

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

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

May 2, 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 6:05 p.m.

2. COUNCIL ROLL CALL

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

3. PLEDGE OF ALLEGIANCE

Heather Cullen led the Pledge of Allegiance.

4. PRESENTATION(S)/PROCLAMATION(S)

4.1 Proclamation - Proclaiming May 2007 as National Bike Month

Mayor Parker read a proclamation declaring the month of May 2007 as “National Bike Month”. He presented the Proclamation to Ken Wells, Vice President, Sonoma County Bicycle Coalition.

4.2 Proclamation - Honoring Ben Tenhave

Mayor Parker presented Ben Tenhave with a proclamation acknowledging his valuable contributions to the Windsor community as a School Resource Officer.

4.3 ABAG – 2007 Growing Smarter Together Award

The Town was presented with an award under the Growing Smarter Together Program sponsored by ABAG. The Town was recognized for its outstanding efforts in the application of smart growth principles.

5. ANNOUNCEMENTS

Mayor and Councilmembers made various announcements.

6. CONFLICT OF INTEREST DECLARATION

Councilmember Goble declared that she has a conflict of interest and would abstain from Item 10.1 (Town Green Village 7 – Revision to Conditions) because she resides within 500 feet of the project.

7. CHANGES TO THE AGENDA

Town Manager Mullan reviewed changes to the second resolution for Item No. 9.2 (Mitchell Shiloh Conde Assessment District Phase 2).

At the request of Town Manager Mullan, the Closed Session (Item 16.1) was removed from the agenda.

8. CITIZEN PUBLIC APPEARANCES

Heather Cullen and the Healdsburg Community Choir sang a Windsor Town song for the Town Council.

Cindy Van Buren, Windsor resident, raised concerns regarding the proposed water rate increases.

9. CONSENT CALENDAR

Councilmember Salmon moved to adopt the Consent Calendar items with corrections to Item 9.2 (as previously referenced). Councilmember Goble seconded the motion. The motion passed as indicated below:

9.1 Check Register No. 363

5/0 vote. By motion, approved disbursements in the amount of \$487,681.91.

9.2 Mitchell Shiloh Conde Assessment District Phase 2

The following resolutions were adopted by a 5/0 vote:

- a) Adopted Resolution No. 2047-07 awarding a contract to Ghilotti Bros., Inc., for the construction of the Mitchell Shiloh Conde Assessment District Phase 2 Project in the amount of \$2,792,462.45 and authorizing the Town Manager to execute the contract and any required construction change orders up to the authorized project budget.
- b) Adopted Resolution No. 2048-07 authorizing the Town Manager to execute a professional services agreement for construction management and related services for the Mitchell Shiloh Conde Assessment District Phase 2 Project with Parsons Brinckerhoff Construction Services, Inc., on a time and materials basis, in an amount not to exceed \$478,000.00, as corrected.
- c) Adopted Resolution No. 2049-07 amending the FY 2005-07 budget to appropriate additional funds in the amount of \$2,000,676.00 to the Mitchell Shiloh Conde Assessment District Project for Phase 2 construction, in accordance with the provisions of the resolution (Budget Amendment 47-07).
- d) Adopted Resolution No. 2050-07 authorizing a loan transfer from the Drainage Mitigation Fund to the Traffic Mitigation Fund in the amount of \$800,000.00, in accordance with the provisions of the resolution.

- 9.3 Associate Membership with the California Rural Home Mortgage Finance Authority (CRHMFA) Homebuyers Fund (CHF)**
5/0 vote. Adopted Resolution No. 2051-07 enabling Windsor residents to have access to homebuyer assistance through Sonoma County Associate Membership with the California Rural Home Mortgage Finance Authority Homebuyers Fund (CHF), cooperating with the County in assigning the County 2007 Single-Family Allocation to CHF, and maintaining the existing Cooperation Agreement with the Sonoma County Community Development Commission.
- 9.4 Hiram Lewis Park Restroom Design**
4/1 (Councilmember Salmon opposed). Adopted Resolution No. 2052-07 accepting the bid and awarding the construction contract for the Town of Windsor, Hiram Lewis Bathroom and Related Site Improvements to Michael Paul Company in the amount of \$283,226 and authorizing the Town Manager to execute the contract and any change orders up to an approved budget of \$311,548.
- 9.5 Establish the Sonoma County Transportation Authority as the Program Manager for the Bay Area Air Quality Management Districts Transportation Fund for Clean Air**
5/0 vote. Adopted Resolution No. 2053-07 to establish the Sonoma County Transportation Authority as the Program Manager for the Bay Area Air Quality Management Districts Transportation Fund for Clean Air.

Councilmember Goble removed herself from the dais for the discussion on this item.

10. PUBLIC HEARING

10.1 Town Green Village 7 – Revision to Conditions

Senior Planner Jones reported on this item. He acknowledged receipt of a letter from Ron and Ramona Turner dated April 30, 2007 regarding Town Green Village 7. (Copies of the letter are on file in the Town Clerk's office and the Planning Department).

Mayor Parker opened the public hearing.

The following people raised concerns and commented on the proposed revisions to conditions for the Town Green Village 7 project:

Ted Calvert

Michael Brooks, President of the Oak Creek Homeowners Association

Tom (Last name illegible), Windsor resident

Roy (Last name not given), Windsor resident

Lloyd Robinson, Windsor resident

Cindy Van Buren, Windsor resident

Rick Aubert, Windsor resident

Orrin Thiessen, Town Green Village, L.P., developer and designer of the Oaks at Windsor Village, responded to concerns raised regarding the hours of operation for the proposed businesses.

Mayor Parker closed the public hearing.

Council by consensus approved the following amendments to Resolution Nos. 1760-05 and 1761-05 for the Town Green Village 7 project as follows:

- A. Resolution No. 1760-05 (Use Permit), Condition No. 18-a is hereby amended to read as follows:
 - 18. Commercial uses shall be subject to the following limitations:
 - a. Commercial uses shall be permitted operating hours of Monday through Sunday. Buildings “B” and “C” will be limited to business and professional offices, with the exception of a 650 square foot café/deli or equivalent in Building “C”, or uses consistent with a parking ratio of one space per 250 square feet of floor area. Building “A” is permitted all uses as provided in the “CC” (Community Commercial) zoning district (or other applicable district as approved by the Town), unless further restricted and enforced by the CC&Rs for the project.”

- B. Resolution No. 1761-05 (Tentative Map), Condition 26 is hereby amended to read as follows:
 - “26. Provisions for a Shared Parking Agreement for Lots 1 and 2 shall be included in the CC&Rs for the subdivision to be executed upon request of the Town. These provisions shall be approved by the Planning Director prior to final map approval.

- C. Resolution No. 1761-05 (Tentative Map), Conditions 27-a and 27-f are amended to read as follows:
 - “27. Management Documents shall include an Owner’s Association for the commercial and residential properties, and include the following provisions:
 - a. CC&Rs shall include provisions for a Shared Parking Agreement for Lots 1 and 2 as an attachment, or incorporate by reference if the Shared Parking Agreement is recorded separately.
 - f. Commercial uses shall be permitted operating hours of Monday through Sunday. Buildings “B” and “C” will be limited to business and professional offices, with the exception of a 650 square foot café/deli or equivalent in Building “C”, or uses consistent with a parking ratio of one space per 250 square feet of floor area. Building “A” is permitted all uses as provided in the “CC” (Community Commercial) zoning district (or other applicable district as approved by the Town).”

Mayor Parker clarified that he will be voting in opposition to the revisions because he does not support the uses on Sunday.

Councilmember Salmon moved to adopt Resolution No. 2054-07, subject to revisions referenced previously, approving the request by Town Green Village LTD (Orrin Thiessen/Ken Cohan) to amend certain conditions of approval for the Town Green Village 7 project related to shared parking. This mixed use planned development includes 15 residential condominium units and is located at 6114 and 6122 Old Redwood Highway. Mayor Pro Tem Fudge seconded the motion. Following a roll call vote, the motion passed by a 3/1/1 vote (Mayor Parker opposing and Councilmember Goble abstaining).

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

11. REGULAR CALENDAR

11.1 YWCA Request for Fee Waiver

Following discussion, Councilmember Salmon made a motion, seconded by Councilmember Allen, to waive the following fees associated with the use of the Town Green for the YWCA organization: 1) the refundable deposit of \$1,500; 2) bosque rental in the amount of \$161; and 3) to contribute from the Council's benevolent fund \$153 for the application (\$28), maintenance (\$81) and facility attendant (\$44). The motion passed by a 5/0 vote.

