

RESOLUTION NO. 2848-11

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
APPROVING A RESERVOIR PROJECT SETTLEMENT AGREEMENT AND AN
AMENDED AND RESTATED THIRD AGREEMENT FOR DELIVERY AND USE OF
RECLAIMED WATER BETWEEN THE TOWN OF WINDSOR AND SONOMA COUNTY
JUNIOR COLLEGE DISTRICT AT THE SRJC SHONE FARM AND AUTHORIZING
THE TOWN MANAGER TO EXECUTE THE AGREEMENTS ON BEHALF OF THE
TOWN**

WHEREAS, the Town of Windsor (“Town”) and the Sonoma County Junior College District (previously referred to as the Santa Rosa Junior College District) (“SRJC”) executed an agreement for Delivery and Use of Reclaimed Water at the SRJC Shone Farm on February 16, 2000 (“Original Agreement”); and

WHEREAS, the Town and the SRJC, under the terms of the Original Agreement, have cooperatively developed and are operating a reclaimed water irrigation system that supplies recycled water to over 50 acres of pastures, hay crops, and fruit trees at the SRJC Shone Farm, with the planned connection of irrigation for more than 60 acres of vineyard; and

WHEREAS, the Original Agreement provided that a reclaimed water storage reservoir would be constructed on the Shone Farm, with costs for design and construction reimbursed by the Town to the SRJC subject to the terms and conditions of an amendment to said agreement, and

WHEREAS, pursuant to Town Council Resolution No. 1983-06, a Third Amendment (“2006 Third Amendment”) establishing the terms and conditions for design and construction of a reclaimed water storage reservoir of approximately 40 million gallons was executed by the Town and SRJC on November 1, 2006; and

WHEREAS, the 40-million-gallon reservoir anticipated by the 2006 Third Amendment would have been of sufficient size to both serve the SRJC Shone Farm and to also provide additional storage capacity beneficial to the overall operation of the Town’s recycled water system; and

WHEREAS, on or about February 7, 2008, due to significant increases in projected costs resulting from unfavorable soil conditions encountered during predesign of the 40-million-gallon reservoir, the Town exercised its right to terminate further actions under the 2006 Third Amendment regarding the 40-million-gallon reservoir project; and

WHEREAS, an Amended and Restated Third Amendment, replacing its entirety the 2006 Third Amendment, was negotiated by the Town and SRJC in good faith to address the specific terms and conditions under which a reclaimed water storage reservoir of approximately 8 million gallons serving the SRJC Shone Farm would be designed, constructed, and operated by SRJC, subject to reimbursement of project costs by the Town in accordance with the provisions of said Amended and Restated Third Amendment; and

WHEREAS, SRJC has decided not to further pursue the construction of a reservoir due to the uncertainties of the Regional Water Quality Control Board's permitting requirements and a reassessment of the need for a reservoir for frost protection; and

WHEREAS, the Town and SRJC have agreed to a Reservoir Project Settlement Agreement and a new Amended and Restated Agreement for Delivery and Use of Reclaimed Water;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Windsor hereby approves and authorizes the Town Manager to execute a Reservoir Project Settlement Agreement and an Amended and Restated Agreement for Delivery and Use of Reclaimed Water between the Town of Windsor and the Sonoma County Junior College District Shone Farm substantially similar to that on file in the Office of the Town Clerk.

PASSED, APPROVED AND ADOPTED this 5th day of October 2011, by the following vote:

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



STEVE ALLEN, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK