

RESOLUTION NO. 2744-10 TC/RDA

**A JOINT RESOLUTION OF THE TOWN COUNCIL AND
THE BOARD OF DIRECTORS OF THE WINDSOR REDEVELOPMENT AGENCY OF
THE TOWN OF WINDSOR AWARDDING AND APPROVING A CONSTRUCTION
CONTRACT TO DAMA CONSTRUCTION INC. FOR THE 444 WINDSOR RIVER
ROAD DEMOLITION PROJECT IN THE AMOUNT OF \$28,826.00, AUTHORIZING
THE USE OF TAX INCREMENT FUNDS FOR PUBLIC IMPROVEMENTS OF
BENEFIT TO THE TOWN OF WINDSOR, MAKING FINDINGS REQUIRED BY
CALIFORNIA HEALTH & SAFETY CODE SECTION 33445 AND AUTHORIZING
THE TOWN MANAGER/EXECUTIVE DIRECTOR OF THE WINDSOR
REDEVELOPMENT AGENCY TO EXECUTE A CONSTRUCTION AGREEMENT
AND ANY REQUIRED CONSTRUCTION CHANGE ORDERS UP TO THE
AUTHORIZED PROJECT BUDGET.**

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, On April 2, 2008 the Town of Windsor, Agency and the Windsor Fire Protection District (“Fire District”) executed a restated and amended MOU whereby the Fire District agreed to sell their property to the Town in connection with the construction of Fire Station No.2; and

WHEREAS, the property commonly known as 444 Windsor River Road (Assessor's Parcel Number 066-081-077) is comprised of one (1) parcel, totaling approximately 0.28 acres, and is improved with a building that was previously used for a fire station; and

WHEREAS, Town staff included a project in the Fiscal Year 2009-14 Capital Improvement Program (CIP) for the acquisition of the property, lot line adjustment and development of a Development Agreement; and

WHEREAS, the Source of funding for the CIP is the Windsor Redevelopment Agency Capital (non-housing) fund; and

WHEREAS, the Agency acquired the property from the Fire District for the appraised price of \$220,000 and the property is now owned by the Town; and

WHEREAS, in order to prepare the property for redevelopment of the site, Town staff prepared bid specifications for the demolition of the fire station building; and

WHEREAS, on September 9, 2010, Town staff issued an Invitation to BID for the 444 Windsor River Road Demolition Project which included demolishing the old fire station building; and

WHEREAS, bids were received and opened for the 444 Windsor River Road Demolition Project on September 29, 2010 in accordance with the law; and

WHEREAS, the bid submitted by DAMA Construction Inc. in the amount of \$28,826.00 is the lowest responsive bid; and

WHEREAS, the Town desires to utilize funds from the Redevelopment Agency Capital Project Fund for the 444 Windsor River Road Demolition Project (the "Project"); and

WHEREAS, the Town proposes to use redevelopment funds in the amount not to exceed Thirty Five Thousand Dollars (\$35,000) for the Project; and

WHEREAS, the Project is located within the Project Area ; 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 of or contiguous to a redevelopment 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 Demolition of the old fire station at 444 Windsor River Road will benefit the Project Area by demolishing an existing blighted building from the property located in the Project Area in order to prepare the site for redevelopment in accordance with the Redevelopment Plan. Demolition of the existing structures will help to eliminate blighting conditions associated with conditions caused by the existing structures being of substandard and obsolete design and construction, given the existing Town of Windsor Development Standards and Uniform Building Code requirements including Title 24; and

WHEREAS, the Town has no other reasonable means of financing the 444 Windsor River Road Demolition 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 public facility impact fees revenues or other special fees to cover the proposed demolition; and

WHEREAS, the payment of funds for the 444 Windsor River Road Demolition 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. 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. Enhance the efficiency, safety, and appearance of Windsor River Road and Windsor Road, so that they may serve as the main thoroughfares and focal points of a revitalized downtown.
3. Improve vehicular and pedestrian accessibility to the historic downtown area from both within and outside the Project Area so that the downtown area may be redeveloped for modern commercial, civic, and related uses in accordance with the Town of Windsor's General Plan.
4. Implement the vision for Old Redwood Highway as a mixed-use corridor providing opportunities for additional housing, retail and jobs for the Town.

The Project is determined to be consistent with the above listed goals and objectives of the Town of Windsor Redevelopment Agency Implementation Plan; and

WHEREAS, the Project will promote economic development opportunities and facilitate private investment in the Project Area and thereby lead to further blight alleviation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF WINDSOR REDEVELOPMENT AGENCY 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 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 2. The Board of Directors of the Redevelopment Agency approves the expenditure of up to Thirty-Five Thousand Dollars (\$35,000) in tax increment funds for the Project.

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

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 up to \$35,000 in tax increment funds for the 444 Windsor River Road Demolition Project consisting of the demolition of the old fire station at 444 Windsor River Road as described herein.

Section 5. The Town Council of the Town of Windsor accepts the bid of DAMA Construction Inc. for the 444 Windsor River Road Demolition Project in the amount of \$28,826.00 and awards to DAMA Construction Inc. the contract for the project in accordance with the plans and specifications on file in the Office of the Town Clerk, in the amount of \$28,826.00.

Section 6. The Town Council of the Town of Windsor approves and authorizes the Town Manager of the Town of Windsor to execute the construction contract and any required change orders up to the authorized project budget and to execute such other documents and take such other actions as necessary or appropriate to complete the Project on behalf of the Town, and authorizes the Director of Administrative Services to pay all proper claims for performance of the contract.

PASSED, APPROVED AND ADOPTED this 3rd day of November 2010, by the following vote:

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



SAM SALMON, MAYOR AND CHAIR,
REDEVELOPMENT AGENCY

ATTEST:



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