

**RESOLUTION NO. 2323-08**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR AUTHORIZING THE USE OF \$13,691,000 OF TAX INCREMENT FUNDS FOR ACQUISITION OF PROPERTY AND CONSTRUCTION OF A FIRE STATION AND MAKING FINDINGS REQUIRED BY CALIFORNIA HEALTH AND SAFETY CODE SECTION 33445, THE EXECUTION OF THE PURCHASE AND SALE AGREEMENT AND LOAN AGREEMENT WITH THE WINDSOR WATER DISTRICT, AND THE EXECUTION OF A REIMBURSEMENT AGREEMENT WITH THE TOWN OF WINDSOR REDEVELOPMENT AGENCY**

**WHEREAS**, the Town desires to purchase certain real property in the Town of Windsor, County of Sonoma and known as Assessor Parcel Nos. 164-030-037, -049, and -050 (the “**Property**”) presently owned by the Windsor Water District (the “**WWD**”) and to pay all or a portion of the cost of the planning, design and construction of the new fire station facilities thereon (the “**Project**”) for the Windsor Fire Protection District (the “**WFPD**”), pursuant to a Purchase and Sale Agreement (the “**Purchase Agreement**”) substantially in the form on file with the Town Clerk;

**WHEREAS**, the Town desires to enter into a Loan Agreement with the WWD (the “**Loan Agreement**”), to be evidenced by a Promissory Note (the “**Note**”), substantially in the forms on file with the Town Clerk, in consideration for the Property; and

**WHEREAS**, the Town of Windsor Redevelopment Agency (the “**Agency**”) is responsible for carrying out redevelopment of the 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 proposes to use redevelopment funds in the amount of Thirteen Million Two Hundred Thousand Dollars (\$13,200,000) to reimburse the Town for base rental payments and any additional expenditure made by the Town to construct and finance the Project; and

**WHEREAS**, the Town proposes to use redevelopment funds in the amount of Four Hundred and Ninety-One Thousand Dollars (\$491,000) for acquisition of the Property and financing costs payable under the Loan Agreement; and

**WHEREAS**, CRL Section 33445 provides that a redevelopment agency may, with the consent of the legislative body of the benefited public entity, pay for the cost of buildings, facilities and other improvements which are publicly owned if the legislative body and the agency determine all of the following:

1. The buildings, facilities or improvements are of benefit to the project area or the immediately surrounding neighborhood;
2. No other reasonable means of financing the buildings, facilities or improvements are available; and

3. The payment of funds for acquisition of land or the cost of buildings, facilities or other improvements will assist in the elimination of one or more blighting conditions inside the project area and will be consistent with the implementation plan adopted by the redevelopment agency; and

**WHEREAS**, the acquisition of the Property and construction of the Project will (i) benefit the Project Area by enabling the Town to provide enhanced levels of fire protection services and emergency medical responses to the Project Area in addition to areas outside the Project Area, (ii) provide a newly designed station that is ADA accessible, and (iii) provide a newly designed station with adequate space for existing and new firefighting staff and equipment, including new equipment that is necessary to ensure sufficient fire protection for taller buildings that have been constructed in the Project Area; and

**WHEREAS**, The Town has no other reasonable means of financing acquisition of the Property or construction of the Project thereon, in that there is no unrestricted general fund revenue available for such purposes without a reduction in other vital community services, fire impact fees will generate insufficient funds to meet the capital needs of the WFPD, and property tax revenue from the recent special tax measure known as Measure K is not available for use on capital facilities such as a new fire station; and

**WHEREAS**, the expenditure of tax increment funds for the Project will benefit the Project Area and help to eliminate blighting conditions, identified in the Five Year Implementation Plan adopted by the Agency as including the presence of deteriorated and dilapidated structures that have not been maintained over the years and traffic circulation inadequacies which, coupled with increased density and construction of taller buildings, requires improved fire protection service levels and response times; and

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

**WHEREAS**, a Summary Report ("**Report**") has been prepared pursuant to the provisions of the Health and Safety Code 33679 describing the findings required by Health and Safety Code Section 33445 and is on file with the Town Clerk; and

**WHEREAS**, notice of the public hearing and the availability of the Report was posted in four locations within the Project Area and published in the Windsor Times, a newspaper of general circulation in the Town of Windsor, as required by Section 33679 of the Community Redevelopment Law.

**WHEREAS**, the Town shall enter into a Reimbursement Agreement (the "**Acquisition Reimbursement Agreement**") with the Agency pursuant to which the Agency shall reimburse the Town for the full amount of principal and interest payments made by the Town pursuant to the Loan Agreement.

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

**Section 1.** The foregoing recitals are true and correct.

**Section 2.** Pursuant to CRL Section 33445, the Town Council of the Town of Windsor hereby finds that: (i) the expenditure of tax increment funds to undertake the Project will be of benefit to the Project Area; (ii) no other reasonable means of financing the public improvements is reasonably available; (iii) completion of the Project will assist in the elimination of blighting conditions in the Project Area; and (iv) completion of the Project is consistent with the Implementation Plan adopted for the Project Area.

**Section 3.** The Town Council of the Town of Windsor consents to the expenditure of \$13,691,000 in tax increment funds for acquisition of the Property and construction of the Project as described herein.


**Section 4.** The Town Manager of the Town of Windsor or his designee is authorized to purchase the Property and to execute the Purchase Agreement, substantially in the form on file with the Town Clerk, with such revisions as approved by the Town Attorney which do not substantially or materially alter the Towns' obligations thereunder, and to execute all documents and take such actions as are necessary or appropriate in furtherance thereof.

**Section 5.** The Town Manager of the Town of Windsor or his designee is authorized to execute the Loan Agreement and the Note, substantially in the form on file with the Town Clerk, with such revisions as approved by the Town Attorney which do not substantially or materially alter the Town's obligations thereunder, and to execute such other documents and take such other actions as necessary or appropriate to implement the Loan Agreement and the intent of this Resolution.

**Section 6.** The Town Manager of the Town of Windsor or his designee is authorized to execute the Acquisition Reimbursement Agreement with the Town of Windsor Redevelopment Agency in the form on file with the Town Clerk, with such revisions as approved by the Town Attorney which do not substantially or materially alter the Town's obligations thereunder, and to execute such other documents and take such other actions as necessary or appropriate to implement the Acquisition Reimbursement Agreement and the intent of this Resolution.

**PASSED, APPROVED AND ADOPTED this 16<sup>th</sup> day of July 2008, by the following vote:**

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

  
**DEBORA FUDGE, MAYOR**

**ATTEST:**

  
**MARÍA DE LA O, TOWN CLERK**