



## **Express Investigates:** Records reveal city, developer quietly swapped working plans, draft documents

*By Matthew Keys | Published April 17, 2019 in print and on WintersExpress.com*

A city official and the owner of a sizable amount of land north of the city's limit line have for months enjoyed a friendly and warm relationship that sometimes included exchanges of previously-undisclosed public information, according to a cache of email records obtained by the Express last week.

Those records show City Manager John Donlevy and Jeffrey Roberts, a representative of development firm Bellevue North, occasionally gave each other information concerning potential plans for the annexation and development of hundreds of acres of land owned by Bellevue North operator Greg Hostetler before that information was made available to the general public — or, in some cases, never made public at all.

That information included a draft proposal and four exhibits submitted by Bellevue North in January, several draft copies of a much-anticipated economic development committee report and guidance from city officials on how to proceed with the preliminary stages of a formal development application.

Many of those emails are being published by the Express for the first time this week after the newspaper filed a public records request to obtain conversations between Donlevy, Roberts and other city officials concerning plans to annex and develop nearly 800 acres of land north of the city limits in unincorporated Yolo County.

Plans for the annexation of some parts of that territory have been in place for more than a decade as part of the city's general plan; came up for discussion in 2013 as part of an annexation workshop held between city leaders, Roberts and the community; and have recently resurfaced as Bellevue North informed the city it intends to file a formal, specific plan outlining its intention to convert around 800 acres of agriculture land — about 80 percent of which it directly owns — into land earmarked for urban development after the city proceeds with annexation efforts.

The email records cover a four-month period in which Donlevy and Roberts kept in near-constant communication with each other over those plans. The records show Roberts was eager to press ahead with a submission of a formal specific plan for agriculture land earmarked for annexation and urban development but was largely waiting for the release of a much-anticipated report from the city's Economic Development Advisory Committee (EDAC) with recommendations for long-term economic and land use goals.

The EDAC report was published online April 1, but email records show Donlevy provided an early copy of the report to Roberts and a handful of city officials three days before it was made publicly available. In an email with the Express last Friday, Donlevy acknowledged he gave a copy of the report to Roberts "as a courtesy to keep him in the loop as the major property owner of a number of recommendations," adding that the report was also sent on March 29 to a number of city officials as well as members of the EDAC and the city's chamber of commerce.

"Sending a preview of the final was good, because I was notified of three [typographical] errors which were corrected before the final version went live," Donlevy said. He added Roberts never replied with comments or concerns and no other property owners were given advanced copies of the report.

### **'READY TO SUBMIT'**

Much of what was contained in the EDAC report likely did not come as a surprise to Roberts: Earlier this month, city council members said Roberts was

invited to give a presentation to the EDAC weeks before the report was finalized. After submitting a draft specific plan to city officials in January, Roberts repeatedly emailed Donlevy to ask when the report would be released, saying in one email he was waiting for the results of the EDAC report before formally submitting an official development plan to the city.

Council members also revealed Roberts had held one-on-one presentations with them individually in February to go over potential plans for development on the assumption the land would become annexed into the city's limits or otherwise incorporated into an expanded sphere of influence. At least two of the council members — Pierre Neu and Jesse Loren — expressed concern at the presentation that Roberts felt could warrant an additional future meeting, according to an email sent to Donlevy on Feb. 12.

"I believe that the council members recognize that there will be some major infrastructure challenges ahead, with or without the specific plan," Roberts wrote after his meetings. "I hope that they see that this can be an opportunity for the city to address flooding, groundwater, sewer treatment and circulation issues."

In that same email, Roberts said he had skimmed through a draft version of the EDAC report provided to him by Donlevy and found "a lot of points that are helpful." A few weeks later, in an email dated March 5, Roberts wrote that Bellevue North was "ready to submit the request letter any time that you think is appropriate" and asked Donlevy if he knew when the EDAC report would be presented to the city council (as of Monday, the EDAC report had not been formally discussed as a topic at a city council meeting, though Council Member Loren encouraged city officials to schedule it as an agenda item in the future).

The email records show Donlevy provided several draft versions of the EDAC report before it was finalized in late March. A "very rough draft" of the EDAC report was given to Roberts late last December as well as other unspecified city officials. Roberts told Donlevy he would review the EDAC report with "our proposed specific plan and [environmental impact report] in mind."

On March 5, Donlevy sent another draft version of the EDAC report to Roberts, saying city officials were working on a date to present the finalized version of the report. A final version of the report was sent to Roberts and other city officials on March 29, three days before it was published online.

