

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, November 5, 2008

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 6:04 p.m.

2. COUNCIL ROLL CALL

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

3. PLEDGE OF ALLEGIANCE

Bill Carson led the Pledge of Allegiance.

4. PRESENTATION(S)/PROCLAMATION(S)

4.1 Awards of Appreciation to Earth Day and Summer Nights on the Green Sponsors

Mayor Fudge presented awards of appreciation to Earth Day and Summer Nights on the Green sponsors.

4.2 Presentation on Alliance Medical Clinic in Windsor

A PowerPoint presentation was given by members of the Windsor Alliance Medical Clinic regarding services they provide to Windsor residents.

4.3 A Proclamation declaring November 17, 2008, as "Healdsburg District Hospital Day"

Mayor Fudge presented Toby Ferguson with a proclamation declaring November 17, 2008 as "Healdsburg District Hospital Day."

4.4 Proclamations Honoring Healdsburg City Manager, Chet Wysteppek and Sebastopol City Manager, David Brennan on their retirement from City Government

Mayor Fudge noted that proclamations acknowledging Healdsburg City Manager Chet Wysteppek and Sebastopol City Manager David Brennan will be forwarded to them.

5. ANNOUNCEMENTS

- a) Upcoming Town Events
Mayor and Councilmembers announced various upcoming events.
- b) One Cool Green Thing
Mayor Fudge reported on eco-friendly alternatives.

6. CONFLICT OF INTEREST DECLARATION - None.

7. CHANGES TO THE AGENDA

The following changes were made to the agenda:

With regard to Item 9.10, a revised resolution was distributed at the meeting reflecting corrections. Item Nos. 9.5 (Amended golf course lease agreement) and 9.7 (Ordinance amendment to the Windsor Municipal Code, Title VII Building and Housing related to Energy and Water Conservation) were pulled from the Consent Calendar for consideration immediately after the adoption of the Consent Calendar.

Councilmember Allen advised that he will be abstaining on Item Nos. 9.2 (approval of the October 15, 2008 Minutes) and 9.7 (Amendment to the Windsor Municipal Code, Title VII Building and Housing related to Energy and Water Conservation) because he was absent at the October 15, 2008 meeting.

8. CITIZEN PUBLIC COMMENT

Mike Fitzpatrick, Windsor resident, spoke on Item 9.7 with regard to the mandatory measures for Green Building.

9. CONSENT CALENDAR

Councilmember Allen moved to adopt the Consent Calendar items. Councilmember Salmon seconded the motion. The motion passed by a 5/0 vote on all items except Item 9.2 (Approval of Minutes), as Councilmember Allen abstained. Item Nos. 9.5 (a resolution approving the terms of the amended golf course lease agreement) and 9.7 (an Ordinance amendment to the Windsor Municipal Code, Title VII Building and Housing related to Energy and Water Conservation) were pulled from the Consent Calendar.

9.1 Check Register No. 395

5/0 vote. By motion, approved disbursements in the amount of \$2,506,986.72.

- 9.2 Approval of Minutes**
4/0/1 vote (Councilmember Allen abstained). By motion, approved the minutes of the regular meeting of October 15, 2008.
- 9.3 Receive and file the Treasurer's Quarterly Investment Report for the quarter ended September 30, 2008**
5/0 vote. By motion, council received and filed the Treasurer's Quarterly Investment Report for the quarter ending September 30, 2008.
- 9.4 Budget Amendment for the 1982 Act Benefit Assessment District and the Windsor Landscaping & Lighting Assessment District No. 2**
5/0 vote. Adopted Resolution No. 2375-08, amending the Fiscal Year 2008-09 Budget to appropriate funds for the Windsor Landscaping and Lighting Assessment District No. 2 and the 1982 Act Benefit Assessment District.
- 9.5 Adopt a resolution approving the terms of the amended golf course lease agreement between the Town of Windsor, Coombs Development Fund 7 and Windsor Golf Club, Inc. and authorize the Town Manager to execute the amendment on behalf of the Town and Water District**
This item was considered after the adoption of the Consent Calendar items.
- 9.6 2008-09 Appropriations Limit**
5/0 vote. Adopted Resolution No. 2377-08, adjusting appropriations limit for fiscal year 2008-09.
- 9.7 Adoption of an Ordinance amendment to the Windsor Municipal Code, Title VII Building and Housing related to Energy and Water Conservation**
5/0 vote. Adopted, by title only, Ordinance No. 2008-246, amending Title VII Building and Housing of the Windsor Municipal Code, Chapters 2 and 5 for Erosion Control (Residential and Commercial), and Energy and Water Conservation (Residential Only).
- 9.8 Biennial Review/Revision to the Town's and Redevelopment Agency Conflict of Interests Code and Adoption of Windsor Water District Conflict of Interests Code**
5/0 vote.
- a) Acting jointly as the Town Council and Redevelopment Agency, adopted Resolution No. 2378-08, superseding Resolution No. 1973-06 and amending the Town's and Redevelopment Agency Conflict of Interest Code.
 - b) Acting as the Windsor Water District, adopted Resolution No. 2379-08 WWD, superseding Resolution No. 1974-06 and amending the Windsor Water District's Conflict of Interest Code.
- 9.9 Adopt a resolution establishing the Town's Identity Theft Prevention Program**
5/0 vote. Adopted Resolution No. 2380-08, establishing the Town's Identity Theft Prevention Program.

9.10 Regional /Climate Protection Coordination Plan (RCPCP)

5/0 vote. Adopted Resolution No. 2381-08, as previously modified, supporting Windsor's participation in the creation of a Regional Climate Protection Coordination Plan ("RCPCP"), and authorized the Town Manager to execute any documents on behalf of the Town.

At this time, Item 9.5 was considered and Item 9.7 will be considered immediately after Item 9.5.

9.5 Adopt a resolution approving the terms of the amended golf course lease agreement between the Town of Windsor, Coombs Development Fund 7 and Windsor Golf Club, Inc. and authorize the Town Manager to execute the amendment on behalf of the Town and Water District

Accounting Manager Ippoliti briefly reported on this item.

Councilmember Salmon explained the reasons why he requested that this item be pulled from the Consent Calendar and why he does not support the amended Golf Course Lease Agreement.

There was no public testimony provided.

Vice Mayor Goble moved to adopt Resolution No. 2376-08, approving the terms of the amended golf course lease agreement between the Town of Windsor, Coombs Development Fund 7 and Windsor Golf Club, Inc. and authorize the Town Manager to execute the amendment on behalf of the Town and Water District. Councilmember Parker seconded the motion. The motion passed by a 4/1 vote (Councilmember Salmon opposed).

9.7 Adoption of an Ordinance amendment to the Windsor Municipal Code, Title VII Building and Housing related to Energy and Water Conservation

Building Official Pantazes reported on this item.

Mayor Fudge called for public testimony.

Mike Fitzpatrick, Windsor resident, suggested changes to the Green Building point structure for economic purposes.

There were no further comments.

Councilmember Parker moved to adopt, by title only, Ordinance No. 2008-246, amending Title VII Building and Housing of the Windsor Municipal Code, Chapters 2 and 5 for Erosion Control (Residential and Commercial), and Energy and Water Conservation (Residential Only). Vice Mayor Goble seconded the motion. The motion passed by a 4/0/1 (Councilmember Allen abstained).

10. PUBLIC HEARING

10.1 Introduction of an Ordinance adding Chapter 4, “Storm Water Quality,” to Title IX of the Town of Windsor Municipal Code

Assistant Town Engineer Daida reported on this item.

Toni Bertolero and Christina Guilard, Winzler and Kelly Engineers, gave a PowerPoint presentation that focused on the purpose of the ordinance and its background.

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

Councilmember Allen moved to introduce, by title only, an ordinance adding Chapter 4, “Storm Water Quality,” to Title IX of the Town of Windsor Municipal Code. Vice Mayor Goble seconded the motion. The motion passed by a 5/0 vote.

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

Planning Director Chamberlin reported on this item.

Mayor Fudge opened the public hearing.

Pam Granger, American Lung Association, spoke in support of the proposed moratorium for the subject businesses and distributed information to the Council regarding the number of stores that sell tobacco products.

Mayor Fudge closed the public hearing.

Councilmember Salmon explained the reasons why he is not prepared to move forward with the elimination of some of these uses.

Councilmember Allen moved to adopt Urgency Ordinance No. 2008-247 for extending a temporary moratorium on check cashing businesses, pawn shops, bail bond businesses, smoke shops, and tattoo parlors for an additional period of 22 months and 15 days. Councilmember Parker seconded the motion. The motion passed by a 4/1 vote (Councilmember Salmon opposed).

11. REGULAR CALENDAR

11.1 Off-site Alcoholic Beverage Sales – Current Regulatory Environment

Senior Planner Jones reported on this item.

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

Council received a report and directed staff to explore the options of requiring a business license for off-site alcoholic beverage sales.

11.2 Approval for the Geysers Recharge Pipeline Connection Project

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

Dave Richardson, Consultant, RMC Water and Environment gave a PowerPoint presentation on the recommended phasing of the project.

Mayor Fudge called for comments from the audience.

Santa Rosa representative Greg Skulls spoke in support of the agreement for the Geysers Recharge Pipeline Connection project.

There were no further comments from the audience.

Councilmember Salmon distributed a memorandum to Council related to Geysers Recharge Pipeline Connection project and discussed his concerns related to the acceptance of the proposal to begin construction and the entering into a 30-year contract with the City of Santa Rosa.

Councilmember Allen declared that he is employed by City of Santa Rosa but does not have a conflict of interest with regard to this item, as he has no financial gain.

On a motion by Vice Mayor Goble seconded by Councilmember Allen, and by a 4/1 vote (Councilmember Salmon opposed), Council took the following actions for the Geysers Recharge Pipeline Connection project:

- a) Adopted Resolution No. 2382-08, approving the Windsor Geysers Recharge Pipeline Connection Project, directing that it be placed in the Capital Improvement Program, and adopting a CEQA Addendum to Water Reclamation Master Plan EIR.
- b) Adopted Resolution No. 2383-08, authorizing the Town Manager to execute an Agreement on behalf of the Town, with the City of Santa Rosa to “Convey Recycled Water By and Through Geysers Pipeline for Reuse.”

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

12.3 Letter of Support – AB 32 Scoping Plan

No action was taken on this item.

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

13.3 Requests for Future Council Agenda Items

a. Implementation of COPE

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

No report was made.

15. ANNOUNCEMENT OF CLOSED SESSION TOPIC/ADJOURNMENT TO CLOSED SESSION

Mayor Fudge announced the following closed session topic at 9:15 p.m.

**15.1 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
(Government Code Section 54956.9(a)) Town of Windsor vs. Julius Olufs. et al
(Sonoma County Superior Court Case #SCV 236147)**

**16. REPORT OUT OF CLOSED SESSION
ADJOURNMENT**

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

17. ADJOURNMENT

The meeting adjourned at 9:25 p.m. to a Regular meeting, scheduled for Wednesday, November 19, 2008, at 6:00 p.m. in the Civic Center Council Chambers located at 9291 Old Redwood Highway, Building 400 in Windsor.

Approved and adopted this 3rd day of December 2008.

Maria De La O, CMC
Town Clerk