

**RESOLUTION NO. 2664-10**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR  
ELECTING TO RECEIVE A PORTION OF THE TAX INCREMENTS  
ALLOCATED FROM THE WINDSOR REDEVELOPMENT PROJECT  
AS AMENDED BY THE PROPOSED FIFTH AMENDMENT  
PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 33607.5 AND 33607.7**

**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 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 Town 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**, on February 17, 2010, the Agency, by Resolution No. 2619-10 RDA, amended the Rules Governing Participation by Property Owners and the Extension of Reasonable Preferences to Business Occupants in the Windsor Redevelopment Project Area; and

**WHEREAS**, on February 17, 2010, the Agency, by Resolution No. 2618-10 RDA, approved and adopted the Agency’s Report to Town Council on the Fifth Amendment, submitted said Report and Amended and Restated Redevelopment Plan to the Town Council, consented to a joint public hearing with the Town Council on the Fifth Amendment and authorized and directed the

transmittal of the Report to Town Council with the notice of the joint public hearing to each of the affected taxing entities, HCD, DOF and to other interested persons and organizations; and

**WHEREAS**, on February 17, 2010, the Town Council, by Resolution No. 2620-10, acknowledged receipt of the Report to Town Council and the Fifth Amendment as incorporated in the Amended and Restated Redevelopment Plan from the Agency and consented to and call for a joint public hearing with the Agency on the Fifth Amendment; and

**WHEREAS**, CRL Sections 33607.5 and 33607.7 provide that the Agency must make certain payments to affected taxing entities in connection with the adoption of the Added Area and certain amendments to the Redevelopment Plan; and

**WHEREAS**, CRL Section 33607.5(b) provides that the Town may elect to receive, and the Agency shall pay to it, an amount equal to the Town's proportionate share (among all other affected taxing entities) (the Town Share") of the payments made pursuant to Section 33607.5(b), referred to as "Tier 1 Payments"; and

**WHEREAS**, the Town Council desires to receive the Town Share of the Tier 1 Payments made by the Agency from the Windsor Redevelopment Project, as amended by the Fifth Amendment, for each remaining fiscal year of the Project Area, as amended by the Thirteenth Amendment.

**NOW, THEREFORE BE IT RESOLVED:**

**Section 1:** The foregoing recitals are true and correct and are a substantive part of this resolution.

**Section 2:** The Town Council hereby elects to receive the Town Share of the Tier 1 Payments made by the Agency from the Windsor Redevelopment Project as amended by the Fifth Amendment.

**Section 3:** The Town Clerk is hereby directed and authorized to transmit a copy of this resolution to the Executive Director of the Agency.

**PASSED, APPROVED AND ADOPTED this 7<sup>th</sup> day of April 2010 by the following vote:**

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

  
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**SAM SALMON, MAYOR**

**ATTEST:**  
  
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**MARIA DE LA O, TOWN CLERK**