintain it while keeping rents affordable for all tenants. The loan deferral will help ensure the Cradwick Building remains a major community asset for many years to come.

Thank you very much for the City's consideration of our request.

Sincerely,

Marcus E Ullrich

Mark Ullrich
Managing General Partner
Cradwick Building

Enclosure

CITY OF WINTERS
california
Est. 1875

09/06/2023
David Wilkinson
Cradwick Building
Winters, CA 95694

RE: Economic Development Block Grant (EDBG) Loan Deferral

Dear Mr. Wilkinson:

The City of Winters is in receipt of your request for deferral of loan payments on the EDBG loan you have with the City of Winters.

The City of Winters does agree to allow you to defer your loan payments due May 1, 2023 through April 30, 2024 with a resumption of payments in May 2024, subject to city council approval. Interest will continue to accrue on the unpaid balance during the time of the payment deferral, and the deferral does not waive any payments due under the loan.

The deferred interest of $8,746.48 will be added to the principal of the loan with a current balance of $170,884.05 for a new loan balance of $179,630.53. Payments will recommence on May1, 2024, and the loan term will be extended with the final payment due on June 1, 2035.

If you agree to the proposed deferral terms, please sign below on the "Acknowledged and Agreed To" line below, return a signed copy to me, and keep a signed copy for your records.

Please contact me if you have any questions or concerns regarding this loan deferral.
Sincerely,

Kathleen Salguero Trepa
City Manager
City of Winters

ACKNOWLEDGED AND AGREED TO:

David Wilkinson 9/6/23

David Wilkinson

318 First Street
Winters, CA 95694
Phone.530.795.4910
Fax. 530.795.4935

COUNCIL MEMBERS
Richard Casavecchia
Jesse Loren
Carol Scianna

MAYOR
Bill Biasi

MAYOR PRO TEM
Albert Vallecillo

CITY MANAGER & CITY CLERK
Kathleen S. Trepa

CITY TREASURER
Cathy Mathews

Cradwick EDBG loan revised 2023

Compound Period ..... : Monthly

Nominal Annual Rate .... : 4.000 %

CASH FLOW DATA

| | Event | Date | Amount | Number | Period | End Date |
|---|---|---|---|---|---|---|
| 1 | Loan | 05/01/2024 | 179,630.53 | 1 | | |
| 2 | Payment | 05/01/2024 | 1,658.79 | 134 | Monthly | 06/01/2035 |

AMORTIZATION SCHEDULE - Normal Amortization

| | Date | Payment | Interest | Principal | Balance |
|---|---|---|---|---|---|
| Loan | 05/01/2024 | | | | 179,630.53 |
| 1 | 05/01/2024 | 1,658.79 | 0.00 | 1,658.79 | 177,971.74 |
| 2 | 06/01/2024 | 1,658.79 | 593.24 | 1,065.55 | 176,906.19 |
| 3 | 07/01/2024 | 1,658.79 | 589.69 | 1,069.10 | 175,837.09 |
| 4 | 08/01/2024 | 1,658.79 | 586.12 | 1,072.67 | 174,764.42 |
| 5 | 09/01/2024 | 1,658.79 | 582.55 | 1,076.24 | 173,688.18 |
| 6 | 10/01/2024 | 1,658.79 | 578.96 | 1,079.83 | 172,608.35 |
| 7 | 11/01/2024 | 1,658.79 | 575.36 | 1,083.43 | 171,524.92 |
| 8 | 12/01/2024 | 1,658.79 | 571.75 | 1,087.04 | 170,437.88 |
| 2024 Totals | | 13,270.32 | 4,077.67 | 9,192.65 | |
| 9 | 01/01/2025 | 1,658.79 | 568.13 | 1,090.66 | 169,347.22 |
| 10 | 02/01/2025 | 1,658.79 | 564.49 | 1,094.30 | 168,252.92 |
| 11 | 03/01/2025 | 1,658.79 | 560.84 | 1,097.95 | 167,154.97 |
| 12 | 04/01/2025 | 1,658.79 | 557.18 | 1,101.61 | 166,053.36 |
| 13 | 05/01/2025 | 1,658.79 | 553.51 | 1,105.28 | 164,948.08 |
| 14 | 06/01/2025 | 1,658.79 | 549.83 | 1,108.96 | 163,839.12 |
| 15 | 07/01/2025 | 1,658.79 | 546.13 | 1,112.66 | 162,726.46 |
| 16 | 08/01/2025 | 1,658.79 | 542.42 | 1,116.37 | 161,610.09 |
| 17 | 09/01/2025 | 1,658.79 | 538.70 | 1,120.09 | 160,490.00 |
| 18 | 10/01/2025 | 1,658.79 | 534.97 | 1,123.82 | 159,366.18 |
| 19 | 11/01/2025 | 1,658.79 | 531.22 | 1,127.57 | 158,238.61 |
| 20 | 12/01/2025 | 1,658.79 | 527.46 | 1,131.33 | 157,107.28 |
| 2025 Totals | | 19,905.48 | 6,574.88 | 13,330.60 | |
| 21 | 01/01/2026 | 1,658.79 | 523.69 | 1,135.10 | 155,972.18 |
| 22 | 02/01/2026 | 1,658.79 | 519.91 | 1,138.88 | 154,833.30 |
| 23 | 03/01/2026 | 1,658.79 | 516.11 | 1,142.68 | 153,690.62 |
| 24 | 04/01/2026 | 1,658.79 | 512.30 | 1,146.49 | 152,544.13 |
| 25 | 05/01/2026 | 1,658.79 | 508.48 | 1,150.31 | 151,393.82 |
| 26 | 06/01/2026 | 1,658.79 | 504.65 | 1,154.14 | 150,239.68 |
| 27 | 07/01/2026 | 1,658.79 | 500.80 | 1,157.99 | 149,081.69 |
| 28 | 08/01/2026 | 1,658.79 | 496.94 | 1,161.85 | 147,919.84 |
| 29 | 09/01/2026 | 1,658.79 | 493.07 | 1,165.72 | 146,754.12 |
| 30 | 10/01/2026 | 1,658.79 | 489.18 | 1,169.61 | 145,584.51 |
| 31 | 11/01/2026 | 1,658.79 | 485.28 | 1,173.51 | 144,411.00 |

