

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 17, 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 6:04 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

Acting Community Services Director Kelley led the Pledge of Allegiance.

4. PRESENTATION(S)/ PROCLAMATION(S)

4.1 Introduction of New Windsor Police Sergeant Steve Gossett

Police Chief Freitas introduced new Windsor Police Sergeant Steve Gossett and remarked on his qualifications.

4.2 Proclamation- Outgoing Windsor Police Sergeant Sandy Geaslin

Mayor Salmon presented outgoing Windsor Police Sergeant Sandy Geaslin with a proclamation honoring him for his years of service to the Town of Windsor.

4.3 Presentation- Vineman Race Organizers

Russ Pugh gave a presentation on the upcoming Vineman Races and the positive impact the races have on Sonoma County and Windsor.

4.4 California Society of Municipal Finance Officers' Certificate of Meritorious Award in Operational Budgeting for the 2005-07 Biennial Budget

Mayor Salmon presented the California Society of Municipal Finance Officers' Meritorious Award in Operational Budgeting to Accounting Manager Ippoliti, on behalf of the Town's Administrative Services Department and the entire Town staff, for their work on the Town's 2005-07 Biennial Budget.

5. ANNOUNCEMENTS

The following upcoming Town events were announced:

- “Bike to Work Day” is Thursday, May 18, 2006.
- The Windsor Fine Art Show Opening Reception will be held on Friday, June 2, 2006 from 6:30 – 8:00 p.m. in the Huerta Gymnasium. The show will continue Saturday, June 3rd to Saturday, June 10th from 10:00 a.m. to 4:00 p.m. daily.
- The Women’s Soroptomist Lobster Sale will be Saturday, May 20, 2006 from 10:00 a.m. to 2:00 p.m. at Raley’s.
- Summer Nights on the Green opens Thursday, June 8, 2006 with the Farmer’s Market at 5:00 p.m., followed by a performance by “Mr. Music,” and a concert by the Crossfire Band.
- The Sunday Farmers Market continues weekly from 10:00 a.m. to 1:00 p.m. May 21, 2006 will be Kids’ Day at the Market.
- The Rose Parade will be held Saturday, May 20, 2006. Mayor Salmon will be participating.

6. CONFLICT OF INTEREST DECLARATION

Councilmember Morehouse declared she would abstain from voting on Item 9.3 (the Mitchell Lane Railroad Grade Crossing Warning System) and Item 9.5 (the Brooks Road Sidewalk Improvement Project) because her husband’s family owns Pedroncelli Winery, a member of a cooperative that is part of the Mitchell/Shiloh/Conde Assessment District. She also declared that she would abstain from voting on Item 11.1 (the request to extend hours of operations at the Hiram Lewis Park tennis courts) as she lives within 500 feet of Hiram Lewis Park.

7. CHANGES TO THE AGENDA

Mayor Salmon asked that Item 9.3 be removed from the Consent Calendar and discussed under the Regular Calendar after Item 11.1. Council concurred.

8. CITIZEN PUBLIC APPEARANCES

Larry Tam, Windsor resident, asked if the Council had any questions regarding the letter he submitted to the Town requesting the Town waive development fees on his project. Mayor Salmon replied that Council was unable to discuss this matter since it had not been publicly noticed or agendized. Town Manager Mullan said the Town had received his letter and that Mr. Tam would receive a response from the Town in the next week.

9. CONSENT CALENDAR

Mayor Pro Tem Parker moved to adopt the Consent Calendar items, with the exception of Item 9.3. Councilmember Allen seconded the motion. The motion passed on a 5/0 vote. Items 9.3 and 9.5 were adopted by a 4/0/1 vote, as Councilmember Morehouse abstained.

9.1 Check Register No. 345

5/0 vote. By motion, approved disbursements in the amount of \$1,076,355.43

9.2 Approval of Minutes

5/0 vote. By motion, approved the minutes of the meetings of April 5, 2006 and April 8, 2006.

**9.3 Mitchell Lane Railroad Grade Crossing Warning System
(Councilmember Morehouse abstained).**

This item was pulled off the Consent Calendar and considered on the Regular Calendar after Item 11.1. (No action was taken on this item.)

9.4 2006 Pavement Preservation Program

5/0 vote. Adopted Resolution No. 1889-06, accepting the bid of, and awarding a contract to, Ghilotti Construction Company for the construction of the 2006 Pavement Preservation Program in the amount of \$377,794.64 and authorizing the Town Manager to execute the contract and any required construction change orders up to the authorized project budget.

9.5 Brooks Road Sidewalk Improvement Project

4/0/1 vote (Councilmember Morehouse abstained). Adopted Resolution No.1890-06 awarding a contract to Sonoma Engineering, Inc. for the Construction of the Brooks Road Sidewalk Improvement Project in the amount of \$51,154.70 and authorized the Town Manager to execute the contract and any required construction change orders up to the authorized project budget.

9.6 Purchase and Resale of 867 Twin Oaks Property

5/0 vote. Adopted Resolution No.1891-06 authorizing the Executive Director to execute documents necessary to purchase and resell the house located at 867 Twin Oaks Lane, extending a second mortgage in an amount not to exceed \$75, 000 to an income eligible first-time homebuyer.

9.7 Proposition 81, the 2006 California State Library Bond

5/0 vote. Adopted Resolution No. 1892-06 endorsing and supporting Proposition 81, the 2006 California Reading and Literacy Improvement and Public Construction and Renovation Bond Act of 2006.

9.8 Federal and State Telecommunication Services Regulatory Reform

5/0 vote.

- Adopted Resolution No. 1893-06 maintaining the Town of Windsor's authority to negotiate franchise agreements for telecommunications services and endorsing the League of California Cities' principles for consideration by Congress and the State Legislature during the development of a new telecommunications regulatory framework; and
- Authorized the Mayor to send a letter to state legislators opposing Assembly Bill 2987 (cable and video services); and
- Authorized the Mayor to send a letter to federal legislators opposing House of Representatives Bill 5252 (broadband networks and services).

9.9 Town Co-sponsorship of Sonoma County Agricultural Preservation and Open Space District Open Spaces & Public Places Event
5/0 vote. Approved Town co-sponsorship of Sonoma County Agricultural Preservation and Open Space District Open Spaces & Public Places event planned on the Town Green on June 11, 2006.

9.10 Not-for-Profit Organization Funding Requests
5/0 vote.
Adopted Resolution No.1894-06 amending the 2005-07 Budget (Amendment 10-07) to appropriate additional funds for the Not-for-Profit Grant Program.

9.11 Assembly Bill 32, Greenhouse Gas Emissions California Climate Action Registry
5/0 vote. Adopted Resolution No.1895-06 and approved a letter endorsing and supporting Assembly Bill 32, Greenhouse Gas Emissions California Climate Action Registry.

10. PUBLIC HEARING – NONE.

11. REGULAR CALENDAR
Councilmember Morehouse recused herself from the discussion and left the dais at this time.

11.1 Public Request to Extend Hours of Operations at Hiram Lewis Park Tennis Courts
Acting Community Services Director Kelley presented the staff report on this item.

At this time, Mayor Salmon called forward members of the public interested in commenting on this matter.

The following speakers expressed concern regarding the request to extend the tennis court hours beyond 9:00 p.m.: unidentified Windsor resident; Gene Clark, Windsor resident; and Barbara Mattson, Windsor resident.

Windsor resident, Debbi Ling, spoke in support of extending the hours of operation of the tennis courts and submitted a letter and petition containing 40 signatures, requesting the Town extend the tennis court hours from 9:00 p.m. to 10:00 p.m.

There being no further comments, Mayor Salmon closed the public comment period.

During the discussion that ensued, the Council explained why they could not support the request to extend the tennis court hours of operation at Hiram Lewis Park; specifically, due to negative impacts created by the close proximity of the tennis courts to neighboring homes.

Due to lack of a motion by the Council, the request to amend the Town of Windsor Park Use and Reservation Policy was denied; therefore, the hours of operation of the tennis courts at Hiram Lewis Community Park will remain unchanged.

Item 9.3 was considered at this time.

9.3 Mitchell Lane Railroad Grade Crossing Warning System

Mayor Salmon asked if the Town could reject the bids for the Mitchell Lane Railroad Grade Crossing Warning System since the bids came in substantially over budget.

Assistant Town Engineer Daida stated this option was available to the Council but that staff was recommending Council award the contract to the second lowest bidder (due to irregularities with the lowest bid) and proceed with the contract for this work.

Council discussion ensued on the pros and cons of awarding the contract as recommended by staff versus rebidding. Mayor Salmon opined that since the bids came in approximately \$30,000 over budget, that in fairness to the Town and Assessment District, he believed the Town had an obligation to rebid this project.

Town Attorney Rudnansky confirmed that Council had authority to reject all bids.

Mayor Salmon called forward members of the public interested in commenting on this matter. There were no comments from the audience.

Mayor Salmon made a motion to reject all bids and directed staff to rebid the project. Mayor Pro Tem Parker seconded the motion. The motion passed by a 4/0/1 vote (Councilmember Morehouse abstained).

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

11.2 Master Plan for the Second Neighborhood Park in the Vintana Subdivision

Acting Community Services Director Kelley presented the staff report on this item and responded to questions raised by Councilmembers.

Mayor Salmon called forward members of the public interested in commenting on this matter.

David Bradley, representing Ryder Homes, explained the schedule and plan for the construction of the park, which would take 4-8 weeks.

Councilmember Morehouse confirmed that Ryder Homes would be disclosing to potential buyers that the park would include a lighted path.

An unidentified Windsor resident said she lived near the park and suggested that rocks or other climbing materials/structures be added to the northwest corner of the park.

Charlie Gibson, Windsor Golf Club, advised that large decorative rock was quite expensive and the Town should consider the cost before considering rock to create a climbing structure.

There being no further comments, Mayor Salmon closed the public comment period.

A brief discussion ensued as to whether the park should remain a “passive park” or if amenities should be added to the northwest corner of the park. Mr. Bradley said he was willing to work with the Town to evaluate the possibility of adding a play structure, a shade structure/BBQ area, or other types of amenities at the northwest corner of the park, subject to the cost of the equipment/materials. He suggested the Town approve the overall Master Plan and he would bring back three or four different ideas for the northwest corner of the park as a Consent Item on a future Town Council agenda.

Councilmember Allen moved to adopt Resolution No. 1896-06 approving the Master Plan for the second neighborhood park in the Vintana Subdivision, as amended. Councilmember Morehouse seconded the motion. The motion passed on a 5/0 vote.

11.3 Amending the Municipal Code by Adding Chapter 20 to Title III, “Prohibition of Smoking” and repealing section 225(B) of Title V, Chapter 1, Article 2, “Fire”

Acting Community Services Director Kelley presented the staff report on this item. He reviewed changes to the ordinance and acknowledged receipt of a letter on this matter from Charlie Gibson of the Windsor Golf Club.

Town Attorney Rudnansky advised that the Town could amend the ordinance to include an exception for the Windsor Golf Club.

At this time, Mayor Salmon called forward members of the public interested in commenting on this matter.

Charlie Gibson, Windsor Golf Club, said that management had not received any complaints regarding smoking on the golf course and asked that the Windsor Golf Club be exempt from the ordinance.

There being no further comments, Mayor Salmon closed the public comment period.

A majority of the Council believed that smoking was mainly a problem during community events on the Town Green and that smoking did not seem to be a problem outside of these events, at other public parks within the Town or at the golf course. The Council also stated that the smoking ban could be expanded beyond Town Green events and to other parks at a later date if necessary.

A brief discussion ensued regarding enforcement of and signage for the amended ordinance. Councilmember Morehouse suggested that the Master of Ceremonies make an announcement that smoking is prohibited during Town Green events.

Town Attorney Rudnansky confirmed that the ordinance would be amended to state that smoking would be prohibited on the Town Green during community events and any language banning smoking at other times on the Town Green, at other public parks and the golf course would be eliminated.

Councilmember Morehouse made a motion to introduce, by title only, an ordinance, as revised, amending the Municipal Code by adding Chapter 20 to Title III, regulating and prohibiting smoking on the Town Green during community events. Mayor Pro Tem Parker seconded the motion. The motion passed on a 5/0 vote.

At the request of the Council, Item 11.5 was considered prior to Item 11.4 at this time.

11.5 Reconsideration of the May 3, 2006 Action by the Town Council to Place a Measure on the November 2006 Election Ballot to Ask Windsor Voters to Increase the Transient Occupancy Tax from 8% to 12%

Town Attorney Rudnansky explained that the request was for the Council to reconsider their previous action on this item and bring this item back for final action at their next meeting.

At this time, Mayor Salmon called forward members of the public interested in commenting on this matter.

Pat McDowell, Windsor Fire Protection District, said he would like to reserve comment on this matter until the final action is taken at the next meeting.

There being no further comments, Mayor Salmon closed the public comment period.

Councilmember Fudge made a motion to reconsider the May 3, 2006 action by the Council to place a measure on the November 2006 election ballot asking Windsor voters to increase the Transient Occupancy Tax from 8% to 12% and direct staff to agendaize this item on the June 7, 2006 Council agenda for formal action. Mayor Pro Tem Parker seconded the motion. The motion passed on a 5/0 vote.

11.4 Medical Marijuana Dispensaries and Cultivation Regulations

Town Attorney Rudnansky gave a brief report on recent actions by local agencies and legal developments regarding medical marijuana dispensaries and cultivation regulations. After a lengthy discussion a majority of the Council stated it did not want to reconsider a permanent ban at this time due to the existing moratorium (in effect through August 2007) on medical marijuana dispensaries at this time.

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

12.1 League of California Cities

No comments were made.

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

Mayor Salmon gave a brief report.

13. MAYOR'S & COUNCILMEMBERS' REPORTS

13.1 Appointment of a Councilmember and Community Member to Serve on the Charles M. Schulz- Sonoma County Airport Master Plan Update Community Advisory Committee (CAC)

By consensus, continued this appointment to the June 21, 2006 meeting pending additional information.

13.2 Individual Councilmember Reports

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

13.3 Reports on Meetings/Conferences

Councilmember Fudge gave a report on the SMART meeting she recently attended.

Mayor Pro Tem Parker reported on the Santa Rosa Plain Conservation Committee meeting, Sonoma County Transportation Authority meeting and Sonoma County Affordable Housing Forum that he recently attended. Mayor Pro Tem Parker advised that the Gang Task Force would be making a presentation to Council in the near future.

Councilmember Morehouse asked that nurses be added to the survey of public employees.

Mayor Salmon gave a written report on the Mayors' and Councilmembers' meeting that he recently attended.

14. TOWN MANAGER'S REPORT

Town Manager Mullan advised that Windsor was one of three cities to meet with Sonoma County Permit and Resource Management Department to discuss regional cooperation issues between the cities and the county.

Town Manager Mullan confirmed Councilmembers' attendance at Town Hall on the Green.

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 9:19 pm.

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. No action was taken during Closed Session.

17. ADJOURNMENT

The meeting adjourned at 10:40 p.m. to the next regular meeting scheduled for Wednesday June 7, 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