

MINUTES
JOINT TOWN COUNCIL,
REDEVELOPMENT AGENCY, AND
WINDSOR WATER DISTRICT MEETING

Civic Center Council Chambers
9291 Old Redwood Highway, Building 400
Windsor, CA 95492

Wednesday, December 5 2007
Regular Session - 6:00 p.m.

CLOSED SESSION- 5:30 p.m.

1. CALL TO ORDER

Mayor Parker called to order a meeting of the Town Council, also serving as the Board of Directors of the Windsor Redevelopment Agency, Windsor Joint Powers Financing Authority, and Town of Windsor Water District at 5:33 p.m.

2. COUNCIL ROLL CALL

Present at Roll Call were Councilmembers Allen, Fudge, Goble, Salmon and Mayor Parker.

(Clerk's Note: Item 3 was considered after Item 6)

3. PLEDGE OF ALLEGIANCE

Mayor Parker requested, and Councilmembers concurred, that Item 3 (Pledge of Allegiance) be moved after Item 6 (Report out of Closed Session).

4. CITIZEN PUBLIC APPEARANCES

No comments were received.

5. ANNOUNCEMENT OF CLOSED SESSION TOPICS/ADJOURNMENT TO CLOSED SESSION

Mayor Parker announced the following Closed Session topics and Council adjourned to a Closed Session in Conference Room A at 5:35 p.m.

5.1 CONFERENCE WITH LEGAL COUNSEL: EXISTING LITIGATION

(Government Code Section 54956.9(a))

Town of Windsor vs. Emery Land Company (Sonoma County Superior Court Case # 238402)

**5.2 CONFERENCE WITH LEGAL COUNSEL (Government Code Section 54956.9)
Initiation of Litigation (two potential cases)**

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5.3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)

Property: 444 Windsor River Road (APN No. 066-081- 077)
8594, 8606 and 8612 Windsor Road
(APN Nos. 164-030-037, -049 and -050)
Agency Negotiator: J. Matthew Mullan, Town Manager
Negotiating Parties: Windsor Fire Protection District
Under negotiation: Price and terms of conveyance

6. REPORT OUT OF CLOSED SESSION

The Closed Session adjourned at 6:00 p.m. and the regular meeting reconvened with all members present. No action was taken during Closed Session.

REGULAR SESSION – 6:00 p.m.

Item 3 was considered at this time.

3. PLEDGE OF ALLEGIANCE

Keith Parker led the Pledge of Allegiance.

7. PRESENTATION(S)/PROCLAMATION(S) – NONE

8. REORGANIZATION OF COUNCIL

8.1 Selection of Mayor

Councilmember Salmon nominated Mayor Pro Tem Fudge to fill the office of Mayor. Councilmember Goble seconded the motion. The motion passed by a 5/0 vote.

8.2 Selection of Mayor Pro Tempore

Councilmember Allen nominated Councilmember Goble to fill the office of Mayor Pro Tem. Mayor Fudge seconded the motion. The motion passed by a 5/0 vote.

8.3 Presentation to Outgoing Mayor Parker

Mayor Fudge presented outgoing Mayor Parker with a gift acknowledging his service to the Town.

Council recessed from 6:06 p.m. until 6:19 p.m. and reconvened with all members present.

9. ANNOUNCEMENTS

Mayor and Councilmembers announced various upcoming events.

10. CONFLICT OF INTEREST DECLARATION – None.

11. CHANGES TO THE AGENDA

Councilmember Salmon requested that Item 13.5 (Approval of Contract Award of Janitorial Services) be pulled from the Consent Calendar and considered after Item 13.9.

Councilmember Allen requested that Item 13.8 (LEED Fundamental Commissioning for the Windsor Fire Station) be pulled from the Consent Calendar and discussed with Item 15.4.

12. CITIZEN PUBLIC APPEARANCES

Donna Helwig, Windsor resident, presented a letter to the Council in which she and members of the Committee of Concerned Residents state their reasons why they do not support the proposed rent increases by Resident Owned Parks (ROP) and the financial assistance program at the Windsor Mobile Country Club.

13. CONSENT CALENDAR

Councilmember Goble moved to adopt the following Consent Calendar items with corrections to Item No. 11.2 (Minutes of the November 14, 2007 Special Meeting). Councilmember Allen seconded the motion. The motion passed by a 5/0 vote. However, Items 13.5 (Approval of Janitorial Services) and 13.8 (LEED Fundamental Commissioning for the Windsor Fire Station) were pulled from the Consent Calendar for discussion later during the meeting.

13.1 Check Register Approval

5/0 vote. By motion, approved disbursements in the amount of \$986,544.93.

13.2 Approval of Minutes

5/0 vote. By motion, approved the minutes of the regular Town Council meeting of November 7, 2007, Special Joint Town Council and Planning Commission meeting of November 13, 2007 and the special Town Council meeting of November 14, 2007, as corrected.

