

MINUTES

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

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

June 7, 2006

Regular Session- 6:00 p.m.

1. CALL TO ORDER

Mayor Salmon 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 Allen, Fudge, Morehouse, Mayor Pro Tem Parker and Mayor Salmon.

3. PLEDGE OF ALLEGIANCE

Councilmember Fudge led the Pledge of Allegiance.

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

5. ANNOUNCEMENTS

Upcoming Town Events:

- The Windsor Fine Arts Show continues through Saturday, June 10th from 10:00 a.m. through 4:00 p.m. in the Huerta Gym
- Summer Nights on the Green opens tomorrow, June 8th at 5:00 p.m. in conjunction with the Farmers Market
- Sunday Farmers Market continues weekly from 10:00 a.m. to 1:00 p.m.
- Sonoma County Agricultural Preservation and Open Space District will be sponsoring concerts this Saturday and Sunday, June 10th & 11th as well as an art show on Sunday, June 10th from 3:30 p.m. to 7:00 p.m.
- The Windsor Family Night with the Giants event will be held on Monday, June 19, 2006 at 7:15 p.m. This fundraiser will benefit the Windsor Unified School District Music Programs.

6. CONFLICT OF INTEREST DECLARATION – NONE.

7. CHANGES TO THE AGENDA – NONE.

8. CITIZEN PUBLIC APPEARANCES

Bob Payne, Windsor resident, addressed Council regarding the construction of a storage building on his property that does not meet setback requirements. He also submitted photographs of similar storage structures (throughout the Town) that do not meet the required setback requirements.

Brian Kenney, Windsor resident, discussed concerns associated with water fees and late fees. He also discussed his opposition to the offer of one million dollars to the Town from a developer as an incentive for development of his project.

9. CONSENT CALENDAR

Mayor Pro Tem Parker moved to adopt the Consent Calendar items. Councilmember Allen seconded the motion. The motion passed on a 5/0 vote.

9.1 Check Register No. 346

5/0 vote. By motion, approved disbursements in the amount of \$1,235,340.61.

9.2 Affordable Sales Housing Agreement for the Los Amigos Self-Help Housing Project

5/0 vote. Adopted Resolution No. 1897-06 authorizing the Town Manager to sign the Affordable Sales Housing Agreement between Burbank Housing Development Corporation (BHDC) for the Los Amigos Self-Help Housing Project.

9.3 Transportation for Livable Communities Grant Program

5/0 vote.

- Adopted Resolution No. 1898-06 authorizing the filing of an application for Federal Surface Transportation Funds through the Metropolitan Transportation Commission's Transportation for Livable Communities Program for the Windsor Road Pedestrian Enhancements and Traffic Calming Project and committing the necessary local match for the project and stating the assurance of the Town of Windsor to complete the project.
- Adopted Resolution No. 1899-06 authorizing the filing of an application for Federal Surface Transportation Funds through the Metropolitan Transportation Commission's Transportation for Livable Communities Program for the Old Redwood Highway Pedestrian Linkage Project and committing the necessary local match for the project and stating the assurance of the Town of Windsor to complete the project.

9.4 2006 Pavement Preservation Program

5/0 vote. Adopted Resolution No. 1900-06 authorizing the Town Manager to execute a professional services agreement with Coastland Civil Engineering to provide construction management, inspection services and materials testing for the 2006 Pavement Preservation Program in an amount not to exceed \$33,875.00.

9.5 Amendment to Professional Services Agreement with RMC Water and Environment for NPDES Permitting Assistance

5/0 vote.

- Adopted Resolution No. 1901-06 authorizing the Town Manager to execute Amendment No. 1 to the Professional Services Agreement with RMC Water and Environment for National Pollutant Discharge Elimination System (NPDES) / Waste Discharge Requirements (WDR) Permitting Assistance, in an amount not to exceed \$90,000.00
- Adopted Resolution No. 1902-06 amending the Fiscal Year (FY) 2005-07 Budget to appropriate additional funds in the amount of \$93,000 from the unappropriated balance of the Water Reclamation Operating Fund for services associated with renewal of the Town's NPDES/WDR permit.

9.6 Ordinance Prohibiting Smoking on the Town Green

5/0 vote. Adopted, by title only, Ordinance No. 2006-205 amending the Town's Municipal Code by adding Chapter 20 to Title III, regulating and prohibiting smoking on the Town Green during community events.

