

MINUTES
JOINT TOWN COUNCIL,
REDEVELOPMENT AGENCY, AND
WINDSOR WATER DISTRICT MEETING AND
PLANNING COMMISSION WORKSHOP/MEETING

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

August 15, 2007

Workshop - 6:00 p.m.
Regular Meeting – Immediately after workshop.

WORKSHOP – 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 6:06 p.m.

2. TOWN COUNCIL ROLL CALL

Present at Roll Call were Councilmembers Allen, Fudge, Goble, and Salmon. Mayor Parker will be arriving late.

3. PLANNING COMMISSION ROLL CALL

Present at Roll Call were Commissioners Albini, Conner, Neece, and Chair Ling. Vice Chair Rios will be arriving late.

4. PLEDGE OF ALLEGIANCE

Planning Commission Chair Debbi Ling led the Pledge of Allegiance.

5. CONFLICT OF INTEREST DECLARATION

Councilmember Goble declared that she would be abstaining on Item 7.1 (Merit Presentation Project Rankings). The reason for her abstention is that she resides within 500 feet of “The Oaks at Windsor Village” project.

Councilmember Goble recused herself from the presentations at this time and left the dais.

6. CITIZEN PUBLIC COMMENT

There were no public comments.

CHANGES TO THE AGENDA

Town Attorney Rudnansky requested that the Council add a closed session to the agenda and that the closed session be held after the joint meeting with the Planning Commission and before the regular meeting of the Council. The closed session is regarding existing litigation (*Town of Windsor v. Shiloh Group*, Sonoma County Superior Court Case No. 236040). This matter needs immediate action and the need for such action came to the attention of the Town after the agenda was posted.

Councilmember Allen moved to add to tonight's agenda a closed session to discuss existing litigation (*Town of Windsor v. Shiloh Group, et al.* (Sonoma County Superior Court Case No. 236040)), as there is a need for immediate action on this matter and the need for such action came to the attention of the Town subsequent to the agenda being posted. Councilmember Salmon seconded the motion. The motion passed by a 3/0/2 vote (Councilmember Goble abstained and Mayor Parker was absent).

7. WORKSHOP

7.1 Merit Presentation Project Ranking

Planning Director Chamberlin and Senior Planner Jones reported on this item.

Senior Planner Jones reported that a letter from Michael Brook and a petition from neighbors were received August 14, 2007 (distributed on the dais prior to the meeting) regarding their opposition to the "Oaks at Windsor Village, Phase 2" project. Copies of the letter and petition are on file in the Town Clerk's Office and the Planning Department.

Mayor Parker arrived at 6:16 p.m.

Vice Chair Rios arrived at 6:58 p.m.

Mayor Parker opened the public hearing.

Misha Weidman, Windsor resident/Developer, expressed his support for the allocations/waivers for projects that are appropriate for the location and will benefit the community.

Orrin Thiessen, Owner and Developer of "The Oaks at Windsor Village Phase 2" discussed the amenities of this development and how it will enhance Phase 1.

David Deakin, Windsor resident, spoke in opposition to the reservation of allocations for "The Oaks at Windsor Village Phase 2" project, as this project inverts the planning process.

Mayor Parker closed the public hearing.

Discussion followed during which the Planning Commission concurred to modify the resolution as follows:

Additional item to be retained in the project design:

- a. South portion of site is fixed in site design.

Items to be resolved during further review of the application:

- a. Traffic safety and improvements associated with increased density, including desirability of a roundabout or traffic signalization of the intersection of Merner Drive/Old Redwood Highway.
- b. Green Building aspects will be emphasized.
- c. Adequacy and location of handicapped parking.
- d. Architecture of ADA accessible unit building.
- e. Consideration of circulation adjustments within Phase 2.
- f. Architectural changes within Phase 2 which are compatible with Phase 1 may be considered.

Planning Commission Resolution No. 519-07

Commissioner Albini moved to adopt Planning Commission Resolution No. 519-07 recommending to the Town Council reservation of 14 allocation (waivers) from the “2007 Mixed Use / Mixed Income Pilot Program” for “The Oaks at Windsor Village, Phase 2” project, as modified. Commissioner Conner seconded the motion. The motion passed by a 5/0 vote.

Based on its discussion, the Council concurred to modify the resolution as follows:

- a. South portion of site is fixed in site design

Items to be resolved during further review of the application:

- a. Traffic safety and improvements associated with increased density, including desirability of a roundabout or traffic signalization of the intersection of Merner Drive / Old Redwood Highway.
- b. Green Building aspects will be emphasized.
- c. Adequacy and location of handicapped parking.
- d. Architecture of ADA accessible unit building.
- e. Consideration of circulation adjustments within Phase 2.
- f. Architectural changes within Phase 2 which are compatible with Phase 1 may be considered.

Town Council Resolution No. 2110-07

Councilmember Salmon moved to adopt Resolution No. 2110-07 reserving 14 growth control allocations (waivers) from the “2007 Mixed Use/Mixed Income Pilot Program” for the “Oaks at Windsor Village, Phase 2” project, as modified. Councilmember Allen seconded the motion. The motion passed by a 4/0/1 vote, as Councilmember Goble abstained.

Councilmember Goble returned to the dais and resumed participation in the meeting.

7.2 Referral of Merit Presentation Projects to the Planning Commission following reservation of allocations

Planning Commission Resolution No. 520-07

Commissioner Neece moved to adopt Planning Commission Resolution No. 520-07 recommending to the Town Council the following rankings of the 2007 Merit Presentations:

1. Cornell Village
2. Kendall Village

Commissioner Albini seconded the motion. The motion passed by a 4/1/0 vote, as Vice Chair Rios opposed.

Town Council Resolution No. 2111-07

Councilmember Salmon moved to adopt Resolution No. 2111-07 ranking the 2007 Merit Presentation Projects for further consideration by the Council at its annual review of the Growth Control Ordinance in November as follows: 1. Cornell Village (only). Mayor Pro Tem Fudge seconded the motion. The motion passed by a 5/0 vote.

7.3 Green Building Design

Discussion on this item was deferred to a future meeting.

7.4 Land use and circulation on property located on the south side of Old Redwood Highway from the Central Windsor exit to Courtyard East Street.

Discussion on this item was deferred to a future meeting.

8. TOWN COUNCIL ADJOURNED TO A CLOSED SESSION

The Council adjourned at 8:50 p.m. to a Closed Session.

The Planning Commission adjourned at 8:50 p.m. to its regular meeting scheduled on Tuesday, August 27, 2007 also in the Civic Center Council Chambers.

ANNOUNCEMENT OF CLOSED SESSION TOPIC/ADJOURNMENT TO CLOSED SESSION

Mayor Parker announced the following Closed Session topic and Council adjourned to a Closed Session in Conference Room A at 8:51 p.m.

REPORT OUT OF CLOSED SESSION

The Closed Session adjourned at 9:10 p.m. and the regular meeting reconvened with all members present. No action was taken during Closed Session.

REGULAR SESSION

12. CHANGES TO THE AGENDA

Councilmember Salmon suggested, and Council concurred, that Item 15.3 be considered prior to Item 9. (Proclamations).

15.3 Consider Approval of Bonds for the Purchase of Windsor Mobile Country Club

Planning Director Chamberlin introduced the item.

Senior Planner Thompson summarized the contents of the staff report.

Paul Thimming, Quint and Thimming, Bond Counsel, explained the public hearing process regarding the issuance of bonds by CMFA related to the financing of the acquisition of the Windsor Mobile Country Club mobile home park by the corporation.

Maurice Priest, President, Resident Owned Parks (ROP) discussed the actions that Council will need to take to facilitate the purchase of the Mobile Home Park by ROP.

Mayor Parker opened the public hearing.

The following speakers opposed the purchase of the Windsor Mobile Country Club by ROP. Some of their concerns related to the investor's plan to overturn the existing rent control ordinance and the unaffordability of the park due to the rent increases.

Donna Helwig

Jody Wolhmer

Velora Lomax, 697 Natalie Drive spoke on behalf of Robin and Cliff (Inaudible)

Diane (No last name given)

Jackie Roach

The following speakers supported the sale of the Windsor Mobile Country Club to ROP and indicated that the sale was in the best interest of the park residents, as the rent would remain affordable and there will be rental assistance programs available:

Robert Enston

Richard Hawn

Phyllis Rhode

Rita Schroder

William Mills

Diane Foresight

Susan Walters

Karen Gilbertson

Ruben Sanchez

Robert Mendocini

Manuel Lau

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

Based on its discussion, Councilmember Goble moved to adopt Resolution No. 2127-07 approving the issuance of Revenue Bonds by the California Municipal Finance Authority for the purpose of financing the acquisition of a Mobile Home Park, currently known as Windsor Mobile Country Club, and approving and directing execution of the Joint Exercise of Powers Agreement relating to the Authority. Councilmember Allen seconded the motion. The motion passed by a 5/0 vote.

9. PRESENTATION(S)/PROCLAMATION(S)

Proclamations were presented to Doug Caldwell, Director of the Windsor Boys and Girls Club, acknowledging his valuable contributions to the Windsor community and the City of Healdsburg congratulating them on their 150th year Anniversary.

10. ANNOUNCEMENTS

No announcements were made.

11. CONFLICT OF INTEREST DECLARATION

None.

12. CHANGES TO THE AGENDA

- a. The Town Council added two proclamations: 1) Doug Caldwell, Director of the Windsor Boys and Girls Club acknowledging his services to the Windsor community; and, 2) City of Healdsburg congratulating them on their 150th Anniversary.
- b. Letter of opposition to SB 375 (Steinberg): Transportation Planning Preferred Growth Scenarios.

13. CITIZEN PUBLIC COMMENT

None.

14. CONSENT CALENDAR

Councilmember Goble moved to adopt the following Consent Calendar items. Councilmember Allen seconded the motion. The motion passed as indicated below. However, the motion to pass Item 14.2 (Approval of Minutes of the July 18, 2007 meeting) passed by a 4/0/1 vote (Councilmember Allen abstained) and the Approval of Minutes of the August 1, 2007 meeting passed by a 4/0/1 vote (Councilmember Goble abstained).

14.1 Approved Check Register No. 369

5/0 vote. By motion, approved disbursements in the amount of \$1,198,241.67

14.2 Approval of Minutes

The minutes of the regular Town Council meeting of July 18, 2007 were approved as part of the Consent Calendar by 4/0/1 vote (Councilmember Allen abstained).

The minutes of the regular Town Council meeting of August 1, 2007 were approved as part of the Consent Calendar by a 4/0/1 vote (Councilmember Goble abstained).

14.3 Acceptance of Work for the Arata Lane Interchange Phase 2A Project

5/0 vote. Adopted Resolution No. 2112-07 accepting the contract work performed by Ghilotti Brothers, Inc., for the construction of the Arata Lane Interchange Phase 2A Project and directing the Town Clerk to record a Notice of Completion.

14.4 Approve Amendment to Shared Parking Agreement for Town Green Village Phase V

5/0 vote. Adopted Resolution No. 2113-07 authorizing the Town Manager to execute an amendment to the shared parking agreement with Town Green Village L.P. for Town Green Village Phase V (TGV V) Buildings N, O, P, Q, R, S, T and U.

14.5 Approve Purchase of a Quint Aerial Ladder Truck for Windsor Fire Protection District

5/0 vote. Adopted Resolution No. 2114-07 authorizing the Town Manager to purchase a 75' Quint Aerial Ladder Fire Truck on behalf of the Windsor Fire Protection District with Fire Mitigation Funds at a cost not to exceed \$800,000.

14.6 Award of Contract for the Old Redwood Highway Pavement Preservation Project

5/0 vote. Adopted Resolution No. 2115-07 awarding a contract to North Bay Construction Inc., for the construction of the Old Redwood Highway Pavement Preservation Project in the amount of \$458,264.76 and authorizing the Town Manager to execute the contract and any required construction change orders up to the authorized project budget.

14.7 Cancellation of the September 5, 2007 Regular Town Council Meeting

5/0 vote. By motion, canceled the regular meeting of the Town Council scheduled for September 5, 2007.

14.8 Approve Amendment No. 1 to Windsor Regional Library Lease Agreement

5/0 vote. Adopted Resolution No. 2116-07 authorizing the Town Manager to execute Amendment No. 1 of the Windsor Regional Library Lease Agreement between the Sonoma County Library and the Town of Windsor.

14.9 Adopt resolutions authorizing the Town Manager/Executive Director to Execute Professional Services Agreements related to bond financing for the Westside Fire Station project

5/0 vote:

- a) Adopted Resolution No. 2117-07 authorizing the Town Manager/Executive Director to execute a professional services agreement relating to the financing of the construction of a new fire station with Piper Jaffray & Co. to provide underwriting services in an amount of \$8 per \$1,000 of bonds.
- b) Adopted Resolution No. 2118-07 authorizing the Town Manager/Executive Director to execute a professional services agreement relating to the financing of the construction of a new fire station with Orrick Herrington & Sutcliffe to provide bond counsel services in an amount not to exceed \$75,000.

14.10 Adopt a resolution awarding a Contract for the Construction of Arata Lane and Hembree Lane Bicycle Lane Project

3/0/2 vote (Councilmember Allen and Mayor Pro Tem Fudge abstained). Adopted Resolution No. 2119-07 awarding a contract to Striping Graphics for the construction of the Arata Lane and Hembree Lane Bicycle Lane project in the amount of \$64,838.00 and authorizing the Town Manager to execute the contract and any required construction change orders up to the authorized project budget.

14.11 Authorizing the Town Manager to Amend the Professional Services Agreement with CH2MHill, Inc. for Engineering and Related Services for Pond S and T Project

Councilmember Salmon asked to the extent practical, that the preliminary design include efforts to integrate the pond visually with the natural surroundings with consideration of alternative fencing, road appearance, and selection of a liner, if needed, to enhance a more natural look.

5/0 vote. Adopted Resolution No. 2120-07 authorizing the Town Manager to execute an amendment to the professional services agreement with CH2MHill, Inc. (“Consultant”) to provide engineering and related services for the Ponds S and T project, as modified:

- a) Consultant shall be authorized to proceed with Phase 1B, Preliminary Design and Supplemental Environmental Review Services; and
- b) Compensation to Consultant for Phase 1B services shall not exceed \$1,460,000.00 for a total revised agreement not-to-exceed amount of \$2,040,208.00.

14.12 Approve a Memorandum of Understanding with the Windsor Chamber of Commerce, the Old Downtown Windsor Business Improvement District, and Town Green Village, LP

5/0 vote. Adopted Resolution No. 2121-07 approving a Memorandum of Understanding with the Windsor Chamber of Commerce, the Old Downtown Windsor Business Improvement District, and Town Green Village, LP, that states what each organization will do prior to December 31, 2007 to advance the goal of sharing resources to develop a vibrant downtown and authorizing the Town Manager to execute on behalf of the Town.

15. PUBLIC HEARING

15.1 Adopt a resolution for the Hampton Inn Occupancy and Los Amigos Road Improvement Agreement and adopt a resolution modifying conditions for the Brooks Road Hotel

Town Engineer/Public Works Director Burtt and Planning Director Chamberlin reported on this item.

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

Councilmember Goble moved to adopt the following resolutions: Councilmember Salmon seconded the motion. The motion passed by a 5/0 vote.

- a) Adopted Resolution No. 2122-07 authorizing the Town Manager to negotiate and execute the Hampton Inn Occupancy and Los Amigos Road Improvement Agreement with the Owner and Developer of the Hampton Inn and Suites Project (Subdivision MNS 00-52), in order to accommodate the request of the Owner and Developer that a building permit for the hotel facility be issued prior to the completion of construction of certain essential public and private improvements.
- b) Adopted Resolution No. 2123-07 modifying the conditions of approval for the Brooks Road hotel, restaurant, and office-retail buildings at 9150 Brooks Road South.

15.2 BEGIN Loan Applications and Fee Deferrals for Manzanita and Terra Green Projects

Senior Planner Thompson reported on this item.

Chaney Delare, Burbank Housing, spoke regarding the success and benefits of the BEGIN program.

Scott Johnson, Terra Partners, spoke in support of BEGIN Loan applications and fee deferrals for both the Manzanita and Terra Green projects.

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

Councilmember Fudge moved to adopt the following resolutions:

- a) Adopted Resolution No. 2124-07 approving the deferral of payment of development impact fees for the Manzanita Self-Help project and authorizing the Town Manager to execute an impact fee deferral agreement for the Manzanita Project.
- b) Adopted Resolution No. 2125-07 authorizing the submittal of an application to the State of California Department of Housing and Community Development for funding under the BEGIN Program and support of density bonus and incentives for the Manzanita Self-Help project located at 9950 Los Amigos Road.

- c) Adopted Resolution No. 2126-07 authorizing the submittal of an application to the State of California Department of Housing and Community Development (HCD) for funding under the BEGIN Program and support of incentives for the Terra Green Project at parcels comprised of 8490, 8500, 8550, 8560 Old Redwood Highway. Councilmember Goble seconded the motion. The motion passed by a 5/0 vote.

15.3 Consider Approval of Bonds for the Purchase of Windsor Mobile Country Club

This item was considered prior to Item 9.

16. REGULAR CALENDAR

16.1 Establishment of a Memorial Sign Program

No public comments were made.

Mayor Parker discussed the reasons for the need to establish a memorial sign program.

Councilmember Goble raised concern regarding the proliferation of signs. She suggested a number of ways in which victims of accidents can be memorialized.

Council held a brief discussion regarding additional ways of memorializing victims of accidents and directed staff to return at a future meeting with a more comprehensive policy regarding memorial signs for Council consideration.

16.2 Approve the Use of the Town Council's Benevolent Fund for a donation to the Pediatric Dental Initiative Surgery Center

Town Council agreed to make a donation from their personal Benevolent Fund to Pediatric Dental Initiative (PDI) in the amount of \$250 to express Council's support for their efforts.

16.3 Accept Donation for the Town Green Stage Expansion Project

Community Services Director Legge reported on this item.

Mayor Pro Tem Fudge moved to adopt Resolution No. 2128-07 accepting a cash donation of \$152,500 from Rear Admiral "Bud" Bennett S. Sparks, with conditions, to be made toward the completion of the Town Green Stage Expansion Project. Councilmember Allen seconded the motion. The motion passed by a 5/0 vote.

16.4 Adopt a resolution authorizing All-Way Stop Signs at the Intersections of Arata Lane at Los Amigos Road, Arata Lane at Brooks Road South, Arata Lane at Elsbree Lane East, Hembree Lane at Peppertree Lane, Hembree Lane at Jensen Lane and Hembree Lane at Smoketree Lane

Town Engineer and Public Works Director Burt and Town Consultant Allan Tilton reported on this item.

Mayor Parker called for public comments at this time.

Robert Enston, Windsor resident, spoke in opposition to the stop sign on Arata Lane at Los Amigos Road. He raised concerns that the proposed stop sign will produce gas emissions from traffic stopping and going, increase fuel consumption and will create a safety hazard, as it is approximately 800 feet away from a traffic signal.

Frank Henry, Windsor resident, spoke in support of the installation of stop signs as it is the only means of reducing traffic speed on Hembree Lane. He submitted a petition containing signatures of residents supporting the all-way stop signs on Hembree Lane at Peppertree Drive.

There were no further comments from the audience at this time.

Councilmember Allen and Mayor Pro Tem Fudge abstained from the discussion associated with the All-Way Stop Sign at the intersection of Hembree Lane at Jensen Lane.

Mayor Parker suggested that staff explore other alternatives for the All-Way Stop sign proposed on Hembree Lane at Jensen Lane.

A brief discussion followed regarding the All-Way Stop Sign at the intersection of Hembree Lane and Jensen Lane, during which Councilmembers explained the reasons why they could not support the proposed sign.

Mayor Parker sought direction from the Town Attorney on the appropriateness of commenting on a concept of an All-Way Stop sign on Jensen Lane at Leafhaven Lane. Town Attorney explained that the Mayor must recuse himself from the discussion, as the Mayor resides within 500 feet from this proposed All-Way Stop Sign.

At this time, Commissioner Allen and Mayor Pro Tem Fudge returned to the dais and resumed participation in the meeting.

Following discussion and by consensus, Council supported the following All-Way Stop Signs: Arata Lane at Elsbree Lane East and Arata Lane at Brooks Road South.

Councilmembers discussed their reasons why they did not support the All-Way Stop Sign on Arata Lane at Los Amigos Road.

At this time, Mayor Parker recused himself from the discussion of this item and turned over the meeting to Mayor Pro Tem Fudge.

Mayor Parker, speaking as a Windsor resident, discussed the reasons why he supports an All-Way Stop Sign on Hembree Lane at Leafhaven Lane and why he does not support the All-Way Stop Sign on Hembree Lane at Smoketree Lane.

Following discussion, there was no Council support for the proposed All-Way Stop Sign on Hembree Lane at Leafhaven Lane.

Based on its discussion, Council authorized the permanent installation of stops signs on all approaches to the intersections of Arata Lane at Brooks Road South and Arata Lane at Elsbree Lane East. They also directed staff to report back to Council within six (6) months the findings and changes to the road conditions.

Councilmember Allen moved to adopt Resolution No. 2129-07 authorizing the installation of stop signs on all approaches to the intersections of Arata Lane at Brooks Road South and Arata Lane at Elsbree Lane East. Councilmember Salmon seconded the motion. The motion passed by a 4/0/1 vote (Mayor Parker opposed).

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

17.1 League of California Cities

a) League of California Cities – Policy Resolutions

By consensus, Council supported the following Policy Resolutions that will be voted on at the League of California Cities Annual Conference: 1) Renewal of League Grassroots Network Program; 2) Healthy Aging; and, 3) Implementation of AB 38; Establishing a new “Department of Emergency Services and Homeland Security.”

There was no Council support for the Policy Resolution entitled “Applying 300-Foot Distance Separation for All New Residential Care Facilities.”

b) SB 375 (Steinberg): Transportation Planning Preferred Growth Scenarios

Council directed staff to send a letter opposing SB 375 (Steinberg): Transportation Planning Preferred Growth Scenarios.

17.2 Sonoma County Mayors’ and Councilmembers’ Association

Legislative Committee Update.

18. MAYOR'S & COUNCILMEMBERS' REPORTS

18.1 Individual Councilmember Reports and Comments

The Mayor and Councilmembers made announcements and reported on items of interest to the Council.

18.2 Reports on Meetings/Conferences

Councilmembers briefly reported on various upcoming meetings.

19. TOWN MANAGER’S REPORT (No written report.)

Town Manager Mullan briefly reported on a Green Building Symposium that will be held on September 6, 2007.

20. ADJOURNMENT

The meeting adjourned at 12:40 a.m. to a Regular Town Council meeting scheduled for Wednesday, September 19, 2007 at 6:00 p.m., in the Civic Center Council Chambers located at 9291 Old Redwood Highway, Building 400 in Windsor. The regular Town Council meeting scheduled for Wednesday, September 5, 2007, was canceled.

Approved and adopted this 19th day of September 2007.

Maria De La O, CMC
Town Clerk