Cradwick EDBG loan revised 2023

| | Date | Payment | Interest | Principal | Balance |
|---|---|---|---|---|---|
| 32 | 12/01/2026 | 1,658.79 | 481.37 | 1,177.42 | 143,233.58 |
| 2026 Totals | | 19,905.48 | 6,031.78 | 13,873.70 | |
| 33 | 01/01/2027 | 1,658.79 | 477.45 | 1,181.34 | 142,052.24 |
| 34 | 02/01/2027 | 1,658.79 | 473.51 | 1,185.28 | 140,866.96 |
| 35 | 03/01/2027 | 1,658.79 | 469.56 | 1,189.23 | 139,677.73 |
| 36 | 04/01/2027 | 1,658.79 | 465.59 | 1,193.20 | 138,484.53 |
| 37 | 05/01/2027 | 1,658.79 | 461.62 | 1,197.17 | 137,287.36 |
| 38 | 06/01/2027 | 1,658.79 | 457.62 | 1,201.17 | 136,086.19 |
| 39 | 07/01/2027 | 1,658.79 | 453.62 | 1,205.17 | 134,881.02 |
| 40 | 08/01/2027 | 1,658.79 | 449.60 | 1,209.19 | 133,671.83 |
| 41 | 09/01/2027 | 1,658.79 | 445.57 | 1,213.22 | 132,458.61 |
| 42 | 10/01/2027 | 1,658.79 | 441.53 | 1,217.26 | 131,241.35 |
| 43 | 11/01/2027 | 1,658.79 | 437.47 | 1,221.32 | 130,020.03 |
| 44 | 12/01/2027 | 1,658.79 | 433.40 | 1,225.39 | 128,794.64 |
| 2027 Totals | | 19,905.48 | 5,466.54 | 14,438.94 | |
| 45 | 01/01/2028 | 1,658.79 | 429.32 | 1,229.47 | 127,565.17 |
| 46 | 02/01/2028 | 1,658.79 | 425.22 | 1,233.57 | 126,331.60 |
| 47 | 03/01/2028 | 1,658.79 | 421.11 | 1,237.68 | 125,093.92 |
| 48 | 04/01/2028 | 1,658.79 | 416.98 | 1,241.81 | 123,852.11 |
| 49 | 05/01/2028 | 1,658.79 | 412.84 | 1,245.95 | 122,606.16 |
| 50 | 06/01/2028 | 1,658.79 | 408.69 | 1,250.10 | 121,356.06 |
| 51 | 07/01/2028 | 1,658.79 | 404.52 | 1,254.27 | 120,101.79 |
| 52 | 08/01/2028 | 1,658.79 | 400.34 | 1,258.45 | 118,843.34 |
| 53 | 09/01/2028 | 1,658.79 | 396.14 | 1,262.65 | 117,580.69 |
| 54 | 10/01/2028 | 1,658.79 | 391.94 | 1,266.85 | 116,313.84 |
| 55 | 11/01/2028 | 1,658.79 | 387.71 | 1,271.08 | 115,042.76 |
| 56 | 12/01/2028 | 1,658.79 | 383.48 | 1,275.31 | 113,767.45 |
| 2028 Totals | | 19,905.48 | 4,878.29 | 15,027.19 | |
| 57 | 01/01/2029 | 1,658.79 | 379.22 | 1,279.57 | 112,487.88 |
| 58 | 02/01/2029 | 1,658.79 | 374.96 | 1,283.83 | 111,204.05 |
| 59 | 03/01/2029 | 1,658.79 | 370.68 | 1,288.11 | 109,915.94 |
| 60 | 04/01/2029 | 1,658.79 | 366.39 | 1,292.40 | 108,623.54 |
| 61 | 05/01/2029 | 1,658.79 | 362.08 | 1,296.71 | 107,326.83 |
| 62 | 06/01/2029 | 1,658.79 | 357.76 | 1,301.03 | 106,025.80 |
| 63 | 07/01/2029 | 1,658.79 | 353.42 | 1,305.37 | 104,720.43 |
| 64 | 08/01/2029 | 1,658.79 | 349.07 | 1,309.72 | 103,410.71 |
| 65 | 09/01/2029 | 1,658.79 | 344.70 | 1,314.09 | 102,096.62 |
| 66 | 10/01/2029 | 1,658.79 | 340.32 | 1,318.47 | 100,778.15 |
| 67 | 11/01/2029 | 1,658.79 | 335.93 | 1,322.86 | 99,455.29 |
| 68 | 12/01/2029 | 1,658.79 | 331.52 | 1,327.27 | 98,128.02 |
| 2029 Totals | | 19,905.48 | 4,266.05 | 15,639.43 | |
| 69 | 01/01/2030 | 1,658.79 | 327.09 | 1,331.70 | 96,796.32 |
| 70 | 02/01/2030 | 1,658.79 | 322.65 | 1,336.14 | 95,460.18 |
| 71 | 03/01/2030 | 1,658.79 | 318.20 | 1,340.59 | 94,119.59 |
| 72 | 04/01/2030 | 1,658.79 | 313.73 | 1,345.06 | 92,774.53 |

Cradwick EDBG loan revised 2023

| | Date | Payment | Interest | Principal | Balance |
|---|---|---|---|---|---|
| 73 | 05/01/2030 | 1,658.79 | 309.25 | 1,349.54 | 91,424.99 |
| 74 | 06/01/2030 | 1,658.79 | 304.75 | 1,354.04 | 90,070.95 |
| 75 | 07/01/2030 | 1,658.79 | 300.24 | 1,358.55 | 88,712.40 |
| 76 | 08/01/2030 | 1,658.79 | 295.71 | 1,363.08 | 87,349.32 |
| 77 | 09/01/2030 | 1,658.79 | 291.16 | 1,367.63 | 85,981.69 |
| 78 | 10/01/2030 | 1,658.79 | 286.61 | 1,372.18 | 84,609.51 |
| 79 | 11/01/2030 | 1,658.79 | 282.03 | 1,376.76 | 83,232.75 |
| 80 | 12/01/2030 | 1,658.79 | 277.44 | 1,381.35 | 81,851.40 |
| 2030 Totals | | 19,905.48 | 3,628.86 | 16,276.62 | |
| 81 | 01/01/2031 | 1,658.79 | 272.84 | 1,385.95 | 80,465.45 |
| 82 | 02/01/2031 | 1,658.79 | 268.22 | 1,390.57 | 79,074.88 |
| 83 | 03/01/2031 | 1,658.79 | 263.58 | 1,395.21 | 77,679.67 |
| 84 | 04/01/2031 | 1,658.79 | 258.93 | 1,399.86 | 76,279.81 |
| 85 | 05/01/2031 | 1,658.79 | 254.27 | 1,404.52 | 74,875.29 |
| 86 | 06/01/2031 | 1,658.79 | 249.58 | 1,409.21 | 73,466.08 |
| 87 | 07/01/2031 | 1,658.79 | 244.89 | 1,413.90 | 72,052.18 |
| 88 | 08/01/2031 | 1,658.79 | 240.17 | 1,418.62 | 70,633.56 |
| 89 | 09/01/2031 | 1,658.79 | 235.45 | 1,423.34 | 69,210.22 |
| 90 | 10/01/2031 | 1,658.79 | 230.70 | 1,428.09 | 67,782.13 |
| 91 | 11/01/2031 | 1,658.79 | 225.94 | 1,432.85 | 66,349.28 |
| 92 | 12/01/2031 | 1,658.79 | 221.16 | 1,437.63 | 64,911.65 |
| 2031 Totals | | 19,905.48 | 2,965.73 | 16,939.75 | |
| 93 | 01/01/2032 | 1,658.79 | 216.37 | 1,442.42 | 63,469.23 |
| 94 | 02/01/2032 | 1,658.79 | 211.56 | 1,447.23 | 62,022.00 |
| 95 | 03/01/2032 | 1,658.79 | 206.74 | 1,452.05 | 60,569.95 |
| 96 | 04/01/2032 | 1,658.79 | 201.90 | 1,456.89 | 59,113.06 |
| 97 | 05/01/2032 | 1,658.79 | 197.04 | 1,461.75 | 57,651.31 |
| 98 | 06/01/2032 | 1,658.79 | 192.17 | 1,466.62 | 56,184.69 |
| 99 | 07/01/2032 | 1,658.79 | 187.28 | 1,471.51 | 54,713.18 |
| 100 | 08/01/2032 | 1,658.79 | 182.38 | 1,476.41 | 53,236.77 |
| 101 | 09/01/2032 | 1,658.79 | 177.46 | 1,481.33 | 51,755.44 |
| 102 | 10/01/2032 | 1,658.79 | 172.52 | 1,486.27 | 50,269.17 |
| 103 | 11/01/2032 | 1,658.79 | 167.56 | 1,491.23 | 48,777.94 |
| 104 | 12/01/2032 | 1,658.79 | 162.59 | 1,496.20 | 47,281.74 |
| 2032 Totals | | 19,905.48 | 2,275.57 | 17,629.91 | |
| 105 | 01/01/2033 | 1,658.79 | 157.61 | 1,501.18 | 45,780.56 |
| 106 | 02/01/2033 | 1,658.79 | 152.60 | 1,506.19 | 44,274.37 |
| 107 | 03/01/2033 | 1,658.79 | 147.58 | 1,511.21 | 42,763.16 |
| 108 | 04/01/2033 | 1,658.79 | 142.54 | 1,516.25 | 41,246.91 |
| 109 | 05/01/2033 | 1,658.79 | 137.49 | 1,521.30 | 39,725.61 |
| 110 | 06/01/2033 | 1,658.79 | 132.42 | 1,526.37 | 38,199.24 |
| 111 | 07/01/2033 | 1,658.79 | 127.33 | 1,531.46 | 36,667.78 |
| 112 | 08/01/2033 | 1,658.79 | 122.23 | 1,536.56 | 35,131.22 |
| 113 | 09/01/2033 | 1,658.79 | 117.10 | 1,541.69 | 33,589.53 |
| 114 | 10/01/2033 | 1,658.79 | 111.97 | 1,546.82 | 32,042.71 |
| 115 | 11/01/2033 | 1,658.79 | 106.81 | 1,551.98 | 30,490.73 |

Cradwick EDBG loan revised 2023

| | Date | Payment | Interest | Principal | Balance |
|---|---|---|---|---|---|
| 116 | 12/01/2033 | 1,658.79 | 101.64 | 1,557.15 | 28,933.58 |
| 2033 Totals | | 19,905.48 | 1,557.32 | 18,348.16 | |
| 117 | 01/01/2034 | 1,658.79 | 96.45 | 1,562.34 | 27,371.24 |
| 118 | 02/01/2034 | 1,658.79 | 91.24 | 1,567.55 | 25,803.69 |
| 119 | 03/01/2034 | 1,658.79 | 86.01 | 1,572.78 | 24,230.91 |
| 120 | 04/01/2034 | 1,658.79 | 80.77 | 1,578.02 | 22,652.89 |
| 121 | 05/01/2034 | 1,658.79 | 75.51 | 1,583.28 | 21,069.61 |
| 122 | 06/01/2034 | 1,658.79 | 70.23 | 1,588.56 | 19,481.05 |
| 123 | 07/01/2034 | 1,658.79 | 64.94 | 1,593.85 | 17,887.20 |
| 124 | 08/01/2034 | 1,658.79 | 59.62 | 1,599.17 | 16,288.03 |
| 125 | 09/01/2034 | 1,658.79 | 54.29 | 1,604.50 | 14,683.53 |
| 126 | 10/01/2034 | 1,658.79 | 48.95 | 1,609.84 | 13,073.69 |
| 127 | 11/01/2034 | 1,658.79 | 43.58 | 1,615.21 | 11,458.48 |
| 128 | 12/01/2034 | 1,658.79 | 38.19 | 1,620.60 | 9,837.88 |
| 2034 Totals | | 19,905.48 | 809.78 | 19,095.70 | |
| 129 | 01/01/2035 | 1,658.79 | 32.79 | 1,626.00 | 8,211.88 |
| 130 | 02/01/2035 | 1,658.79 | 27.37 | 1,631.42 | 6,580.46 |
| 131 | 03/01/2035 | 1,658.79 | 21.93 | 1,636.86 | 4,943.60 |
| 132 | 04/01/2035 | 1,658.79 | 16.48 | 1,642.31 | 3,301.29 |
| 133 | 05/01/2035 | 1,658.79 | 11.00 | 1,647.79 | 1,653.50 |
| 134 | 06/01/2035 | 1,658.79 | 5.29 | 1,653.50 | 0.00 |
| 2035 Totals | | 9,952.74 | 114.86 | 9,837.88 | |
| Grand Totals | | 222,277.86 | 42,647.33 | 179,630.53 | |

Last interest amount decreased by 0.22 due to rounding.

**CITY COUNCIL**
**STAFF REPORT**

| | |
|---|---|
| **TO:** | Honorable Mayor and Councilmembers |
| **DATE**: | September 19, 2023 |
| **THROUGH**: | Kathleen Salguero Trepa, City Manager |
| **FROM**: | City Attorney's Office |
| **SUBJECT**: | Resolution 2023-70 Approving a Second Amendment to the Ground Lease Agreement with Sacramento Valley Limited Partnership d/b/a Verizon Wireless and a First Amendment to the Annex Parcel Lease Agreement with American Tower Delaware Corporation |

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**RECOMMENDATION**:
Staff recommends that the City Council adopt Resolution 2023-70 Approving a Second Amendment to the Ground Lease Agreement with Sacramento Valley Limited Partnership d/b/a Verizon Wireless and a First Amendment to the Annex Parcel Lease Agreement with American Tower Delaware Corporation.

**BACKGROUND**:
The City has two cell tower leases that American Tower Delaware Corporation (American Tower) manages, in which the City leases its property at 201 East Street for the installation of cell tower equipment.

Ground Lease Agreement

*Original Agreement*
The City entered into a Ground Lease Agreement with Sacramento Valley Limited Partnership (SVLP) on June 27, 1994. SVLP leased a 40'x40' parcel from the City to install a cell tower communications facility. The original term was from June 1, 1994, to May 31, 2004. SVLP was granted an option to extend the lease by two additional five-

year periods (i.e., June 1, 2004 to May 31, 2009 and June 1, 2010 to May 31, 2014). The initial annual rent was $12,000 with annual inflationary adjustments.

*First Amendment to Ground Lease Agreement*
The City entered into the First Amendment to the Ground Lease Agreement with SVLP on July 8, 2008 to extend, at SVLP's option, the term of the Ground Lease Agreement, commencing June 1, 2014, for four additional five-year periods (i.e., June 1, 2014 to May 31, 2019; June 1, 2019 – May 31, 2024; June 1, 2024 to May 31, 2029; and, June 1, 2029 to May 31, 2034).

*Second Amendment to Ground Lease Agreement*
On May 15, 2018, the City Council considered a Second Amendment to the Ground Lease Amendment, which was not approved. In October 2020, American Tower expressed interest in extending the lease agreement to 2064. American Tower explained its rationale for negotiating extending the term now even though the existing term does not expire for at least another ten years. When the leases approach the 20-year mark, American Tower wants to extend leases so that the cell phone companies know the site is secured for an extended period of time. The term of the lease is a big factor in when/how/where the carriers site their infrastructure.

However, under Government Code section 37380, a lease of City property cannot exceed 55 years. (After 55 years, the City would need to enter into a new lease.) To address this cap, the proposed extension is for three additional five-year periods (i.e., June 1, 2034 – May 31, 2039; June 1, 2039 to May 31, 2044; and, June 1, 2044 to May 31, 2049), with the final expiration of the Ground Lease Agreement on May 31, 2049.

Key Provisions of this Second Amendment to the Ground Lease Agreement include:

- Lease extension through May 31, 2049.
- Expanding the lease area to include an additional 525 square feet to install an emergency generator for back-up power.
- One-Time payment of $10,000 by SVLP to City towards costs to negotiate the Second Amendment to the Ground Lease Agreement.
- 10% revenue share to the City, of any rents received by SVLP and American Tower for new collocators or tenants using the cell tower. (T-Mobile and Verizon currently occupy the cell tower, and the parties intend for the revenue sharing to begin with the collocation of new collocators, including AT&T.
- Authorization by SVLP to the City to install a Ruckus ZoneFlex P300 Point-to-Point with a 36" disk array (or similar device subject to Lessee's written consent) on the cell tower to extend City's Supervisory Control and Data Acquisition (SCADA) services to water wells and sewer lift stations.
- First rights of refusal to SVLP if the City sells the leased property.
- Additional Landlord representations and warranties.

- Updated exhibits to update the property description to include the additional 525 square feet and surveying that American Tower had prepared.

*First Amendment to Annex Parcel Lease Agreement*
American Tower subleases from SVLP a portion of the property identified in the ground lease agreement. On September 8, 2006, the City entered into a lease with American Tower to lease property adjacent to property identified in the ground lease agreement. The original term ran through May 31, 2009. American Tower was granted an option to extend the lease by five additional five-year periods (i.e., June 1, 2009 to May 31, 2014; June 1, 2014 to May 31, 2019; June 1, 2019 to May 31, 2024; June 1, 2024 to May 31, 2029; and, June 1, 2029 to May 31, 2034). This proposed lease amendment would extend this lease through May 31, 2049 to align with the lease extensions in the ground lease agreement.

Key Provisions of this First Amendment to the Annex Parcel Lease Agreement include:

- Lease extension through May 31, 2049.
- First rights of refusal to American Tower first rights of refusal if the City sells the leased property.
- Additional Landlord representations and warranties.
- Updated exhibits to update the property description to include surveying that American Tower had prepared.

**FISCAL IMPACT**:
There is a $10,000 signing bonus available to the City plus additional revenue associated with new collocators that may sub-lease space on the tower, the value of which is unknown at this time.

**ATTACHMENT**
1. Resolution No. 2023-70

**RESOLUTION NO. 2023 - 70**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE GROUND LEASE AGREEMENT WITH SACRAMENTO VALLEY LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS AND A FIRST AMENDMENT TO THE ANNEX PARCEL LEASE AGREEMENT WITH AMERICAN TOWER DELAWARE CORPORATION**

**WHEREAS**, the City of Winters ("City") entered into a ground lease agreement with Sacramento Valley Limited Partnership ("SVLP") on June 27, 1994 to authorize SVLP to lease City-owned property located at 201 East Street for the installation of cell tower equipment through May 31, 2014 ("Ground Lease Agreement"); and

**WHEREAS**, the First Amendment to Ground Lease Agreement with SVLP d/b/a Verizon Wireless was entered into on July 8, 2008 to extend the lease, at SVLP's option, for four additional five-year periods, through May 31, 2034; and

**WHEREAS**, American Tower Delaware Corporation manages the Ground Lease Agreement on behalf of SVLP; and

**WHEREAS**, the City entered into an annex parcel lease agreement with American Tower Delaware Corporation on September 8, 2006 to lease City-owned property located at 201 East Street for the installation of cell tower equipment; and

**WHEREAS**, the City, SVLP, and American Tower Delaware Corporation desire to extend both the Ground Lease Agreement and annex parcel lease agreement through May 31, 2049.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Winters authorizes the City Manager to execute the Second Amendment to the Ground Lease Agreement with SVLP d/b/a Verizon Wireless and the First Amendment to the Annex Parcel Lease Agreement with American Tower Delaware Corporation in forms approved by the City Attorney, and subject to any minor, technical, or necessary changes or edits approved by the City Attorney.

**PASSED AND ADOPTED** by the City Council of the City of Winters, on this 19th day of September 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Bill Biasi, Mayor

ATTEST:

_____
Kathleen Salguero Trepa, City Clerk

**CITY COUNCIL**
**STAFF REPORT**

**TO:** Honorable Mayor and Councilmembers

**DATE**: September 19, 2023

**THROUGH:** Kathleen Salguero Trepa, City Manager

**FROM**: City Attorney's Office

**SUBJECT**: Consideration of Extension of Period of Refusal to Issue Building Permits and Certificates of Occupancy to Meritage Homes of California, Inc. Under the Amended and Restated Development Agreement Regarding the Winters Highlands Subdivision

**RECOMMENDATION**:

Staff recommends the City Council:

1. Receive the staff report;
2. Consider comments from the public and any other interested parties; and
3. Adopt Resolution No. 2023-68 extending the City's period of refusal to issue building permits or certificates of occupancy to which Meritage Homes of California, Inc. ("Meritage") would have otherwise been entitled under the Amended and Restated Development Agreement regarding the Winters Highlands Subdivision or City ordinances until the default specified in the June 23, 2023 Notice of Default issued by the City to Meritage is cured.

**BACKGROUND**:

In April 2015, the City entered into an Amended and Restated Development Agreement with GBH-Winters Highlands, LLC regarding the Winters Highlands Subdivision ("Development Agreement"), which was subsequently assigned to and assumed by HBT of Winters Highlands, LLC ("HBT"). In August 2021, HBT and Meritage Homes of California, Inc. ("Meritage") entered into a Partial Assignment and Assumption of Development Agreement ("PAADA"), where certain rights, duties and obligations of HBT under the Development Agreement were assigned to and assumed by Meritage.

As part of the conditions of approval for the tentative subdivision map for the Winters Highlands Subdivision, HBT was required to fund and construct certain off-site public

improvements, including storm drain and sewer improvements. PAADA Section 8 provides that Meritage, as a benefiting property owner, acknowledged and agreed that HBT was entitled to be reimbursed for its proportionate share of the costs for those improvements. Pursuant to a Reimbursement Agreement entered into between the City and HBT in January 2022, the City agreed to reimburse HBT for a portion of the cost of sewer and storm drain improvements constructed by HBT from funds collected from benefiting property owners, including Meritage. As determined by the City Engineer, the proportionate share allocable to Meritage is $2,153,880.76. Meritage notified the City and HBT that it does not intend to pay those reimbursement costs.

PAADA Section 11 provides that the City has the right under the Development Agreement to enforce the provisions of the PAADA in the event of any delay, failure to perform, or breach by Meritage under the provisions of the PAADA or the obligations assumed by Meritage under the PAADA. In accordance with PAADA Section 11, the City issued a Notice of Default to Meritage on June 23, 2023, declaring Meritage in default under the Development Agreement and the PAADA. The Notice of Default demands that Meritage (1) remit to the City Meritage's proportionate share of the total costs of the storm drain and sewer improvements for those residential units for which Meritage has already received building permits; and (2) affirm that Meritage will pay its proportionate share of the total cost of the storm drain and sewer improvements for the remaining residential units to be developed by Meritage. The Notice of Default further specifies that pursuant to Development Agreement Section 5.3, the City will withhold the issuance of any building permits or certificates of occupancy to which Meritage would have otherwise been entitled under the Development Agreement or City ordinances until the default is cured.

On July 6, 2023, the City and Meritage entered into a Stipulated Agreement to Hold Funds in Escrow and Reservation of Rights and Preservation of Status Quo ("Stipulation"). The Stipulation allows for Meritage to receive certificates of occupancy and/or final sign off on building permits for certain lots where building permits had already been issued, and where owners were under contract with estimated closing dates in July and August of 2023. Those funds will be held in escrow pending the resolution of Meritage's default.

**DISCUSSION:**

Pursuant to Development Agreement Section 5.3, in the event of default, the City may refuse to issue any building permits or certificates of occupancy to which Meritage would otherwise have been entitled under the Development Agreement or City ordinances, "provided that such refusal shall not extend for a period of more than ninety (90) days unless the City Council, following consideration of evidence regarding the default, determines there is a reasonable basis to extend such period of refusal."

The City issued its Notice of Default to Meritage on June 23, 2023. As set forth in Development Agreement Section 5.3(b)(1), upon receipt of the Notice of Default, Meritage was required to promptly commence to cure the default at the earliest reasonable time after receipt of the Notice of Default, and to complete the cure of the default not later than thirty (30) days after receipt of the Notice of Default, or such longer period as reasonably

necessary to remedy the default, provided that Meritage has continuously and diligently pursued such remedy at all times until the default is cured.

Notwithstanding the Stipulation, Meritage has failed to cure, correct, or remedy this default within the applicable cure period set forth in the Development Agreement. Therefore, it is staff's recommendation that the City Council determine that there is a reasonable basis to extend the period of refusal to issue building permits or certificates of occupancy to which Meritage would have otherwise been entitled under the Development Agreement or City ordinances until the default is cured.

**FISCAL IMPACT:**

There is no fiscal impact to the City for the City Council's consideration to extend the City's period of refusal to issue building permits or certificates of occupancy to Meritage, beyond staff time.

**ATTACHMENTS:**

1. Notice of Default
2. Resolution No. 2023-68

**RESOLUTION 2023-68**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS EXTENDING THE CITY'S PERIOD OF REFUSAL TO ISSUE BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY TO WHICH MERITAGE HOMES OF CALIFORNIA, INC. ("MERITAGE") WOULD HAVE OTHERWISE BEEN ENTITLED UNDER THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT REGARDING THE WINTERS HIGHLANDS SUBDIVISION OR CITY ORDINANCES UNTIL THE DEFAULT SPECIFIED IN THE JUNE 23, 2023 NOTICE OF DEFAULT ISSUED BY THE CITY TO MERITAGE IS CURED**

**WHEREAS,** in April 2015, the City entered into an Amended and Restated Development Agreement with GBH-Winters Highlands, LLC regarding the Winters Highlands Subdivision, recorded in the Official Records of Yolo County as Document No. 2015-0010120-00 ("Development Agreement"), which was subsequently assigned to and assumed by HBT of Winters Highlands, LLC ("HBT"); and

**WHEREAS,** in August 2021, HBT and Meritage Homes of California, Inc. ("Meritage") entered into a Partial Assignment and Assumption of Development Agreement ("PAADA"), where certain rights, duties and obligations of HBT under the Development Agreement were assigned to and assumed by Meritage; and

**WHEREAS**, as part of the conditions of approval for the tentative subdivision map for the Winters Highlands Subdivision, HBT was required to fund and construct certain off-site public improvements, including storm drain and sewer improvements. PAADA Section 8 provides that Meritage, as a benefiting property owner, acknowledged and agreed that HBT was entitled to be reimbursed for its proportionate share of the costs for those improvements; and

**WHEREAS**, pursuant to a Reimbursement Agreement entered into between the City and HBT in January 2022, the City agreed to reimburse HBT for a portion of the cost of sewer and storm drain improvements constructed by HBT from funds collected from benefiting property owners, including Meritage. As determined by the City Engineer, the proportionate share allocable to Meritage is $2,153,880.76; and

**WHEREAS**, Meritage notified the City and HBT that it does not intend to pay those reimbursement costs; and

**WHEREAS,** PAADA Section 11 provides that the City has the right under the Development Agreement to enforce the provisions of the PAADA in the event of any delay, failure to perform, or breach by Meritage under the provisions of the PAADA or the obligations assumed by Meritage under the PAADA; and

**WHEREAS,** in accordance with PAADA Section 11, the City issued a Notice of Default to Meritage on June 23, 2023, declaring Meritage in default under the Development Agreement and the PAADA; and

**WHEREAS,** the Notice of Default demands that Meritage (1) remit to the City Meritage's proportionate share of the total costs of the storm drain and sewer improvements for those residential units for which Meritage has already received building permits; and (2) affirm that Meritage will pay its proportionate share of the total cost of the storm drain and sewer improvements for the remaining residential units to be developed by Meritage; and

**WHEREAS,** the Notice of Default further specifies that pursuant to Development Agreement Section 5.3, the City will withhold the issuance of any building permits or certificates of occupancy to which Meritage would have otherwise been entitled under the Development Agreement or City ordinances until the default is cured; and

**WHEREAS,** pursuant to Development Agreement Section 5.3, in the event of default, the City may refuse to issue any building permits or certificates of occupancy to which Meritage would otherwise have been entitled under the Development Agreement or City ordinances, "provided that such refusal shall not extend for a period of more than ninety (90) days unless the City Council, following consideration of evidence regarding the default, determines there is a reasonable basis to extend such period of refusal"; and

**WHEREAS,** as set forth in Development Agreement Section 5.3(b)(1), upon receipt of the Notice of Default, Meritage was required to promptly commence to cure the default at the earliest reasonable time after receipt of the Notice of Default, and to complete the cure of the default not later than thirty (30) days after receipt of the Notice of Default, or such longer period as reasonably necessary to remedy the default, provided that Meritage has continuously and diligently pursued such remedy at all times until the default is cured; and

**WHEREAS,** on July 6, 2023, the City and Meritage entered into a Stipulated Agreement to Hold Funds in Escrow and Reservation of Rights and Preservation of Status Quo ("Stipulation"). The Stipulation allows for Meritage to receive certificates of occupancy and/or final sign off on building permits for certain lots where building permits had already been issued, and where owners were under contract with estimated closing dates in July and August of 2023. Those funds will be held in escrow pending the resolution of Meritage's default; and

**WHEREAS,** notwithstanding the Stipulation, Meritage has failed to cure, correct, or remedy this default within the applicable cure period set forth in the Development Agreement.

**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 incorporated herein.

**SECTION 2.** Following consideration of evidence regarding the default by Meritage, the City Council hereby finds and determines that there is a reasonable basis to extend the City's period of refusal to issue building permits or certificates of occupancy to which

Meritage would have otherwise been entitled under the Development Agreement or City ordinances unless and until the default specified in the June 23, 2023 Notice of Default issued by the City to Meritage is cured.

**PASSED AND ADOPTED** by the City Council of the City of Winters, this 19th day of September 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
Bill Biasi, Mayor

ATTEST:

_____
Kathleen Salguero Trepa, City Clerk

**CITY COUNCIL**
**STAFF REPORT**

**TO:** Honorable Mayor and Councilmembers

**DATE**: September 19, 2023

**THROUGH**: Kathleen Salguero Trepa, City Manager

**FROM**: Jack Snyder, Fire Chief

**SUBJECT**: Resolution No. 2023-65 Accepting Grant Funding from the Federal Emergency Management Agency Staffing for Adequate Fire and Emergency Response Grant in the Amount of $345,750

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**RECOMMENDATION**:
Adopt Resolution No. 2023-65 accepting grant funding from the Federal Emergency Management Agency Staffing for Adequate Fire and Emergency Response grant in the amount of $345,750.

**BACKGROUND**:
The Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) grant is a Federally funded grant program that allows fire departments across the nation to apply for funding to help reduce staffing issues within the agency. The Winters Fire Department applied for this grant to fund a Volunteer Recruitment and Retention Coordinator and Structural Firefighting personal protective equipment. This grant will purchase the PPE over two years and fund the Recruitment and Retention Coordinators position with salary and benefits for four years with no obligation to retain the position if the City cannot support it following the expiration of the grant.

**DISCUSSION**
The Winters Fire Department submitted the FEMA SAFER grant and was awarded it in the amount of $345,750 for the following:

- $45,750 Structural Firefighting Personal protective equipment.
- $300,000 4-year Volunteer Recruitment and Retention Coordinator Position (Salary & Benefits)

**FISCAL IMPACT:**

The Winters Fire Department will be responsible for the upfront costs of the position and equipment. The City of Winters would file for quarterly reimbursement for the expenses outlined in the grant package which include the new position and equipment. Total financial benefit to the City over four years is $345,750. The City Council will need to approve a budget adjustment for this fiscal year for both revenue and expenditures when the staff returns for Council approval to authorize the equipment purchase and new position. The proposed action is only to formally accept the grant.

**ATTACHMENT:**

1. Resolution No: 2023-65
2. FEMA SAFER Grant Award Package

**Resolution No. 2023-65**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS ACCEPTING GRANT FUNDING FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S "STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE" GRANT IN THE AMOUNT OF $345,750 TO FUND A VOLUNTEER RECRUITMENT AND RETENTION COORDINATOR AND PERSONAL PROTECTIVE EQUIPMENT**

**WHEREAS**, the City of Winters Fire Department applied for a Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) Grant to fund the staffing of a Volunteer Recruitment and Retention Coordinator position for four years and the procurement of personal protective equipment; and

**WHEREAS**, the goal of the grant program is to enhance the recruitment and retention of volunteer firefighters for the Winters Fire Department and provide proper personal protective equipment for staff; and

**WHEREAS**, the Fire Department has identified the need to enhance and grow the volunteer firefighting force to help combat emergencies that happen within the City of Winters, the Winters Fire Protection District and in surrounding communities where volunteerism is at an all time low; and

**WHEREAS**, the Fire Department submitted an application to fund a volunteer recruitment and retention coordinator position and the procurement of safety equipment, which was recently approved for an award of $345,750; and

**WHEREAS**, the funds will be generally allocated as follows:

a) $45,750.00 Personal Protective Equipment (Structural)
b) $300,000 Volunteer Recruitment & Retention Coordinator (Salary & Benefits)

**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 incorporated herein.

SECTION 2. The grant award from the FEMA SAFER Grant Program in the amount of $345,750 is accepted.

SECTION 3. The City Manager is authorized to execute all documents necessary to accept the FEMA SAFER grant in the amount of $345,750.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Winters, California, at a regular meeting thereof held this 19th day of September 2023,.by the following vote:

Ayes:
Noes:
Absent:
Abstain:

CITY OF WINTERS

_____
Bill Biasi, MAYOR

ATTEST:

_____
Kathleen Salguero Trepa, City Clerk

# Award Letter

U.S. Department of Homeland Security
Washington, D.C. 20472

Effective date: 08/25/2023

Jack Snyder
CITY OF WINTERS
318 FIRST STREET
WINTERS, CA 95694

EMW-2022-FF-02048

Dear Jack Snyder,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year (FY) 2022 Staffing for Adequate Fire and Emergency Response (SAFER) Grant funding opportunity has been approved in the amount of $345,750.00 in Federal funding.

FEMA has waived, in part or in full, one or more requirements for this grant award. See the Summary Award Memo for additional information about Economic Hardship Waivers.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- 2022 SAFER Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,

PAMELA WILLIAMS
Assistant Administrator, Grant Programs

# Summary Award Memo

**Program:** Fiscal Year 2022 Staffing for Adequate Fire and Emergency Response

**Recipient:** CITY OF WINTERS
**UEI-EFT:** LM6LMSKEXJ94
**DUNS number:** 807194907
**Award number:** EMW-2022-FF-02048

## Summary description of award

The purpose of the SAFER Grant Program is to provide funding directly to fire departments and volunteer firefighter interest organizations to assist in increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments. After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application and detailed in the project narrative as well as the request details section of the application — including budget information — was consistent with the SAFER Grant Program's purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for Fiscal Year (FY) 2022 Staffing for Adequate Fire and Emergency Response (SAFER) Grant funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

## Approved Economic Hardship Waivers

**Minimum budget waiver**

FEMA has waived the minimum budget requirement for this award.

## Amount awarded

The amount of the award is detailed in the attached Obligating Document for Award.

The following is the approved budget for this award (including Federal share plus your cost share, if applicable) and summarizes the financial aspects of the grant:

| Object Class | First Year | Second Year | Third Year | Fourth Year | Total |
|---|---|---|---|---|---|
| Personnel | $37,500.00 | $37,500.00 | $37,500.00 | $37,500.00 | $150,000.00 |
| Fringe benefits | $37,500.00 | $37,500.00 | $37,500.00 | $37,500.00 | $150,000.00 |
| Travel | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| Equipment | $32,025.00 | $13,725.00 | $0.00 | $0.00 | $45,750.00 |
| Supplies | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| Contractual | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| Construction | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| Other | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| Indirect charges | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| Federal | $107,025.00 | $88,725.00 | $75,000.00 | $75,000.00 | $345,750.00 |
| Non-federal | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 |
| Total | $107,025.00 | $88,725.00 | $75,000.00 | $75,000.00 | $345,750.00 |

| | |
|---|---|
| Program Income | $0.00 |

2 C.F.R. § 200.308 identifies the limits to the changes that can be made and when prior approval is required from FEMA, but this provision does not apply to the breakdown by year. If you have questions about which changes require FEMA’s prior approval, please contact your Grants Management Specialist.

## Approved scope of work

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA's prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the FY2022 SAFER NOFO.

**Approved request details:**

## Recruitment and Retention

# Personal Protective Equipment (PPE)

## Full Set - Structural Personal Protective Equipment (PPE)

DESCRIPTION

The City of Winters Fire Department (WFD) has conducted a needs assessment and has determined that replacing Structural Personal Protective Equipment (PPE) is a high priority. The WFD is requesting assistance through the AFG for the purchase of 10 sets of Structural Turnout PPE to include one pair of pants, one coat, one helmet, two hoods, two pairs of gloves, one pair of suspenders and one pair of goggles. The WFD has conducted an audit of its Structural Turnout PPE and noted more than 58% of our Structural Turnout PPE issued is a minimum of two NFPA cycles (currently 2007) and 10 years of age or older from the date they were manufactured. Our community has a vested interest in each one of our firefighters. Their personal protection is vital to their continued service of our community. The WFD seeks funding through AFG to equip its personnel with Structural Turnout PPE in accordance with NFPA 1851 and 1971 for its firefighters. The WFD is seeking FEMA funding assistance for the following equipment. Description Base Price for 10 NFPA compliant complete sets of turnout gear costs $4,897 per ensemble.

| YEAR | QUANTITY | UNIT PRICE | TOTAL |
|---|---|---|---|
| 1 | 7 | $4,575.00 | $32,025.00 |
| 2 | 3 | $4,575.00 | $13,725.00 |
| 3 | 0 | $0.00 | $0.00 |
| 4 | 0 | $0.00 | $0.00 |
| TOTAL | 10 | | $45,750.00 |

BUDGET CLASS

Equipment

CHANGE FROM APPLICATION

**Year 1 price** from $**4,897.00** to $**4,575.00**
**Year 2 price** from $**4,897.00** to $**4,575.00**

JUSTIFICATION

pricing excessive- reduce from 10 sets at 4897.00 to 10 @ $4575.00 totaling $45,750.00

## Full Set - Wildland Personal Protective Equipment (PPE)

DESCRIPTION

The City of Winters Fire Department (WFD) has conducted a needs assessment and has determined that replacing Wildland Personal Protective Equipment (PPE) is a high priority. The WFD is requesting assistance through the AFG for the purchase of 10 sets of Wildland Turnout PPE to include one pair of pants, one coat, one helmet, one pair of gloves, one pair of suspenders and one pair of goggles. Our community has a vested interest in each one of our firefighters. Their personal protection is vital to their continued service of our community. The WFD seeks funding through AFG to equip its personnel with Wildland Turnout PPE in accordance with NFPA 1877 and 1977 for its firefighters. The WFD is seeking FEMA funding assistance for the following equipment. Description Base Price for 10 NFPA compliant complete sets of gear costs $4,079 per ensemble.

| YEAR | QUANTITY | UNIT PRICE | TOTAL |
|---|---|---|---|
| 1 | 0 | $0.00 | $0.00 |
| 2 | 0 | $0.00 | $0.00 |
| 3 | 0 | $0.00 | $0.00 |
| 4 | 0 | $0.00 | $0.00 |
| TOTAL | 0 | | $0.00 |

BUDGET CLASS

Equipment

CHANGE FROM APPLICATION

**Year 1 quantity** from **7** to **0**
**Year 1 price** from $**4,079.00** to $**0.00**
**Year 2 quantity** from **3** to **0**
**Year 2 price** from $**4,079.00** to $**0.00**

JUSTIFICATION

The award reflects a reduction from the amount requested in the application. This reduction aligns with guidance outlined in the Notice of Funding Opportunity (NOFO) which states only one set of PPE for structural or wildland firefighting is allowable per new recruit. SAFER considers a complete set of structural PPE to be comprised of one SCBA mask/face piece, one pair of pants, one coat, one helmet, two hoods, one pair of boots, two pairs of gloves, one pair of suspenders, and one pair of goggles.

## Recruitment & Retention Coordinator

## Fringe Benefits (Employee)

DESCRIPTION

Cost estimate will cover the pension plan costs or the Volunteer Recruitment and Retention coordinator at the current PERS rate of the base salary and Pension plan increase. •Includes costs to cover estimated payroll increase of 5 percent per year, the average increase for the City of Elko exempt employee. This increase will be adjusted based on CPI and merit increase as approved by the City Council.

| YEAR | QUANTITY | UNIT PRICE | TOTAL |
|---|---|---|---|
| 1 | 1 | $37,500.00 | $37,500.00 |
| 2 | 1 | $37,500.00 | $37,500.00 |
| 3 | 1 | $37,500.00 | $37,500.00 |
| 4 | 1 | $37,500.00 | $37,500.00 |
| TOTAL | 4 | | $150,000.00 |

BUDGET CLASS

Fringe benefits

CHANGE FROM APPLICATION

**Year 1 price** from $**43,955.00** to $**37,500.00**
**Year 2 price** from $**44,671.00** to $**37,500.00**
**Year 3 price** from $**45,422.00** to $**37,500.00**
**Year 4 price** from $**46,211.00** to $**37,500.00**

JUSTIFICATION

The R&R Coordinator Salary and Fringe Benefits exceeds the CDP Funding cap requiring a reduction.

### Salary (Employee)

DESCRIPTION

Salary cost for a forty (40) hour per week, 2080 hours per year, Volunteer Recruitment and Retention Coordinator. The recruitment and retention coordinators primary duty will consist of office or nonmanual work directly related to the management and operations of the volunteer branch of the City of Winters Fire Department. Salary increase is estimated at 5 percent annually, the average increase for the City of Winters employee groups. This increase will be adjusted based on CPI and merit increase as approved by the City Council. Primary task and work will include Volunteer program management, implement recruiting plan to improve/maintain volunteer rosters at 100%, coordinating volunteer member scheduling, plan and coordinate training with internal and external resources, maintaining volunteer response, training, equipment and participation, establishing long and short-term objectives, developing policies and procedures or staffing and deployment of volunteer assets in accordance with NFPA 1720.

| YEAR | QUANTITY | UNIT PRICE | TOTAL |
|---|---|---|---|
| 1 | 1 | $37,500.00 | $37,500.00 |
| 2 | 1 | $37,500.00 | $37,500.00 |
| 3 | 1 | $37,500.00 | $37,500.00 |
| 4 | 1 | $37,500.00 | $37,500.00 |
| TOTAL | 4 | | $150,000.00 |

BUDGET CLASS

Personnel

CHANGE FROM APPLICATION

**Year 1 price** from $**43,112.00** to $**37,500.00**
**Year 2 price** from $**44,671.00** to $**37,500.00**
**Year 3 price** from $**45,422.00** to $**37,500.00**
**Year 4 price** from $**46,211.00** to $**37,500.00**

JUSTIFICATION

The R&R Coordinator Salary and Fringe Benefits exceeds the CDP Funding cap requiring a reduction.

# Agreement Articles

**Program:** Fiscal Year 2022 Staffing for Adequate Fire and Emergency Response
**Recipient:** CITY OF WINTERS

**UEI-EFT:** LM6LMSKEXJ94
**DUNS number:** 807194907
**Award number:** EMW-2022-FF-02048

# Table of contents

| | |
|---|---|
| Article 1 | Assurances, Administrative Requirements, Cost Principles, Representations and Certifications |
| Article 2 | General Acknowledgements and Assurances |
| Article 3 | Acknowledgement of Federal Funding from DHS |
| Article 4 | Activities Conducted Abroad |
| Article 5 | Age Discrimination Act of 1975 |
| Article 6 | Americans with Disabilities Act of 1990 |
| Article 7 | Best Practices for Collection and Use of Personally Identifiable Information |
| Article 8 | Civil Rights Act of 1964 – Title VI |
| Article 9 | Civil Rights Act of 1968 |
| Article 10 | Copyright |
| Article 11 | Debarment and Suspension |
| Article 12 | Drug-Free Workplace Regulations |
| Article 13 | Duplication of Benefits |
| Article 14 | Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX |
| Article 15 | E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety |
| Article 16 | Energy Policy and Conservation Act |
| Article 17 | False Claims Act and Program Fraud Civil Remedies |
| Article 18 | Federal Debt Status |
| Article 19 | Federal Leadership on Reducing Text Messaging while Driving |
| Article 20 | Fly America Act of 1974 |
| Article 21 | Hotel and Motel Fire Safety Act of 1990 |
| Article 22 | John S. McCain National Defense Authorization Act of Fiscal Year 2019 |
| Article 23 | Limited English Proficiency (Civil Rights Act of 1964, Title VI) |
| Article 24 | Lobbying Prohibitions |
| Article 25 | National Environmental Policy Act |