9.7 Rescind May 3, 2006 Actions by Town Council to Place a Measure on the November 2006 Election Ballot to Increase the Transient Occupancy Tax from 8% to 12% and Rescind Resolution No. 1888-06 Budget Amendment for Special Consultant Services in Preparation for the Town's Ballot Measure

5/0 vote.

- Rescinded the May 3, 2006 action by Town Council to place a measure on the November 2006 election ballot seeking approval to increase the Transient Occupancy Tax from 8% to 12%.
- Adopted Resolution No. 1903-06, rescinding Resolution No. 1888-06 amending the FY 2005-07 Town Budget appropriating an additional \$20,000 from the General Fund to hire a special consultant to assist in the preparation of the Town's Transient Occupancy Tax Ballot measure.

10. PUBLIC HEARING - NONE

10.1 Growth Control Ordinance Pilot Merit Program Presentation

Planning Director Chamberlin and Assistant Planner Cangson reported on this item and responded to questions raised by Councilmembers.

The following information was distributed to the Town Council on the dais prior to commencement of the meeting: 1) Memorandum from Town staff regarding modified motions for the Growth Control Ordinance Pilot Merit Program Presentation dated June 5, 2006; and, 2) Letter from Michael J. M. Brook regarding the Windsor Live/Work Project. Copies of this information are filed in the Planning Department and Town Clerk's Office.

Mayor Salmon opened the public hearing.

Scott Johnson, Terra Partners, discussed the components of his development proposal located on Old Redwood Highway and the reasons why the 23 allocations should be reserved to allow them to proceed with the full build out of their project. Mr. Johnson requested that Council consider financial participation in the Bluebird Drive and Old Redwood Highway improvements that might be conditioned on their project through the use of Redevelopment Agency funds or other available funding mechanisms.

Jon Worden, Project Architect, gave a brief overview of the design elements and their approach to the project.

Misha Weidman, Pegasus Ventures Development, reviewed the design concept and the features of the Windsor Live and Work project located at 6100 Old Redwood Highway.

Hearing no further comments, Mayor Salmon closed the public hearing.

Council discussion ensued regarding the merits and importance of the Terra Partners (Windsor Commons) mixed-use/mixed-income proposal, as it provides a wide diversity of housing types. Following its discussion, Councilmembers were generally supportive of reserving the 23 allocations for the Terra Partners project given that all Planning Commission requirements are met. With regard to the request for financial assistance, Council indicated that they were not willing to commit any Redevelopment Agency funds at this time, as staff has not had the ability to research this matter.

With regard to the Live and Work project, Mayor Pro Tem Parker and Councilmember Fudge explained why they would support reserving 11 allocations while the rest of the Council explained their reasons for not supporting the reservation of allocations for this project at this time.

Terra Development Project (Windsor Commons):

Councilmember Fudge moved to reserve for Terra Development Project 8 allocations from the Mixed-Use Pilot Program and 15 allocations from the Mixed- Income Pilot Program coupled with 5 existing residential units that do not require allocations, 4 previous allocations reserved, subject to the filing of a formal planning application by July 10, 2006, and in compliance with Windsor Municipal Code Sections 16-4-125 (b) (5) and 16-4-125 (b)(6) respectively and finding that they qualify for 11 low income unit waivers. Mayor Pro Tem Parker seconded the motion. The motion passed by a 5/0 vote.

Windsor Live and Work Project:

Mayor Pro Tem Parker moved to reserve for Windsor Live and Work Project 11 allocations from the Mixed-Use Pilot Program subject to the filing of a formal planning application by July 10, 2006, and compliance with Windsor Municipal Code with Sections 16-4-125 (b) (5). Councilmember Fudge seconded the motion. Following a roll call vote, the motion failed by a 2/3 vote (Councilmembers Allen, Morehouse and Mayor Salmon opposing).

11. REGULAR CALENDAR

11.1 Airport Master Plan Update Community Advisory Committee (CAC)

Assistant Town Manager Christa Johnson noted that letters of interest were received from Mayor Salmon and local resident Marc LaMantia to serve on the CAC.

