

MINUTES

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

Wednesday, September 3, 2008

Regular Session - 6:00 p.m.

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

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, and Town of Windsor Water District at 6:08 p.m.

2. COUNCIL ROLL CALL

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

3. PLEDGE OF ALLEGIANCE

Cheryl Godwin led the Pledge of Allegiance.

4. PRESENTATION(S)/PROCLAMATION(S)

4.1 Employee of the Quarter

Mayor Fudge presented David Kelley, Senior Management Analyst, with a plaque honoring him as Employee of the Quarter for September 2008.

4.2 Certificate of Appreciation to Peter Chamberlin, Planning Director, for his work on the Sustainable Design Assessment Team (SDAT) Project.

Mayor Fudge Presented Peter Chamberlin, Planning Director, with a Mayor's Certificate of Appreciation for his work on the Sustainable Design Assessment Team (SDAT) Project.

5. ANNOUNCEMENTS

a) Upcoming Town Events

Mayor Fudge and Councilmembers announced various upcoming events.

b) One Cool Green Thing

Councilmembers reported on eco-friendly alternatives.

Mayor Fudge, on behalf of the Town Council, expressed condolences to the Garcia family on the recent death of Fairfield Councilmember Matt Garcia.

6. CONFLICT OF INTEREST DECLARATION

Mayor Fudge stated that she will abstain on Item 11.2 (Solar Sonoma County Consortium) because of a potential conflict of interest resulting from her employment with PG&E.

7. CHANGES TO THE AGENDA - None.

8. CITIZEN PUBLIC COMMENT

The following people expressed concerns associated with the new Smoke Shop located in the Town Green:

Terry Berger, Pharmacy owner

Sherry Egan, Windsor School Board Member

Town Manager Mullan responded that the Smoke shop is a permitted use under the Town's current Zoning Ordinance.

9. CONSENT CALENDAR

Councilmember Allen moved to adopt the following Consent Calendar items.

Councilmember Salmon seconded the motion. The motion passed by a 4/0/1 vote on all items except 9.2 (Approval of Minutes – July 16, 2008) which was continued to the September 17, 2008 Council meeting (Councilmember Parker was absent).

9.1 Check Register No. 392

4/0/1 vote (Councilmember Parker was absent).

By motion, approved disbursements in the amount of \$1,480,736.66.

9.2 Approval of Minutes

4/0/1 vote (Councilmember Parker was absent).

By motion, approved the minutes of the regular meeting of August 6, 2008 (Closed Session).

Because of Councilmember Parker's absence, no action was taken on the July 16, 2008 minutes and staff was directed to place this matter on the next Agenda.

9.3 Professional Services Agreement with RMC Water and Environment Copper Compliance Support for the Town's NPDES/WDR Permit

4/0/1 vote (Councilmember Parker was absent).

Adopted Resolution No. 2351-08, authorizing the Town Manager to execute an agreement for professional services with RMC Water and Environment to provide Recycled Water Copper Compliance Support for the Town's NPDES/WDR Permit, in an amount not to exceed \$100,000.

**9.4 Acceptance of Public Improvements for Vintana Unit No. 7
8001 Windsor Road (98-31)**

4/0/1 vote (Councilmember Parker was absent).

Adopted Resolution No. 2352-08, 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. 7, 8001 Windsor Road.

**9.5 Supplemental Law Enforcement Services Fund Grant, also known as COPS
(Citizens' Option for Public Safety Program)**

4/0/1 vote (Councilmember Parker was absent).

Adopted Resolution No. 2353-08, appropriating \$100,000 in the Town's Police Department operating budget for FY 08/09 through Citizens' Option for Public Safety Program (State COPS) funding.

10. PUBLIC HEARING

10.1 Cornell Village Co-Housing Project - Reconsideration of Merit Presentation
Senior Planner Jones reported on this item.

Bruce Shimizu, Developer, discussed the components of the proposed project.

Mayor Fudge opened the public hearing.

The following people spoke on the project:

Jeff Mellow, Windsor resident, spoke in support of the project and noted that he believes that the flooding and drainage issues were addressed.

Bobette Burns, Windsor resident, expressed concerns related to the impacts that will result with the increase in traffic.

Winn Gifford, Windsor resident, questioned the definition of co-housing.

Bruce Shimizu, Developer, explained the concept of co-housing.

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

Vice Mayor Goble moved to adopt Resolution No. 2354-08, reaffirming reservation of 11 growth control allocations based on project modifications requested by Bruce Shimizu for the Cornell Village Project located at 7842 Hembree Lane. Councilmember Salmon seconded the motion. The motion passed by a 4/0/1 vote (Councilmember Parker was absent).

10.2 Inclusionary Housing Ordinance revisions/In-Lieu fee proposal

Planning Director Chamberlin and Senior Planner Thompson introduced the item.

Leah Rothstein, David Paul Rosen and Associates, Consultant, gave a PowerPoint presentation that focused on the components of the Inclusionary Housing Ordinance.

Mayor Fudge opened the public hearing.

The following people spoke on the Inclusionary Housing Ordinance revision:

Ken Chambless, CFO of Telfer Oil

Bruce Shimizu, Developer

Misha Weidman, Developer

Mayor Fudge closed the public hearing.

David Rosen, David Paul Rosen and Associates, Consultant, responded to questions related to the in lieu fee calculations.

Following discussion, staff was directed to obtain information to eliminate exemptions, develop a sliding scale and in lieu fee proposal, and use Petaluma's affordable housing program as a model.

Council recessed from 8:20 p.m. until 8:35 p.m. and reconvened with all members present except Councilmember Parker.

11. REGULAR CALENDAR

11.1 Approve budget amendment to appropriate funds for the Early Call of the Series 1998 Tax Allocation Bonds

Accounting Manager Ippoliti reported on this item.

No public comments were made.

Councilmember Salmon, acting as a member of the Town of Windsor Redevelopment Agency, moved to adopt Resolution No. 2355-08 RDA, amending the budget to appropriate funds for the Early Call of the Series 1998 Tax Allocation Bonds.

Councilmember Allen seconded the motion. The motion passed by a 4/0/1 vote (Councilmember Parker was absent).

Mayor Fudge recused herself from this discussion and turned the meeting over to Vice Mayor Goble.

11.2 Solar Sonoma County Consortium

Building Official Pantazes reported on this item.

No public comments were made.

Councilmember Allen moved to adopt Resolution No. 2356-08, supporting and joining the Solar Sonoma County Consortium. Councilmember Salmon seconded the motion. The motion passed by a 3/0/2 vote (Mayor Fudge abstained and Councilmember Parker was absent).

Mayor Fudge returned to the dais and resumed participation in the meeting.

11.3 Report on Highway 101 Sound Walls

Public Works Director/Town Engineer Burt reported on this item.

John Maitland, Sonoma County Transportation Authority (SCTA), Deputy Director of Projects and Programming, introduced members and representatives of the SCTA and Caltrans that were in attendance this evening.

Connie Fremier, SCTA, reviewed changes made to the sound wall project.

Suzie Burke, SCTA, discussed the process and schedule for the removal of trees, including the mitigation measures that are planned for trees that are being removed.

Mayor Fudge called for comments from the audience.

Wes Chesbro, member of the Integrated Waste Management Board, summarized the responsibilities of board and discussed alternatives and options that are available for the sound walls.

The following individuals made public comments in support of the sound walls:

Greg Draper, Windsor resident

Mike Montoya, Windsor resident

Bobbe Clark, Windsor resident

Keith Mendoza, Windsor resident

Linda Herron, Windsor resident

Ed Holland, Windsor resident, submitted photos of the Shiloh Road sound wall that could be used as examples.

Unidentified Speaker, Windsor resident

Ernie Stretch, Windsor resident

Mike Alves, Windsor resident, stated that although he is not in support of sound walls, he can support the sound walls if they are constructed aesthetically.

Mike Timko, Windsor resident

Kevin Scallion, Windsor resident, explained why he does not support the construction of sound walls, noting that sound walls represent an opportunity for increased graffiti and vandalism.

Matt Praetzel, Windsor resident, questioned what the added residual sound of sound walls will be for those individuals that do not reside adjacent to Highway 101.

No further comments were made.

Mayor Fudge suggested that a subcommittee be formed composed of two Councilmembers to review the aesthetics of the sound walls. Council supported this direction and appointed Councilmember Allen and Vice Mayor Goble to serve on the subcommittee.

Discussion followed, during which Councilmembers Allen, Salmon, Vice Mayor Goble, and Mayor Fudge explained in further detail the reasons why they support the location of the sound walls and directed Caltrans to explore using rubberized asphalt concrete pavement as an alternative to lower traffic highway noise.

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 -

Mayor Fudge reported on the recent passing of AB 811 which creates a County wide new tax district so that property owners may enter into a contractual assessment and make arrangements to do high energy efficient items for their homes.

13. MAYOR'S & COUNCILMEMBERS' REPORTS

13.1 Individual Councilmember Reports and Comments

Councilmember Allen reported that he will not be attending the September 17, 2008 Council meeting.

Due to Councilmember Allen's absence, there will not be a quorum of the Council at the September 17, 2008 meeting. Therefore, there was discussion to schedule a Special Meeting on September 16, 2008 for items that require immediate attention.

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) Discussion of possible moratorium on smoke shops and other uses.
- b) Discussion of a Committee for Summer Nights on the Green series.
- c) Discussion of location for a community garden.

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

No reports were made.

**15. ANNOUNCEMENT OF CLOSED SESSION TOPICS/
ADJOURNMENT TO CLOSED SESSIONS**

Mayor Fudge announced the following Closed Session topic and Council adjourned, to a Closed Session in the Wild Oak Conference Room at 10:05 p.m.

**15.1 CONFERENCE WITH LEGAL COUNSEL-EXISTING
LITIGATION**

(Government Code Section 54956.9(a)) Pollock vs. Windsor Mobile Country Club et al (Sonoma County Superior Court Case # SCV 273210).

15.2 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant Exposure to Litigation (Government Code Section 56956.9(b)) One potential case.

16. REPORT OUT OF CLOSED SESSION

The Closed Session adjourned and the regular meeting reconvened with all members present except Councilmember Parker. No action was taken during Closed Session.

17. ADJOURNMENT

The meeting adjourned at 10:45 p.m. to a regular Town Council meeting scheduled for Wednesday, September 17, 2008, at 6:00 p.m. in the Civic Center Council Chambers located at 9291 Old Redwood Highway, Building 400 in Windsor.

(Consequently, the September 17, 2008 Town Council meeting has been cancelled.)

Approved and adopted this 1st day of October 2008.

Maria De La O, CMC
Town Clerk