

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

Wednesday, September 16, 2009

Closed Session- 5:30 p.m.
Windsor Civic Center, Wild Oak Conference Room
9291 Old Redwood Highway, Building 400
Windsor, CA 95492

Regular Meeting – Immediately following Closed Session

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

CLOSED SESSION- 5:30 p.m.

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 5:36 p.m.

2. COUNCIL ROLL CALL

Present at Roll Call were Councilmembers Fudge, Mayor Goble, and Vice Mayor Salmon. Councilmember Scholar will be arriving late and Councilmember Allen was absent.

3. CITIZEN PUBLIC COMMENT

No comments were made.

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

Town Attorney Rudnansky requested that Council add an additional closed session item that came to the Town's attention after the agenda was posted and there is an immediate need to take action and/or discuss the matter today.

Councilmember Fudge moved to add the closed session item listed below to tonight's agenda. Vice Mayor Salmon seconded the motion. The motion passed by a 3/0/2 (Councilmembers Allen and Scholar absent).

CONFERENCE WITH LEGAL COUNSEL:

Existing litigation (Government Code Section 54956.9A) – City of Santa Rosa versus Sonoma County Water Agency Court No. SCB245844.

Mayor Goble announced the following Closed Session topics and Council adjourned to a Closed Session in the Wild Oak Conference Room at 5:38 p.m.

4.1 CONFERENCE WITH LEGAL COUNSEL:

Initiation of Litigation (Government Code Section 54956.9) (one potential case)

4.2 CONFERENCE WITH LEGAL COUNSEL:

Existing litigation (Government Code Section 54956.9A) – City of Santa Rosa versus Sonoma County Water Agency Court No. SCB245844.

5. REPORT OUT OF CLOSED SESSION

The Closed Session adjourned at 6:30 p.m. and the regular meeting reconvened with all members present except Councilmembers Allen and Scholar who were absent. No action was taken during the Closed Session.

REGULAR SESSION – 6:30 p.m.

6. PLEDGE OF ALLEGIANCE

Vice Mayor Salmon led the Pledge of Allegiance.

7. PRESENTATION(S)/PROCLAMATION(S)

7.1 Award of Sponsorship Certificates for Summer Nights on the Green and Earth Day

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

8. ANNOUNCEMENTS

a. Upcoming Town Events

Mayor Goble and Councilmembers announced various upcoming events.

Superintendent Steve Herrington, Windsor Unified School District, stated that the Windsor School Board Members would like to challenge the Council to participate in the 5th Annual Windsor Scarecrow Days Contest that will be held October 17-31, 2009.

b. One Cool Green Thing

None.

9. **CONFLICT OF INTEREST DECLARATION – None.**

10. **CHANGES TO THE AGENDA**

Town Manager Mullan requested that Item Nos. 12.4 (Resolution Adopting the Town of Windsor Tickets and/or Passes Distribution Policy) and 12.9 (Adoption of Resolution Accepting the Preliminary Plan) be removed from the agenda and considered at a future meeting.

11. **CITIZEN PUBLIC COMMENT**

Brent (Last name illegible), Windsor resident, asked if there was a way to provide a bicycle path connection from the bicycle path that is located in the perimeter of the Shiloh Greens Subdivision to the bicycle path along Windsor Creek. He also inquired about the feasibility of the creation of a hike/bicycle path along the Town Green that would provide a connection to the square in Downtown Healdsburg.

12. **CONSENT CALENDAR**

With regard to Item 12.7 (Approval of a Professional Services Agreement for Design and Construction Administration of Pond 5 Repairs and Approval of a Budget Amendment for Performance of the Repairs), Vice Mayor Salmon inquired about the repairs required for Pond 5.

Richard Bartlett, Public Works Manager, responded that the work required to be completed is within the pond itself and not a complete removal of the dike.

Vice Mayor Salmon moved to adopt the Consent Calendar items as follows. Councilmember Fudge seconded the motion. The motion passed by a 3/0/2 vote (Councilmembers Allen and Scholar were absent) on all items except Items 12.4 (Resolution Adopting the Town of Windsor Tickets and/or Passes Distribution Policy) and 12.9 (Adoption of Resolution Accepting the Preliminary Plan) which were removed from the agenda.

12.1 **Check Register No. 416**

3/0/2 vote (Councilmembers Allen and Scholar were absent). By motion, approved disbursements in the amount of \$620,140.87.

12.2 **Approval of Minutes**

3/0/2 vote (Councilmembers Allen and Scholar were absent). By motion, approved the minutes of the regular meeting of September 2, 2009.

- 12.3 Adoption of Ordinance Amendment clarifying the process for designation of an Acting Town Manager during any temporary absence or disability of the Town Manager**
3/0/2 vote (Councilmembers Allen and Scholar were absent). Adopted, by title only, Ordinance No. 2009-257 amending Title 1, Chapter 4 (Officers and Employees), Article 1 (Town Manager), Section 1-4-115 (Acting Town Manager) to clarify the process for designation of an Acting Town Manager during any temporary absence or disability of the Town Manager.
- 12.4 Resolution Adopting the Town of Windsor Tickets and/or Passes Distribution Policy**
This item was pulled from the agenda and will be brought back for Council consideration at a future meeting.
- (Clerk's Note: Resolution No. 2533-09 was unassigned.)
- 12.5 Memorandum of Understanding (MOU) regarding Used Oil Block Grant Funding**
3/0/2 vote (Councilmembers Allen and Scholar were absent). Adopted Resolution No. 2534-09 approving a Memorandum of Understanding (MOU) between the Town of Windsor and the Sonoma County Waste Management Agency (Agency) for the Agency's Application for and Administration of Used Oil Block Grant Funding; and authorize the Town Manager to execute the MOU on behalf of the Town.
- 12.6 Resolution Declaring Emergency Repairs for Pond 5**
3/0/2 vote (Councilmembers Allen and Scholar were absent). Adopted Resolution No. 2535-09 recognizing that the seepage at Pond 5 has created an emergency and authorizing the Town Manager to order any action required by the emergency and to procure the necessary equipment, services, and supplies, without giving notice for bids to award contracts, to repair Pond 5 at the Town's Water Reclamation Facility. This action required an affirmative four fifths vote by the Town Council.
- 12.7 Approval of a Professional Services Agreement for Design and Construction Administration of Pond 5 Repairs and Approval of a Budget Amendment for Performance of the Repairs**
The following resolutions were approved by a 3/0/2 vote (Councilmembers Allen and Scholar were absent):
1. Adopted Resolution No. 2536-09 authorizing the Town Manager to execute a Professional Services Agreement with Brelje & Race Consulting Engineers for design and construction administration, including geotechnical services, of a construction contract to repair Pond 5 at the Town's Wastewater Treatment Facility, in an amount not to exceed \$98,200.00.
 2. Adopted Resolution No. 2537-09 amending the FY 2009-10 Budget to appropriate \$350,000.00 from the unappropriated balance of the Water Reclamation Fund for these professional services and for the performance of the repairs.

12.8 Adopt a Resolution Amending the 2009-10 Budget to Appropriate Additional Funds to the Conde Lane Hembree Lane Pavement Maintenance Project
3/0/2 vote (Councilmembers Allen and Scholar were absent). Adopted Resolution No. 2538-09 amending the FY 2009-10 Budget to appropriate additional funds in the amount of \$23,000.00 in Gas Tax Funds to the Conde Lane / Hembree Lane Pavement Maintenance Project.

12.9 Adoption of Resolution Accepting the Preliminary Plan
This item was pulled from the Consent Calendar and will be considered at a future meeting.

(Clerk's Note: Resolution No. 2539-09 was unassigned.)

12.10 First Amendment to the Agreement with RMC Water and Environment for General Engineering Services
3/0/2 vote (Councilmembers Allen and Scholar were absent). Adopted Resolution No. 2540-09 authorizing the Town Manager to execute a First Amendment to the Agreement with RMC Water and Environment for General Engineering Services in the amount of \$28,137.00.

12.11 Resolution Declaring an Emergency for Water Main Repair within Windsor Creek
3/0/2 vote (Councilmembers Allen and Scholar were absent). Adopted Resolution No. 2541-09 declaring an emergency due to a water main break within Windsor Creek and authorizing the Town Manager to order any action required by the emergency and to procure the necessary equipment, services, and supplies, without giving notice for bids to award contracts, to repair or replace the water main. This action required an affirmative four-fifths vote by the Town Council.

13. PUBLIC HEARING

13.1 Overlook Subdivision – Appeal by Valerie Hirsch
Senior Planner Jones reported on this item.

Mayor Goble opened the public hearing.

Shirley White, 1800 Jones Road, raised concern about the unsafe speeds on Windsor Road and asked if there was a road study conducted for this project.

Valerie Hirsch, 7561 Windsor Road, discussed why she does not believe the proposed project is appropriate for this area. Her concerns related to the increase in noise levels, lack of water, and type of trees.

Mayor Goble closed the public comment period.

During the discussion that followed, Councilmembers discussed the reasons why they support denying the appeal.

Councilmember Fudge moved to adopt Resolution No. 2542-09 denying the appeal by Valerie Hirsch and thereby upholding the decision of the Planning Commission to approve a tentative map for the 12 lot Overlook Subdivision as requested by Phil Richardson. Vice Mayor Salmon seconded the motion. The motion passed by a 3/0/2 vote (Councilmembers Allen and Scholar were absent).