Councilmember Allen moved to appoint Mayor Salmon to serve as the Town's representative and Councilmember Fudge to serve as the alternate along with Marc LaMantia to serve as the community representative on the Sonoma County Airport Master Plan Update Community Advisory Committee (CAC). Mayor Pro Tem Parker seconded the motion.

Discussion followed during which Councilmember Morehouse stated she could not support this nomination, as the opportunity for a community member should be advertised and all members of the public given an opportunity to participate.

With the concurrence of Council, Councilmember Allen amended his motion, to direct staff to prepare a media release announcing the CAC opportunity and to bring back the appointments at Council's June 21st meeting (under the Consent Calendar). It was noted that if applications were received, the item would then be placed on the Regular Calendar. Council also directed staff to send a letter to Sonoma County Airport Manager Jon Stout recommending that the Windsor Chamber of Commerce be given a position to serve on the CAC. Mayor Pro Tem Parker concurred with the amendment. The amended motion passed by a 5/0 vote.

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

"NO" on AB 2987 (Cable and Video Service Petition)

Town Manager Mullan reported on AB 2987, noting that this bill would create a new statewide franchise for video and broadband service providers. He distributed information to Council from the League of California Cities (LOCC) and explained why the League is recommending that cities oppose this legislation. He asked Council to authorize staff to send a revised letter opposing this bill and to sign-on as an organization to the "No" on AB 2987 campaign.

There was Council consensus to support the League's position opposing this legislation. Therefore, Council authorized staff to send (under the Mayor's signature) the revised letter in opposition to AB 2987 and to endorse the "No on AB 2987" coalition.

12.1 League of California Cities Priority Focus Publication (Issue Nos. 19, 20 & 21)- Update/Discussion

No comments were made.

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

No comments were made.

13. MAYOR'S & COUNCILMEMBERS' REPORTS

13.1 Individual Councilmember Reports

Councilmember Morehouse reported on her recent attendance at a Russian River Watershed Association (RRWA) meeting, noting that one of the highlights of the meeting was the High School Student Storm Drain competition videos. The next RRWA meeting will be held Thursday, July 20, 2006.

Councilmember Allen asked if Council was willing to consider and/or discuss a Windsor Philharmonic, as there were some indications that the City of Cotati may no longer be able to accommodate the Cotati Philharmonic.

Council was supportive of contacting the Cotati Philharmonic in order to attract them to the Town.

Councilmember Morehouse reported that she met with Windsor Creek Elementary students to discuss Town government. She referenced several letters she received from students and will put them in the Council office for review.

Mayor Salmon briefly reported on his attendance at the Recycled Water Forum that was hosted by the Town and held on Wednesday, May 31, 2006.

Mayor Salmon acknowledged receipt of a letter from Mike Funkhouser, dated May 9, 2006 requesting an art wall to decrease vandalism throughout the Town. The letter will be forwarded to Police Chief Freitas for a response.

Council, by consensus, concurred to cancel the July 5th Town Council meeting.

13.2 Reports on Meetings/Conferences

14. TOWN MANAGER'S REPORT

Town Manager Mullan reported on the final execution of the new Restructured Water Supply Agreement. He explained that the Town will now become an official voting member of the Water Advisory Committee (WAC) and distributed information to Council regarding the new governing structure of the WAC.

15. ANNOUNCEMENT OF CLOSED SESSION TOPIC/ ADJOURNMENT TO CLOSED SESSION

Mayor Salmon announced the following Closed Session topic and Council adjourned to a Closed Session in Conference Room A at 9:10 p.m.

Councilmember Fudge left the meeting at this time.

15.1 Performance Review- Town Manager

Consideration of Town Manager's Performance Evaluation Review Pursuant to Government Code Section 54957.

16. REPORT OUT OF CLOSED SESSION

The Closed Session adjourned and the regular meeting reconvened with all members present (except Councilmember Fudge who left the meeting immediately after the announcement of the Closed Session). No action was taken during Closed Session.

17. ADJOURNMENT

The meeting adjourned at 10:05 p.m. to the next regular meeting scheduled for Wednesday June 21, 2006, in the Civic Center Council Chambers located at 9291 Old Redwood Highway, Building 400 in Windsor.

Approved and adopted this 21st day of June 2006.

Maria De La O, Town Clerk