The development of the EDAC report was one of several points of guidance between Donlevy and Roberts as Bellevue North forged ahead with development plans ahead of an official plan filing with the city. In January, Roberts emailed Donlevy a draft version of a specific development plan that included numerous goals and objectives during and after potential annexation procedures.

City council members apparently did not receive the January draft proposal until days after the Express was furnished with a copy as part of the newspaper's records request, according to one council member who spoke with the Express on background.

### **A \$20,000 AGREEMENT**

Last Friday, Donlevy told the Express city officials had not received an formal, specific plan from Bellevue North regarding annexation or future development. But the email records obtained by the Express show Donlevy and Roberts have interacted with each other in a way that indicates those plans are coming, and Roberts further laid the foundation for those plans when an auxiliary company associated with Bellevue North called Assemi Group, Inc. sent the city a check for \$11,678 as part of a reimbursement plan tied to a forthcoming development application.

A copy of the check and associated reimbursement agreement was obtained by the Express as part of the newspaper's public records request last week. The check was acknowledged by Donlevy in a city manager's update two weeks ago, but the document itself has never been made public, even though the document references itself as a public record.

The check covers a portion of the requested \$20,000, with the remainder made up of funds left over from a deposit account with over \$7,000 remaining from a previous agreement between the city and Bellevue

North. In an email with contract planner Heidi Tshudin, Roberts said Bellevue North was "positioned to move forward with the planning effort on our property."

The agreement, a scanned copy of which was delivered by Roberts via email one hour before the contentious council meeting on April 2, said the city anticipated certain expenses "incurred in connection with the processing of the application." The document said the city would not be influenced by the deposit to consider processing the application or approving any plans connected to it.

The agreement also said Bellevue North would be prohibited from "directly or indirectly exercising any supervision or control over any employee, agent or consultant of the city engaged in processing of the application," but did allow the developer to solicit information from others regarding the processing of the application and other plans.

Before signing the agreement, Roberts was already taking advantage of that provision, meeting regularly with Donlevy and other city and county officials over proposed plans, the email records reveal.

In an exchange with community planner Heidi Tshudin, Roberts wrote that he had been in communication with Christine Crawford, the chief executive of the Yolo County Local Agency Formation Commission (LAFCO), to "let her know what were (sic) proposing to do in the near future."

Roberts said Crawford told him a plan to expand the city's sphere of influence to include other lands owned by Bellevue North would be "hard work," but that Crawford "gave me some ideas on how to position the request for presentation to the LAFCO board," saying the decision would "rely heavily" on certain findings of a California Environmental Quality Act investigation that Winters officials were expected to complete.

### **'AN OPEN AND TRANSPARENT PROCESS'**

The presentation to the LAFCO board may not be Bellevue North's only tough sell: On April 2, Donlevy suggested Roberts watch a live feed of that evening's

city council meeting, saying the “land use” element of the city’s general plan was up for discussion and that he “expect some folks at the meeting.”

Though the topic wasn’t specific to annexation or development, many members of the public did address the council with concerns over the process, including a perceived lack of transparency on the city’s part.

In a follow-up email after the meeting, Roberts wrote that he “was able to catch most of the discussion from the public” and that it was “very helpful for me to get a little insight.”

“The commenters really want an open and transparent process, and I don’t see any problem with that at all,” Roberts said.

Responding to concerns over a perceived lack of transparency on his part, Donlevy issued a lengthy city manager’s report the Friday after the April 2 council meeting, acknowledging city officials had met with Roberts and Bellevue North over potential annexation and development plans but downplaying those meetings as simply routine business any time a property owner expressed interest in development that could impact the city directly.

Those presentations offered by Bellevue North included a display of maps and photographs, materials Donlevy said were never formally supplied to the city or kept by officials (though four maps that were shown at the presentation were given to Donlevy by email in January as part of a draft submission, records obtained by the Express showed).

“[City officials] meets constantly with property owners, businesses and prospective property owners about land use,” Donlevy wrote. “At the City of Winters, we work to maintain optimum transparency and customer service for people who own property, businesses or are looking to invest in the city.”

Donlevy downplayed discussions between his office and Bellevue North, saying the city had seen around six different versions of potential development plans with “very little specificity on ultimate land use.”

It remains to be seen what effect the city’s efforts to shed more light on potential plans will have on community sentiment, but his update that week did find a fan in Roberts, who responded enthusiastically less than 20 minutes after Donlevy published it.

“Thanks John,” Roberts wrote. “Nice job!”

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*This article was published in the print edition of the Winters Express newspaper on April 17, 2019 under the headline: “Express Investigates: Records show city, developer quietly swapped working plans, draft reports.” The online version of this story along with associated records and documents are accessible by visiting <https://bit.ly/annexstory>*