

MINUTES

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

Wednesday, November 18, 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

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 5:33 p.m.
2. **COUNCIL ROLL CALL**
Present at Roll Call were Councilmembers Allen, Mayor Goble, and Vice Mayor Salmon. Councilmembers Fudge and Scholar will be arriving late.
3. **CITIZEN PUBLIC COMMENT**
No comments were made.
4. **ANNOUNCEMENT OF CLOSED SESSION TOPIC/ ADJOURNMENT TO CLOSED SESSION**
Mayor Goble announced the following Closed Session topic and Council adjourned to a Closed Session in the Wild Oak Conference Room at 5:38 p.m.
 - 4.1 **PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957)**
Title: Town Attorney

Councilmember Scholar arrived at 5:50 p.m.

5. REPORT OUT OF CLOSED SESSION

The Closed Session adjourned at 6:00 p.m. and the regular meeting reconvened with all members present except Councilmember Fudge. No action was taken during the Closed Session.

REGULAR SESSION – 6:00 p.m.

Councilmember Fudge arrived at 6:05 p.m.

6. PLEDGE OF ALLEGIANCE

John Reyes, President of the Windsor Chamber of Commerce, led the Pledge of Allegiance.

7. PRESENTATION(S)/PROCLAMATION(S)

7.1 Proclamation declaring the month of November 2009 as “Pancreatic Cancer Awareness Month.”

Mayor Goble presented Silvana Brindisi with a proclamation declaring the month of November 2009 as “Pancreatic Cancer Awareness Month.”

**7.2 Presentation of a plaque to the Town Employee of the Quarter
Jim O’Brien, Maintenance Superintendent.**

Mayor Goble presented Town Employee of the Quarter Jim O’Brien, Maintenance Superintendent with the Employee of the Quarter plaque and remarked on his dedication and hard work.

8. ANNOUNCEMENTS

- a. Upcoming Town Events
Councilmembers announced upcoming events.
- b. One Cool Green Thing
None.

9. CONFLICT OF INTEREST DECLARATION

None.

10. CHANGES TO THE AGENDA

None.

11. CITIZEN PUBLIC COMMENT

Michele Anderson, Treasurer for the Town of Windsor Employees Association AFSCME Local 3910, reported that the AFSCME group voted in support of the proposed voluntary time off program as suggested by the Management Employee Group (MEG). She stated that the group believes that in order for the program to be successful and truly voluntary, the time off should be available when needed by the employee.

Superintendent Steve Herrington, Windsor Unified School District, announced that he will be running for County Superintendent of Schools in the next election. He thanked Councilmembers and the citizens of Windsor for their support.

John Reyes, President of the Windsor Chamber of Commerce, introduced the Chamber's new Executive Director Gary Quackenbush.

Gary Quackenbush, new Windsor Chamber of Commerce Executive Director, expressed his pleasure for working in the Windsor Community.

12. CONSENT CALENDAR

Councilmember Fudge moved to adopt the Consent Calendar items as follows. Councilmember Scholar seconded the motion. The motion passed by a 5/0 vote on all items with the exception of Item 12.2 (Approval of Minutes for the Joint Town Council and Parks & Recreation Commission Meeting/Workshop of October 28, 2009) which passed by a 4/0/1 vote as Councilmember Fudge was absent and Item 12.3 (Zoning Ordinance Amendments Related to Personal Services, Restricted) which passed by a 4/1 vote as Vice Mayor Salmon opposed.

12.1 Check Register No. 420

5/0 vote. By motion, approved disbursements in the amount of \$977,685.48.

12.2 Approval of Minutes

By the following vote:

4/0/1 vote (Councilmember Fudge was absent). Approved the Minutes of the Joint Town Council and Parks & Recreation Commission Meeting/Workshop of October 28, 2009.

5/0 vote. Approved the regular Town Council Minutes of the November 4, 2009 meeting.

12.3 Zoning Ordinance Amendments Related to Personal Services, Restricted

4/1 vote (Vice Mayor Salmon opposed). Adopted, by title only, Ordinance No. 2009-258 amending Chapter 27.10, Chapter 27.34, and Chapter 27.60 of the Zoning Ordinance.

12.4 Award of Construction Contract and Approval of Professional Services Agreement for Field Oversight and Consulting Services for the Groundwater Well and Testing Project

5/0 vote.

1. Adopted Resolution No. 2569-09 awarding a contract to WDC Exploration & Wells for construction of the Groundwater Well and Testing Project in the amount of \$745,070.00 and authorizing the Town Manager to execute the contract and any required construction change orders up to the authorized project budget.

2. Adopted Resolution No. 2570-09 approving and authorizing the Town Manager to execute a professional services agreement with RMC Water and Environment for Field Oversight and Consulting Services for the Groundwater Well and Testing Project in an amount not to exceed \$340,100.

12.5 Acceptance of Public Improvements for Diana's Market, 10351 Old Redwood Highway

5/0 vote. Adopted Resolution No. 2571-09 accepting the public improvements for Diana's Market, a new commercial building with three residential units located at 10351 Old Redwood Highway.

12.6 Town's Participation in the American Reinvestment and Recovery Act (ARRA)

5/0 vote. Adopted Resolution No. 2572-09 authorizing the Town Manager to apply for ARRA funding opportunities, provided they do not incur debt to the Town.

12.7 Water Reclamation System SCADA Improvements Project

5/0 vote.

1. Adopted Resolution No. 2573-09 amending the contract with ArcSine Engineering for Design and Installation of the Water System SCADA Improvements Project, to include the Design and Installation of the Water Reclamation System SCADA Improvements Project, and authorizing the Town Manager to execute the contract amendment and any required subsequent amendments in an additional amount not-to-exceed \$1,580,000.00.
2. Adopted Resolution No. 2574-09 approving a Professional Services Agreement with RMC Water and Environment for Design and Installation Management Services for the Water Reclamation System SCADA design and installation in the amount not to exceed \$294,500 and authorizing the Town Manager to execute on behalf of the Town.
3. Adopted Resolution No. 2575-09 amending the FY 09/10 budget to appropriate additional funds in the amount of \$380,000 to the Water Reclamation System SCADA Upgrades Project from un-appropriated funds in the Water Reclamation Capital Replacement Fund.

12.8 Second Amendment to the Agreement with RMC Water and Environment for General Engineering Services

5/0 vote.

1. Adopted Resolution No. 2576-09 approving a Second Amendment to the Agreement with RMC Water and Environment for General Engineering Services in the amount of \$50,549.00 and authorizing the Town Manager to execute on behalf of the Town.

2. Adopted Resolution No. 2577-09 amending the FY 09/10 budget to a) appropriate additional funds in the amount of \$2,158 to the Water Reclamation Operating Fund for Professional Services from the Water Reclamation Operating Unappropriated Fund balance and b) appropriate additional funds in the amount of \$2,026 to the Water Operating Fund for Professional Services from the Water Operating Unappropriated Fund balance.

12.9 Professional Services Agreement with RMC Water and Environment to Provide Recycled Water Copper Compliance Support as Part of NPDES Discharge Permit Compliance

5/0 vote. Adopted Resolution No. 2578-09 approving an amendment for professional services with RMC Water and Environment to provide Recycled Water Copper Compliance Support as part of NPDES Discharge Permit Compliance in an additional amount not to exceed \$6,000 and authorizing the Town Manager to execute on behalf of the Town.

12.10 Acceptance of Work for the Los Amigos Road Pavement Rehabilitation Project

5/0 vote. Adopted Resolution No. 2579-09 accepting the contract work performed by North Bay Construction for the construction of the Los Amigos Road Pavement Rehabilitation Project and directing the Town Clerk to record a Notice of Completion.

13. PUBLIC HEARING

13.1 Approval of Public Works Updated Unit Costs for Public Improvements within the Town of Windsor

Assistant Engineer Givone reported on this item.

John Wagner, Coastland Engineer, discussed the updated unit costs for public improvements within the Town of Windsor.

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

Councilmember Allen moved to adopt Resolution No. 2580-09 approving updated standard unit costs for public improvements in the Town of Windsor in accordance with Section 16.2.210(c) of the Town Municipal Code. Vice Mayor Salmon seconded the motion. The motion passed by a 5/0 vote.

13.2 Introduction of the Water Efficient Landscape Ordinance

Water Conservation Program Coordinator Piazza reported on this item.

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

Councilmember Allen discussed the reasons why he will not vote in support of the motion.

Vice Mayor Salmon moved to introduce, by title only, an Ordinance adding Article 9, Water Efficient Landscapes to the Windsor Town Code with the following modifications:

- a. The ordinance does not apply to single-family residential subdivisions of 4 or fewer lots, except that prior to the start of on-site construction or soil disturbance, and prior to the issuance of a building permit, the applicant shall submit an informal implementation plan, or an informal landscape and irrigation system design plan, or the equivalent, which demonstrates how the applicant will meet the intent of this chapter.
- b. Turf shall not be planted in the following conditions: Front yard landscape of single family residential subdivisions of 5 or more lots, where backyard landscape is not developer installed.

Councilmember Fudge seconded the motion. By a roll call vote, the motion passed by a 3/2 vote (Councilmembers Allen and Scholar opposed).

13.3 Bell Village LP Request for Drive-Thru Pharmacy

Senior Planner Jones reported on this item.

Planning Director Chamberlin discussed the impact fees for the drive-thru pharmacy window.

Mayor Goble opened the public hearing.

Bill Mabry, applicant, discussed the merits and the need for the drive-thru pharmacy window service.

Caroline (no last name provided) discussed the impacts of the traffic generated by the drive-thru pharmacy window.

Nickie Gallagher, Walgreens Pharmacy, discussed the operations and the use of the drive-thru window.

Mayor Goble closed the public hearing.

Mayor Goble explained the reasons why she does not support the drive-thru pharmacy window.

Councilmember Allen supported the request by Bell Village LP for a Drive-Thru Pharmacy as part of the Bell Village Project subject to the following:

- a. Provide screening of the drive-thru as viewed from Old Redwood Highway.
- b. The site plan presented may not represent the final site plan as approved by the Town.

Councilmember Fudge seconded the motion. The motion passed by a 3/2 vote (Councilmember Scholar and Mayor Goble opposed).

Council recessed from 8:06 until 8:16 p.m. and reconvened with all members present.

14. REGULAR CALENDAR

14.1 Consideration of the Old Redwood Highway Pedestrian Linkages Project

Associate Engineer Perez reported on this item.

Mayor Goble opened the public comment period.

Bill Mabry, Bell Village Project, discussed the reasons why the new design of the subject project is inconsistent with the Bell Village project.

Mayor Goble closed the public comment period.

Councilmember Fudge moved to direct staff not to proceed with the construction of the ARRA-Funded Old Redwood Highway Pedestrian Linkages Project. Councilmember Scholar seconded the motion. By a roll call vote, the motion passed by a 3/2 vote (Councilmember Allen and Vice Mayor Salmon opposed). Staff was directed to send a letter, signed by the mayor, to MTC and SCTA explaining the reasons for not moving forward with the project.

14.2 Capital Infrastructure Expenditures to be Supported by Park Development and Public Facilities Impact Fees

Administrative Services Director McAdler reported on this item.

Mayor Goble opened the public comment period. There were no public comments.

Council took no action. However, Council concurred to form a subcommittee composed of two Councilmembers and up to two Parks and Recreation Commissioners and directed the subcommittee to review the proposed capital projects and expenditures list and bring back recommendations to Council. It was noted for the record that Councilmembers Allen and Scholar volunteered to serve on this subcommittee.

14.3 Approve CEQA Process for Draft Water Master Plan Update

Senior Engineer Scott reported on this item.

Dave Richardson, Consultant, RMC Water and Environment, gave an overview of the five alternatives that are proposed to be evaluated under the CEQA process.

Mayor Goble opened the public comment period. There were no comments forthcoming.

Council, by consensus, directed staff to proceed with CEQA review on the Draft Water Master Plan.

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

Councilmember Scholar explained why she voted in opposition to the drive-thru pharmacy window.

16.2 Reports on Meetings/Conferences

None.

16.3 Requests for Future Council Agenda Items

Councilmember Fudge asked that staff add a proclamation for Senator Pat Wiggins on a future agenda.

Councilmember Scholar moved to cancel the December 16, 2009 Town Council Meeting. Councilmember Allen seconded the motion. The motion passed by a 5/0 vote.

17. TOWN MANAGER'S REPORT

No report was made.

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

No report was made.

18. ANNOUNCEMENT OF CLOSED SESSION TOPICS/ ADJOURNMENT TO CLOSED SESSION

Mayor Goble announced the following Closed Session topics and Council adjourned to a Closed Session in the Wild Oak Conference Room at 10:06 p.m.

18.1 CONFERENCE WITH LEGAL COUNSEL:

Conference with Labor Negotiators pursuant to Government Code Section 54957.6

Agency Negotiator: Town Manager or his Designee; Employee Organizations: Town of Windsor Employees' Association – AFSCME Local 3910, Town of Windsor Supervisory Employees Group – AFSCME Local 829, and Town of Windsor Management Employees Group.

18.2 PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)

Title: Town Attorney

19. REPORT OUT OF CLOSED SESSION

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

20. ADJOURNMENT

The meeting adjourned at 11:20 p.m. to a regular meeting scheduled for Wednesday, December 2, 2009, in the Civic Center Council Chambers located at 9291 Old Redwood Highway, Building 400 in Windsor.

Approved and adopted this 6th day of January 2010.

Maria De La O, CMC
Town Clerk