

MINUTES
TOWN COUNCIL, REDEVELOPMENT AGENCY AND
WINDSOR WATER DISTRICT MEETING

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

February 15, 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 Morehouse led the Pledge of Allegiance.

4. PROCLAMATION

4.1 Proclamation- National Engineers Week (February 19-25, 2006)

Mayor Salmon read a proclamation declaring February 19-25, 2006 National Engineers Week. Assistant Town Engineer Bill Daida received the proclamation and introduced Senior Associate Engineer Larry Zimmer and Assistant Engineer Alejandro Perez and noted that Associate Engineer Stuart Hayre was not present.

4.2 Proclamation- Dave Sederholm's Retirement from the Sonoma County Sheriff's Department

Mayor Salmon read a proclamation congratulating Dave Sederholm on his upcoming retirement from the Sonoma County Sheriff's Department and highlighting his contributions during his employment with the Town of Windsor as its third Chief of Police.

5. ANNOUNCEMENTS

The following announcements were made:

- Rotary Club of Windsor will be holding its Diamond Ball/Cioppino Fest on March 11th at the Mary Agatha Furth Center.
- The February issue of *Sunset* magazine features the Town in an article entitled "Best Bounce-Back Burb."
- Lions Club of Windsor will be holding a Crab and Shrimp dinner on Saturday, February 17th at the Huerta Gymnasium.

- Kiwanis Club will be holding their annual fried chicken dinner on Friday, February 24th at 6:00 p.m. at the Mary Agatha Furth Center.

6. CONFLICT OF INTEREST

Councilmember Morehouse declared that she would abstain from voting on Item 9.11 (Mitchell/Shiloh/Conde Assessment District) because her husband's family owns Pedroncelli Winery, a member of a cooperative that is part of the assessment district.

7. CHANGES TO THE AGENDA

Mayor Salmon requested that Item 9.6 (Fair Share Housing Annual Monitoring Report) be pulled for discussion later in the meeting.

8. CITIZEN PUBLIC APPEARANCES – NONE.

9. CONSENT CALENDAR

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

9.1 Check Register No. 340

5/0 vote. By motion, approved disbursements in the amount of \$2,118,887.93.

9.2. Approval of Minutes

5/0 vote. By motion, approved the minutes of the regular meetings of January 18, 2006 and February 1, 2006.

9.3 Extension of Zone 1A Flood Control Benefit Assessment

5/0 vote. Adopted Resolution No. 1853-06 supporting placement of an extension of the voter-approved Zone 1A flood control benefit assessment on the November 2006 ballot and authorized the Mayor to sign and forward the attached letter of support to the Sonoma County Water Agency.

9.4 2004-05 Basic Financial Statements

5/0 vote. By motion, received and filed the Basic Financial Statements for the fiscal year ended June 30, 2005 that included the auditor's opinion and reports dated October 15, 2005.

9.5 2005 General Plan Annual Report

5/0 vote. Adopted Resolution No. 1854-06 accepting the General Plan Annual Report.

9.6 Fair Share Housing Annual Monitoring Report

(This item was considered after Item 11.3).

- 9.7 Application for Federal Funding for the Conde Lane/Hembree Lane Pavement Rehabilitation Project**
5/0 vote. Adopted Resolution No. 1856-06 authorizing the filing of an application for Federal Surface Transportation Program (STP) funding in the amount of \$362,600 (\$321,000 federal funds plus \$41,600 matching funds) for the Conde Lane/Hembree Lane Pavement Rehabilitation Project.
- 9.8 Vintana Unit No. 4 Subdivision, Acceptance of Public Improvements**
5/0 vote. Adopted Resolution No. 1857-06 accepting the public improvements into the Town system for maintenance and designating certain intersections as stop intersections in the subdivision known as Vintana Unit No. 4.
- 9.9 Resolution of Support for Go21 Statement of Principles**
5/0 vote. Adopted Resolution No. 1858-06 in support of the Go21 Statement of Principles.
- 9.10 Treasurer's Quarterly Investment Report**
5/0 vote. By motion, received and filed the Treasurer's Quarterly Investment Report for the 2nd quarter of Fiscal Year 2005-06.
- 9.11 Acceptance and Acquisition of Public Improvements on Caletti and Pruitt Avenues into the Mitchell/Shiloh/Conde Assessment District**
4/0/1 vote, as Councilmember Morehouse abstained. Adopted the following resolutions:
- Resolution 1859-06 accepting the public improvements to Pruitt and Caletti Avenues into the Town system.
 - Resolution 1860-06 authorizing the Town Manager to make payment of \$1,422,680.00 to Shiloh Oaks Company LLC for acquisition of the improved portions of Pruitt and Caletti Avenues from the proceeds of the Mitchell/Shiloh/Conde Assessment District.
 - Resolution 1861-06 authorizing the Town Manager to sign the associated Bridge Modification Agreement and the Bridge Maintenance Agreement.

10. PUBLIC HEARING

10.1 Gasoline Service Station Facility Evaluation

Assistant Planner Pauletta Cangson discussed the history of this project and the different actions presented to the Town Council.

Planning Director Peter Chamberlin noted there is a ground water remediation facility on the site, which if the Council decides to move forward with the proposed project, would continue to operate.

Allen Tilton, of Whitlock and Weinberger, Traffic Engineering Consultants, discussed the reasons why the Traffic Impact Study for planned improvements to Shiloh Road, between Caletti Avenue and the US 101 Highway southbound off-ramp, clearly

demonstrates that the recommended left-turn lane together with lane transitions of the assessment district cannot be achieved.

Ron Allen, of Allen Consulting, Santa Rosa, said that Mr. Shami (the applicant) is aware of the traffic impacts of the proposed project and is willing to redesign the frontage of the site to accommodate right-turns in and right-turns out only.

Responding to questions raised by Council, Mr. Walter Laabs explained why there should be a barrier to the east of the property to restrict left-turn movements.

Mayor Salmon offered members of the audience an opportunity to speak at this time.

Richard Olufs, owner of property west of the site, raised concerns associated with the filtering pump station and traffic backing-up at the pumps due to their close proximity to the road.

No other comments from the audience were forthcoming.

Council discussion ensued, after which Council determined that the proposed gas station remodel was an appropriate use for the site, as this site was previously identified as a location for a gasoline service station due to its close proximity to Highway 101. In addition, Council concurred to refer the application to the Planning Commission for review and action, and requested that the following comments be forwarded:

1. Left-turn in and left-turn out movements will be restricted at the project site.
2. Canopy lighting shall be recessed into the canopy and not glare onto adjacent properties.
3. Overpass and off-ramp items discussed during previous projects (e.g. Shiloh Commercial Center) should be addressed as part of this project to prevent future conflicts.

On a motion by Councilmember Fudge and seconded by Councilmember Allen, the Town Council determined that the proposed gasoline service station remodel was an appropriate use for the site and referred the application to the Planning Commission for review and action. The motion passed by a 5/0 vote.

11. REGULAR CALENDAR

11.1 Senior Center Aquatics Program- 2006

Community Services Manager Patricia Morandi reported on this item. Ms. Morandi referenced a revised schedule distributed on the dais and explained the reasons for the revision to the schedule. She responded to questions raised by Council.

Town Manager Matt Mullan stated that the current schedule reflects Council's direction given to staff last August and is a very successful and cooperative program for the upcoming summer months.

Mayor Salmon called for comments from the audience at this time.

Marilyn Reynolds, Brooks Creek resident, thanked Council and Town staff for recognizing the needs of the seniors and reinstating the Tuesday and Wednesday water fitness classes for seniors. She noted that Windsor's Senior Center has the only therapeutic heated pool for seniors in the county. She asked Council and Town staff to consider utilizing Saturday and Sunday mornings from 8:30 a.m. to 10:00 a.m. for more children's swim lessons.

No other comments from the audience were forthcoming.

Based on Council discussion and on a motion by Mayor Pro Tem Parker, and seconded by Councilmember Allen, the Council approved the revised 2006 Senior Center Aquatics Program. The motion passed by a 5/0 vote.

11.2 A Resolution of Public Interest and Necessity to Require the Acquisition of Real Property and Directing the Filing of Eminent Domain Proceedings for the Bell Road Extension/Bridge Project

Town Engineer and Public Works Director Richard Burt briefly discussed the necessary steps to acquire real property and direct the filing of eminent domain proceedings.

Mayor Salmon called for comments from the public at this time.

Richard Deringer, Sonoma, representing Windsor Water Works, said that the property owners of the Windsor Water Works property are not opposed to condemnation proceedings, as the Town has determined that acquiring the subject property is in the best interest of the Town. He said their only concern is that the property being acquired will eliminate their ability to build a bridge to Bell Road.

No other comments from the audience were forthcoming.

Councilmember Allen explained the reasons why he does not support the use of eminent domain proceedings for future property acquisitions. However, he said that in this particular instance, there is a strong need for the use of eminent domain and will support this action.

Council discussion ensued relative to the appropriateness of eminent domain proceedings to acquire property. The majority of Councilmembers were supportive in this instance, as it is a public improvement that will directly benefit the Town.

Mayor Salmon moved to adopt Resolution No. 1862-06 determining that public interest and necessity require the acquisition of certain real property and directed the filing of eminent domain proceedings for the Bell Road Extension/Bridge project, APN 164-020-021. Councilmember Fudge seconded the motion. The motion passed by a 5/0 vote.

11.3 2005-07 Budget Update

Town Manager Mullan acknowledged that Windsor received the California Society of Municipal Finance Officers award for Merit in Operation Budgeting for the Town's 2005-07 Biennial Budget. He congratulated the Administrative Services Department staff for their good work in preparing and presenting the Town's budget.

Council recessed from 7:25 p.m. until 7:37 p.m. to allow time for staff to connect the audio system. The meeting reconvened with all members present.

Administrative Services Director Jim McAdler reported on this item and discussed the recommended actions, as outlined in the staff report.

Mayor Salmon called for comments from the public at this time. None was forthcoming.

Following discussion, it was the consensus of the Council to forward comments generally supporting the recommendations in the agenda staff report, with the following revisions/clarifications:

1. 2 - Transient Occupancy Tax (TOT)

Staff was directed to return with information regarding the schedule and process for placement of the TOT on the November 2006 ballot. Staff was also asked to return with estimates demonstrating the financial implications of raising the TOT, at which time Council will give direction.

2.14 – Computerized Mapping and Records Management System

Concurred with staff's recommendation to defer consideration of this project to the 2007-09-biennium budget.

2.15 – Aerial Photos

Concurred with staff's recommendation to defer consideration of this project to the 2007-09-biennium budget.

Review and Update Water Rates in the Airport and Shiloh Meadow Service Areas

Concurred with staff's recommendation to review and update the water rates charged to customers in the Airport and Shiloh Meadows service areas, which are outside the Town limits.

Road Maintenance

Staff to return with information for the possibility of restoring funding for road maintenance at the time of the next fiscal review or within six (6) months.

Council concurred to adopt the following budget amendments:

- 1) Increase in General Fund revenue.
- 2) Increase in Public Works Department appropriations, affecting the General Fund, the Gas Tax Fund, the Water Operating Fund and the Water Reclamation Operating Fund.

- 3) Transfers from the General Fund, the Water Operating Fund and the Water Reclamation Operating Fund to its respective Capital Repair and Replacement Funds.
- 4) The upgrade of one existing full-time position from Accounting Technician to Accounting Specialist to meet the increased service demands in the Administrative Services Department.

Councilmember Morehouse moved to adopt Resolution No. 1863-06 amending the 2005-07 budget (Amendment 07-07) for revenues and appropriations associated with the February 2006 budget review. Mayor Pro Tem Parker seconded the motion. The motion passed by a 5/0 vote.

Item 9.6 was discussed at this time:

Mayor Salmon explained his earlier request to pull this item from the Consent Calendar, noting concern that the Town did not meet the very low/low income and moderate income housing numbers, as required by the Inclusionary Housing Ordinance. Therefore, he suggested that staff consider an amendment to the Inclusionary Housing Ordinance to address the housing needs in Windsor.

Councilmember Morehouse moved to adopt Resolution No. 1855-06 accepting the Annual Housing Needs Monitoring Report for 2005. Councilmember Allen seconded the motion. The motion passed by a 5/0 vote.

12. MAYOR'S & COUNCILMEMBERS' REPORTS

12.1 Individual Councilmember Reports (No written report.)

Councilmember Allen referenced an e-mail he received from Amy O’Gorman, League of California Cities, North Bay/Redwood Empire Regional Representative, regarding ethics training, which is required by AB 1234. He asked if this training would be available to the Council through the Town.

Town Attorney Richard Rudnansky explained that AB 1234 requires that Town officials receive two hours of ethics training every two years. He said that the Meyers Nave firm will be preparing a program for all the cities they represent and that this program will be brought to Windsor some time in May 2006.

Councilmember Allen reported that he met with a group of individuals, including Mike Martini, Jake McKenzie, Town Manager Mullan and representatives from Marin County prior to the Water Advisory Committee (WAC) meeting regarding concerns associated with the Water Agency. He asked Town Manager Mullan to discuss this matter further under the Town Manager’s Report.

Councilmember Fudge reported on her attendance at a SMART Board meeting, during which there was discussion regarding the Environmental Impact Report (EIR) for which the responses to comments were being prepared.

Councilmember Fudge announced that she will be speaking to a classroom of high school students tomorrow regarding climate protection issues.

Councilmember Fudge reported on her recent attendance at a Cities for Climate Protection meeting. They will be holding a climate protection conference on June 9th or July 14th in Rohnert Park.

Mayor Pro Tem Parker reported that he met with a group of people (headed by Matt Myers) to locate property suitable for locating a medical facility that will provide medical services to those who cannot afford health care and/or have no health insurance. He said they are in the process of forming a local committee for this purpose.

Mayor Salmon said he will be providing a formal report on his recent attendance at the Smart Growth Conference at the next Council meeting.

12.2 League of California Cities Priority Focus Publication (Issue Nos. 2 & 3)- Update/Discussion

No comments were made.

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

No comments were made.

12.4 Reports on Meetings/Conferences

No reports were made.

13. TOWN MANAGER'S REPORT (NO WRITTEN REPORT.)

Town Manager Mullan reported on his attendance at a WAC meeting that was held on Monday, February 6, 2006. He noted that some of the items discussed were: 1) Restructured Water Agreement; 2) Urban Water Management Plan update, and 3) Draft Water Policy document.

Town Manager Mullan also reported that the U.S. Fish and Wildlife Service (Implementation Committee) held their first meeting on February 15, 2006 for development of a plan for implementation of the Conservation Strategy. He discussed the need for Council representation on the Santa Rosa Plain Conservation Implementation Committee and Regional Airport Planning Committee, as the Town was not represented. Therefore, he said that staff would be adding this item to the next Council agenda for appointment of a Councilmember and an alternate to serve on these committees.

14. 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 9:24 p.m.

14.1 CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6) - Agency Designated Representative: Town Manager, Unrepresented Employee: Town Attorney

15. 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.

16. ADJOURNMENT

The meeting adjourned at 10:00 p.m. to a regular Town Council meeting scheduled for Wednesday, March 1, 2006, in the Civic Center Council Chambers located at 9291 Old Redwood Highway, Building 400 in Windsor.

Approved and adopted this 15th day of March 2006.

Maria De La O, Town Clerk