Article 26 Nondiscrimination in Matters Pertaining to Faith-Based Organizations
Article 27 Non-Supplanting Requirement
Article 28 Notice of Funding Opportunity Requirements
Article 29 Patents and Intellectual Property Rights
Article 30 Procurement of Recovered Materials
Article 31 Rehabilitation Act of 1973
Article 32 Reporting of Matters Related to Recipient Integrity and Performance
Article 33 Reporting Subawards and Executive Compensation
Article 34 Required Use of American Iron, Steel, Manufactured Products, and Construction Materials
Article 35 SAFECOM
Article 36 Terrorist Financing
Article 37 Trafficking Victims Protection Act of 2000 (TVPA)
Article 38 Universal Identifier and System of Award Management
Article 39 USA PATRIOT Act of 2001
Article 40 Use of DHS Seal, Logo and Flags
Article 41 Whistleblower Protection Act
Article 42 Environmental Planning and Historic Preservation (EHP) Review
Article 43 Applicability of DHS Standard Terms and Conditions to Tribes
Article 44 Acceptance of Post Award Changes
Article 45 Disposition of Equipment Acquired Under the Federal Award
Article 46 Prior Approval for Modification of Approved Budget
Article 47 Indirect Cost Rate
Article 48 Award Performance Goals

**Article 1** **Assurances, Administrative Requirements, Cost Principles, Representations and Certifications**

I. DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the awarding agency. II. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200 and adopted by DHS at 2 C.F.R.Part 3002. III. By accepting this agreement, recipients, and their executives, as defined in 2 C.F.R. § 170.315, certify that their policies are in accordance with OMB's guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

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| **Article 2** | **General Acknowledgements and Assurances**<br>All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. I. Recipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS. II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities or personnel. III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance. V. Recipients (as defined in 2 C.F.R. Part 200 and including recipients acting as pass-through entities) of federal financial assistance from DHS or one of its awarding component agencies must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award for the first award under which this term applies. Recipients of multiple awards of DHS financial assistance should only submit one completed tool for their organization, not per award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool. DHS Civil Rights Evaluation Tool \| Homeland Security. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to CivilRightsEvaluation@hq.dhs.gov prior to expiration of the 30-day deadline. |
| **Article 3** | **Acknowledgement of Federal Funding from DHS**<br>Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds. |
| **Article 4** | **Activities Conducted Abroad**<br>Recipients must ensure that project activities performed outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained. |

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| **Article 5** | **Age Discrimination Act of 1975**<br>Recipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance. |
| **Article 6** | **Americans with Disabilities Act of 1990**<br>Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101– 12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities. |
| **Article 7** | **Best Practices for Collection and Use of Personally Identifiable Information**<br>Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively. |
| **Article 8** | **Civil Rights Act of 1964 – Title VI**<br>Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7. |
| **Article 9** | **Civil Rights Act of 1968**<br>Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. § 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.) |

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| **Article 10** | **Copyright**<br>Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards. |
| **Article 11** | **Debarment and Suspension**<br>Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3002. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities. |
| **Article 12** | **Drug-Free Workplace Regulations**<br>Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106). |
| **Article 13** | **Duplication of Benefits**<br>Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. |
| **Article 14** | **Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX**<br>Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19. |

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| **Article 15** | **E.O. 14074 – Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety**<br>Recipient State, Tribal, local, or territorial law enforcement agencies must comply with the requirements of section 12(c) of E.O. 14074. Recipient State, Tribal, local, or territorial law enforcement agencies are also encouraged to adopt and enforce policies consistent with E.O. 14074 to support safe and effective policing. |
| **Article 16** | **Energy Policy and Conservation Act**<br>Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act. |
| **Article 17** | **False Claims Act and Program Fraud Civil Remedies**<br>Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.) |
| **Article 18** | **Federal Debt Status**<br>All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.) |
| **Article 19** | **Federal Leadership on Reducing Text Messaging while Driving**<br>Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the Federal Government. |
| **Article 20** | **Fly America Act of 1974**<br>Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C.) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942. |

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| **Article 21** | **Hotel and Motel Fire Safety Act of 1990**<br>Recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a |
| **Article 22** | **John S. McCain National Defense Authorization Act of Fiscal Year 2019**<br>Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons |
| **Article 23** | **Limited English Proficiency (Civil Rights Act of 1964, Title VI)**<br>Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: https://www.dhs.gov/guidance- published-help-department- supported-organizations-provide-meaningful-access-people-limited and additional resources on http://www.lep.gov. |
| **Article 24** | **Lobbying Prohibitions**<br>Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification. |
| **Article 25** | **National Environmental Policy Act**<br>Recipients must comply with the requirements of the National Environmental Policy Act of 1969, (NEPA) Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq. and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans |

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| **Article 26** | **Nondiscrimination in Matters Pertaining to Faith-Based Organizations**<br>It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statues, regulations, and guidance governing the participations of faith- based organizations in individual DHS programs. |
| **Article 27** | **Non-Supplanting Requirement**<br>Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources. |
| **Article 28** | **Notice of Funding Opportunity Requirements**<br>All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO. |
| **Article 29** | **Patents and Intellectual Property Rights**<br>Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14. |
| **Article 30** | **Procurement of Recovered Materials**<br>States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition. |
| **Article 31** | **Rehabilitation Act of 1973**<br>Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973), (codified as amended at 29 U.S.C. § 794,) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. |

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| **Article 32** | **Reporting of Matters Related to Recipient Integrity and Performance**<br>General Reporting Requirements: If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions. |
| **Article 33** | **Reporting Subawards and Executive Compensation**<br>Reporting of first tier subawards. Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions. |
| **Article 34** | **Required Use of American Iron, Steel, Manufactured Products, and Construction Materials**<br>Recipients must comply with the “Build America, Buy America” provisions of the Infrastructure Investment and Jobs Act and E.O. 14005. Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that none of the funds provided under this award may be used for a project for infrastructure unless: (1) all iron and steel used in the project are produced in the United States--this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project. Waivers When necessary, recipients may apply for, and the agency may grant, a waiver from these requirements. Information on the process for requesting a waiver from these requirements is on the website below. (a) When the federal agency has made a determination that one of the following exceptions applies, the awarding official may waive the |

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| | application of the domestic content procurement preference in any case in which the agency determines that: (1) applying the domestic content procurement preference would be inconsistent with the public interest; (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent. A request to waive the application of the domestic content procurement preference must be in writing. The agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described at “Buy America” Preference in FEMA Financial Assistance Programs for Infrastructure \| FEMA.gov. The awarding Component may provide specific instructions to Recipients of awards from infrastructure programs that are subject to the “Build America, Buy America” provisions. Recipients should refer to the Notice of Funding Opportunity for further information on the Buy America preference and waiver process. |
| **Article 35** | **SAFECOM**<br>Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications. |
| **Article 36** | **Terrorist Financing**<br>Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws. |
| **Article 37** | **Trafficking Victims Protection Act of 2000 (TVPA)**<br>Trafficking in Persons. Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106 (g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference. |
| **Article 38** | **Universal Identifier and System of Award Management**<br>Requirements for System for Award Management and Unique Entity Identifier Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference. |

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| **Article 39** | **USA PATRIOT Act of 2001**<br>Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c. |
| **Article 40** | **Use of DHS Seal, Logo and Flags**<br>Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials. |
| **Article 41** | **Whistleblower Protection Act**<br>Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310. |
| **Article 42** | **Environmental Planning and Historic Preservation (EHP) Review**<br>DHS/FEMA funded activities that may require an Environmental Planning and Historic Preservation (EHP) review are subject to the FEMA EHP review process. This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state and local laws. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP review process, as mandated by: the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and any other applicable laws and executive orders. General guidance for FEMA's EHP process is available on the DHS/FEMA Website at: https://www.fema.gov/grants/guidance-tools/environmental-historic. Specific applicant guidance on how to submit information for EHP review depends on the individual grant program and applicants should contact their grant Program Officer to be put into contact with EHP staff responsible for assisting their specific grant program. The EHP review process must be completed before funds are released to carry out the proposed project; otherwise, DHS/FEMA may not be able to fund the project due to noncompliance with EHP laws, executive orders, regulations, and policies. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archaeological resources are discovered the applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA. |