11.2 Selection of Company to Provide Solid Waste, Green Waste, and Recycling Service in the Town beginning January 1, 2008

Assistant Town Manager Johnson introduced the item and reviewed corrections to staff report.

Richard Tagore-Erwin of R3 Consulting Group discussed the results of the RFP process for Solid Waste, Green Waste and Recycling Collection Services.

Council heard presentations from representatives of the following three companies during which they described the aspects of their proposal and services they offer:

GreenWaste Recovery (GWR)

Frank Weigel, General Manager, (GWR)

Solid Waste of Willits (SWOW)

Norman de Vall, (SWOW)

Jerry Ward, Owner of SWOW

Gary Liss, Consultant to Industrial Carting

The Ratto Group (RG)

Richard Johnson, (RG)

The following individuals addressed Council in support of competitive bidding for temporary debris boxes:

Lisa Hardin, Business Manager, Industrial Carting
Deanna Weeks, United Site Services
Dave Donaldson, Contractor
Gary Paul, S&F Concrete
Harlem Barrow
David Turconi
Bill Dallas
Curtis Michelini, Co-Owner of Industrial Carting

Lou Ratto, The Ratto Group, briefly discussed RG's turnaround service for replacing carts and cans.

Mayor Parker closed the public testimony period.

In the discussion that followed, Councilmembers explained their positions on the proposed RFP.

Based on their direction, Councilmember Goble moved to: 1) select the Ratto Group to provide solid waste, green waste and recycling services in the Town; 2) direct staff to not include the option of large collection service from both single and multi-family dwellings in the franchise agreement; 3) direct staff to retain the existing subscription service; 4) direct staff to implement a non-exclusive temporary debris box and roll off collection system; 5) direct staff to obtain rate concessions from the Ratto Group in exchange for their exception regarding billing inserts; 6) direct staff to not allow the exception regarding binding arbitration; and, 7) direct staff to negotiate a franchise agreement for collection services with the Ratto Group and return to Council on June 20th to approve and execute the final franchise agreement. Mayor Pro Tem Fudge seconded the motion. The motion passed by a 5/0 vote.

Council recessed the meeting at 10:23 p.m. and reconvened at 10:33 p.m. with all members present.

12. WORKSHOP

12.1 2007-09 Proposed Budget Workshop

Council completed its review of the 2007-09 Proposed Budget and directed staff to return on June 6, 2007, with a recommendation to adopt budget.

- 13. DISCUSSION AND/OR ACTION ON PENDING STATE OR FEDERAL LEGISLATION AND ACTIVITIES**
 - 13.1 League of California Cities**

Mayor Parker and Councilmember Goble advised staff that they will be attending the League of California Cities Annual Conference that will be held in September.
 - 13.2 Sonoma County Mayors' and Councilmembers' Association Legislative Committee Update**
- 14. MAYOR'S & COUNCILMEMBERS' REPORTS**
 - 14.1 Individual Councilmember Reports and Comments**

Mayor Parker asked Town staff to research a policy that would allow families who have lost family members in tragic accidents to place memorial signs near the area where the accidents occurred.
 - 14.2 Reports on Meetings/Conferences**

No reports were made.
- 15. TOWN MANAGER'S REPORT (No written report.)**
- 16. ANNOUNCEMENT OF CLOSED SESSION TOPIC/ADJOURNMENT TO CLOSED SESSION**

The Closed Session was cancelled.

 - 16.1 Conference with Labor Negotiator pursuant to Government Code §54957.6 - Agency Negotiator: Art Hartinger - Regarding negotiations with Town of Windsor Employees' Association- AFSCME Local 3910, Town of Windsor Supervisory Employees Group and Town of Windsor Management Employees Group**
- 17. REPORT OUT OF CLOSED SESSION**

No report was made, as the Closed Session was cancelled.
- 18. ADJOURNMENT**

The meeting adjourned at 11:30 p.m. to a Joint Town Council and Planning Commission workshop and a Regular Town Council meeting scheduled for Wednesday, May 16, 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 6th day of June 2007.

Maria De La O, CMC
Town Clerk