

RESOLUTION NO. 2620-10

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
ACKNOWLEDGING RECEIPT OF DOCUMENTS FROM THE TOWN OF WINDSOR
REDEVELOPMENT AGENCY PERTAINING TO THE PROPOSED FIFTH
AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE WINDSOR
REDEVELOPMENT PROJECT AND CONSENTING TO AND
CALLING A JOINT PUBLIC HEARING WITH THE AGENCY**

WHEREAS, the Sonoma County Board of Supervisors adopted Ordinance No. 3378 on November 27, 1984, approving and adopting the Redevelopment Plan for the Windsor Redevelopment Project (“Redevelopment Plan” or “Plan”); and

WHEREAS, jurisdiction of the Windsor Redevelopment Project Area (“Project Area”) was transferred from the County of Sonoma Community Development Commission to the Town of Windsor Redevelopment Agency (“Agency”) by a Transfer Agreement dated February 24, 1993, and effective July 1, 1993, prepared pursuant to Health and Safety Code Section 33215; and

WHEREAS, the Agency, a public body corporate and politic, is a redevelopment agency duly organized pursuant to Community Redevelopment Law [(“CRL”)] (California Health and Safety Code Section 33000 et seq.), and pursuant thereto has responsibility to carry out the Redevelopment Plan for the Project Area and to formulate a redevelopment project or projects within the Town of Windsor; and

WHEREAS, the Redevelopment Plan has been amended four times (as amended, the “Existing Plan”) to, among other things, conform the limits as required by Assembly Bill 1290, increase the financial limits, extend eminent domain and add public improvements, extend Plan effectiveness and debt repayment/receipt of tax increment per Senate Bill 1045 by one year for payments made to the Education Revenue Augmentation Fund (“ERAF”) in fiscal year 2003/04, and to extend Plan effectiveness and debt repayment/receipt of tax increment per Senate Bill 1096 for two years for payments made to the ERAF in fiscal years 2004/05 and 2005/06; and

WHEREAS, the Agency again desires to amend the Existing Plan (“Fifth Amendment” or “Amendment”) to: 1) extend plan effectiveness by 10 years; 2) extend the time period for collection of tax increment/repayment of debt by 10 years; 3) increase the tax increment limit; 4) increase the bond debt limit; 5) repeal the debt establishment limit; 6) re-establish eminent domain over non-residential uses; 7) add certain public improvements and facilities to the list to eligible projects and facilities the Agency may undertake; 8) add territory; and 9) make certain technical corrections to the Redevelopment Plan; and

WHEREAS, on August 19, 2009, by Resolution No. 2531-09, the Town Council designated a redevelopment survey area and directed the Planning Commission of the Town of Windsor (“Planning Commission”) to select the boundaries of the area to be added to the Project Area from within the boundaries of the redevelopment survey area and formulate a preliminary plan for the Redevelopment Plan of the proposed added areas; and

WHEREAS, on August 25, 2009, the Planning Commission of the Town of Windsor (“Planning Commission”), by Resolution No. 573-09, selected and designated the boundaries of the area proposed to be included within the Project Area (“Fifth Amendment Added Area” or “Added Area”), approved a Preliminary Plan and submitted said Preliminary Plan to the Agency; and

WHEREAS, on October 21, 2009, the Agency, by Resolution No. 2561-09 RDA, accepted the Preliminary Plan and directed preparation of a Preliminary Report for the Fifth Amendment; and

WHEREAS, the Agency has prepared a proposed Amended and Restated Redevelopment Plan (“Amended and Restated Redevelopment Plan”) incorporating the Fifth Amendment; and

WHEREAS, on December 2, 2009, by Resolution No. 2592-09 RDA, the Agency approved the Preliminary Report for the Fifth Amendment to the Redevelopment Plan for Windsor Redevelopment Project and authorize transmittal of the report to the affected taxing agencies, the Department of Finance (“DOF”), the Department of Housing and Community Development (“HCD”) and other interested persons and organizations; and

WHEREAS, on December 2, 2009, by Resolution No. 2593-09 RDA, the Agency received the Fifth Amendment as incorporated in the Amended and Restated Redevelopment Plan and authorized the transmittal of the Amended and Restated Redevelopment Plan to the Planning Commission for its report and recommendation and to the affected taxing agencies and other interested persons and organizations; and

WHEREAS, on December 2, 2009, by Resolution No. 2594-09 RDA, the Agency accepted and authorized the circulation of the Draft Environmental Impact Report prepared for the Fifth Amendment; and

WHEREAS, on December 2, 2009, by Resolution No. 2595-09, the City Council determined that a Project Area Committee need not be formed in the preparation of the Fifth Amendment and directed the Fifth Amendment be provided to and the Agency consult with residents, property owners, business owners, and existing civic and business organizations; and

WHEREAS, on December 8, 2009, the Planning Commission, by Resolution No. 576-09 determined the Amended and Restated Redevelopment Plan to be consistent with the Town of Windsor General Plan and recommended that the Agency and Town Council approve and adopt the Fifth Amendment; and

WHEREAS, the Agency has caused to be prepared a Report to the Town Council on the proposed Fifth Amendment (“Agency’s Report”) pursuant to CRL Sections 33352, 33451.5 and 33333.11; and

WHEREAS, on February 17, 2010, by Resolution No. 2618-10 RDA, the Agency submitted the Agency’s Report, together with the proposed Amended and Restated Redevelopment Plan, to the Town Council and consented to and requested the Town Council call a joint public hearing of the Agency and Town Council for the purpose of considering the proposed Fifth Amendment; and

WHEREAS, CRL Sections 33355, 33458 and 33333.11 authorize the holding of a joint public hearing on the proposed Amendments with the consent of the Agency and the Town Council.

NOW, THEREFORE BE IT RESOLVED that

Section 1. The foregoing recitals are true and correct.

Section 2. The Town Council hereby acknowledges receipt of the proposed Fifth Amendment as incorporated in the Amended and Restated Redevelopment Plan and the Agency's Report to the Town Council prepared for the proposed Fifth Amendment pursuant to CRL Sections 33352, 33451.5 and 33333.11.

Section 3. The Town Council hereby consents to and, at the request of the Agency, calls a joint public hearing of the Agency and Town Council on Wednesday, April 7, 2010, at 6:00 p.m., or as soon thereafter as possible, in the Civic Center Council Chambers, located at 9291 Old Redwood Highway, Building 400, Windsor, California, for the purpose of considering the proposed Fifth Amendment and all documents and evidence pertaining thereto.

Section 4. The Town Clerk is hereby directed to work with Agency staff and advisors in the preparation, publishing and mailing of notice of the joint public hearing, as required by CRL Sections 33349, 33350, 33356, 33361, 33452 and 33333.11 of the CRL.


PASSED, APPROVED AND ADOPTED this 17th day of February 2010 by the following vote:

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



SAM SALMON, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK