

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

Wednesday, July 7, 2010
Regular Session - 6:00 p.m.

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

1. CALL TO ORDER

Call 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.

Mayor Salmon 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 Vice Mayor Allen, Councilmember Fudge, Councilmember Goble, Mayor Salmon and Councilmember Scholar.

3. PLEDGE OF ALLEGIANCE

Councilmember Fudge led the Pledge of Allegiance.

4. PRESENTATION(S)/PROCLAMATION(S)

4.1 Mayor's Certificates of Appreciation to Earth Day on the Green and Cinco de Mayo sponsors.

Mayor Salmon presented awards of appreciation and plaques to the following Earth Day on the Green and Cinco de Mayo sponsors:

* Gold Plaque to Steve McCaffrey, Director of Governmental Affairs with Windsor Refuse & Recycling

* Gold Plaque to Celena Narez, Bail Agent with Aladdin Bail Bonds

ITEM NO.: 9.2

* Gold Plaque to Tony Caglia & Dora Azevedo, Events and Promotions Managers, with River Rock Casino

* Silver Plaque Certificate to Glenda Castelli, Manager of the Windsor Farmers Market - She was unable to attend

* Bronze Plaque Certificate to Mark Morrisette, Director of Our Lady of Guadalupe & Agatha Furth Center - He was unable to attend

5. **ANNOUNCEMENTS**

a. **Upcoming Town Events**

Mayor Salmon and Councilmembers announced various upcoming events.

b. **One Cool Green Thing**

Councilmember Fudge reported that one of the founders of the Windsor Community Garden visited Monticello, home of Thomas Jefferson. He studied some of its historic gardens and brought back seeds to plant in the Town of Windsor. She is looking for suggestions on where to plant them.

6. **CONFLICT OF INTEREST DECLARATION**

Councilmember Goble declared that she will abstain on Item 9.2 (Approval of the June 16, 2010 Minutes) as she was absent and Item 9.3 (Award of Construction Contract and Approval of Professional Services Agreement for Construction Management and Engineering Services for the Geysers Connection Project) because she has an affiliation with the contractor, and she also has interest in the project.

Vice Mayor Allen declared that he will abstain from Item 9.3 (Award of Construction Contract and Approval of Professional Services Agreement for Construction Management and Engineering Services for the Geysers Connection Project) because he works for the Utility Department with the City of Santa Rosa.

7. **CHANGES TO THE AGENDA**

None.

8. **CITIZEN PUBLIC COMMENT**

Any citizen wishing to speak to the Council on any Consent Calendar item or any item not listed on the agenda may do so at this time. Pursuant to the Brown Act, the Council is not allowed to consider issues or take action on any

item not listed on the agenda during this period. Each Citizen Public Comment is normally restricted to three (3) minutes in length and must be spoken into the microphone from the podium.

If you wish to speak on a Consent Calendar item, please notify the Mayor during Citizen Public Comment.

None.

9. CONSENT CALENDAR

Consent Calendar items are viewed as routine in nature or require little or no further discussion by the Council, public or applicant.

Councilmember Scholar moved to approve Consent Calendar items as indicated below. Councilmember Goble seconded the motion. The motion passed by 5/0 vote on all items, except for the Item 9.2 (Approval of Minutes) which passed by 4/0/1 vote (Councilmember Goble abstained) and Item 9.3 (Award of Construction Contract and Approval of Professional Services Agreement for Construction Management and Engineering Services for the Geysers Connection Project) which passed by 3/0/2 vote (Vice Mayor Allen and Councilmember Goble abstained).

9.1 Check Register No. 433 By motion, approve disbursements in the amount of \$1,528,293.21.

5/0 vote. By motion, approved disbursements in the amount of \$1,528,293.21.

9.2 Approval of Minutes By motion, approve the minutes of the regular meeting of June 16, 2010.

4/0/1 vote. (Councilmember Goble was absent). By motion, approved the Minutes of the Regular Meeting of June 16, 2010.

9.3 Award of Construction Contract and Approval of Professional Services Agreement for Construction Management and Engineering Services for the Geysers Connection Project

- a. By motion, approve the plans and specifications for construction of the Geysers Connection Project.

3/0/2 vote (Vice Mayor Allen and Councilmember Goble abstained). By motion, approved the plans and specifications for construction of the Geysers Connection Project.

- b. By motion, award a contract to KG Walters Construction Company, Inc. for construction of the Geysers Connection Project in the amount of \$1,875,508.00 and authorize the Town Manager to execute the contract and any required construction change orders up to the authorized project budget.

3/0/2 vote (Vice Mayor Allen and Councilmember Goble abstained).
By motion, awarded a contract to KG Walters Construction Company, Inc. for construction of the Geysers Connection Project in the amount of \$1,875,508.00 and authorize the Town Manager to execute the contract and any required construction change orders up to the authorized project budget.

- c. By motion, approve a professional services agreement with RMC Water and Environment for Construction Management and Engineering Services for the Geysers Connection Project, and authorize the Town Manager to execute the agreement for an amount not to exceed \$479,567.00 and any amendments up to an additional amount of \$48,000.00.

3/0/2 vote (Vice Mayor Allen and Councilmember Goble abstained).
By motion, approved a professional services agreement with RMC Water and Environment for Construction Management and Engineering Services for the Geysers Connection Project, and authorize the Town Manager to execute the agreement for an amount not to exceed \$479,567.00 and any amendments up to an additional amount of \$48,000.00

9.4 Rejection of a bid protest and Award of a Construction Contract for the Reclamation Plant No. 3 Water System Upgrades Project

- a. By motion, approve the plans and specifications for the Reclamation Plant No. 3 Water System Upgrades Project.

5/0 vote. By motion, approved the plans and specifications for the Reclamation Plant No.3 Water System Upgrades Project.

- b. Adopt a resolution rejecting the bid protest filed by Cats4U, Inc. dated May 28, 2010, and awarding a contract to Fort Bragg Electric, Inc. for construction of the Reclamation Plant No. 3 Water System Upgrades Project in the amount of \$226,590.00 and authorizing the Town Manager to execute the contract and any required construction change orders up to the authorized project budget.

5/0 vote. Adopted Resolution No. 2714-10 rejecting the bid protest filed by Cats4U, Inc. dated May 28, 2010, and awarding a contract to Fort Bragg Electric, Inc. for construction of the Reclamation Plant No. 3 Water System Upgrades Project in the amount \$226,590.00 and authorizing the Town Manager to execute the contract and any required construction change orders up to the authorized project budget.

9.5 Approval of an amendment to a Professional Services Agreement for Construction Administration Services for the Reclamation Plant No. 3 Water System Upgrades Project

By motion, approve an amendment to the Professional Services Agreement with Brelje & Race Consulting Engineers for Construction Administration Services for the Reclamation Plant No. 3 Water System Upgrades Project and authorize the Town Manager to execute said amendment for an amount not to exceed \$6,500.00.

5/0 vote. By motion, approved an amendment to a Professional Services Agreement with Brelje & Race Consulting Engineers for Construction Administration Services for the Reclamation Plant No. 3 Water System Upgrades Project and authorize the Town Manager to execute said amendment for an amount not to exceed \$6,500.00.

9.6 Approve Contract for Annual Traffic Engineering Services.

By motion, approve a Professional Services Agreement with Whitlock & Weinberger Transportation, Inc. (W-Trans), in the amount of \$120,000 for annual traffic engineering services for Fiscal Year 2010/2011 and authorize the Town Manager to execute the agreement.

5/0 vote. By motion, approved a Professional Services Agreement with Whitlock & Weinberger Transportation, Inc. (W-Trans), in the amount of \$120,000 for annual traffic engineering services for Fiscal Year 2010/2011 and authorize the Town Manager to execute the agreement.

9.7 Adoption of an Ordinance Amending Town of Windsor Municipal Code, Title XII, Windsor Water District, Chapter 1. Code of Windsor Water District and Chapter 4. Sewer

Adopt, by title only, an Ordinance amending the Town of Windsor Municipal Code, Title XII, Windsor Water District, Chapter 1. Code of Windsor Water District, and Chapter 4. Sewer, for the purposes of managing wastewater discharges from non-residential users.

5/0 vote. Adopted, by title only, Ordinance No. 2010-263, amending the Town of Windsor Municipal Code, Title XII, Windsor Water District, Chapter 1. Code of Windsor Water District, and Chapter 4. Sewer, for the

purposes of managing wastewater discharges from non-residential users.

9.8 Award of Construction Contract for the Pleasant Avenue Drainage Improvement Project

- a. By motion, approve the plans and specifications for construction of the Pleasant Avenue Drainage Improvement Project.

5/0 vote. By motion, approved the plans and specifications for construction of the Pleasant Avenue Drainage Improvement Project.

- b. By motion, award a contract to Gentry General Engineering, Inc. for construction of the Pleasant Avenue Drainage Improvement Project in the amount of \$76,627.00.

5/0 vote. By motion, awarded a contract to Gentry General Engineering, Inc. for construction of the Pleasant Avenue Drainage Improvement Project in the amount of \$76,627.00.

- c. By motion, authorize the Town Manager to execute the construction contract and any required construction change orders up to the authorized project budget.

5/0 vote. By motion, authorized the Town Manager to execute the construction contract and any required construction change orders up to the authorized project budget.

9.9 Authorization of the Town Manager and Town Engineer to Obtain Necessary Services to Repair Pond 5

Adopt a resolution recognizing an emergency repair at Pond 5 and authorizing the Town Manager and Town Engineer 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 item requires a four-fifths vote by the Town Council.

5/0 vote. Adopted Resolution No. 2715-10 recognizing an emergency repair at Pond 5 and authorizing the Town Manager and Town Engineer 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.

9.10 Design and construction management services for the repair of the Pond 5

By motion, approve a Professional Services agreement with Brelje & Race Consulting Engineers for engineering and construction administration for the repair of the inlet/outlet of Pond 5 at the Town's Wastewater Treatment Facility and authorize the Town Manager to execute an agreement for an amount not to exceed \$136,000.00.

5/0 vote. By motion, approved a Professional Services agreement with Brelje & Race Consulting Engineers for engineering and construction administration for the repair of the inlet/outlet of Pond 5 at the Town's Wastewater Treatment Facility and authorize the Town Manager to execute an agreement for an amount not to exceed \$136,000.00

9.11 Appointment to Marin/Sonoma Mosquito and Vector Control District Board

Appoint Mark Burger to serve on the Marin/Sonoma Mosquito and Vector Control District Board for the remainder of a four-year term expiring January 2012.

5/0 vote. Appointed Mark Burger to serve on the Marin/Sonoma Mosquito and Vector Control District Board for the remainder of a four-year term expiring January 2012.

10. PUBLIC HEARING

Public Hearing items will begin at the time shown, or as close thereafter as possible, to allow for completion of the item.

10.1 FY 2010-11 Engineer's Report - Windsor 1982 Act Benefit Assessment District (82-AAD)

Adopt a resolution approving the Engineer's Report, confirming the assessment diagram and assessment amounts, and authorizing the levy and collection of assessments for the FY 2010-11 Windsor 1982 Act Benefit Assessment District (82-AAD).

Senior Engineer Hayre introduced the item.

John Wanger, Coastland Engineering, discussed the steps taken to date related to the formation of the Windsor 1982 Act Benefit Assessment District and explained the process to be followed at this meeting.

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

Deputy Town Clerk Graham announced that no ballot was received.

Vice Mayor Allen moved to adopt Resolution No. 2716-10, to approve the Engineer's Report, confirming the assessment diagram and assessment amounts, and authorizing the levy and collection of assessments for the FY 2010-11 Windsor 1982 Act Benefit Assessment District (82-AAD). Councilmember Fudge seconded the motion. The motion passed by a 5/0 vote.