13.3 Update Growth Control Ordinance

5/0 vote. Adopted, by title only, Ordinance No. 2007-226 updating the Growth Control Ordinance.

13.4 Award of Contract for the Windsor Road Pedestrian Enhancement Project

5/0 vote. Adopted Resolution No. 2183-07 approving a contract with Ghilotti Construction Company, Inc., for the construction of the Windsor Road Pedestrian Enhancement Project in the amount of \$201,493.75 and authorizing the Town Manager to execute the contract and any required construction change orders up to the authorized project budget.

(Clerk's Note: Item 13.5 was considered after Item 13.9)

13.5 Approval of Contract Award of Janitorial Services

13.6 Professional Services Agreement with ArcSine Engineering for Water Reclamation System SCADA Replacement Pre-Design

5/0 vote. Adopted Resolution No. 2185-07 approving an agreement for professional services with ArcSine Engineering to provide Water Reclamation System SCADA Replacement Pre-Design services, in an amount not to exceed \$248,000.00 and authorizing the Town Manager to execute on behalf of the Town.

13.7 Parcel Merger for Windsor Fire Station No. 2 Property

5/0 vote. Adopted Resolution No. 2186-07 authorizing the Town Manager to execute a Notice of Voluntary Merger in accordance with Government Code Section 66499.20 $\frac{3}{4}$ of the Subdivision Map Act for the merger of parcels identified as Assessor Parcel Numbers 164-030-37, -49, and -50, located at 8594, 8606, and 8612 Windsor River Road, for the Windsor Fire Station No. 2 Project.

(Clerk's Note: Item 13.8 was considered with Item 15.4)

13.8 LEED Fundamental Commissioning for the Windsor Fire Station

13.9 Authorize submittal of an application and entering into a Grant Agreement for a Local Groundwater Assistance Program Grant for the Off-River Well Development Program

5/0 vote. Adopted Resolution No. 2188-07 authorizing the Town Manager to submit an application to the California Department of Water Resources for a Local Groundwater Assistance Grant pursuant to the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Water Code Section 79560 *et seq.*), and to enter into an agreement to receive a grant for the Off-River Supply Development Program.

Item 13.5 was considered at this time

13.5 Approval of Contract Award for Janitorial Services

Councilmember Salmon discussed the reasons why he pulled this item off the Consent Calendar, noting the need to discuss the hourly wage offered in the Janitorial Contract.

Based on its discussion, Council recognized the need to review future janitorial wages but would like to move forward with the approval of the current contract.

Mayor Fudge offered members of the audience an opportunity to speak at this time. No comments were made.

Mayor Fudge would like staff to notify Council prior to the contract expiration to allow Council to review the living wage for the next contract approval.

Councilmember Parker moved to adopt Resolution No. 2184-07 approving a Professional Services Agreement with Universal Building Services in an amount up to \$121,210 to provide janitorial services and authorizing the Town Manager to execute the agreement and any change orders on behalf of the Town. Councilmember Allen seconded the motion. The motion passed by a 4/1 vote, as Councilmember Salmon opposed.

14. PUBLIC HEARING

14.1 Adopt a Resolution Establishing a Maximum Waiver Number for Moderate Income Units; Establish Annual Allocations for 2008, and Reservations for 2009/2010

Associate Planner Cangson reported on this item.

Mayor Fudge opened the public hearing. There being no public testimony, Mayor Fudge closed the public hearing.

On a motion by Councilmember Salmon, seconded by Councilmember Parker, and by a 5/0 vote, Council took the following actions:

- a) Adopted Resolution No. 2189-07 establishing a maximum number of moderate income units to obtain a waiver in any one year;
- b) Introduced, by title only, an ordinance setting allocations for the year 2008;
- c) Adopted Resolution No. 2190-07 reserving allocations for 2009/2010.

15. REGULAR CALENDAR

15.1 Consider Naming Town Green Village 3 and the Winter Creek Project Subdivision Parks as “Thiessen Park”

Community Services Director Legge reported on this item.

Mayor Fudge offered members of the audience an opportunity to speak at this time. No comments were made.

Following discussion, Councilmember Parker moved to support Orrin Thiessen’s proposal to name the Town Green Village 3 and the Winter Creek project subdivision parks as “Thiessen Park”. Councilmember Allen seconded the motion. The motion passed by a 5/0 vote.

15.2 Terra Partners- Fee Deferral and Redevelopment Funding Requests

Senior Planner Thompson reported on this item.

Mayor Fudge offered members of the audience an opportunity to speak at this time. No comments were made.

