

**RESOLUTION NO. 2010-07**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR  
ACCEPTING AND APPROVING FINDINGS OF THE WINDSOR FIRE PROTECTION  
DISTRICT AND MAKING FINDINGS REQUIRED BY HEALTH AND SAFETY CODE  
SECTION 33445 FOR THE FUNDING OF THE WINDSOR FIRE STATION NO. 2  
PROJECT AND WINDSOR ROAD DEVELOPMENT PROJECT BY THE  
REDEVELOPMENT AGENCY OF THE TOWN OF WINDSOR**

**WHEREAS**, a report prepared by Citygate Associates, LLC entitled *Strategic Plan for Financing and Operations in the Windsor Fire Protection District – Final Report April 18, 2006* found that due to the fiscal capacity of the Town of Windsor (“Town”) and the Windsor Fire Protection District (“Fire District”), fire protection and emergency medical services service levels were below safety service levels more typical of other similar suburban communities; and

**WHEREAS**, the Strategic Plan determined that without an increase in current funding levels, the safety service levels of the Fire District are inadequate to meet the risk needs of the Town; and

**WHEREAS**, the Strategic Plan recommended a number of steps that could be taken by the Fire District, Town, and Town of Windsor Redevelopment Agency (“Agency”) to address the funding shortfall of the District; and

**WHEREAS**, on September 21, 2006, the Town Council of the Town of Windsor (“Town Council”), Agency and the Fire District executed a Memorandum of Understanding providing terms on which the Town or Agency might participate in the construction of a new fire station on the west side of Town (“Fire Station No. 2”) to address funding shortfalls of the Fire District; and

**WHEREAS**, the MOU also provides for the Town and the Agency to assist the Fire District by purchasing real property owned by the Fire District at fair market value while also selling real property owned by the Town to the Fire District for a purchase price of \$1.00 contingent upon voter approval of a special tax measure for the Fire District; and

**WHEREAS**, the voters approved a special tax measure for the Fire District at the election held on November 7, 2006; and

**WHEREAS**, on November 21, 2006 the Board of Directors of the Fire District adopted Resolution No. 303 making findings pursuant to Health and Safety Code Section 33445 concerning the financial assistance offered by the Town and Agency pursuant to the MOU; and

**WHEREAS**, on January 3<sup>rd</sup>, 2007, the Town of Windsor Redevelopment Agency conducted a public hearing and adopted the amended and restated Town of Windsor Redevelopment Agency’s Five-Year Implementation Plan to include the Windsor Fire Station No. 2 Project and Windsor Road Development Project on the Agency’s list of proposed programs and expenditures; and

**WHEREAS**, the Town of Windsor Redevelopment Agency proposes to fund the projects by contributing \$5.5M to the Projects from Tax Allocation Bond proceeds; and

**WHEREAS**, pursuant to Health and Safety Code Section 33445, the Agency is authorized, with the consent of the Town Council, to pay part or all of the cost of construction of buildings and facilities that are publicly owned upon making the findings pursuant to Health and Safety Code Section 33445; and

**WHEREAS**, a Summary Report has been prepared pursuant to the provisions of the Health and Safety Code 33679 describing the findings required by Health and Safety Code Section 33445 and is attached hereto and incorporated herein as a part of this resolution; and

**WHEREAS**, notice of the public hearing and the availability of the Summary Report was posted in four locations within the Project Area and published in the Windsor Times, a newspaper of general circulation in the Town of Windsor, as required by Section 33679 of the Community Redevelopment Law.

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Windsor as follows:

1. The Town Council hereby finds and determines:
  - (a) That the findings contained with Resolution No. 303 adopted by the District on November 21, 2006 is hereby accepted and approved.
  - (b) That the Windsor Fire Protection District Fire Station No. 2 project and Windsor Road Development Project is of primary benefit to the Redevelopment Project Area or the immediate area in which the Redevelopment Project is located. The Fire Station project will benefit the project area by enabling WFPD to provide enhanced levels of fire protection services and emergency medical responses to the project area in addition to areas outside the project area. Additionally, the Fire Station project will provide a newly designed station that is ADA accessible and contains adequate space for new and existing firefighting staff and equipment. The Windsor Road Development Project, located in the heart of Old Downtown Windsor, will benefit the project area though the assemblage of currently small-underutilized parcels into a larger site that will support an efficient and attractive development project for commercial, residential, tourist, and/or office activity consistent with the goals of the Redevelopment Plan. Additionally, with development of the Windsor Road Development Project by a private developer, the subject properties will be added to the tax roll.
  - (c) That no other reasonable means of financing the construction of the Windsor Fire Protection District Fire Station No. 2 project and Windsor Road Development Project are available to the community. The Town and the WFPD lack the necessary financial resources to fund the construction of a new fire station, acquire the existing fire station parcel and adjacent parcel, and assemble said parcels into a developable project. The report prepared by Citygate Associates, LLC entitled *Strategic Plan for Financing and Operations in the Windsor Fire Protection District – Final Report April 18, 2006* incorporated herein by reference found upon review of the budgets, revenue sources, expenditure patterns and annual financial audits of the Town and Fire District that the Town of Windsor and the WFPD do not have the unrestricted general fund revenue to support the construction of a fire station without reducing other vital services provided to

the community. The same report finds that the Town appears to have the capacity through its Redevelopment Agency and current Fire Impact Fee revenue from new development to provide the District assistance in constructing its new fire station and buying needed new and replacement fire equipment. However, because of the limited amount of growth permitted under the Town's growth control ordinance, fire impact fees do not generate sufficient funds to meet the capital needs of the district. Furthermore the voters recently approved a special tax measure referred to as Measure K, which will support operational costs of the WFPD including staffing. However, the property tax revenue from this tax measure is not available for capital facilities such as a new fire truck or fire station. None of the redevelopment funds used to construct the Windsor Fire Protection District Fire Station No. 2 project and Windsor Road Development Project will be used to pay for employee or contractual services of any local government agency except for services directly relating to the construction of the Fire Station; and

- (d) That the payment of funds for the cost of acquisition of the Windsor Fire Protection District Fire Station No. 2 project site and Windsor Road Development Project sites and the construction of the Fire Station will assist in the elimination of one or more blighting conditions inside the Redevelopment Project Area and is consistent with the Agency's Implementation Plan for the Redevelopment Project adopted pursuant to Health and Safety Code Section 33490 because the construction of a new fire station will further stimulate economic growth and the reuse of the current fire station site within the project are will allow for additional development opportunities for retail, housing or commercial development.

**PASSED, APPROVED AND ADOPTED this 3<sup>rd</sup> day of January 2007 by the following vote:**

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

  
**WARIN J. PARKER, MAYOR**

**ATTEST:**

  
**MARIA DE LA O, TOWN CLERK**