

RESOLUTION NO. 2109-07

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
SELECTING A PREFERRED POND CONFIGURATION FOR PRELIMINARY
DESIGN AND SUPPLEMENTAL ENVIRONMENTAL REVIEW FOR THE
EASTSIDE ROAD STORAGE PROJECT**

WHEREAS, on February 7, 2001, the Town Council of the Town of Windsor reviewed and considered for certification the Environmental Impact Report for the Town of Windsor Water Reclamation Master Plan for Treatment, Storage, and Disposal, consisting of the draft Environmental Impact Report dated October 2000 and the Response to Comments document dated January 2001 (collectively the "2001 EIR"), and;

WHEREAS, on February 7, 2001, based on its review and consideration of the 2001 EIR, the Town Council adopted Resolution No. 995-01, certifying the following:

- A. The 2001 EIR was completed in compliance with CEQA, the State CEQA Guidelines, and the Town of Windsor's Environmental Guidelines.
- B. The 2001 EIR was presented to the Town Council, who reviewed and considered the information therein prior to approving the 2001 Town of Windsor Water Reclamation Master Plan for Treatment, Storage, and Disposal and selecting an implementation alternative.
- C. The 2001 EIR reflects the Town's independent judgment and analysis as to the potential environmental impacts of approving and implementing the Master Plan.

WHEREAS, on March 7, 2001, the Town Council of the Town of Windsor adopted Resolution No. 1006-01, adopting a Water Reclamation Master Plan for Treatment, Storage, and Disposal consisting of the Alternative 4X Implementation Alternative (the "2001 Master Plan"), adopting priorities for the use of reclaimed water, and adopting related mitigation findings, a statement of overriding considerations (the "2001 Statement of Overriding Considerations"), and a mitigation monitoring program, and;

WHEREAS, Ponds S and T and ancillary facilities thereto are essential elements of the 2001 Master Plan, as adopted by the Town Council on March 7, 2001, and the implementation alternative described therein, and;

WHEREAS, Ponds S and T and ancillary facilities thereto were reviewed at the project level in the 2001 EIR, as certified by the Town Council on February 7, 2001, and;

WHEREAS, unavoidable tree loss impacts and unavoidable cumulative long term impacts to biological resources through loss of trees and related woodland habitat resulting from construction of Ponds S and/or T were the subject of the 2001 Statement of Overriding adopted by the Town Council on March 7, 2001, and;

WHEREAS, on November 1, 2006, the Town Council adopted Resolution No. 1984-06, authorizing the Town Manager to execute a professional services agreement with CH2M HILL, Inc., to perform Phase 1A, Preliminary Analysis Services with respect the Pond S and T project, and said agreement was subsequently executed, and;

WHEREAS, said Phase 1A, Preliminary Analysis Services have now been completed, and;

WHEREAS, during the period of performance of said Preliminary Analysis Services the project formerly known as the Pond S and T Project has been renamed the Eastside Road Storage Project, without change to the nature or scope of the project, and;

WHEREAS, on August 1, 2007, the Town Council received a report of the results of Phase 1A, Preliminary Analysis Services for the Eastside Road Storage Project, including recommendations that:

1. Phase 1B, Preliminary Design and Supplemental Environmental Review Services for the Eastside Road Storage Project be undertaken on the basis of a medium-sized storage pond to be constructed at Site T of approximately 215 million gallons as the preferred pond configuration, preserving the option for a future pond at Site S.
2. A Supplemental Environmental Impact Report be prepared for the proposed project, tiering from the 2001 EIR, focusing on the effects of changed conditions and new project-level information obtained since the preparation of the 2001 EIR.
3. Preservation in perpetuity of appropriate portions of the oak woodland and grassland habitats occupying portions of the project site not impacted by construction of Pond S and/or T or facilities ancillary thereto be pursued as a potential mitigation for the oak woodland and grassland habitat impacts, including tree loss, resulting from said construction.

WHEREAS, the Town Council has considered the results of Phase 1A, Preliminary Analysis Services for the Eastside Road Storage Project, including said recommendations;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Windsor directs that Phase 1B, Preliminary Design and Supplemental Environmental Review Services for the Eastside Road Storage Project be undertaken on the basis of a medium-sized storage pond to be constructed at Site T of approximately 215 million gallons as the preferred pond configuration, preserving the option for a future pond at Site S; and

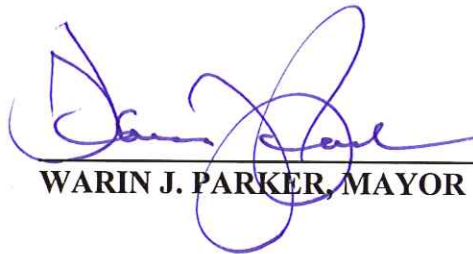
BE IT FURTHER RESOLVED that the Town Council directs that a Supplemental Environmental Impact Report be prepared for the proposed project, tiering from the 2001 EIR, focusing on the effects of changed conditions and new project-level information obtained since the preparation of the 2001 EIR.

BE IT FURTHER RESOLVED that the Town Council directs that preservation in perpetuity of appropriate portions of the oak woodland and grassland habitats occupying portions of the project site not impacted by construction of Pond S and/or T or facilities ancillary thereto be pursued as a potential mitigation for the oak woodland and grassland habitat impacts, including tree loss, resulting from said construction.

BE IT FURTHER RESOLVED that the Town Council hereby authorizes the Town Manager to negotiate the scope and not-to-exceed amount for Phase 1B, Preliminary Design and Supplemental Environmental Review Services with CH2M MILL, Inc., with authorization of the Town Manager to execute the resulting amendment to the existing professional services agreement with CH2M HILL for the Eastside Road Storage Project to be subject to further Town Council action; and

PASSED, APPROVED AND ADOPTED this 1st day of August 2007, by the following vote:

**AYES: COUNCILMEMBERS ALLEN, FUDGE, SALMON AND
MAYOR PARKER**
NOES: NONE
ABSTAIN: NONE
ABSENT: COUNCILMEMBER GOBLE


WARIN J. PARKER, MAYOR

ATTEST:


MARIA DE LA O, TOWN CLERK