

MINUTES

SPECIAL JOINT TOWN COUNCIL, REDEVELOPMENT AGENCY, WINDSOR WATER DISTRICT, AND WINDSOR JOINT POWERS FINANCING AUTHORITY MEETING

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

**Wednesday, July 16, 2008
Regular Session - 7:00 p.m.**

1. CALL TO ORDER

Mayor Fudge called to order a meeting of the Town Council, also serving as the Board of Directors of the Windsor Redevelopment Agency, Town of Windsor Water District and Windsor Joint Powers Financing Authority at 7:02 p.m.

2. COUNCIL ROLL CALL

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

3. PLEDGE OF ALLEGIANCE

David Culley led the Pledge of Allegiance.

4. PRESENTATION(S)/PROCLAMATION(S)

4.1 Proclamation honoring Cloverdale Councilmember Robert Jehn

Mayor Fudge read a proclamation honoring Cloverdale Councilmember Robert Jehn for his 14 years of public service to the City of Cloverdale.

5. ANNOUNCEMENTS

a) **Upcoming Town Events**

Mayor Fudge and Councilmembers announced various upcoming events.

b) **One Cool Green Thing**

- Plastic buckets can be purchased at the Windsor Farmers Market for recycling of vegetable waste products.

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- West Sonoma County Disposal is now accepting rigid plastic in the blue recycle bin.
- The Windsor Chamber of Commerce signed up for PG&E's ClimateSmart Program.

6. CONFLICT OF INTEREST DECLARATION - None.

7. CHANGES TO THE AGENDA

7.1 Acceptance of Traffic Mitigation Fee Study Report (Item 10.1)

This item was continued to the August 20, 2008 Town Council Meeting.

7.2 Additional Changes

Two agenda items related to the construction of the Windsor Fire Station No. 2 will be moved on the agenda for tonight's meeting:

Item 10.4 (Windsor Fire Station No.2 Construction Contract)

Currently listed on the Public Hearing Calendar is not a public hearing and will be heard after Item 11.2 on the Regular Calendar.

Item 11.4 (Approval of Issuance of 2008 Lease Revenue Bonds of the Authority and Form of Related Legal Documents for Construction of Windsor Fire Station No. 2)

This item was noticed as a Public Hearing and will be heard immediately after Item 10.3 on the Public Hearing calendar.

Items 9.3 (Adopt Ordinance Raising Town Manager's Purchasing Authority from \$25,000 to \$50,000) and 9.4 (Zoning Ordinance Amendments)

These actions are not permissible during a Special Meeting so items will be moved to August 6, 2008 meeting.

Item 10.1 (Adoption of Traffic Impact Mitigation Fee) was noticed as a public hearing for tonight's meeting.

Therefore to formally continue this item, Mayor Fudge opened the public hearing. There being no public testimony, Mayor Fudge closed the public hearing.

Councilmember Parker moved to continue this item to the August 20, 2008 Council meeting for consideration and action. Councilmember Salmon seconded the motion. The motion passed by a 3/0/2 vote (Councilmember Allen and Vice Mayor Goble were absent).

8. CITIZEN PUBLIC COMMENT

Fred Langley, Business Owner, asked Council to reconsider the Town Green signage program to provide flexibility to allow a different method of advertising or signage during special events.

Michael Brook, Board Member of Shakespeare on the Green, announced the opening of the Shakespeare on the Green performances and encouraged Windsor residents to attend.

David Kahn, Windsor resident, announced upcoming events including the Vineman Race that will be held on Friday and Saturday.

Hal Beck, Windsor Chamber of Commerce, clarified that the Vineman event will be held on Saturday and Sunday.

9. CONSENT CALENDAR

Councilmember Parker moved to adopt the following Consent Calendar items.

Councilmember Salmon seconded the motion. The motion passed by a 3/0/2 vote on all items except Items 9.3 and 9.4 as both items were continued to the meeting of August 6, 2008. (Councilmember Allen and Vice Mayor Goble were absent)

9.1 Approve Check Register No. 389

3/0/2 vote. (Councilmember Allen and Vice Mayor Goble were absent).

By motion, approved disbursements in the amount of \$770,737.26.

9.2 Approval of Minutes

3/0/2 vote (Councilmember Allen and Vice Mayor Goble were absent).

By motion, approved the minutes of the regular Town Council meeting of July 2, 2008.

9.3 Adopt Ordinance Raising Town Manager's Purchasing Authority from \$25,000 to \$50,000

This item was continued to the meeting of August 6, 2008.

9.4 Zoning Ordinance Amendments

This item was continued to the meeting of August 6, 2008.

9.5 Approve Contract for Annual Traffic Engineering Services

3/0/2 vote. (Councilmember Allen and Vice Mayor Goble were absent).

Adopted Resolution No. 2317-08, approving a Professional Services Agreement with Design Professionals with Whitlock & Weinberg Transportation, Inc. (W-Trans), in the amount of \$140,000, for annual traffic engineering services for the Fiscal Year 2008/2009 and authorizing the Town Manager to execute on behalf of the Town.

9.6 Acceptance of Work for the Mitchell Shiloh Conde Assessment District Phase 2 Project

3/0/2 vote. (Councilmember Allen and Vice Mayor Goble were absent).

Adopted Resolution No. 2318-08, accepting the contract work performed by Ghilotti Bros., Inc., for the construction of the Mitchell Shiloh Conde Assessment District Phase 2 Project and directing the Town Clerk to record a Notice of Completion.

9.7 Approve a Professional Services Agreement for Implementation of the Town's Storm Water Management Plan

3/0/2 vote. (Councilmember Allen and Vice Mayor Goble were absent).

Adopted Resolution No. 2319-08, approving and authorizing the Town Manager to execute a Professional Services Agreement with Winzler & Kelly Consulting Engineers in an amount not to exceed \$135,000.00 for preparation of the annual Storm Water Management Program report for Reporting Year 3 (July 1, 2007, through June 30, 2008) and for assistance in the implementation of the Town's Storm Water Management Plan and preparation of the annual report for Reporting Year 4 (July 1, 2008, through June 30, 2009).

9.8 Agricultural Turbine Driven Irrigation Sprinkler Units Purchases

3/0/2 vote. (Councilmember Allen and Vice Mayor Goble were absent).

Adopted Resolution No. 2320-08, approving a Purchase Agreement and authorizing the Town Manager to execute an agreement on behalf of the Town with C&W Irrigation, Inc. to purchase Agricultural Turbine Driven Irrigation Sprinkler Units for use by the Public Works Department for an amount not to exceed \$106,568.00.

9.9 Award a Construction Contract for the Wild Oak Drive Streetlight Improvement Project

3/0/2 vote. (Councilmember Allen and Vice Mayor Goble were absent).

Adopted Resolution No. 2321-08, awarding and approving a construction contract to Steiny & Company Inc. for the construction of the Wild Oak Streetlight Improvement Project in the amount of \$40,000.00 and authorizing the Town Manager to execute the construction contract and any required construction change orders up to the authorized project budget on behalf of the Town.

10. PUBLIC HEARING

10.1 Adoption of Traffic Impact Mitigation Fee

This item was continued to the August 20, 2008 regular Town Council meeting.

10.2 Approval of the Old Downtown Windsor Business Improvement District (BID) Fiscal Year 2008-2009 Annual Report and Levying the Assessments for the 2008-2009 Fiscal Year

Assistant Town Manager Johnson and Senior Management Analyst Kelley reported on this item.

Mayor Fudge opened the public hearing.

Richard Bellomo, owner of Something Special, discussed the reasons why he is protesting the levying of the assessments for the Old Downtown Windsor Business Improvement District for the 2008-2009 fiscal year and submitted a protest containing signatures from business owners and employees objecting to these assessments.

Fred Langley, owner of Langley's on the Green, discussed the positive aspects of the BID and the reasons why he supports the levying of the assessments.

David Culley, President of the BID and owner of KC's Grill, invited business owners in the Town Green to attend the BID meetings and become involved in the process.

Stephanie Marti, owner of Windsor Wine Shop, Treasurer of the BID, spoke in support of the BID and noted the importance for all business owners to attend and participate in the Marketing meetings to discuss the most cost effective methods of advertisement for the success of the Downtown businesses.

Kurt Mitchler, President of the Windsor Chamber of Commerce, stated that due to disparity in the fees assessed, he supports a reassessment of fees for Professional Service businesses.

Mayor Fudge Closed the public hearing.

Councilmember Salmon moved to adopt Resolution No. 2322-08, approving and confirming the Old Downtown Windsor Business Improvement District Fiscal Year 2008-2009 Annual Report and Levying the Assessments for the 2008-2009 Fiscal Year. Councilmember Parker seconded the motion. The motion passed by a 3/0/2 vote (Councilmember Allen and Vice Mayor Goble were absent).

10.3 Use of Redevelopment Funds to Finance Acquisition of Real Property and Construction of a Fire Station

Assistant Town Manager Johnson reported on Items 10.3 and 11.4 simultaneously at this time.

Mark Curran, Managing Director, PiperJaffray, responded to Council questions related to market ratings for the bonds for the Windsor Fire Station 2.

Mayor Fudge opened the public hearing. There being no public testimony, Mayor Fudge closed the public hearing.

Councilmember Salmon moved to adopt Town Resolution No. 2323-08, authorizing the use of \$13,691,000 of tax increment funds for acquisitions of Property and construction of a fire station and making findings required by California Health and Safety Code Section 33445, the execution of the purchase and sale agreement and loan agreement with the Windsor Water District and the execution of a reimbursement agreement with the Town of Windsor Redevelopment Agency. Councilmember Parker seconded the motion. The motion passed by a 3/0/2 vote (Councilmember Allen and Vice Mayor Goble were absent).

Acting as a member of the Windsor Redevelopment Agency, Councilmember Parker moved to adopt Resolution No. 2324-08 RDA authorizing the use of \$13,691,000 of tax increment funds for public improvements of benefit to the Town of Windsor and making

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findings required by California Health and Safety Code Section 33445 and the execution of reimbursement agreements related to such costs. Councilmember Salmon seconded the motion. The motion passed by a 3/0/2 (Councilmember Allen and Vice Mayor Goble were absent).

11.4 Approval of the Issuance of 2008 Lease Revenue Bonds of the Authority and Form of Related Legal Documents for Construction of Windsor Fire Station No. 2

Mayor Fudge opened the public hearing. There being no public testimony, Mayor Fudge closed the public hearing.

Acting as a member of the Governing Board of the Windsor Joint Powers Financing Authority, Councilmember Parker moved to adopt Resolution No. 2329-08 JPA, authorizing the issuance of Windsor Joint Powers Financing Authority Lease Revenue Bonds, Series 2008 and approving form and execution of related legal documents. Councilmember Salmon seconded the motion. The motion passed by a 3/0/2 (Councilmember Allen and Vice Mayor Goble were absent).

Councilmember Salmon moved to adopt Resolution No. 2330-08 authorizing the issuance by the Windsor Joint Powers Authority of Lease Revenue Bonds, Series 2008 and authorizing the form of and directing the execution of related legal documents. Councilmember Parker seconded the motion. The motion passed by a 3/0/2 (Councilmember Allen and Vice Mayor Goble were absent).

Acting as a Board Member of the Windsor Water District, Councilmember Parker moved to adopt Resolution No. 2331-08 WWD, approving the sale of property to the Town of Windsor and execution of a purchase and sale agreement, a loan agreement pursuant thereto and related legal documents. Councilmember Salmon seconded the motion. The motion passed by a 3/0/2 (Councilmember Allen and Vice Mayor Goble were absent).

10.4 Windsor Fire Station No. 2 Construction Contract

Item was considered immediately after Item 11.2.

11. REGULAR CALENDAR

11.1 Parks and Recreation Commission Vacancy

Councilmember Salmon moved to appoint Brad Sherwood to fill a Parks and Recreation vacancy for an unexpired term ending December 31, 2010. Councilmember Parker seconded the motion. The motion passed by a 3/0/2 vote (Councilmember Allen and Vice Mayor Goble were absent).

Mr. Brad Sherwood remarked on his qualifications.

11.2 Appointment to Marin/Sonoma Mosquito and Vector Control District

Councilmember Parker moved to reappoint Don Monk to serve as the Town's representative on the Marin/Sonoma Mosquito and Vector Control District for a 4 year term, expiring on January 2012. Councilmember Salmon seconded the motion. The

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motion passed by a 3/0/2 vote (Councilmember Allen and Vice Mayor Goble were absent).

10.4 Windsor Fire Station No. 2 Construction Contract

Assistant Town Manager Johnson reported on this item.

Mayor Fudge called for comments from the audience.

Ron Collier, Windsor Fire Chief, discussed his support for proceeding with the construction of the Windsor Fire Station No. 2.

Jeff Luchetti, General Contractor for the Windsor Fire Station project, discussed his qualifications and services that will be provided for the construction of this project.

Pat McDowell, President of the Windsor Fire Protection District, spoke in support of the Windsor Fire Station project and discussed the benefits of this project to the Town.

Councilmember Parker moved to adopt Resolution No. 2325-08, awarding a contract to Jeff Luchetti Construction, Inc., for the construction of the Windsor Fire Station No. 2 project in the amount of \$4,537,000, including Alternate 1 at \$84,000; Alternate 2 at \$75,000; and, Alternate 3 at \$67,000, and authorizing the Town Manager to execute the contract and any required change orders up to the current authorized project budget of \$5,500,000. Councilmember Salmon seconded the motion. The motion passed by a 3/0/2 vote (Councilmember Allen and Vice Mayor Goble were absent).

11.3 Adoption of resolutions approving agreements related to the funding of Burbank Housing Development Corporation's Windsor Redwoods affordable rental housing project

Assistant Town Manager Johnson reported on this item.

Lisa Yoshida, Project Consultant, Burbank Housing, discussed the reasons why the funding is critical for the Windsor Redwoods affordable rental project.

Mayor Fudge called for comments from the audience. None were forthcoming.

Acting as a member of the Windsor Redevelopment Agency, Councilmember Parker moved to adopt Resolution No. 2326-08 RDA, approving the amended and re-stated pre-development loan agreement and the amended and restated affordable housing regulatory agreement between the Town of Windsor Redevelopment Agency and the Burbank Housing Development Corporation for the Windsor Redwoods Affordable Rental Housing Project; and authorizing the Executive Director to execute said documents and any other documents including any minor amendments thereto necessary for the completion of this transaction. Councilmember Salmon seconded the motion. The motion passed by a 3/0/2 vote (Councilmember Allen and Vice Mayor Goble were absent).

Acting as a member of the Windsor Redevelopment Agency, Councilmember Parker moved to adopt Resolution No. 2327-08 RDA, approving a construction loan agreement and affordable housing regulatory agreement between the Town of Windsor Redevelopment Agency and the Burbank Housing Development Corporation for the Windsor Redwoods Affordable Rental Housing Project; and authorizing the Executive Director to execute said documents and any other documents including any minor amendments thereto necessary for the completion of this transaction. Councilmember Salmon seconded the motion. The motion passed by a 3/0/2 vote (Councilmember Allen and Vice Mayor Goble were absent).

Councilmember Salmon moved to adopt Resolution No. 2328-08, finding and determining that the use of monies from the Low and Moderate Income Housing Fund outside of the Windsor Redevelopment Project Area will be of benefit to the Windsor Redevelopment Project Area and authorizing the expenditure of such funds. Councilmember Parker seconded the motion. The motion passed by a 3/0/2 vote (Councilmember Allen and Vice Mayor Goble were absent).

11.4 Approval of the Issuance of 2008 Lease Revenue Bonds of the Authority and Form of Related Legal Documents for Construction of Windsor Fire Station No. 2

This item was considered immediately after Item 10.3.

11.5 Approve Direct argument for Ballot Measure Increasing Transient Occupancy Tax
Administrative Services Director McAdler briefly reported on this item.

Mayor Fudge called for comments from the audience. None were forthcoming.

Councilmember Salmon moved to approve the language for the direct argument for the ballot measure increasing the Town of Windsor's transient occupancy tax rate from 8 percent to 12 percent. Councilmember Parker seconded the motion. The motion passed by a 3/0/2 vote (Councilmember Allen and Vice Mayor Goble were absent).

11.6 Appointments by the Mayors' and Councilmembers' Association City Selection Committee at the July 24, 2008 Emergency Meeting

Council was asked to provide the Mayor with direction on appointments to be made at the Mayors' & Councilmembers' Association Board of Directors and City Selection Committee Emergency meetings of July 24, 2008.

Council concurred that support should be given to City of Cloverdale Councilmember Carol Russell for appointment to SMART.

No action was required on the appointment to MTC as three names were submitted and will be provided to the Mayors' and Councilmembers' Association for forwarding to the Board of Supervisors for action.

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

12.1 League of California Cities

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

13. MAYOR'S & COUNCILMEMBERS' REPORTS

13.1 Individual Councilmember Reports and Comments

Councilmembers briefly reported on items of interest to the Council.

13.2 Reports on Meetings/Conferences

Councilmembers reported on meetings they attended and are of interest to them.

13.3 Requests for Future Council Agenda Items

a. Revision to Downtown Sign Program for special events.

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

No report was made.

17. ADJOURNMENT

The meeting adjourned at 9:36 p.m. to the next regular Town Council meeting scheduled for Wednesday, August 6, 2008 in the Civic Center Council Chambers located at 9291 Old Redwood Highway, Building 400 in Windsor.

Approved and adopted this 1st day October 2008.

Maria De La O, CMC
Town Clerk