

MINUTES

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

Wednesday, August 17, 2011
Regular Session - 6:00 p.m.

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

1. CALL TO ORDER

Mayor Allen 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 6:05 p.m.

2. COUNCIL ROLL CALL

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

Vice Mayor Fudge was absent at this time and was seated at 6:35 p.m.

3. PLEDGE OF ALLEGIANCE

Councilmember Salmon led the Pledge of Allegiance.

4. PRESENTATION(S)/PROCLAMATION(S)

4.1 Presentation of a Plaque to Employee of the Quarter

Dan Frische, Senior Maintenance Worker, in the Parks and Recreation Department.

Mayor Allen presented Dan Frische, Senior Maintenance Worker, with a plaque honoring him as the "Employee of the Quarter" for June 2011.

4.2 Proclamation honoring Lin Branscomb for Twenty-Seven Years of Service to the Town of Windsor and congratulating her on her retirement.

Mayor Allen acknowledged Lin Branscomb for her twenty-seven years of service to the Town of Windsor and congratulated her on her retirement. She was not present to receive the proclamation.

4.3 Presentation of a Mayor's Certificate of Appreciation to outgoing Planning Commissioner Ken Cyphers.

Mayor Allen presented a Mayor's Certificate of Appreciation to outgoing Planning Commissioner Ken Cyphers.

4.4 Presentation of Mayor’s Certificates of Appreciation to the July 3rd Sponsors.

Mayor Allen presented Mayor’s Certificates of Appreciation to the following July 3rd event sponsors:

Lupe’s Diner, Lupe Licea, Owner
Mitchler Dental Care, not present to receive plaque
Windsor Certified Farmers Market, Glenda Castelli
Manny Rivera, Chrome Lotus
Windsor Refuse and Recycling, Steve McCaffrey
Old Downtown Windsor Merchants Association, not present

5. ANNOUNCEMENTS

- a. Upcoming Town Events
Mayor Allen and Councilmembers announced various upcoming events.
- b. One Cool Green Thing
No reports were made.

6. CONFLICT OF INTEREST DECLARATION

None.

7. CHANGES TO THE AGENDA

Councilmember Salmon requested that Item 9.4 (Response to 2010-2011 Grand Jury Report) be pulled from the Consent Calendar and considered for discussion after Item 11.6 (Selection of the Annual 2011 League of California Cities Conference Voting Delegate and Alternate).

Town Attorney Rudnansky recommended that Council continue Item 9.5 (Ordinance authorizing the Town of Windsor to participate in ABx1 27 Voluntary Alternative Redevelopment Program (“AB 27”)) to the September 21, 2011 Town Council meeting due to the uncertainty and the debate that is currently taking place in the Supreme Court related to whether agencies should adopt opt-in ordinances to be able to continue to operate as redevelopment agencies.

Based on the Town Attorney’s recommendation, Councilmember Goble moved to continue Item 9.5 (Ordinance authorizing the Town of Windsor to participate in ABx1 27 Voluntary Alternative Redevelopment Program (“AB 27”)) to the September 21, 2011 Town Council meeting. Councilmember Salmon seconded the motion. The motion passed by a 4/0/1 vote (Vice Mayor Fudge was absent).

8. CITIZEN PUBLIC COMMENT

Carol Hart, new Sonoma County Director of Regional Parks, introduced herself and expressed her enthusiasm to be working closely with the Town.

9. CONSENT CALENDAR

Councilmember Goble moved to approve the following Consent Calendar items. Councilmember Salmon seconded the motion. The motion passed by a 4/0/1 vote (Vice Mayor Fudge was absent) with the exception of Item 9.4 (Response to 2010-2011 Grand Jury Report) which will be considered after Item 11.6 (Selection of the Annual 2011 League of California Cities Conference Voting Delegate and Alternate) and excluding Item 9.5 (Ordinance authorizing the Town of Windsor to participate in ABx1 27 Voluntary Alternative Redevelopment Program (“AB 27”)) which was continued to the September 21, 2011 meeting.

9.1 Check Register No. 459

4/0/1 vote (Vice Mayor Fudge was absent). By motion, approved disbursements in the amount of \$1,331,878.64.

9.2 Approval of Minutes

4/0/1 vote (Vice Mayor Fudge was absent). By motion, approved the minutes of the regular meeting of August 3, 2011 and the Special Closed Session meeting of August 3, 2011.

9.3 Approve a Standard Services Agreement with Brelje and Race Consulting Engineers for Utility Engineering Services

4/0/1 vote (Vice Mayor Fudge was absent). By motion, approved a Standard Services Agreement with Brelje and Race Consulting Engineers for Utility Engineering Services and authorized the Town Manager to execute said agreement for an amount not to exceed \$100,000.

