

RESOLUTION NO. 2527-09

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
AUTHORIZING THE USE OF \$100,000 OF TAX INCREMENT FUNDS FOR PUBLIC
IMPROVEMENTS OF BENEFIT TO THE TOWN OF WINDSOR AND MAKING FINDINGS
REQUIRED BY HEALTH AND SAFETY CODE SECTION 33445 FOR THE FUNDING OF
THE PUEBLO VIEJO PARK DRAINAGE PROJECT BY THE REDEVELOPMENT
AGENCY OF THE TOWN OF WINDSOR IN THE AMOUNT OF \$100,000**

WHEREAS, the Town of Windsor Redevelopment Agency (the “Agency”) is responsible for carrying out redevelopment of the Redevelopment Project Area (the “Project Area”) in the Town of Windsor (the “Town”) in accordance with the Redevelopment Plan and California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*) (the “CRL”), including the construction and installation of public improvements consistent with the Redevelopment Plan; and

WHEREAS, the Town proposes to pay all or a portion of the cost of the planning, design and construction of new park improvements referred to as the Pueblo Viejo Park Drainage Project located on 3rd Street within the Project Area; and

WHEREAS, the Agency Board of Directors adopted Resolution 2479-09 on June 3, 2009, which among other things adopted the budget and work plans for the Redevelopment Agency for Fiscal Year (FY) 2009-10; and

WHEREAS, the Agency’s work plan describes the redevelopment activities, projects and programs planned to be undertaken by the Agency during FY 2009-10; and

WHEREAS, the Agency allocates funding for certain redevelopment projects in the Town of Windsor 2009-2014 Capital Improvement Program (CIP) including the Pueblo Viejo Park Drainage Project; and

WHEREAS, the Agency proposes to fund the Pueblo Viejo Park Drainage Project by contributing up to a total of \$100,000 to the Project from the Redevelopment Capital (non-housing) project fund for drainage improvements; and

WHEREAS, Section 33445 of the California Health and Safety Code requires that the local legislative body shall make certain finding that the use of Redevelopment Agency funds for public improvements benefits the Project Area, assist in the elimination of blighting conditions and that no other reasonable means exist to finance the improvements; and

WHEREAS, the Windsor Redevelopment Agency’s Five-Year Implementation Plan contains the following redevelopment goals and objectives regarding Windsor’s downtown, residential neighborhoods in the Project Area Project:

Redevelopment Goals

- 1) Revitalize Windsor’s historic downtown so that it may become an efficient and attractive center for commercial, residential, tourist, and office activity to serve a growing community.

- 2) Strengthen existing residential neighborhoods and expand the stock of affordable housing within the Project Area.

Redevelopment Objectives

- 1) Provide public parks, open space, civic and community facilities in a manner that will create a focus of civic and economic activity facilitating overall development of the Project Area.
- 2) Assist in correcting public infrastructure and public open space deficiencies.; and

WHEREAS, CRL Section 33445 provides that a redevelopment agency may, with the consent of the legislative body of the benefited public entity, pay for the cost of buildings, facilities and other improvements which are publicly owned if the legislative body determines all of the following:

1. The buildings, facilities or improvements are of benefit to the project area or the immediately surrounding neighborhood;
2. No other reasonable means of financing the buildings, facilities or improvements are available; and
3. The payment of funds for the acquisition of land or the cost of buildings, facilities or other improvements will assist in the elimination of one or more blighting conditions inside the project area, and will be consistent with the implementation plan adopted by the redevelopment agency; and

WHEREAS, the findings required by Health and Safety Code Section 33445 is incorporated herein as a part of this resolution; and

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

1. The Town Council hereby finds and determines the following pursuant to Health and Safety Code Section 33445:
 - (a) That the Pueblo Viejo Park Drainage Project is of primary benefit to the Redevelopment Project Area or the immediate area in which the Redevelopment Project is located. The Pueblo Viejo Park Drainage Project will improve the use of Pueblo Viejo Park by residents in the project area. The project site is located in a right-of-way (alley) owned by the Town of Windsor which stretches between Third Street and Fourth Street. Pueblo Viejo Park, located on the southwest corner of Third Street and Franklin Street, includes a drainage system which outlets to the alley via a 6-inch diameter pipe. Since the time of park construction, the drainage system outlet pipe has become blocked. As a result, the park has experienced flooding during the winter due to the blocked storm drain system. The scope of this project is to install a new 18-inch diameter storm drain pipe in the alley and connect the existing park drainage outlet pipe to the existing storm drain structure at the west end of the alley at Fourth Street. A grated drop inlet will be included in the design to collect surface runoff within the alley. The Pueblo Viejo Park Drainage Project will continue to support Redevelopment Plan and Implementation Plan goals and objectives by correcting public infrastructure and public open space deficiencies.

- (b) That no other reasonable means of financing the construction of the Pueblo Viejo Park Drainage Project is available to the community. The current cost estimate for the Pueblo Viejo Park Drainage project identifies a cost of approximately \$100,000. The Town of Windsor lacks the necessary financial resources including general fund revenue, impact fee revenue and or special assessments to fund the construction of the Pueblo Viejo Park Drainage Project. Due to lack of available revenue from the General Fund, park impact fees accounts and/or special assessments sources, the only available source of funding for the Pueblo Viejo Park Drainage Project is Tax Increment from the Agency. No other means of financing is currently available to pay for the Pueblo Viejo Park Drainage project. None of the redevelopment funds used to construct the Pueblo Viejo Park Drainage 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 Pueblo Viejo Park Drainage Project; and
- (c) That the payment of funds for the Pueblo Viejo Park Drainage Project 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. Pueblo Viejo Park is a neighborhood park that provides play equipment, picnic facilities, and open space. Improvement of parks and open space and correcting public infrastructure and public open space deficiencies is identified as a redevelopment objective in the Implementation Plan necessary for the elimination of blight in the project area.

PASSED, APPROVED AND ADOPTED this 19th day of August 2009, by the following vote:

**AYES: COUNCILMEMBERS ALLEN, FUDGE, SALMON, SCHOLAR AND
MAYOR GOBLE**

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



ROBIN R. GOBLE, MAYOR

ATTEST:


BRIGITTE GRAHAM, DEPUTY TOWN CLERK