

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, October 17, 2007
Regular Session - 6:00 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 and Town of Windsor Water District at 6:01 p.m.

2. COUNCIL ROLL CALL

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

3. PLEDGE OF ALLEGIANCE

Councilmember Allen led the Pledge of Allegiance.

4. PRESENTATION(S)/PROCLAMATION(S)

The proclamations were read in the following order:

4.2 Proclamation declaring November 4-10, 2007, as “Hospital Awareness Week”

Mayor Parker read and presented a proclamation to Tobi Ferguson, and Charles Siebert, Board Member and Chairman of the Communications Committee, declaring the week of November 4-10, 2007, as “Hospital Awareness Week.”

Charles Siebert, Board Member and Chairman of the Communications Committee, discussed the success of the Healdsburg District Hospital.

4.1 Proclamation declaring October 24, 2007, as “United Nations Day”

Mayor Pro Tem Fudge read and presented a proclamation to Martha Peterson, Sonoma County Chapter, United Nations Association of the United States of America, declaring October 24, 2007 as United Nations Day.

5. ANNOUNCEMENTS

Mayor and Councilmembers announced various upcoming events.

6. CONFLICT OF INTEREST DECLARATION

Councilmembers Allen and Goble advised that they will not be voting on the September 19, 2007 Town Council Minutes, as they were absent from that meeting.

Councilmember Goble also advised that she will be abstaining from voting on Item 9.7 (Amendment to the Professional Services Agreement for On-Call Development Services).

7. CHANGES TO THE AGENDA – None.

8. CITIZEN PUBLIC APPEARANCES

Tracy Cuna, Sales Manager of Chicago Title, spoke on behalf of the family of Matthew Zanoni who recently died in a boating accident. She said that a trust fund had been established for Matthew Richard Zanoni at the Redwood Credit Union. She encouraged the community to make a contribution towards this fund.

Pat Chiappa, Windsor resident, raised concerns regarding the inappropriate activities that are conducted in the back parking lot of Patterson's Pub and Grill.

9. CONSENT CALENDAR

Councilmember Salmon moved to adopt the Consent Calendar items. Councilmember Goble seconded the motion. The motion passed by a 5/0 vote for all items except part of Item 9.2 (Minutes of the regular Town Council meeting of September 19, 2007), which passed by a 3/0/2 vote (Councilmembers Allen and Goble were absent) and Item 9.7, which passed by 4/0/1 vote (Councilmember Goble abstained).

9.1 Check Register No. 372

5/0 vote. By motion, approved disbursements in the amount of \$1,364,445.28.

9.2 Approval of Minutes

The minutes of the regular Town Council meeting of September 19, 2007 were approved by a 3/0/2 vote (Councilmembers Allen and Goble were absent). The October 3, 2007, minutes were approved as part of the Consent Calendar by a 5/0 vote.

9.3 Amendment No. 10 to Town's Law Enforcement Services Agreement

5/0 vote. Adopted Resolution No. 2160-07 approving Amendment No. 10 to the Agreement for Law Enforcement Services, and authorized the Town Manager to execute it on behalf of the Town.

9.4 Acceptance of Work for the Tank Recoating and Access Improvements Project

5/0 vote. Adopted Resolution No. 2161-07 accepting the contract work performed by Spiess Construction Co., Inc. for the construction of the Tank Recoating and Access Improvements Project and directing the Town Clerk to record a Notice of Completion.

9.5 Adoption of the 2007 California Code of Regulations, Title 24

By a 5/0 vote, adopted the following ordinances:

- a) Adopted Ordinance No. 2007-223 repealing ordinance 2002-160 and amending the existing Title VI, Fire Prevention and Protection.
- b) Adopted Ordinance No. 2007-224 repealing ordinances 2002-160 and 2007-215 and replacing Title VII, Housing and Building, with the 2007 edition of the California Code of Regulations, Title 24, Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 12, including all appendices, as published by the International Code Council.

9.6 Approval of the Sewer System Management Plan Development Plan and Schedule 5/0 vote. Adopted Resolution No. 2162-07 approving the Sewer System Management Plan Development Plan and Schedule.

9.7 Amendment to the Professional Services Agreement for On-Call Development Services

Adopted the following resolutions by a 4/0/1 vote, as Councilmember Goble abstained.

- a) Adopted Resolution No. 2163-07 authorizing the Town Manager to amend the existing Professional Services Agreement with Winzler & Kelly for On-Call Development Services in an additional amount not to exceed \$55,000.
- b) Adopted Resolution No. 2164-07 amending the FY 2007-08 budget (Amendment 10-08) to appropriate additional funds in the amount of \$27,500 from the unappropriated Water Reclamation Fund balance and \$27,500 from the unappropriated Water Fund balance to the Professional Services budget for Winzler & Kelly's On-Call Development Services.

10. PUBLIC HEARING

10.1 Approval of the Old Downtown Windsor Business Improvement District (BID) Fiscal Year 2007-2008 Annual Report and Levying the Assessments for the 2007-2008 Fiscal Year

Senior Management Analyst Kelley summarized the contents of the staff report. Mr. Kelley acknowledged the submittal of two letters of protest from Dan Rogers of Dan's Barber Shop and Brandon Tynan (representing the 8 owners within the Tynan Bldg), 170 Windsor River Road regarding the levying of the assessments for the 2007-08 fiscal year. These protests should be considered as formal protests as permitted under the Town's Ordinance. He explained that if 50% or more of the value of the assessments are in protest today then the Council would have to deauthorize the BID assessment for a period of one year.

Mayor Parker opened the public hearing.

Richard Bellomo, Owner of Something Special, submitted a protest containing approximately 43 signatures from business owners and employees objecting to the BID assessments.

Brad Thomas, Windsor resident, Vice President of the BID, addressed Council in support of the BID and briefly discussed the progress of the Downtown.

Jeff Leasure, Business and Property Owner (owns property located at 88 Windsor River Road), explained the reasons why he signed the protest submitted by Mr. Richard Bellomo. Mr. Leasure recommended that Council suspend the BID pending the Consultant's report on what should be developed for the Downtown as well as the Town. Once the report is received and depending on the recommendation, the BID process should be reevaluated.

Alex (Last name not given), Owner of Ubeadquitous, discussed the reasons why she signed in support of the BID. She stated that rather than placing the BID on hold for a year while it is under review for Economic Development purposes, the assessments should be kept in place and at the end of that year, the process should be reviewed.

Mayor Parker closed the public hearing.

Senior Management Analyst Kelley acknowledged receipt of the 43 signatures of protest that were submitted, noting that these signatures will need to be reviewed and verified. He briefly explained the process for submittal of written protests. He stated that in his initial review of the list of signatures, a number of the signatures appear to be for one independent business. Therefore, this vote would only count as one vote for that specific business. He stated that this protest does not appear to follow the protest procedure as outlined in adopted Resolution of Intention No. 2151-07. However, Council may want to honor the protests.

Council indicated that they would honor the protests and directed staff to verify and count the signatures.

At this time, to allow staff time to verify the signatures on the protest, staff asked that this item be continued.

There was Council discussion regarding the efforts of the BID and the benefits that will result from the BID assessments.

Brandon Tynan, owner of "The Tynan Building" located at 170 Windsor Road, discussed the reasons why he protested the assessment for his building.

Council continued the discussion of this matter to allow staff to calculate the number of protests received, verify the signatures and the amount of the BID assessments.

At this time, Council considered Item 10.2.

10.2 Introduction of Ordinance Amending the Town Municipal Code to Allow Separate Licensing for Temporary Debris Box and Roll-off Collection Services

Assistant Town Manager Johnson reported on this item and discussed changes that have been made to the ordinance. She indicated that revised copies of the ordinance had been distributed on the dais prior to the commencement of the meeting.

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

Councilmember Salmon introduced, by title only, an ordinance amending the existing Title XI, Solid Waste Management, of the Town of Windsor Municipal Code to allow the Town to Issue Separate Licenses for Temporary Debris Box and Roll-off Collection Services. Councilmember Allen seconded the motion. The motion passed by a 5/0 vote.

11. REGULAR CALENDAR

11.1 Consider Request to Amend Ordinance Regarding Disturbing the Peace relating to Animal Control

Community Services Director Legge reported on this item and introduced County Animal Control and Care Director Dori Villalon.

Dori Villalon, County Animal Control and Care Director, discussed the services that are available to Windsor residents.

Mayor Parker called for public comments. There were none forthcoming.

Dennis Pryor, Windsor resident and applicant, urged Council to consider his request to require the Windsor Police Department to respond to complaints related to barking dogs.

Bob Garcia, County Animal Control Officer, explained the process for filing a complaint and the criminal process for disturbances related to animal control.

Council discussion ensued regarding a request to amend Title III, Chapter 5, Article 1, Section 100 of the "Disturbing the Peace" Code of the Town of Windsor relating to Animal Control. Council concurred with staff's recommendation to have the Town and County staff work together to educate the community about available services and complaint procedures that are offered by the County of Sonoma Animal Control on behalf of the Town.

At this time, Council continued the discussion on Item 10.1.

10.1 Approval of the Old Downtown Windsor Business Improvement District (BID) Fiscal Year 2007-2008 Annual Report and Levying the Assessments for the 2007-2008 Fiscal Year.

Senior Management Analyst Kelley reported that an evaluation of protests filed had been conducted and that the value of the analysis represented \$8,550 in total value of the assessment in protest and the percentage of the assessment in protest is 34.4%. Because the findings are not greater than 50% of the protest, there is not a majority protest to the levying of the assessments.

Based on the figures contained in the analysis, Council accepted the analysis and accepted the information as a formal protest.

Following discussion, Mayor Pro Tem Fudge moved to adopt Resolution No. 2165-07 approving and confirming the Old Downtown Windsor Business Improvement District Fiscal Year 2007-2008 Annual Report and Levying the Assessments for the 2007-2008 Fiscal Year. Councilmember Allen seconded the motion. The motion passed by a 5/0 vote.

Council recessed from 8:00 p.m. until 8:15 p.m. and reconvened with all members present.

11.2 Approve process for the preparation of an Economic Development Strategic Plan
Senior Management Analyst Kelley described the process and the purpose for the preparation of an Economic Development Strategic Plan.

Mayor Parker called for public comments. There were none forthcoming.

After deliberation, Council's consensus was to move forward with the process for the preparation of an Economic Development Strategic Plan (EDSP) without general public outreach, as proposed by staff. The EDSP draft plan will be brought back to the Town Council when available for its consideration. In addition, the EDSP plan will also be made available to the community and noted that staff will promote the various methods in which it will be available.

There were some concerns raised with the costs associated with the preparation of the EDSP. Therefore, staff was directed to convey these budgetary constraints to the Consultants that respond to the RFP. Council also directed staff to bring back for its consideration a Professional Services Agreement.

11.3 Burbank Housing Development Corporation Request for Resolution to Apply for a Residential Development Loan Program

Senior Planner Thompson reported on this item.

Mayor Parker called for public comments. There were none forthcoming.

Mayor Pro Tem Fudge moved to adopt Resolution No. 2166-07 authorizing Burbank Housing Development Corporation (BHDC) to apply for a CalHFA Residential Development Loan Program (RDLP) loan for the Manzanita Self-Help Project. Councilmember Allen seconded the motion. The motion passed by a 5/0 vote.

11.4 Consider Windsor Lighting and Landscaping Special Assessment District (LLAD) Funding Options

Public Works Director/Town Engineer Burt introduced the item.

Otto Bertolero, Coastland Engineers, gave a history of the formation of the LLAD and discussed the options provided to Council this evening.

Mayor Parker called for public comments. There were none forthcoming.

Following is a summary of Council's direction to staff regarding the funding options for the Windsor Lighting and Landscaping Special Assessment District (LLAD):

- ? Conduct polling prior to determining options for future contributions.
- ? The polling conducted should be educational.
- ? Provide a description of the general fund and its functions.
- ? Conduct polling to determine the threshold or acceptable number for the average voter and then develop educational materials to support the acceptable number.
- ? No support for Option No. 2 to increase annual assessments as required to eliminate the use of any Town General Fund contribution in the future.
- ? Consensus not to increase the annual assessment in Zone 6.
- ? The Town will not be conducting polling during the WUSD bond campaign leading up to the February 2008 election.

11.5 Modification to Graffiti Ordinance

Town Engineer/Public Works Director Burt reported on this item.

Mayor Parker called for public comments. There were none forthcoming.

A brief discussion followed, during which Council discussed other methods for abating graffiti. They noted examples whereby businesses could ban the sale of paint and other graffiti supplies to minors.

Town Manager Mullan noted that staff will investigate the Town's current conditions and provide a written report to Council on this matter. Therefore, if so desired by Council, this matter can be agendaized for discussion at a future meeting.

Following discussion, Council explained the reasons why they supported the Town's current procedures for abatement of graffiti. However, Council suggested that staff look into the placement of a notice of abatement on areas that are tagged to discourage graffiti.

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

12.1 League of California Cities

12.2 Sonoma County Mayors' and Councilmembers' Association Legislative Committee Update

13. MAYOR'S & COUNCILMEMBERS' REPORTS

13.1 Individual Councilmember Reports and Comments

Council concurred that a \$150 donation should be made to the Matthew Zanoni Memorial Fund from the Council's Benevolent fund in memory of Matthew Zanoni who recently died in a boating accident.

13.2 Reports on Meetings/Conferences

Councilmembers reported on various meetings they attended.

13.3 Requests for Future Council Agenda Items – None.

**14. TOWN MANAGER'S REPORT (NO WRITTEN REPORT)
NO REPORTS**

No reports were made.

15. ADJOURNMENT

The meeting adjourned at 10:05 p.m. to a Regular Town Council meeting scheduled for Wednesday, November 7, 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 7th day of November 2007.

Maria De La O, CMC
Town Clerk