9.4 Response to 2010-2011 Grand Jury Report

(Clerk’s Note: Item 9.4 was considered immediately after Item 11.6.)

9.5 Ordinance authorizing the Town of Windsor to participate in ABx1 27 Voluntary Alternative Redevelopment Program (“AB 27”)

- a. Adopt, by title only, an ordinance authorizing the Town to make certain remittances to the County Auditor Controller in accordance with Health and Safety Code Section 34194 and to take all other actions required in order to continue redevelopment activities in the Town of Windsor.
- b. Adopt a Joint Resolution of the Town Council and the Board of Directors of the Redevelopment Agency of the Town of Windsor Amending the 2011-12 Budget (Amendment 03-12) to appropriate funds to make certain remittances to the County Auditor Controller in accordance with Health and Safety Code Section 34194.
- c. Adopt a Resolution of the Redevelopment Agency of the Town of Windsor reducing its allocation to the Low and Moderate Income Housing Funds for the 2011-12 Fiscal Year and making certain findings.
- d. Adopt a Joint Resolution of the Town Council of the Town of Windsor and the Board of Directors of the Redevelopment Agency of the Town of Windsor approving a Remittance Agreement between the Town of Windsor and the Redevelopment Agency of the Town of Windsor Pursuant to California Health and Safety Code Section 34194.2 and authorizing the Town Manager/Agency Executive Director to execute the Agreement.

(Clerk’s Note: The following item was continued to the September 21, 2011 Town Council meeting.)

9.6 Accept the Fiscal Year 2009-10 Annual Report of Developer Deposits (AB 1600 Report) 4/0/1 vote (Vice Mayor Fudge was absent). Adopted Resolution No. 2825-11, accepting the fiscal year 2009-10 annual report of development impact fee activity.

9.7 Approve Auditor Service Agreement 4/0/1 vote (Vice Mayor Fudge was absent). By motion, approved a contract with Odenberg Ullakko Muranishi & Co., LLP for audit services in the annual amount of \$27,000 with a 4% escalator for a term of three years beginning with the fiscal year ending June 30, 2011 with the option to extend the term for two additional subsequent fiscal years and authorized the Town Manager to execute on behalf of the Town.

9.8 Approve Amendment No. 1 to Cooperative Funding Agreement No. M20009 (Measure M) Between the Sonoma County Transportation Authority (SCTA) and the Town of Windsor 4/0/1 vote (Vice Mayor Fudge was absent). Adopted Resolution No. 2826-11, approving Amendment No.1 to Cooperative Funding Agreement No. M20009 (Measure M) between the Sonoma County Transportation Authority (SCTA) and the Town of Windsor which covers use of Measure M funds for local road maintenance projects and authorized the Town Manager to execute on behalf of the Town.

10. PUBLIC HEARING

10.1 Consider a request by Shiloh Oaks Company, LLC to accept the existing Caletti Avenue Bridge over Pruitt Creek into the Town's Public Roadway System
Public Works Director/Town Engineer Burt reported on this item.

Mayor Allen opened the public hearing.

There being no public testimony, Mayor Allen closed the public hearing.

Councilmember Salmon moved to adopt Resolution No. 2827-11 accepting the existing Caletti Avenue Bridge over Pruitt Creek into the Town's public roadway system upon satisfaction of the following: (1) Completion of bridge maintenance repairs and seismic improvements to the satisfaction of the Public Works Director/Town Engineer; and (2) Payment of \$125,000 to the Town towards future bridge maintenance and future replacement. Councilmember Goble seconded the motion, the motion passed by a 4/0/1 vote (Vice Mayor Fudge was absent).

11. REGULAR CALENDAR

11.1 Report of the Sonoma County Airport Master Plan Implementation Project and the Release of a Draft Environmental Impact Report
Planning and Building Director Bergman briefly reported on this item.

Jon Stout, Sonoma County Airport Manager, gave a presentation and overview on the Sonoma County Airport Master Plan Implementation Project Draft Environmental Impact Report (DEIR).

David Full, Project Manager, Reynolds Smith and Hills, Inc, discussed the CEQA process and the key environmental issues found in the Sonoma County Airport DEIR.

Vice Mayor Fudge arrived at 6:35 p.m.

Jon Stout, Sonoma County Airport Manager, clarified that the comments provided by the public tonight will not become part of the Sonoma County DEIR record. He described the process by which comments can be submitted for the Sonoma County Airport DEIR.

Mayor Allen opened the public comment period.

Rosemary Olson, Windsor resident, spoke on the SC Airport expansion project and inquired about contracts with airlines that are interested in serving the market, flight time regulations and what flight patterns will impact the residential community.

There being no further comments, Mayor Allen closed the public comment period.

Jon Stout, Sonoma County Airport Manager, responded to questions raised during the public comment period.

Based on its discussion, Council requested to review the Town's comment letter prior to its submittal to the County.

Town Manager Mullan noted that this matter will be placed on a future agenda for action under the Consent Calendar.

11.2 Surcharge On Water Bill Pilot Program

Water Conservation Coordinator Piazza reported on this item.

Chris Bradt, Assistant Program Manager, Bevilacqua Knight, Inc., gave an overview of the aspects of the proposed pilot program.

Mayor Allen opened the public comment period.

Ann Hancock, Climate Protection Campaign, spoke in support of this program.

Mayor Allen closed the public comment period.

Council raised some concerns associated with the estimated costs to implement this program.

Because of concerns raised above, Town Manager Mullan stated that if this program exceeds the existing budget approved in Utility Billing and Water Conservation, staff will come back to Council with that information. If the costs remain within the existing budget, there will be no need to bring the item back to Council.

Councilmember Salmon moved to take the following items:

- a. Council directed staff to proceed to the program design phase of the Regional Climate Protection Authority's Surcharge-On-Water-Bill Financing Pilot (SOWB) under the DOE's Better Building Program, and;
- b. Directed staff to include the development of a potential viable rate and rebate structure to qualify landscaping options in the Surcharge-On-Water-Bill Financing Pilot into the scope of work for the water and water reclamation rate study later this year.

Vice Mayor Fudge seconded the motion. The motion, passed by a 5/0 vote.

Council recessed the meeting from 8:27 p.m. until 8:37 p.m. and reconvened with all members present.

At this time, Council reorganized the agenda to consider Item 11.5 in advance of Item 11.3.

11.5 Status Report on the PG&E Substation

Senior Planner Thompson reported on this item. Mr. Thompson acknowledged receipt of a letter from Michael and Sherry Barry dated August 17, 2011 regarding the proposed PG&E substation.

Randy DeCaminada, Executive Manager with PG&E, reviewed the proposed locations for the new substation and requested that the Council convey its preferred site to the California Public Utilities Commission (CPUC) by letter signed by the Mayor.

Vice Mayor Fudge declared that she had been employed by PG&E for the last 25 years and had previously declared a conflict of interest. However, her conflict of interest ended December of 2010 and will participate in the discussion for this item.

Mayor Allen opened the public comment period.

The following speakers addressed Council in opposition to the location of the proposed PG&E's substation at Site 1 (Mitchell Lane and Northwestern Pacific Railroad):

Rosemary Olson, Windsor resident
Jody Fessler, Windsor resident
Dick Rodrigues, Windsor resident
Sam (last name illegible), Windsor resident
Jenny Scott, Windsor resident
Thomas Tomski, Windsor resident

The majority of the speakers supported Site 2 (Nase property) as the preferred site for development of the proposed substation. The speakers noted that this site would have the least impact in the community.

Mayor Allen closed the public comment period.

PG&E representatives responded to various questions raised by the above speakers. Town Manager Mullan clarified the Council's recommendation regarding the majority of the Council's support for the use of the Nase property as the preferred site for the location of the new PG&E substation.

Following Council's review of the proposed locations for the new substation, the Council directed staff to prepare a letter signed by Mayor Allen to the CPUC expressing its preference for Site 8 located at 10789 Old Redwood Highway (Nase site) subject to the following conditions:

- Noise concerns raised from neighbors living at 10825 Old Redwood Highway are fully mitigated by PG&E.
- Electric transmission lines required to accommodate the new facility should be undergrounded. This includes approximately 1.8 miles of transmission lines that are proposed to be upgraded from the substation site to Downtown Windsor. If this is not technically feasible, PG&E should underground transmission lines from Starr Road and Old Redwood Highway to Downtown Windsor.
- The front portion of the project site should remain vacant and available to accommodate future active land uses. A subdivision of the property should be considered as part of this proposal. The Town requests that PG&E like any development proposal install frontage improvements along Old Redwood Highway as part of construction for this project.

In addition, the Council concluded that the Mitchell Lane site is an unacceptable location for a substation. It also directed staff to request that the CPUC inform the Town of any public hearings held regarding this project. Staff was also directed to place the public hearing notice on the Town's website and to notify the residents of the hearing by e-mail.

11.3 Water Supply Update

Principal Civil Engineer Scott reported on this item.

Dave Richardson, Consultant, RMC Water and Environment, discussed the supply alternatives to increase available ESDs and next steps in the water supply process.

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

Council received an informational report covering current and proposed Water Supply for Windsor Water District Service Area.

11.4 Summary of Pipeline Analysis Survey Results, Consideration of a Request for a Twenty-Four Month Suspension of Time for the Windsor Gateway Project, and Consideration of Staff's Recommendation that The Oaks at Windsor Village Project, Phase II be Determined Withdrawn

Associate Planner Cangson reported on this item.

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

Based on its discussion, Council took the following actions:

- a. Council accepted a summary of the Pipeline Analysis Survey Results.

- b. Councilmember Goble moved to adopt Resolution No. 2828-11 of the Town Council of the Town of Windsor Authorizing a Twenty-Four (24) Month Suspension for Processing the Windsor Gateway Project with the following provision:

1) The project applicant shall dedicate right-of-way (and associated construction easements) necessary to complete roundabout construction at the intersection of Windsor Road/Old Redwood Highway, as approved by the Town Engineer and within 30 days of a request from the Town of Windsor. Failure to comply with the Town's request may result in the Town Council considering the two-year suspension for processing the Windsor Gateway project.

Councilmember Salmon seconded the motion. The motion passed by a 5/0 vote.

- c. Councilmember Goble moved to adopt Resolution No. 2829-11 of the Town Council of the Town of Windsor Determining the Application for the Oaks at Windsor Village, Phase II as Withdrawn. Councilmember Scholar seconded the motion. The motion passed by a 5/0 vote.

11.5 Status Report on the PG&E Substation

(Clerk's Note: This item was considered in advance of Item 11.3.)

11.6 Selection of the Annual 2011 League of California Cities Conference Voting Delegate and Alternate

Vice Mayor Fudge moved to select Mayor Allen as the voting delegate and Vice Mayor Fudge and Councilmember Salmon as alternates for the annual 2011 League of California Cities Conference that will be held Wednesday, September 21 through Friday, September 23, 2011. Councilmember Salmon seconded the motion. The motion passed by a 5/0 vote.

At this time Item 9.4 was considered.

9.4 Response to 2010-2011 Grand Jury Report

Approved and authorized the transmittal of the Town Council's response to the 2010-2011 Sonoma County Grand Jury Report's specific findings and recommendations on reports entitled: *The Need for a Whistleblower Program in Sonoma County; Doing Nothing About Education is No Longer an Option; and Improvements Needed in the Town of Windsor.*

Councilmember Salmon explained the reasons why he asked that this item be pulled from the Consent Calendar.

Council directed staff to make some minor modifications to the Sonoma County Civil Grand Jury letters regarding *The Need for a Whistleblower Program in Sonoma County; Doing Nothing About Education is No Longer an Option; and Improvements Needed in the Town of Windsor.*

12. FEDERAL, STATE OR LOCAL LEGISLATION

Discussion and/or action on proposed legislation or issues.

12.1 League of California Cities

Activities, Actions or Recommendations on behalf of 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

No reports were made.

13.2 Reports on Meetings/Conferences

Vice Mayor Fudge reported on her attendance at the August 11, 2011 Mayors' and Councilmembers' Association meeting during which CalPers made a presentation on the Retirement System Overview.

It was noted that copies of the CalPers Retirement System Overview presentation would be provided to Councilmembers that were unable to attend the meeting.

13.3 Reports from Councilmembers on activities of miscellaneous agencies

Vice Mayor Fudge reported on SMART activities.

13.4 Requests for Future Council Agenda Items

Councilmember Salmon asked staff to agendize on a future agenda an item on the Sonoma County Health Service on Food Forum.

13.5 Upcoming Business Visitations

None.

14. TOWN MANAGER'S REPORT (ORAL REPORT)

Town Manager Mullan noted that Council will be adjourning to a Special Joint Town Council and Planning Commission meeting on Tuesday, August 23, 2011 to discuss the Bell Village project.

Mayor Allen acknowledged Assistant Town Manager Christa Johnson's accomplishments during her employment with the Town and wished her luck in her future job in Laguna Beach.

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

Mayor Allen announced the following closed session topic and Council adjourned to a Closed Session in the Wild Oak Room at 11:00 p.m.

15.1 CONFERENCE WITH LEGAL COUNSEL

Initiation of Litigation (Government Code Section 54956.9(c) (one matter)

16. REPORT OUT OF CLOSED SESSION

The Closed Session adjourned at 11:30 p.m. No action was taken during the Closed Session.

17. ADJOURNMENT

The meeting adjourned at 11:30 p.m. to a Special Joint Town Council and Planning Commission meeting scheduled for Tuesday, August 23, 2011 at 6:00 p.m., in the Civic Center Council Chambers located at 9291 Old Redwood Highway, Building 400 in Windsor.

Maria De La O, CMC
Town Clerk