Following Council discussion, Councilmember Parker moved to take the following actions:

- a) Adopted Resolution No. 2191-07 approving the development impact fee deferral on 11 affordable units in the Terra Green project.
- b) Acting as the Board of Directors for the Redevelopment Agency, adopted Resolution No. 2192-07, committing \$550,000 (\$50,000 per unit) of Redevelopment Low Moderate funds in the form of silent second mortgages on each of the 11 affordable units.

Councilmember Goble seconded the motion. The motion passed by a 5/0 vote.

15.3 Funding for Windsor Chamber of Commerce for period of January 1, 2008 – June 30, 2009

Assistant Town Manager Johnson reported on this item.

Mayor Fudge called for comments from the public.

Hal Beck, Windsor Chamber of Commerce, discussed the services offered by the Windsor Chamber of Commerce to the Windsor community.

There were no further comments from the audience.

Councilmember Parker moved to adopt Resolution No. 2193-07 approving an agreement with the Windsor Chamber of Commerce in an amount not to exceed \$103,500 for staffing services related to the operation of the Visitors' Center and marketing of the Old Downtown during the period of January 1, 2008 – June 30, 2009 and authorizing the Town Manager to execute the agreement on behalf of the Town. Councilmember Goble seconded the motion. The motion passed by a 5/0 vote.

15.4 Design Review for the Fire Station No. 2 Project

Senior Management Analyst Kelley reported on this item and introduced members of the Design Team, Windsor Fire Chief Ron Collier and Fire Marshal Matt Gustafson.

Mary McGrath, Architect with Beverly Prior Architects, (BPA) provided details of the design of the Fire Station as a “green” building. She also discussed the budget, location of the equipment mechanical pads, emergency lighting, masonry wall, and radius of the street curb as well as the essence of fire station project.

Mayor Fudge offered members of the audience an opportunity to speak at this time. No comments were made.

Councilmember Allen moved to adopt Resolution No. 2194-07 approving the design (Site Plan, Floor Plan, and Elevations) of the Fire Station No. 2 Project. Councilmember Parker seconded the motion. The motion passed by a 5/0 vote.

13.8 LEED Fundamental Commissioning for the Windsor Fire Station

Senior Management Analyst Kelley reported on this item.

Councilmember Allen explained the reasons why he pulled this item off the Consent Calendar.

Mayor Fudge called for public comments at this time.

Ron Collier, Windsor Fire Chief, spoke in support of the proposed Windsor Fire Station No. 2 project.

There were no further comments from the audience.

Following discussion, Mayor Pro Tem Goble moved to adopt Resolution No. 2187-07 approving a professional services agreement with KEMA to conduct LEED Fundamental Commissioning for the Windsor Fire Station No. 2 Project in an amount not to exceed \$38,200 and authorizing the Town Manager to execute on behalf of the Town. Mayor Fudge seconded the motion. Following a roll call, the motion passed by a 4/1 vote, as Councilmember Allen opposed.

Councilmember Salmon excused himself from the meeting at 9:08 p.m.

15.5 Town Website Re-design, Development, Implementation, Hosting and Maintenance

Assistant Town Manager Johnson reported on this item and discussed the benefits of the redesign of the Town's website.

Mayor Fudge offered members of the audience an opportunity to speak at this time. No comments were made.

Councilmember Allen moved to adopt Resolution No. 2195-07, as modified, approving a Professional Services Agreement with CivicPlus to provide services to re-design, install and maintain the Town of Windsor website in an amount not to exceed \$39,000 and authorizing the Town Manager to execute it on behalf of the Town. Councilmember Parker seconded the motion. The motion passed by 4/0/1 vote (Councilmember Salmon was absent).

16. DISCUSSION AND/OR ACTION ON PENDING STATE OR FEDERAL LEGISLATION AND ACTIVITIES

16.1 League of California Cities – None

**16.2 Sonoma County Mayors' and Councilmembers' Association
Legislative Committee Update - None**

17. MAYOR'S & COUNCILMEMBERS' REPORTS

17.1 Individual Councilmember Reports and Comments

Councilmembers briefly reported on items of interest to the Council.

17.2 Reports on Meetings/Conferences

Councilmembers reported on various meetings they attended.

17.3 Requests for Future Council Agenda Items

Mayor Fudge requested that staff research costs associated with membership to the Climate Smart Program and to add this item to a future agenda.

18. TOWN MANAGER'S REPORT (NO WRITTEN REPORT)

Town Manager Mullan reported that the first installment towards the Memorial stage has been received as well as the process for construction.

19. ADJOURNMENT

The meeting adjourned in memory of Robert Van Buren at 9:36 p.m. to a Regular Town Council meeting scheduled for Wednesday, December 19, 2007 at 6:00 p.m., in the Civic Center Council Chambers located at 9291 Old Redwood Highway, Building 400 in Windsor.

Approved and adopted this 19th day of December 2007.

Maria De La O, CMC
Town Clerk