

RESOLUTION NO. 2728-10 TC/RDA

**A JOINT RESOLUTION OF THE TOWN COUNCIL AND
THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY
OF THE TOWN OF WINDSOR AUTHORIZING THE USE OF \$60,000 OF
TAX INCREMENT FUNDS FOR PUBLIC IMPROVEMENTS OF
BENEFIT TO THE TOWN OF WINDSOR AND MAKING FINDINGS
REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE SECTION
33445 FOR THE STARR ROAD IMPROVEMENT PROJECT**

WHEREAS, the Town of Windsor Redevelopment Agency (the “Agency”) is responsible for carrying out redevelopment of the Windsor 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 budgeted \$41,700 in Fiscal Year 2009-2010 and \$23,300 in Fiscal Year 2010-2011 to assist with the funding of Improvements on Starr Road (the “Starr Road Improvement Project”); and

WHEREAS, the Starr Road Improvement Project is situated within the Project Area on Starr Road adjacent to Cal Calmecac Language Academy; and

WHEREAS, the Town applied for funding under the Safe Routes to School Program and the application for funding was denied; and

WHEREAS, the only funding source available for the completion of the Starr Road Improvement Project is the Windsor Redevelopment Agency; and

WHEREAS, the Town proposes to use redevelopment funds in the amount of Sixty Thousand Dollars (\$60,000) to reimburse the Windsor Unified School District (“District”) for undertaking the Starr Road Improvement Project; and

WHEREAS, the Windsor Unified School District (“District”) desires to utilize redevelopment funding to carry out the Starr Road Improvement Project as part of undertaking the Cali Calmecac Language Academy Campus Improvements project; and

WHEREAS, the Town is authorized to enter into Reimbursement Agreement (“Agreement”) with the District to carry out the Starr Road Improvement Project; and

WHEREAS, on August 3, 2010 the Board of Trustees of the District adopted Resolution No. 2011-01 approving the Agreement and making findings pursuant to Health and Safety Code Section 33445 concerning the reimbursement of the District in an amount not to exceed \$60,000 in RDA funding for undertaking the Starr Road Improvement Project; and

WHEREAS, the Town approved the Agreement agreeing to reimburse the District for carrying out the Starr Road Improvement Project on September 1, 2010; and

WHEREAS, CRL Section 33445 provides that a redevelopment agency may, with the consent of the legislative body, pay for the cost of buildings, facilities and other improvements, which are publicly owned and located inside or contiguous to a project area if the legislative body determines all of the following:

1. That the acquisition of land or the installation or construction of the buildings, facilities, structures, or other improvements that are publicly owned are of benefit to the project area by helping to eliminate blight within the project area or providing housing for low- or moderate-income persons.
2. That no other reasonable means of financing the acquisition of the land or installation or construction of the buildings, facilities, structures, or other improvements that are publicly owned, are available to the community.
3. That the payment of funds for the acquisition of land or the cost of buildings, facilities, structures, or other improvements that are publicly owned is consistent with the implementation plan adopted pursuant to Section 33490.

WHEREAS, the Starr Road Improvement Project will benefit the Project Area by providing a safer environment for pedestrians in the Project Area including provision for a safer means for students to cross Starr Road and for parents dropping off and picking up their children at Cali Calmecac Academy located immediately adjacent to the Redevelopment Project Area on Starr Road. The Starr Road Improvement Project includes the following pedestrian improvements:

- Relocation of the crosswalk beacon and related conduit and wiring;
- Removal of the existing crosswalk;
- Installation of a new crosswalk; and
- Installation of a streetlight within the public right-of-way adjacent to the Starr Road crosswalk pedestrian ramp.

The results of the improvements will help to eliminate physical blighting conditions associated with faulty or inadequate street infrastructure in the Project Area; and

WHEREAS, by Resolution the District has made a finding that it has no other reasonable means of financing the Starr Road Improvement Project, and the Town has no other reasonable means of financing the Starr Road Improvement Project, in that there is no unrestricted general fund revenue available for such purposes without a reduction in other vital community services and there are not sufficient traffic impact fees or gas tax revenues or other special grants funds including the Safe Routes to School Grant Program to undertake the Starr Road Improvement project; and

WHEREAS, the payment of funds for the Starr Road Improvement Project is consistent with the Town of Windsor Redevelopment Agency Implementation Plan adopted pursuant to Health and Safety Code Section 33490. The Implementation Plan contains Goals and Objectives the purpose of which are to eliminate and prevent the spread of blight and deterioration in the Town of Windsor Redevelopment Project Area. The Goals and Objectives of the Implementation Plan include the following:

1. Assist in correcting public infrastructure and public open space deficiencies.

The Project is determined to be consistent with the above listed goal and objective of the Town of Windsor Redevelopment Agency Implementation Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF WINDSOR REDEVELOPMENT AGENCY AND THE TOWN COUNCIL OF THE TOWN OF WINDSOR AS FOLLOWS:

Section 1. Pursuant to CRL Section 33445, the Town of Windsor Redevelopment Agency finds that: (i) the expenditure of tax increment funds to undertake the Starr Road Improvement Project will be of benefit to the Project Area by helping to eliminate blight within the Project Area; (ii) no other reasonable means of financing the public improvements is reasonably available; and (iii) completion of the Starr Road Improvement Project is consistent with the Implementation Plan adopted for the Project Area.

Section 2. The Board of Directors of the Redevelopment Agency approves the expenditure of Sixty Thousand Dollars (\$60,000) in tax increment funds for the Project.

Section 3. The Town Council of the Town of Windsor finds that: (i) the expenditure of tax increment funds to undertake the Project will be of benefit to the Project Area by helping to eliminate blight within the Project Area; (ii) no other reasonable means of financing the public improvements is reasonably available; and (iii) completion of the Project is consistent with the Implementation Plan adopted for the Project Area.

Section 4. The Town Council of the Town of Windsor consents to the expenditure of \$60,000 in tax increment funds for the Starr Road Improvement Project pursuant to the Reimbursement Agreement with the District as described herein.

Section 5. The Town Manager and Executive Director of the Town of Windsor Redevelopment Agency is hereby authorized to reimburse the District in an amount not to exceed \$60,000 pursuant to the Reimbursement Agreement with the District and to execute such other documents and take such other actions as necessary or appropriate to complete the Starr Road Improvement Project.

PASSED, APPROVED AND ADOPTED this 1st day of September 2010, by the following vote:

AYES: COUNCILMEMBERS / MEMBERS ALLEN, FUDGE, GOBLE, SCHOLAR AND MAYOR / CHAIR SALMON

NOES: NONE


ABSTAIN: NONE

ABSENT: NONE



**SAM SALMON, MAYOR AND
CHAIR, REDEVELOPMENT AGENCY**

ATTEST:



**MARIA DE LA O, TOWN CLERK AND
SECRETARY, REDEVELOPMENT AGENCY**