13.2 Bell Village LP Request for Priority Development Area Waiver
Senior Planner Jones reported on this item.

Mayor Goble opened the public hearing.

Jeff Civian, representing Bell Village, stated that he is available to respond to questions.

Mayor Goble closed the public comment period.

Councilmember Scholar arrived at 7:22 p.m. and indicated that she is prepared to vote on the subject item.

The Town Council indicated its support for the use of agreements in granting priority development area waivers in similar fashion to allocation agreements. A routine item the Council wishes to see in these agreements is the "bring back" provision where significant changes to numbers of residential units, numbers of affordable units, or "key components" of the project are returned to the Council for further review and direction.

Vice Mayor Salmon moved to adopt Resolution No. 2543-09, as modified, which 1) designates 25 acres located at 9290 Old Redwood Highway as a Priority Development Area and 2) Grants a Waiver of certain provisions of the Growth Control Ordinance to the Bell Village Project. Councilmember Fudge seconded the motion. The motion passed by a 4/0/1 vote (Councilmember Allen was absent).

14. REGULAR CALENDAR

14.1 Agreement for Services with Windsor Chamber of Commerce
Assistant Town Manager Johnson reported on this item.

Mayor Goble opened the public comment period.

John Reyes, Windsor Chamber President, discussed why he supports the agreement.

Mayor Goble closed the public comment period.

Lee Dysart, Chamber Board Member, discussed his support for the agreement for services with the Chamber.

Kurt Mitchler, past President of the Windsor Chamber, made a correction to information that was distributed to Council related to the Chamber's July 2009 through June 2010 budget.

Vice Mayor Salmon noted that he will not support any funding for any group that does not have the past and present budgets. However, in this case he will support this agreement.

Councilmember Fudge moved to adopt Resolution No. 2544-09 approving a professional services agreement with the Windsor Chamber of Commerce for services related to the operation of the Visitors' Center and marketing and promotions for Fiscal Year 2009-2010 and authorizing the Town Manager to execute the amendment on behalf of the Town. Councilmember Scholar seconded the motion. The motion passed by a 4/0/1 vote (Councilmember Allen was absent).

14.2 Council discussion of the Sonoma County Transportation Authority 2009 Comprehensive Transportation Plan and DEIR with direction to Council representatives to Sonoma County Transportation Authority (SCTA)

Planning Director Chamberlin reported on this item.

Mayor Goble opened the public comment period. No comments were forthcoming.

Following discussion and by consensus, Council provided Councilmembers representing the Town on the SCTA Board of Directors with the following direction related to the certification of the EIR and approval of the 2009 Comprehensive Transportation Plan:

- Direction not to support the proposed project.
- Support Alternative No. 3 with the vehicle miles travel reduction as identified in the Draft EIR.
- If the project needs to be revised then the Council will accept the EIR based on the environmentally preferred alternative rather than the project.

14.3 Discussion of Proposed Changes to Sonoma County Water Agency Water (SCWA) Supply Project and Policy

Assistant Town Engineer Daida reported on this item.

Senior Engineer Scott reviewed the recent actions taken by the SCWA.

Dave Richardson, Consultant, RMC Water and Environment, discussed the impacts of the SCWA actions on the Town.

Mayor Goble opened the public comment period. No comments were forthcoming.

Council held a brief discussion on the potential impacts to the Town of the proposed changes in Sonoma County Water Agency (SCWA) Regional Water Supply Project and Policy.

- 14.4 Authorize the Mayor to support an appointment by the Board of Directors of the Mayors' and Councilmembers' Association to the North Coast Rail Authority Council, by consensus, directed Mayor Goble to support the appointment of City of Cloverdale Gus Wolter to the North Coast Rail Authority by the Board of Directors of the Mayors' and Councilmembers' Association at their October 8, 2009 meeting.**

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

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

16.3 Requests for Future Council Agenda Items

Vice Mayor Salmon requested that the following items be agendaized for discussion at a future meeting:

- a) Review Signage Policy for Town-owned signs (such as stop signs, no-parking signs, etc.)
- b) Review Vehicle Miles Traveled in Windsor.
- c) Sustainable Element in relationship to the Town's General Plan.

17. TOWN MANAGER'S REPORT

No reports were made.

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

A brief update on the Federal and State Stimulus Programs was provided to Council.

18. **ADJOURNMENT**

Mayor Goble adjourned the meeting at 9:20 p.m., in memory of Marv Stubbs, long-time Windsor resident who recently passed away, to the next regular Council meeting scheduled for Wednesday, October 7, 2009, in the Civic Center Council Chambers located at 9291 Old Redwood Highway, Building 400 in Windsor.

Approved and adopted this 7th day of October 2009.



Maria De La O, CMC
Town Clerk