

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

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

Wednesday, October 1, 2008

Closed Session - 5:30 p.m.

Windsor Civic Center, Wild Oak Conference Room
9291 Old Redwood Highway, Building 400
Windsor, CA 95492

Regular Session - 6:00 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 and Town of Windsor Water District at 5:35 p.m.

(Clerk's Note: Councilmember Salmon would be arriving late.)

The agenda was reordered to consider Item 2. (Roll Call) immediately following Item 5. (Report out of Closed Session).

3. CITIZEN PUBLIC COMMENT – None.

4. ANNOUNCEMENT OF CLOSED SESSION TOPIC(S)/ ADJOURNMENT TO CLOSED SESSION.

Mayor Fudge announced the following Closed Session topic and Council adjourned to a Closed Session in the Wild Oak Conference Room at 5:37 p.m.

**4.1 CONFERENCE WITH LEGAL COUNSEL (Government Code Section 54956.9(c))
Initiation of Litigation (two potential matters)**

Councilmember Salmon arrived at 5:50 p.m. during the Closed Session.

5. REPORT OUT OF CLOSED SESSION

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

2. COUNCIL ROLL CALL

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

6. PLEDGE OF ALLEGIANCE

Clark Mason led the Pledge of Allegiance.

7. PRESENTATION(S)/PROCLAMATION(S)

7.1 Adopt a Proclamation Supporting the Week of October 4 - 11, 2008, as, "No Drugs down the Drain Week."

Mayor Fudge read a proclamation supporting the week of October 4 - 11, 2008, as "No Drugs Down the Drain Week."

Craig Scott, Senior Engineer, noted the locations where unused drugs can be dropped off.

8. ANNOUNCEMENTS

a) **Upcoming Town Events**

Mayor Fudge and Councilmembers announced various upcoming events.

b) **One Cool Green Thing**

Mayor Fudge reported on an eco-friendly alternative to using styrofoam containers.

9. CONFLICT OF INTEREST DECLARATION - None.

10. CHANGES TO THE AGENDA

10.1 Ordinance Introduction - Amendment to Town Building Code for Energy & Water Conservation & Soil Erosion Control

This item was continued to the October 15, 2008 Town Council meeting.

Additional Changes to the Agenda

Agenda Item 13.3 (Consider Approval of an Amended and Restated Power Purchase Agreement and Lease Agreement with WWST-Windsor, LLC) was removed from the agenda.

Councilmember Salmon asked Council to consider a letter that was provided to Council during the Closed Session regarding Item 13.3. There was no support to consider this request.

11. CITIZEN PUBLIC COMMENT - None.

Mayor Fudge read a statement regarding the order Item 13.1 (Urgency Ordinance establishing a temporary moratorium Town-wide on the establishment of check cashing businesses, pawn shops, bail bond business, smoke shops, and tattoo parlors) will be conducted.

Julia Donoho, Windsor resident, referenced a legal case related to a zoning ordinance amendment.

12. CONSENT CALENDAR

Councilmember Allen moved to adopt the Consent Calendar items. Councilmember Parker seconded the motion. The motion passed by a 5/0 vote on all items except Item 12.2 (Approval of Minutes).

12.1 Check Register No. 393

5/0 vote. By motion, approved disbursements in the amount of \$2,436,704.19.

12.2 Approval of Minutes

The following sets of Minutes were approved as part of the Consent Calendar as follows:

The Minutes of the Special Meeting (Closed Session) of July 16, 2008 were approved by a 3/0/2 vote (Councilmember Allen and Vice Mayor Goble abstained). The Minutes of the Regular Meeting of August 20, 2008 were approved as part of the Consent Calendar by a 5/0 vote. The Minutes of the Regular Meeting of September 3, 2008 were approved by a 4/0/1 vote (Councilmember Parker abstained).

12.3 Acceptance of Work for the Traffic Signal Battery Backup at Seven Locations

5/0 vote. Adopted Resolution No. 2357-08, accepting the contract work performed by Republic ITS, for the construction of the Traffic Signal Battery Backup at Seven Locations and directing the Town Clerk to record a Notice of Completion.

**12.4 Acceptance of Public Improvements for Vintana Unit No. 6A
8001 Windsor Road (98-31)**

5/0 vote. Adopted Resolution No. 2358-08, accepting the public improvements into the Town system for maintenance and designating certain intersection as stop intersection in the subdivision known as Vintana Unit No. 6A, 8001 Windsor Road.

**12.5 Apportionment of Assessment No. 28-B of the Mitchell/Shiloh/Conde Assessment
District for Parcel Map 07-22, 850 Mitchell Lane Industrial Subdivision**

5/0 vote. Adopted Resolution No. 2359-08, approving the appointment of Coastland Civil Engineering as the Engineer of Work, and direct the preparation of the Engineer's Report and amended assessment diagram for the apportionment of Assessment No. 28-B of the Mitchell/Shiloh/Conde Assessment District for Parcel Map 07-22, 850 Mitchell Lane Industrial Subdivision.

12.6 Adopt a resolution authorizing the Town Manager/Executive Director to execute a professional services agreement related to bond financing for the Windsor Fire Station No. 2 Project

5/0 vote. Acting as the Windsor Redevelopment Agency, adopted Resolution No. 2360-08 RDA, authorizing the Town Manager/Executive Director to execute a professional services agreement relating to the financing of the construction of the Windsor Fire Station No. 2 with Orrick Herrington & Sutcliffe to provide disclosure counsel services in an amount not to exceed \$45,000.

12.7 FOCUS Infill Priority Development Area Application

5/0 vote. Adopted Resolution No. 2361-08, supporting the Town's FOCUS infill application, designating the Downtown and Redevelopment area to be recognized as a priority development area under the FOCUS program.

12.8 Appropriate funds for arbitration services relating to Rent Control Stabilization Program

5/0 vote. Adopted Resolution No. 2362-08, appropriating existing funds to the 2008-2009 Budget for arbitration services relating to the Rent Control Stabilization Program.

12.9 Adopt a resolution approving a non-exclusive installation and use agreement with Sonic.net to provide wireless data communication services free of charge and authorizing the Town Manager to execute the agreement of behalf of the Town

5/0 vote. Adopted Resolution No. 2363-08, approving a non-exclusive installation and use agreement with Sonic.net to provide wireless data communication services free of charge and authorizing the Town Manager to execute the agreement on behalf of the Town.

13. PUBLIC HEARING

13.1 An Urgency Ordinance establishing a temporary moratorium Town-wide on the establishment of check cashing businesses, pawn shops, bail bond business, smoke shops, and tattoo parlors

Planning Director Chamberlin reported on this item.

Mayor Fudge opened the public hearing.

The following speakers spoke in opposition to the Smoke Shop:

Christopher De La Cruz, Windsor Resident
Suzie Gunther, Windsor Coalition for Families and Youth
Steve Packwood, Windsor resident
Alex Manrico, Windsor resident
Diane Lafayette, Windsor resident
Tony Burger, Health First Pharmacy
Eva Velasquez, Windsor High School Counselor
Hector Velazquez, Windsor resident
George Hordewell, Windsor resident

Lee Dysart, Windsor resident
Kurt Mitchler, Mitchler Dental Care

The following are some of their concerns: 1) sale of drug paraphernalia and the impact this may have on school children; 2) safety issues, as it is within close proximity to the Tommy Tuckers Daycare and Windsor High School; and 3) Town Green is an inappropriate location for this type of business and/or use.

Several other residents raised their hands from the audience in support of the concerns raised.

Pam Pizzimenti, Windsor resident, submitted a petition containing signatures of several residents in opposition to the Urgency Ordinance establishing a moratorium on the establishment of check cashing businesses, pawn shops, bail bond businesses, smoke shops and tattoo parlors. Four members of the audience raised their hands in support of her comments. (Copies of the petition are on file in the Town Clerk's Office and Planning Department).

Holly Abrahams, Windsor resident, representing a group of students from the Windsor High School and Santa Rosa Junior College, spoke in support of the Smoke Shop and questioned the need for statistics that support that the presence of the Smoke Shop will bring more drugs, crime and gang activity to this area.

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

Council discussed the steps being taken by the Windsor Police and staff in an effort to resolve this situation.

There was Council direction given to staff to explore the use of Redevelopment Agency (RDA) funds to buy out the lease for the Smoke Shop.

Councilmember Parker moved to adopt Urgency Ordinance No. 2008-244, establishing a temporary moratorium on the establishment of check cashing businesses, pawn shops, smoke shops, bail bond businesses, and tattoo parlors pending the review and possible amendment of zoning regulations applicable to such businesses, to become effective immediately. Councilmember Salmon seconded the motion for further discussion.

With the concurrence of Council, Councilmember Parker amended his motion to indicate that the business license ordinance be considered as part of the biennium budget process for Fiscal Years 2009/2010 and 2010/2011. Councilmember Allen seconded the amendment. The amended motion passed by a 5/0 vote.

13.2 Windsor Mill Subdivision – Workshop on Requested Revisions to Project
Senior Planner Jones and Accounting Manager Ippoliti reported on this item.

Chris Fisher, Willdan Financial Services, discussed the advantages and disadvantages of assessment districts, the affects of CFDs on the property owner, and the next steps to determine if the CFDs are a financing option for this project.

