

RESOLUTION NO. 2765-11

**A RESOLUTION OF THE OF THE TOWN COUNCIL
OF THE TOWN OF WINDSOR CONSENTING TO THE EXPENDITURE OF
TAX INCREMENT FUNDS FOR SPECIFIED PUBLIC IMPROVEMENTS AND
REDEVELOPMENT ACTIVITIES, ADOPTING FINDINGS REQUIRED BY HEALTH
AND SAFETY CODE SECTION 33445, AND AUTHORIZING THE EXECUTION OF A
COOPERATIVE AGREEMENT REGARDING CAPITAL IMPROVEMENT
PROJECTS**

WHEREAS, the Town of Windsor Redevelopment Agency (the “Agency”) is a redevelopment agency formed, existing and exercising its powers pursuant to California Community Redevelopment Law, Health and Safety Code Section 33000 et seq. (“CRL”);

WHEREAS, the Town Council (the “Council”) of the Town of Windsor (the “Town”) has adopted and amended, from time to time, the Redevelopment Plan for the Windsor Redevelopment Project Area (the “Project Area”); and

WHEREAS, in keeping with the goals of the Agency to eliminate blight in the Project Area in accordance with the Redevelopment Plan and Agency’s current Implementation Plan (“Implementation Plan”), the Town and Agency have been working cooperatively regarding the development of certain public improvements in the Project Area; and

WHEREAS, the Town and Agency have determined that it would be mutually beneficial to enter into a Cooperative Agreement Regarding Capital Improvement Projects (the “Agreement”) a copy of which is on file with the Town Clerk and Agency Secretary, pursuant to which the Agency would agree to pay for certain public improvements and other activities to be undertaken by the Town in the furtherance of the redevelopment of the Project Area; and

WHEREAS, pursuant to Section 33445 of the CRL, the Agency may, with the consent of the Town, pay for all or a portion of the cost of the land for, and the cost of construction of, any building, facility, structure, or other improvements that are publicly owned and located within or contiguous to the Project Area if the Council finds that:

(1) The acquisition of the 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;

(2) The acquisition of the land or the installation or construction of the buildings, facilities, structures, or other improvements that are publicly owned benefits the Project Area by helping to eliminate blight within the Project Area, or will directly assist in the provision of housing for low- or moderate-income persons;

(3) No other reasonable means of financing the acquisition of the land or the installation or construction of the buildings, facilities, structures, or other improvements that are publicly owned, are available to the community; and

(4) 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 CRL Section 33490.

WHEREAS, the action approved by this Resolution, entering into a cooperative funding agreement for payment of costs associated with future activities, has no potential for physical effects on the environment and does not approve individual entitlements for any of the Projects described herein, and this action is therefore exempt from review pursuant to the California Environmental Quality Act (CEQA), 14 California Code of Regulations (CEQA Guidelines) Section 15061(b)(3); and

WHEREAS, the certain of the Projects, including the Old Redwood Highway Corridor Streetscape Improvement Project, the Windsor River Road/Windsor Road Intersection Improvements and the Wall Street ADA Sidewalk Improvement Project, all as described in Exhibit B to the Agreement, are also categorically exempt from review pursuant to CEQA Guidelines, Sections 15301(c) and/or 15304(b) and/or 15304(h); and

WHEREAS, certain of the Projects, including the programs described in Exhibits A and C to the Agreement, also have been evaluated at a program level for CEQA purposes in the Environmental Impact Report for the Windsor Redevelopment Project Fifth Amendment (“EIR”), certified by the Town prior to adoption of the Windsor Redevelopment Project Fifth Amendment on April 21, 2010 and require no further environmental review, because no substantial changes are proposed for these Projects and no substantial changes have occurred in the circumstances under which these Projects are being undertaken since the EIR was certified, and there is no new information which was not known and could not have been known relating to these Projects at the time the EIR was certified; and

WHEREAS, the Staff Report accompanying this Resolution, the Redevelopment Plan, the Implementation Plan, and the proposed Agreement, including the Exhibits thereto, provide additional information upon which the findings and actions set forth in this Resolution are based; and

WHEREAS, the expenditure of tax increment funds for the projects identified in the Agreement will be of benefit to the Project Area by facilitating the elimination of blight and the development of affordable housing; and

WHEREAS, the improvements to be funded pursuant to the Agreement are provided for in the Redevelopment Plan, and the expenditure of tax increment funds for such improvements is consistent with the Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490, in that they will further the goals and objectives of the Redevelopment Plan, improve the appearance of the Project Area, eliminate blight, improve access to Project Area businesses, support economic development, and support the development of affordable housing; and

WHEREAS, the activities and improvements proposed to be funded pursuant to the Agreement will not generate cash flow to the Town or Agency, and therefore cannot support debt service; the Town has no unrestricted general fund revenue available for such purposes without a reduction in vital community services; and the Town does not have and cannot reasonably obtain revenue available for such purposes, and therefore no other reasonable means of financing the Project exists.

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

Section 1. Pursuant to CRL Section 33445, the Town Council of the Town of Windsor finds that: (i) the expenditure of tax increment funds for the projects and programs identified in the Agreement will be of primary benefit to the Project Area by helping to eliminate blighting conditions within the Project Area and/or facilitating the development of low and moderate-income housing; (ii) no other reasonable means of financing such projects and programs is reasonably available; and (iii) completion of such projects is provided for and consistent with the Implementation Plan adopted in connection therewith.

Section 2. The Town Council of the Town of Windsor consents to the expenditure of tax increment funds in the amounts and for the purposes specified in the Agreement.

Section 3. The Town Council of the Town of Windsor authorizes the Town Manager of the Town of Windsor or his designee to execute the Cooperative Agreement on behalf of the Town substantially in the form on file with the Town Clerk and to undertake such actions and to execute such additional instruments as may be necessary or desirable in order to carry out the intent of this Resolution.

Section 4. If any provision, clause, section or part of this Resolution is found to be unconstitutional, illegal or invalid, such finding shall affect only such provision, sentence, clause, section or part, and shall not affect or impair any of the remaining parts.

PASSED, APPROVED AND ADOPTED this 19th day of January, 2011, by the following vote:

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

APPROVED:



STEVE ALLEN, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK