

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

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

July 18, 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 and Town of Windsor Water District at 5:30 p.m.

2. COUNCIL ROLL CALL

Present at Roll Call were Councilmembers Goble, Salmon and Mayor Parker. Councilmember Allen was absent and Mayor Pro Tem Fudge arrived at 6:00 p.m.

3. PLEDGE OF ALLEGIANCE

Town Attorney Rudnansky led the Pledge of Allegiance.

4. CITIZEN PUBLIC COMMENT (Only comments or statements concerning the Agenda item listed below are allowed.)

No comments were received.

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

Mayor Parker announced the following Closed Session topics and Council adjourned to a Closed Session in Conference Room A at 5:33 p.m.

Note: Mayor Pro Tem Fudge arrived at 6:00 p.m.

5.1 Conference with Legal Counsel- Initiation of Litigation (Government Code Section 54956.9) (One potential matter)

5.2 Conference with Legal Counsel- Anticipated Litigation (Government Code Section 54956.9(b)) Significant Exposure to Litigation (One potential case)

ITEM NO.: 14.2

6. REPORT OUT OF CLOSED SESSION

The Closed Session adjourned at 6:12 p.m. and the regular meeting reconvened with all members present except Councilmember Allen, as he was absent. No action was taken during Closed Session.

REGULAR SESSION – 6:12 p.m.

7. PRESENTATION(S)/PROCLAMATION(S)

7.1 Mayor’s Certificate of Special Recognition for Assistant Town Manager Christa Johnson

Mayor Parker presented Assistant Town Manager Christa Johnson with a Mayor’s Certificate of Special Recognition for her work on the Solid Waste Procurement Project.

7.2 Mayor’s Certificates of Special Recognition for Administrative Services Director Jim McAdler and Accounting Manager Heather Ippoliti

Mayor Parker presented Administrative Services Director Jim McAdler and Accounting Manager Heather Ippoliti with Mayor’s Certificates of Special Recognition for their work on the preparation of the Fiscal Year 2007-09 Budget & 2007-12 Capital Improvement Projects.

7.3 Presentation: Town Employee of the Quarter Karen Ramirez

Mayor Parker presented a plaque to Town Employee of the Quarter Karen Ramirez and a check in the amount of \$100.

8. ANNOUNCEMENTS

Mayor and Councilmembers announced various upcoming events.

9. CONFLICT OF INTEREST DECLARATION (PARTIAL CONFLICT)

Councilmember Fudge declared a potential conflict of interest with regard to Agenda Item No. 12.4 (All-Way Stop Signs), noting that her residence is within 500 feet of the proposed stop sign at the intersections of Hembree Lane and Jensen Lane. Therefore, she will abstain from vote on that particular stop sign and will vote on the remainder of the stop signs. She will also be abstaining on the discussion of a portion of Item 12.16 (Hembree Lane Bicycle Lane project) because the proposed bicycle lane runs within 500 feet of her residence.

10. CHANGES TO THE AGENDA

Councilmember Salmon requested that Agenda Item Nos. 12.4 (All-Way Stop Signs), 12.9 (Hembree House Rehabilitation project) and 12.16 (Arata Lane and Hembree Lane Bicycle project) be pulled from the Consent Calendar for discussion immediately after the adoption of the Consent Calendar items.

11. CITIZEN PUBLIC COMMENT

During the public comment period, Council received public testimony from Joella Olson, Amanda Lee (Chamber Board President), Diane Graner, Anna Fredco, Marv Stubbs and Cynthia Cellar (Blue Haven Pools).

12. CONSENT CALENDAR

Councilmember Salmon moved to adopt the following Consent Calendar items as follows: Mayor Pro Tem Fudge seconded the motion. The motion to adopt all items except Item Nos. 12.4 (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 Drive, Hembree Lane at Jensen Lane and Hembree Lane at Smoketree Lane), 12.9 (Hembree House Rehabilitation Project- Professional Services Agreement), and 12.16 (Arata Lane and Hembree Lane Bicycle Lane Project) passed by a 4/0/1 vote (Councilmember Allen was absent). Item Nos. 12.4, 12.9 and 12.16 will be considered immediately following the Consent Calendar.

12.1 Check Register No. 367

4/0/1 (Councilmember Allen was absent). By motion, approved disbursements in the amount of \$2,321,228.52.

12.2 Approval of Minutes

3/0/2 (Councilmember Allen was absent and Mayor Parker abstained). By motion, approved the minutes of the regularly scheduled Town Council meeting of June 20, 2007.

12.3 Adopt an Ordinance for Massage Establishment Permits and a Resolution Establishing Application and Appeal Fees

4/0/1 vote (Councilmember Allen was absent). Adopted, by title only, Ordinance No. 2007-219 amending the Municipal Code by adding Chapter 22 to Title III to provide for the orderly regulation of massage establishments.

a) Adopted Resolution No. 2083-07 establishing application and appeal fees pursuant to the massage ordinance.

12.4 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 Drive, Hembree Lane at Jensen Lane and Hembree Lane at Smoketree Lane

This item was discussed after approval of the Consent Calendar items. (No action was taken on this item, as it was continued to a future date.)

(Clerk's Note: Resolution No. 2084-07 was unassigned).

12.5 Adopt an Ordinance Licensing Adult-Oriented Businesses

4/0/1 vote (Councilmember Allen was absent). Adopted, by title only, Ordinance No. 2007-220 adding Chapter 21 to Title 3 of the Windsor Municipal Code relating to the licensing of adult-oriented businesses.

- 12.6 Acceptance of Work for the Bell Road and Johnson Street Improvements Project**
4/0/1 vote (Councilmember Allen was absent). Adopted Resolution No. 2085-07 accepting the contract work performed by Argonaut Constructors, for the construction of the Bell Road and Johnson Street Improvement Project and directing the Town Clerk to record a Notice of Completion.
- 12.7 Acceptance of Work for the Traffic Signal Battery Backup Project**
4/0/1 vote (Councilmember Allen was absent). Adopted Resolution No. 2086-07 accepting the contract work performed by Republic ITS, for the construction of the Traffic Signal Battery Backup Project and directing the Town Clerk to record a Notice of Completion.
- 12.8 Approve Town Green Sculpture Project Agreement**
4/0/1 vote (Councilmember Allen was absent). Adopted Resolution No. 2087-07 authorizing the Town Manager to execute an agreement with the Alliance for Contemporary Art (AFCA) and San Francisco Museum of Modern Art (SFMOMA) for the placement of on-loan sculptures on the Town Green.
- 12.9 Hembree House Rehabilitation Project- Professional Services Agreement**
This item was discussed after the approval of the Consent Calendar items.
- 12.10 Redevelopment Agency Low and Moderate Housing Fund Findings**
4/0/1 vote (Councilmember Allen was absent). Adopted Resolution No. 2089-07 determining that planning and administrative expenses from the Redevelopment Agency Low and Moderate Income Housing Fund are necessary for the production, improvement and preservation of low and moderate-income housing.
- 12.11 Approval of Parcel Map 04-25 (55 Fourth Street)**
4/0/1 vote (Councilmember Allen was absent). Adopted Resolution No. 2090-07 approving and accepting Parcel Map 04-25; and accepting certain offers of dedication and; authorizing the Town Manager to sign a Subdivision Improvement Agreement and a Lighting and Landscape Assessment District Agreement.
- 12.12 Approve New Architect for Windsor Fire Station No. 2**
4/0/1 vote (Councilmember Allen was absent). Adopted Resolution No. 2091-07 rescinding Resolution No. 2056-07 and authorizing the Town Manager to execute a Professional Services Agreement with Beverly-Prior Architects to provide Architectural and Design Services for the design of Windsor Fire Station No. 2 in the amount of \$492,505.00.
- 12.13 Approve Employee Reclassifications**
By a 4/0/1 vote (Councilmember Allen was absent). Adopted the following resolutions:
Adopted Resolution No. 2092-07 approving employee job reclassifications.
Adopted Resolution No. 2093-07 approving fiscal year 2007-08 budget amendments.
Adopted Resolution No. 2094-07 approving fiscal year 2008-09 budget amendments.