Mayor Fudge opened the public hearing.

Del Norby, Partner with Windsor Mill Homes, LLC, spoke in support of the changes made to the project.

Andrew Silverman, Project Manager, discussed the goals and objectives of the project.

David Talsey, Consultant for Windsor Mills Homes, LLC, asked Council to consider keeping the CFDs available for the project.

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

Following discussion, the consensus of the Council is as follows:

1. The currently proposed Revised Development Plan is not acceptable. The proposed Condominium “Stacked Flats” design is inferior to the prior approved plan and reduces street orientation, eliminates individual unit design, and tends to resemble more of a lower income apartment building (not the Council’s design intent).
2. No support for revisions to the Development Agreement related to the following revenue items:
 - a. Credit Against Development Impact Fees for Infrastructure Improvements
 - b. Freezing of Development Impact Fee Amount at current (August, 2008) levels.
 - c. Revise appraisal for the Town’s well site.
 - d. Defer collection of Development Impact Fees to occupancy.
3. Initial consensus is that use of a Community Facilities District (Mello-Roos or similar) is not appropriate, is not warranted due to special and unique project benefits, and will result in issues of unequal property assessments between neighborhoods. The Council agreed to allow for further consideration provided that special and unique project benefits can be sufficiently identified and incorporated into the project, in the Council’s view, to warrant use of a CFD. Further analysis by the Town on CFD feasibility (at develop expense) should await consensus on an appropriate project description and development plan. Some items to improve project specific benefits might include, but are not limited to:
 - a. Increase affordability, more than just moderate income.
 - b. Increase performance of Green Building Techniques.

- c. More open space amenities.

Council offered other additional design comments and discussed next steps as part of their discussion.

Council recessed the meeting at 9:30 p.m. until 9:45 p.m. and reconvened with all members present.

13.3 Consider Approval of an Amended and Restated Power Purchase Agreement and Lease Agreement with WWST-Windsor, LLC, and Supporting Agreements, and Authorize Sunday Construction Hours for Solar Facilities at the Town's Water Reclamation Treatment Plant

This item was removed from the agenda.

14. REGULAR CALENDAR

14.1 Burbank Housing's Redevelopment Funding Request

Senior Planner Thompson reported on this item.

Mayor Fudge called for comments from the audience.

John Lowery, Burbank Housing, and Lisa Yoshida, Project Manager, spoke on their funding request.

There were no further comments from the audience.

On a motion by Councilmember Parker, seconded by Councilmember Salmon, and by a 5/0 vote, Council took the following actions for the Burbank Housing Redevelopment Funding request:

- a) Acting as the Windsor Redevelopment Agency, adopted Resolution No. 2364-08 RDA, approving a permanent loan in an amount not to exceed \$1,000,000 and approve the term of a loan agreement to be negotiated 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 negotiate and execute all documents necessary to implement the terms of the agreement.
- b) Acting as the Town Council, adopted Resolution No. 2365-08, 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.

14.2 Introduce Ordinance Adding Environmentally Preferable Purchasing Requirements to the Town's Purchasing Policies and Procedures

Administrative Services Director McAdler reported on this item.

There were no comments from the audience.

- a) Introduce, by title only, an ordinance amending Article 1 of Chapter 6 of Title I General Provisions Governmental Organization and Administration of the Town's Municipal Code to add environmentally preferable purchasing requirements; and
- b) By motion, approve streamlined administrative process intended to assist vendors, contractors and employees in complying with the Town's purchasing, contracting and insurance requirements.

14.3 Senior Citizens Advisory Council (SCAC) Vacancy- Brooks Creek Representative

Mayor Fudge moved to appoint William Bergman to fill a Brooks Creek representative vacancy on the Senior Citizens Advisory Council. Councilmember Salmon seconded the motion. The motion passed by a 5/0 vote.

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

15.1 League of California Cities

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

16. MAYOR'S & COUNCILMEMBERS' REPORTS

16.1 Individual Councilmember Reports and Comments

Councilmembers briefly reported on items of interest to the Council.

16.2 Reports on Meetings/Conferences

Councilmember Allen reported on his attendance at the September 24-27, 2008 League of California Cities (LOCC) Annual Conference, as the Town's voting representative.

16.3 Requests for Future Council Agenda Items - None.

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

Town Manager Mullan reported on the sale of the bonds for the Windsor Fire Station No. 2.

18. ADJOURNMENT

The meeting adjourned at 10:20 p.m. to the next regular Council meeting scheduled for Wednesday, October 15, 2008 in the Civic Center Council Chambers located at 9291 Old Redwood Highway, Building 400 in Windsor.

Approved and adopted this 15th day of October 2008.

Maria De La O, CMC
Town Clerk