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| **Article 43** | **Applicability of DHS Standard Terms and Conditions to Tribes**<br>The DHS Standard Terms and Conditions are a restatement of general requirements imposed upon recipients and flow down to sub-recipients as a matter of law, regulation, or executive order. If the requirement does not apply to Indian tribes or there is a federal law or regulation exempting its application to Indian tribes, then the acceptance by Tribes of, or acquiescence to, DHS Standard Terms and Conditions does not change or alter its inapplicability to an Indian tribe. The execution of grant documents is not intended to change, alter, amend, or impose additional liability or responsibility upon the Tribe where it does not already exist. |
| **Article 44** | **Acceptance of Post Award Changes**<br>In the event FEMA determines that an error in the award package has been made, or if an administrative change must be made to the award package, recipients will be notified of the change in writing. Once the notification has been made, any subsequent requests for funds will indicate recipient acceptance of the changes to the award. Please call FEMA Grant Management Operations at (866) 927-5646 or via e-mail to: ASK-GMD@fema.dhs.gov if you have any questions. |
| **Article 45** | **Disposition of Equipment Acquired Under the Federal Award**<br>For purposes of original or replacement equipment acquired under this award by a non-state recipient or non-state sub-recipients, when that equipment is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, you must request instructions from FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. section 200.313. State recipients and state sub-recipients must follow the disposition requirements in accordance with state laws and procedures. |

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| **Article 46** | **Prior Approval for Modification of Approved Budget**<br>Before making any change to the FEMA approved budget for this award, you must request prior written approval from FEMA where required by 2 C.F.R. section 200.308. For purposes of non-construction projects, FEMA is utilizing its discretion to impose an additional restriction under 2 C.F.R. section 200.308(f) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the federal share is greater than the simplified acquisition threshold (currently $250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget FEMA last approved. For purposes of awards that support both construction and non-construction work, FEMA is utilizing its discretion under 2 C.F.R. section 200.308(h)(5) to require the recipient to obtain prior written approval from FEMA before making any fund or budget transfers between the two types of work. You must report any deviations from your FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval. |
| **Article 47** | **Indirect Cost Rate**<br>2 C.F.R. section 200.211(b)(15) requires the terms of the award to include the indirect cost rate for the federal award. If applicable, the indirect cost rate for this award is stated in the budget documents or other materials approved by FEMA and included in the award file. |
| **Article 48** | **Award Performance Goals**<br>FEMA will measure the recipient's performance of the grant by comparing the firefighter hiring activities of new, additional firefighters, rehire laid off firefighters, or retain firefighters facing layoff OR recruitment and retention activities of volunteer firefighters who are involved with or trained in the operations of firefighting and emergency response as requested in its application. In order to measure performance, FEMA may request information throughout the period of performance. In its final performance report submitted at closeout, the recipient is required to report on the recipients increased compliance with the National standards described in the NOFO. |

# Obligating document

| **1. Agreement No.** | **2. Amendment No.** | **3. Recipient No.** | **4. Type of Action** | **5. Control No.** |
|---|---|---|---|---|
| EMW-2022-FF-02048 | N/A | 946000457 | AWARD | WX01189N2023T |

| 6. Recipient Name and Address | 7. Issuing FEMA Office and Address | 8. Payment Office and Address |
|---|---|---|
| CITY OF WINTERS<br>318 1ST ST<br>WINTERS, CA 95694 | Grant Programs Directorate<br>500 C Street, S.W.<br>Washington DC, 20528-7000<br>1-866-927-5646 | FEMA, Financial Services Branch<br>500 C Street, S.W., Room 723<br>Washington DC, 20742 |

| 9. Name of Recipient Project Officer | 9a. Phone No. | 10. Name of FEMA Project Coordinator | 10a. Phone No. |
|---|---|---|---|
| Jack Snyder | 5307954131 | Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program | 1-866-274-0960 |

| 11. Effective Date of This Action | 12. Method of Payment | 13. Assistance Arrangement | 14. Performance Period |
|---|---|---|---|
| 08/25/2023 | OTHER - FEMA GO | COST SHARING | 11/23/2023 to 11/22/2027<br>**Budget Period**<br>11/23/2023 to 11/22/2027 |

**15. Description of Action a. (Indicate funding data for awards or financial changes)**

| Program Name Abbreviation | Assistance Listings No. | Accounting Data(ACCS Code) | Prior Total Award | Amount Awarded This Action + or (-) | Current Total Award | Cumulative Non-Federal Commitment |
|---|---|---|---|---|---|---|
| SAFER | 97.083 | 2023-F2-GF01 - P410-xxxx-4101-D | $0.00 | $345,750.00 | $345,750.00 | $0.00 |
| | | Totals | $0.00 | $345,750.00 | $345,750.00 | $0.00 |

**b. To describe changes other than funding data or financial changes, attach schedule and check here:**
N/A

**~~16.FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)~~**
This field is not applicable for digitally signed grant agreements

| 17. RECIPIENT SIGNATORY OFFICIAL (Name and Title) | DATE |
|---|---|
| **18. FEMA SIGNATORY OFFICIAL (Name and Title)**<br>**PAMELA WILLIAMS, Assistant Administrator, Grant Programs** | **DATE**<br>**08/25/2023** |

**CITY COUNCIL**
**STAFF REPORT**

**TO:** City Council

**DATE**: September 19, 2023

**FROM**: Kathleen Salguero Trepa, City Manager

**SUBJECT**: Committee Appointments to Replace Councilmember Casavecchia

**RECOMMENDATION**:
By motion, replace Councilmember Casavecchia as appointee to various committees for a period of six months effective September 19, 2023, and ending March 19, 2024, provided that the Council adopts the Resolution of Censure on the consent calendar earlier in the agenda, and that his original appointments be restored without further Council action, effective March 20, 2024.

**BACKGROUND**:
On September 5, 2023, the City Council held a discussion on the possible censure of Councilmember Casavecchia and directed staff to return with a resolution of censure for adoption at the September 19, 2023 City Council meeting based on findings agreed upon by the Council. As part of that discussion, Councilmember Casavecchia offered to waive his opportunity to be heard as part of a censure hearing to review and consider the resolution of censure and requested that the censure resolution be placed on the consent calendar for adoption at the September 19, 2023, meeting. The Council's action to formally adopt the resolution of censure should occur before considering this item.

**DISCUSSION:**
One of the proposed actions related to censure that Council discussed on September 5, 2023, was to remove Councilmember Casavecchia from his committee assignments for a period of six months. The attached list includes the committees that Councilmember Casavecchia was appointed to last January as part of reorganizing the City Council following the 2022 election.

Staff recommends that, if the Resolution of Censure is adopted, Council discuss and

direct who should replace Councilmember Casavecchia on the following committees for the six-month period:

- Planning Commission – primary council liaison
- Winters Chamber of Commerce – primary City liaison
- Winters Fire Protection Board – primary City liaison
- Yolo Fire Safe Council – primary City representative.
- Solano EDC – City representative
- Yolo Habitat Conservancy – City representative.
- Valley Clean Energy – Primary City representative

Staff will notify any of the impacted agencies following Council action and the committee assignment list will be updated on the City's website.

Following the six-month period, staff recommends that the original appointments be restored, effective March 20, 2024, without further Council action.

**FISCAL IMPACT:**
None associated with this action.

**ATTACHMENT:**
Councilmember Casavecchia committee assignments

| Committee Appointment | Regional / Local / Other | Mandatory / Optional | Meeting Frequency | Meeting Schedule | 2023 Primary | 2023 Alternate |
|---|---|---|---|---|---|---|
| Planning Commission | City | Liaison | Monthly | 4th Tuesday, 6:30pm | Richard Cassavechia | Bill Biasi |
| Winters Chamber of Commerce | Local | Liason | Monthly | 2nd Friday, 8:30am | Richard Cassavechia | Bill Biasi |
| Winters Fire Protection District Board | Local | Optional | Quarterly | 3rd Thursday, 4:00pm | Richard Cassavechia | Bill Biasi |
| Yolo FireSafe Council | Regional | Optional | Monthly | 4th Wednesday, 4:00pm | Richard Cassavechia | Bill Biasi |
| Solano EDC | Regional | Optional | Monthly | 2nd Thursday, 9:00-10:00am | Richard Cassavechia | |
| Valley Clean Energy | Regional | Mandatory | Monthly | 2nd Thursday, 5pm | Richard Cassavechia | Albert Vallecillo |
| Yolo Habitat Conservancy | Regional | Mandatory | Bi-Monthly | 3rd Monday, 5:30-7:30 | Richard Cassavechia | |