

MINUTES

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

Wednesday, July 15, 2009

**Regular Session - 6:00 p.m.
Civic Center Council Chambers
9291 Old Redwood Highway, Building 400
Windsor, CA 95492**

1. CALL TO ORDER

Mayor Goble 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 6:03 p.m.

2. COUNCIL ROLL CALL

Councilmembers Allen, Fudge, Mayor Goble and Vice Mayor Salmon.
Councilmember Scholar was absent.

3. PLEDGE OF ALLEGIANCE

Vice Mayor Salmon led in the Pledge of Allegiance.

4. PRESENTATION(S)/PROCLAMATION(S)

4.1 Water Supply Presentation by the Sonoma County Water Agency

Town Engineer/Public Works Director Burtt introduced Jay Jasperse, Don Seymour and Grant Davis from the Sonoma County Water Agency.

Jay Jasperse and Don Seymour, Sonoma County Water Agency, gave Council an update on the key issues and challenges related to the Russian River system, water supply, and water demand.

5. ANNOUNCEMENTS

- a. Upcoming Town Events
Mayor Goble and Councilmembers announced various upcoming events.
- b. One Cool Green Thing – None.

6. CONFLICT OF INTEREST DECLARATION

Councilmember Allen noted that he will be abstaining from voting on the July 1, 2009 Town Council minutes as he was absent.

7. CHANGES TO THE AGENDA

Town Manager Mullan requested that Item 9.12 (Adopt a Resolution Approving an Agreement with Countywide Tourism Business Improvement Area and Authorizing the Town Manager to execute same Agreement) be removed from the agenda.

With the concurrence of Council, this item was removed from the agenda.

Town Manager Mullan noted that with regard to Item 9.13 (the Keiser Park Phase 1 – Plant and Wetland Mitigation Credit), a revised resolution had been distributed on the dais describing changes being recommended by staff regarding the revised cost for both wetland and plant mitigation credits. Therefore, the revision to the resolution should be reflected in the motion to approve this item.

8. CITIZEN PUBLIC COMMENT – None.

9. CONSENT CALENDAR

Vice Mayor Salmon with regard to Item 9.13 (the Keiser Park Phase 1 – Plant and Wetland Mitigation Credit) questioned why the Town was required to mitigate a greater wetland area.

Management Analyst Kastrup explained that based on the information received from the US Army Corp of Engineers, the mitigation requirements for the 404 Permit have been revised to provide mitigation for all three identified wet lands. Previously the Town was operating on the understanding that the Corp would be requiring mitigation for the two Phase I sites only.

Staff was directed to negotiate with the pertinent agencies mitigation of only the Keiser Park Phase 1 sites.

Councilmember Fudge moved to approve the following Consent Calendar items, with the exception of Item 9.2 (Approval of the July 1, 2009 Minutes) which passed by a 3/0/2 vote (Councilmember Allen abstaining and Councilmember Scholar was absent) and Item 9.12 which was removed from the Agenda. The motion was seconded by Vice Mayor Salmon. The motion passed by a 4/0/1/ vote (Councilmember Scholar was absent) on all items except Item 9.2 (Approval of Minutes) as previously noted.

9.1 Check Register No. 412

4/0/1 vote (Councilmember Scholar was absent). By motion, approved disbursements in the amount of \$1,376,377.33.

- 9.2 Approval of Minutes**
3/0/2 vote (Councilmember Scholar was absent and Councilmember Allen abstained). By motion, approved the minutes of the regular meeting of July 1, 2009.
- 9.3 Subdivision Ordinance Update**
4/0/1 vote (Councilmember Scholar was absent). Adopted, by title only, Ordinance No. 2009-253, approving the Subdivision Ordinance Update.
- 9.4 Annexation for 60 Shiloh Road Project**
4/0/1 vote (Councilmember Scholar was absent). Adopted Resolution No. 2495-09 authorizing submittal of an annexation application to Local Agency Formation Commission (LAFCO) for a portion of Old Redwood Highway fronting 60 Shiloh Road.
- 9.5 Redevelopment Agency Low and Moderate Housing Fund Findings**
4/0/1 vote (Councilmember Scholar was absent). Adopted Resolution No. 2496-09 determining that planning and administrative expenses from the Redevelopment Agency Low and Moderate Income Housing Fund are necessary for the production, improvement and preservation of low and moderate-income housing.
- 9.6 Change in National Highway System Functional Classification of Portions of Arata Lane, Shiloh Road and Windsor Road**
4/0/1 vote (Councilmember Scholar was absent). Adopted Resolution No. 2497-09 requesting the reclassification of a portion of Arata Lane from Brooks Road South to Foothill Drive, Shiloh Road from Windsor Road to Old Redwood Highway and Windsor Road from Shiloh Road to Windsor River Road, from Local Streets to Collector Roadways on the National Highway System.
- 9.7 Approval of a Service Agreement for Sewer Cleaning and Inspection Services**
4/0/1 vote (Councilmember Scholar was absent). Adopted Resolution No. 2498-09 approving and authorizing the Town Manager to execute, on behalf of the Town, a Services Agreement for Sewer Cleaning and Inspection Services with AAA Pipeline Inspection Incorporated, for a term of one (1) year in the not to exceed amount of One Hundred Thirty Five Thousand Dollars (\$135,000) per year.
- 9.8 Adopt a resolution to approve a Contract for Annual Traffic Engineering Services**
4/0/1 vote (Councilmember Scholar was absent). Adopted Resolution No. 2499-09 approving a Professional Services Agreement with Design Professionals with Whitlock and Weinberger Transportation, Inc. (W-Trans), in the amount of \$120,000, for annual traffic engineering services for the Fiscal Year 2009/2010 and authorizing the Town Manager to execute on behalf of the Town.

9.9 Authorize Submittal of Safe Drinking Water State Revolving Fund Application for the Off-River Water Supply

4/0/1 vote (Councilmember Scholar was absent). Adopted Resolution No. 2500-09 authorizing the Public Works Director/Town Engineer to prepare, sign, and submit a funding application to the California Department of Public Health to obtain \$485,448 in grant funding and \$485,448 in loan funding under the Safe Drinking Water State Revolving Fund American Recovery and Reinvestment Act Funding Application for the Off-River Water Supply - Drinking Water Well Replacement Project.

9.10 Approval of Sewer System Management Plan

4/0/1 vote (Councilmember Scholar was absent). Adopted Resolution No. 2501-09 approving Windsor's Sewer System Management Plan as mandated by the State Water Resources Control Board and authorizing the Town Manager to certify non-consequential Sanitary Sewer Management Plan Changes.

9.11 Windsor Mill Project- Extension of Time

4/0/1 vote (Councilmember Scholar was absent). Adopted, by title only, Ordinance No. 2009-254, amending the Development Agreement to allow an extension of time for the Windsor Mill Project generally located at 8711 Bell Road.

9.12 Adopt a Resolution Approving an Agreement with Countywide Tourism Business Improvement Area and Authorizing the Town Manager to execute same Agreement

This item was removed from the agenda for consideration at a future meeting.

(Clerk's Note: Resolution No. 2502-09 was unassigned.)

9.13 Keiser Park Phase I - Plant and Wetland Mitigation Credit

4/0/1 vote (Councilmember Scholar was absent). Adopted Resolution No. 2503-09, as modified, approving purchase agreements for the purchase of plant and wetland credits for the Keiser Park Phase I project in an amount not to exceed \$188,000, and authorizing the Town Manager to execute on behalf of the Town.

10. PUBLIC HEARING

(Clerk's Note: Items 10.1 and 10.2 were considered simultaneously.)

10.1 Annual FY 2009-10 Engineer's Report- Landscaping and Lighting Assessment District (LLAD-1)

Senior Engineer Hayre briefly reported on Items 10.1 and 10.2 simultaneously at this time.

John Wagner, Coastland Engineer, outlined the proceedings for the two Landscaping and Lighting Assessment Districts (LLAD-1 and LLAD-2).

It was noted for the record that the public hearings for LLAD-1 and LLAD-2 would be opened and closed separately.

Mayor Goble opened the public hearing for LLAD-1. There being no public testimony, Mayor Goble closed the public hearing.

Mayor Goble opened the public hearing for LLAD-2. There being no public testimony, Mayor Goble closed the public hearing.

Vice Mayor Salmon inquired as to whether the engineer's report, majority protest voting, and other procedural matters relating to the annual assessments for landscaping and light districts are required to be performed every year.

Assistant Town Attorney Gogna indicated that it may be possible to have the Council impose assessments for a multi-year period, depending on certain information and procedures being in place. However, he would further research this matter and report back to Council.

Council briefly recessed to permit staff an opportunity to count ballots.

No ballots were returned for the Landscaping and Lighting Assessment District (LLAD-1). Therefore, this assessment will be passed.

Town Clerk De La O announced the results of the ballot count as follows for the Windsor Landscaping and Lighting Assessment District No. 2 (LLAD-2): 1 "yes" and 1 "no" vote.

John Wanger, Coastland Engineers, explained that the requirements of the Streets and Highways Code as well as Proposition 218 require that there has to be a majority protest. Therefore, because this is 50/50 vote, Council can find that there is not a majority vote protest in which case the Council can move forward with adoption of the resolution for LLAD-2.

Councilmember Allen moved to adopt the following Resolutions:

- a. Resolution No. 2504-09 approving the Annual Engineer's Report, confirming the assessment diagram and annual assessment amounts, and authorizing the levy and collection of assessments for FY 2009-10 Windsor Landscaping and Lighting Assessment District (LLAD-1).
- b. Resolution No. 2505-09 approving the Annual Engineer's Report, confirming the assessment diagram and annual assessment amounts, and authorizing the levy and collection of assessments for FY 2009-10 Windsor Landscaping and Lighting Assessment District No. 2 (LLAD-2).

Vice Mayor Salmon seconded the motion. The motion passed by a 4/0/1 vote (Councilmember Scholar was absent).

10.2 Annual FY 2009-10 Engineer's Report- Landscaping and Lighting Special Assessment District (LLAD-2)

This item was considered under Item 10.1.

10.3 Check Into Cash -- Appeal of Planning Commission Decision

Town Planning Director Chamberlin reported on this item.

Mayor Goble opened the public hearing.

Mike Simmell, Check into Cash, spoke in support of Resolution "B" upholding the appeal by Check into Cash and overturning the Planning Commission's decision.

Mayor Goble closed the public hearing .

Councilmember Allen moved to adopt Resolution No. 2506-09 upholding the appeal by Check Into Cash, Inc. and thereby overturning the determination of the Planning Commission that Ordinance 2008-247 establishing a moratorium on certain uses including check cashing businesses is applicable to a request to relocate the Check Into Cash, Inc Business located at 9018 Brooks Road South (File No. APP 09-31). Councilmember Fudge seconded the motion. The motion passed by a 4/0/1 vote (Councilmember Scholar was absent).

10.4 General Plan Housing Element Update

Senior Planner Thompson and Planning Director Chamberlin reported on this item.

Simon Alejandrino, BAE Consultant, gave an overview of the Housing Element, and its key elements.

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

Councilmember Allen moved to adopt Resolution No. 2507-09 approving the revised 2007-2014 General Plan Housing Element Update and authorized the submittal of the revised Housing Element Update to the State for approval. Councilmember Fudge seconded the motion. The motion passed by a 4/0/1 vote (Councilmember Scholar was absent).

11. REGULAR CALENDAR

11.1 Adjustment to Maximum Compensation and Rates for Solid Waste, Recyclables and Green Waste Collection Services and Approval of First Amendment to Collection Service Agreement between the Town and Windsor Refuse and Recycling, Inc.

Assistant Town Manager Johnson reported on this item.

Mayor Goble called for comments from the audience.

Steve McCaffrey, Windsor Refuse and Recycle, responded to Council's questions. Mayor Goble closed the public comment period.

Councilmember Fudge moved to adopt Resolution No. 2508-09 approving an adjustment to the maximum compensation and rates for solid waste, recyclables, and green waste collection services; approving the first amendment to the agreement between the Town of Windsor and Windsor Refuse and Recycling, Inc. for solid waste collection services; and authorizing the Town Manager to execute the amendment on behalf of the Town. Councilmember Allen seconded the motion. The motion passed by a 4/0/1 vote (Councilmember Scholar was absent).

11.2 Approve Professional Services Agreement for Keyser Marston Associates Inc.

Assistant Town Manager Johnson reported on this item.

Paul Anderson, Consultant, Keyser Marston Associates, gave an overview of the proposed amendments to the Redevelopment Plan.

Mayor Goble called for comments from the audience. No comments were forthcoming.

Councilmember Allen moved to adopt Joint Resolution No. 2509-09 RDA, approving a Professional Services Agreement with Keyser Marston Associates Inc. for an amount not to exceed \$295,000 for Redevelopment Plan Amendment Services. Councilmember Fudge seconded the motion. The motion passed by a 4/0/1 vote (Councilmember Scholar was absent).

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

Councilmember Allen discussed interest in pursuing options to refill the Town Green fountain with reclaimed water.

Town Manager Mullan indicated that staff will explore options and costs to refill the fountain with recycled water and report back to Council.

Assistant Town Attorney Gogna advised Council to add this matter to a future agenda.

13.2 Reports on Meetings/Conferences

No reports were made.

13.3 Requests for Future Council Agenda Items

- a. Use of recycled water to fill Town Green Fountain.
- b. Discussion of sustainability issues and relationship with Town's General Plan.

14. TOWN MANAGER'S REPORT

14.1 Update on the Federal and State Stimulus Plan Efforts for the Town of Windsor

Town Manager Mullan gave Council a brief update on the Federal and State Stimulus Programs.

Town Manager Mullan reported that the Police Department was awarded a \$41,000 grant from the Federal Department of Justice under the ARRA program.

Town Manager Mullan announced that he will be on vacation starting July 16, 2009.

15. ADJOURNMENT

The meeting adjourned at 9:00 p.m. to the next regular Council meeting scheduled for Wednesday, August 5, 2009, in the Civic Center Council Chambers located at 9291 Old Redwood Highway, Building 400 in Windsor.

Approved and adopted this 5th day of August 2009.

Maria De La O, CMC
Town Clerk