12.14 Approve License Agreement with Windsor Chamber of Commerce for Windsor Intermodal Transportation Facility

4/0/1 vote (Councilmember Allen was absent). Adopted Resolution No. 2095-07 authorizing the Town Manager to execute a License agreement with the Windsor Chamber of Commerce and Visitors Center for the non-exclusive use of the Windsor Intermodal Transportation Facility.

12.15 Statement of Investment Policy

4/0/1 vote (Councilmember Allen was absent). Adopted Resolution No. 2096-07 adopting the Town of Windsor's Statement of Investment Policy and Investment Portfolio Guidelines for Fiscal Year 2007-08.

12.16 Arata Lane and Hembree Lane Bicycle Lane Project

This item was discussed after the approval of the Consent Calendar items. (No action was taken on this item, as it was continued to a future date.)

(Clerk's Note: Resolution No. 2097-07 was unassigned.)

12.17 All-Way Stop Signs at the Intersection of Joe Rodota Drive and Duvander Lane

4/0/1 vote (Councilmember Allen was absent). Adopted Resolution No. 2098-07 authorizing the permanent installation of stop signs on all approaches to the intersection of Joe Rodota Drive and Duvander Lane.

12.18 Approve Amendment No. 2 to Town Manager Employment Agreement

4/0/1 vote (Councilmember Allen was absent). Adopted Resolution No. 2099-07 approving Amendment No. 2 to the Town Manager Employment Agreement and authorizing the Mayor to execute on behalf of the Town.

12.19 Adopt Resolutions Approving Collective Bargaining Agreements between Town and Town Employee Units

4/0/1 vote (Councilmember Allen was absent). Council adopted the following resolutions:

- a) Adopted Resolution No. 2100-07 authorizing the Town Manager to execute a Memorandum of Understanding with Town of Windsor Employees Association/ AFSCME Local 3910;
- b) Adopted Resolution No. 2101-07 authorizing the Town Manager to execute a Memorandum of Understanding with Town of Windsor Supervisory Employees Group;
- c) Adopted Resolution No. 2102-07 authorizing the Town Manager to execute a Memorandum of Understanding with Town of Windsor Management Employees Group;
- d) Adopted Resolution No. 2103-07 establishing salaries, benefits, hours and working conditions for Town of Windsor unrepresented executive management and confidential employees; and

- e) Adopted Resolution No. 2104-07 amending the 2007-08 Budget (Amendment 03-08) for appropriations associated with Labor Agreements between the Town of Windsor and various Employee Bargaining Units.
- f) Adopted Resolution No. 2105-07 amending the 2008-09 Budget (Amendment 02-09) for appropriations associated with Labor Agreements between the Town of Windsor and various Employee Bargaining Units.

Item Nos. 12.4, 12.9 and 12.16 were pulled for further Council discussion.

(Clerk's Note: Council considered portions of Item 12.4 (Stop Sign at Jensen Lane and Hembree Lane) and 12.16 (Hembree Lane Bicycle Lane).

Town Attorney Rudnansky explained that because Mayor Pro Tem Fudge will be abstaining on the discussion on the stop sign at Hembree Lane at Jensen Lane and the Hembree Lane Bicycle Lane project, she will be stepping down from the dais. The Council should then discuss and act only on those items with the understanding that Mayor Pro Tem Fudge may return to the dais and resume participation on the remainder of the items.

Mayor Pro Tem Fudge abstained on portions of Item Nos. 12.4 and 12.6 and left the dais at this time.

12.4 Authorizing All-Way Stop Sign at the Intersection of Hembree Lane at Jensen Lane

12.16 Hembree Lane Bicycle Lane Project

Councilmember Salmon explained that he pulled Item Nos. 12.4 and 12.6 off the Consent Calendar because he questioned whether the Town had prepared an analysis of the increased emissions that the stop signs are going to create and whether there was any investigation into other alternate ways of trying to slow down traffic and making the bicycle lanes safer.

Allan Tilton, Consultant, responded to questions raised by Councilmember Salmon.

During the public comment period, Council heard testimony from Marv Stubbs And Allan Westergard regarding the proposed All-Way Stop Signs.

Councilmember Goble moved to adopt a resolution authorizing the installation of a stop sign at the intersections of Jensen Lane and Hembree Lane at Smoketree Lane and the Hembree Lane Bicycle Lane. Mayor Parker seconded the motion. The motion failed 2/1/2 (Councilmember Allen was absent, Councilmember Salmon opposing and Mayor Pro Tem Fudge abstaining).

Mayor Pro Tem Fudge returned to the dais and resumed participation in the meeting.

12.4 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 Drive, Hembree Lane at Smoketree Lane

12.16 Arata Lane Bicycle Lane Project

During the public comment period, Council heard testimony from Marv Stubbs, Windsor resident, who was particularly concerned about the impact the proposed stop signs would have on him.

Council consensus was to continue Item Nos. 12.4 and 12.16 to a future meeting due to concerns related to air quality impacts associated with the increased number of stops signs and to allow staff to research other alternatives to mitigate traffic impacts on Hembree Lane and Jensen Lane.

At this time, Item No. 12.9 was considered.

12.9 Hembree House Rehabilitation Project- Professional Services Agreement

Councilmember Salmon explained that he pulled this item off the Consent Calendar because he is concerned about the estimated costs to prepare the working drawings and bid documents for the Hembree House Rehabilitation project.

Mayor Pro Tem Fudge moved to adopt Resolution No. 2088-07 authorizing the Town Manager to execute a professional services agreement with Tierney/Figueiredo to prepare working drawings and bid documents for the Hembree House Rehabilitation Project, in an amount not to exceed \$38,000. Councilmember Goble seconded the motion. The motion passed by a 4/0/1 vote (Councilmember Allen was absent).

13. PUBLIC HEARING

13.1 Adoption of Water Shortage Emergency Ordinance

Associate Engineer Scott reported on this item.

Mayor Parker opened the public hearing and Council heard testimony from the following individuals regarding the Water Shortage Emergency Ordinance:

Ed Corley, Windsor resident
Marv Stubbs, Windsor resident
John Cellar, Swimming Pool Business Owner
Charles Evans, Santa Rosa

Mayor Parker closed the public hearing.

Councilmember Goble moved to adopt Ordinance No. 2007-218 declaring the existence of a water shortage emergency condition within the Town of Windsor, prohibiting the waste and non-essential use of water, and providing for conservation of the water supply of the Town of Windsor. Mayor Pro Tem Fudge seconded the motion. The motion passed by a 4/0/1 vote (Councilmember Allen was absent).

Councilmember Salmon directed staff to report back on future water conservation measures.

13.2 Apportionment of Assessment No. 28 of the Mitchell/Shiloh/Conde Assessment District for the Evans/Drew Industrial Subdivision, Phase 1

Senior Civil Engineer Hayre introduced the item.

Leslie Melody, Coastland Engineering, outlined the proceedings for tonight's meeting.

Charles Evans, one of the owners of the parcel, spoke in support of the analysis that was prepared for the apportionment and commented on methods of calculating apportionments.

Councilmember Salmon moved to adopt the following resolutions:

- a) Adopted Resolution No. 2106-07 approving the appointment of Coastland Civil Engineering as the Engineer of Work, and direct the preparation of the Engineer's Report and amended assessment diagram for the apportionment of Assessment No. 28 of the Mitchell/Shiloh/Conde Assessment District for the Evans/Drew Industrial Subdivision, Phase 1.
- b) Adopted Resolution No. 2107-07 approving the Engineer's Report, confirming the amended assessment diagram for the apportionment of Assessment No. 28 of the Mitchell/Shiloh/Conde Assessment District for the Evans/Drew Industrial Subdivision, Phase 1 and ordering the apportionment of assessments.

Councilmember Goble seconded the motion. The motion passed by a 4/0/1 vote (Councilmember Allen was absent).

Council recessed from 8:43 p.m. until 8:52 p.m. and reconvened with all members present except Councilmember Allen.

14. REGULAR CALENDAR

14.1 Establishment of No Parking Zones

Allan Tilton, Consultant, W-Trans, reported on this item.

No public comments were made.

Mayor Pro Tem Fudge moved to introduce, by title only, an ordinance establishing No Parking Zones under certain conditions together with establishing No Parking Zones on certain streets by resolution. Councilmember Goble seconded the motion. The motion passed by a 4//0/1 vote (Councilmember Allen was absent).

14.2 Keiser Park Master Plan

Community Services Director Legge briefly introduced this item along with Consultants Cordy Hill of RHA, Lauren Livingston of The Sports Management Group, and David Ross of BSA Architects.

Administrative Services Director McAdler discussed the park improvement funding for Phases I, II, and III of this project.

No public comments were made.

Councilmember Salmon discussed his support for a form of Alternate C in an effort to lower the costs of the outstanding balance due on the swimming pool.

Councilmember Goble moved to select preferred Aquatic Facility Alternative B.1 for the Keiser Park Master Plan. Mayor Pro Tem Fudge seconded the motion.

With the concurrence of Council, Councilmember Goble amended her motion to include direction to staff to finalize the Keiser Park Master Plan and the required environmental documents. The amended motion passed by a 3/1/1 vote (Councilmember Allen was absent and Councilmember Salmon opposed).

14.3 Approve Request for Proposals for Temporary Debris Box and Roll-off Container Collection Services

Assistant Town Manager Johnson reported on this item.

During the public comment period input was received from Gary Lutz (representing Industrial Carting), Lou Ratto (M&M), and Norman Duvall (Industrial Carting) regarding the competitive bid process for Temporary Debris Box and Roll-off Container Collection Services.

Mayor Pro Tem Fudge moved to approve the levels of service and related requirements for Temporary Debris Box and Roll-off Container Collection Services and authorized the Town Manager to issue a Request for Proposals from qualified service providers. Councilmember Goble seconded the motion. The motion passed by a 4/0/1 vote (Councilmember Allen was absent).

Councilmember Salmon suggested that staff review the Collection Services Agreement after one year of operation and consider adding more haulers.

With the concurrence of Council, Mayor Pro Tem Fudge amended her motion to add the following key point (No. 16) to the RFP and the Non-exclusive License Agreement: Staff to review and report back to Council the progress of the Collection Services Agreement before the year 2010. Councilmember Goble seconded the amended motion. The motion passed by a 4/0/1 vote.

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

15.1 League of California Cities

Town Manager Mullan reported that because three Councilmembers will be attending the Annual's LOCC conference the week of September 5, 2007, the regularly scheduled Council meeting of September 5, 2007 will be cancelled.

15.2 Sonoma County Mayors' and Councilmembers' Association

Legislative Committee Update

None.

16. MAYOR'S & COUNCILMEMBERS' REPORTS

16.1 Individual Councilmember Reports and Comments

Councilmembers asked that the following items be added to the future agenda for the merit presentations as general discussion items: Green Building Design, Direction to the Planning Commission on subsequent review of merit projects, Land Use and circulation on property located on the south side of Old Redwood Highway (hotel application).

16.2 Reports on Meetings/Conferences

Councilmembers briefly reported on various meetings attended.

17. TOWN MANAGER'S REPORT (No written report.)

No comments were made.

18. ADJOURNMENT

The meeting adjourned at 10:50 p.m. to a Regular Town Council meeting scheduled for Wednesday, August 1, 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 15th day of August 2007.

Maria De La O, CMC
Town Clerk