10.2 Annual FY 2010-11 Engineer's Report - Windsor Landscaping and Lighting Special Assessment District (LLAD-1)

Adopt a resolution approving the annual Engineer's Report, confirming the assessment diagram and annual assessment amounts, and authorizing the levy and collection of assessments for the FY 2010-11 Windsor Landscaping and Lighting Special Assessment District (LLAD-1).

Senior Engineer Hayre introduced the item.

John Wanger, Coastland Engineering, discussed the steps taken to date related to the annual Engineer's Report, confirming the assessment diagram and annual assessment amounts, and authorizing the levy and collection of assessments for the FY 2010-11 Winsor Landscaping and Lighting Assessment District No. 1 (LLAD-1). He also explained the process to be followed at this meeting.

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

Deputy Town Clerk Graham announced that no ballot was received.

Councilmember Scholar moved to adopt Resolution No. 2717-10, approving the annual Engineer's Report, confirming the assessment diagram and annual assessment amounts, and authorizing the levy and collection of assessments for the FY 2010-11 Windsor Landscaping and Lighting Special Assessment District (LLAD-1). Vice Mayor Allen seconded the motion. The motion passed by a 5/0 vote.

10.3 Annual FY 2010-11 Engineer's Report - Windsor Landscaping and Lighting Assessment District No. 2 (LLAD-2)

Adopt a resolution approving the annual Engineer's Report, confirming the assessment diagram and annual assessment amounts, and authorizing the levy and collection of assessments for the FY 2010-11 Windsor Landscaping and Lighting Assessment District No. 2 (LLAD-2).

Senior Engineer Hayre introduced the item.

John Wanger, Coastland Engineering, discussed the steps taken to date related to the annual Engineer's Report, confirming the assessment diagram and annual assessment amounts, and authorizing the levy and collection of assessments for the FY 2010-11 Winsor Landscaping and Lighting Assessment District No. 2 (LLAD-2). He also explained the process to be followed at this meeting.

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

Deputy Town Clerk Graham announced that 1 ballot was received.

Staff opened and confirmed 1 affirmative vote.

Vice Mayor Allen moved to adopt Resolution No. 2718-10, approving the annual Engineer's Report, confirming the assessment diagram and annual assessment amounts, and authorizing the levy and collection of assessments for the FY 2010-11 Windsor Landscaping and Lighting Assessment District No. 2 (LLAD-2). Councilmember Goble seconded the motion. The motion passed by a 5/0 vote.

11. **REGULAR CALENDAR**

Those matters requiring discussion and/or action by the Council will be heard at this time. Regular Calendar items will be taken up and acted upon separately.

11.1 **Adopt Fees for Animal Care and Control Services**

Adopt a resolution adopting fees for Animal Care and Control Services for FY 2010-2011.

Parks and Recreation Director Legge reported on this item.

Mayor Salmon opened the public comment period.

No comments were forthcoming, Mayor Salmon closed the public comment period.

Council raised some concerns pertaining to the lack of accessibility to staff of the Animal Care and Control Services. Amy Cooper, Director of the Animal Care and Control Services will be working with staff to improve its phone tree system, and to update the Town's and the County's websites to resolve the issue.

Councilmember Goble moved to adopt Resolution No. 2719-10, adopting

fees for Animal Care and Control Services for FY 2010-2011. Councilmember Scholar seconded the motion. The motion passed by a 5/0 vote.

11.2 Ordinance Amendment to Title III, Chapter 22 Massage Establishments, Section 3-22-110 Permit Required, Section 3-2-115 Display of Permits, and Section 3-22-170 Violations and Penalties Introduce, by title only, an Ordinance amending Title III, Chapter 22 (Massage Establishments), Section 3-22-110 Permit Required, Section 3-2-115 Display of Permits, and Section 3-22-170 Violations and Penalties to comply with SB 731, which created a voluntary statewide certification for massage therapists and practitioners.

Associate Planner Cangson reported on this item.

Mayor Salmon opened the public comment period.

No comments were forthcoming, Mayor Salmon closed the public comment period.

Councilmember Goble moved to introduce, by title only, an Ordinance amending Title III, Chapter 22 (Massage Establishments), Section 3-22-110 Permit Required, Section 3-2-115 Display of Permits, and Section 3-22-170 Violations and Penalties to comply with SB 731, which created a voluntary statewide certification for massage therapists and practitioners. Vice Mayor Allen seconded the motion. The motion passed by 5/0 vote.

Clerk's note: Item 9.11 (Appointment to Marin/Sonoma Mosquito and Vector Control District Board).

Mayor Salmon noticed that Mr. Mark Burger was in the audience. He congratulated him for his appointment. He also noted that the Marin/Sonoma Mosquito and Vector Control District Board will provide him with the necessary documents to assist him fill his new role.

12. FEDERAL, STATE OR LOCAL LEGISLATION
Discussion and/or action on proposed legislation or issues.

12.1 League of California Cities Discussion and/or action on activities or information provided by the League of California Cities.

12.2 Sonoma County Mayors' and Councilmembers' Association Update

a. Legislative Committee Update

- b. Discussion of Upcoming Association Meeting Agendas or Issues
- c. Miscellaneous Issues

13. MAYOR'S & COUNCILMEMBERS' REPORTS

13.1 Individual Councilmember Reports and Comments

13.2 Reports on Meetings/Conferences

13.3 Reports from Councilmembers on activities of miscellaneous agencies

Clerk's Note: Mayor Salmon decided to discuss Item 13.1 (Individual Councilmember Reports and Comments) at this time. He requested Council's feedback on the presentation process during the Town Hall on the Green event. By Council consensus, the Mayor shall continue to present the bands during the Town Hall on the Green.

Clerk's note: Item 13.3 (Reports from Councilmembers on activities of miscellaneous agencies) is discussed at this time.

Mayor Salmon discussed the Ad Hoc Sub-Committee for CSTA/RCPA's plans to consider the Final EIR on the Sutter Project. Upon further discussion and consensus by Council, he will take actions when necessary.

13.4 Requests for Future Council Agenda Items

- a. MetroQuest Proposal Provide direction regarding scheduling MetroQuest proposal on a future Town Council agenda.

By Council consensus, this item will be scheduled some time on the January 2011 Town Council meeting. Exact date to be determined.

Vice Mayor Allen requested the PG&E substation neighborhood site to be agendized.

Councilmember Fudge announced that she is abstaining from any subject that includes PG&E.

Upon further discussion, Mayor Salmon suggested that a sub-committee of two (2) is formed to discuss this item with PG&E. Town Manager Mullan will initiate the coordination of the scheduling of this

meeting by the end of the month. Council will report back.

Councilmember Fudge explained the reasons she is abstaining from the subject that includes PG&E. She explained that due to her previous employment with PG&E, she has conflict of interest which will expire December 2010.

14. TOWN MANAGER'S REPORT

Town Manager Mullan will be out of the office returning July 26, 2010.

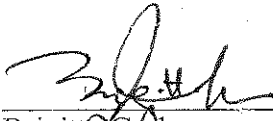
14.1 Update on the Federal and State Stimulus Plan Efforts for the Town of Windsor Economic Stimulus Project Status American Recovery and Reinvestment Act (ARRA).

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

15. ADJOURNMENT

Adjourn to the next regular Council meeting scheduled for Wednesday, July 21, 2010, at 6:00 p.m., in the Civic Center Council Chambers located at 9291 Old Redwood Highway, Building 400 in Windsor.

The meeting adjourned at 7:06 p.m. to the next regular Council meeting scheduled for Wednesday, July 21, 2010, at 6:00 p.m., in the Civic Center Council Chambers located at 9291 Old Redwood Highway, Building 400 in Windsor.



Brigitte Graham
Deputy Town Clerk