

RESOLUTION NO. 2775-11 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 REPUBLIC I.T.S INC. FOR THE TOWN GREEN LIGHTING / ELECTRICAL PROJECT IN THE AMOUNT OF \$28,795, AUTHORIZING THE USE OF TAX INCREMENT FUNDS FOR PUBLIC IMPROVEMENTS OF BENEFIT TO THE TOWN OF WINDSOR REDEVELOPMENT PROJECT AREA, 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, Town staff included a project in the Fiscal Year 2009-14 Capital Improvement Program (CIP) for improvements to the Windsor Town Green including installing new walkway lighting fixtures; and

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

WHEREAS, in order to address the need to install new walkway lighting fixtures on the Town Green, Town staff prepared bid specifications for the Town Green Lighting / Electrical Project (the “Project”); and

WHEREAS, on January 20, 2011, Town staff issued an Invitation to Bid for the Town Green Lighting / Electrical Project; and

WHEREAS, bids were received and opened for the Town Green Lighting / Electrical Project on February 9, 2011 in accordance with the law; and

WHEREAS, the bid submitted by Republic ITS Inc. in the amount of \$28,795.00 was determined to be the lowest responsive bid; and

WHEREAS, Fieldstone Construction submitted a protest of Republic ITS's bid for the Town of Windsor's Town Green Lighting/Electrical Project; and

WHEREAS, the Town Council considered the protest submitted by Fieldstone Construction and has determined that the protest is without merit and is rejected; and

WHEREAS, the Town desire to establish a project budget of \$33,000.00 which includes the lowest responsive bid plus a 15% contingency fund; and

WHEREAS, the Town desires to utilize funds from the Redevelopment Agency Capital Project Fund for the Town Green Lighting / Electrical Project; and

WHEREAS, the Town proposes to use redevelopment funds in the amount not to exceed Thirty Three Thousand Dollars (\$33,000.00) for the Town Green Lighting / Electrical Project (the "Project"); and

WHEREAS, the Town Green Lighting / Electrical Project is located in the heart of Old Downtown Windsor; 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 the 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 Town Green Lighting / Electrical Project will benefit the Project Area by helping to eliminate blight within the Project Area, by improving pedestrian accessibility from the Town Green to the historic downtown. Additionally, the Town Green Lighting / Electrical project will provide pedestrian lighting for accessibility that will create a focus for civic activity within downtown Windsor. The Town Green Lighting / Electrical project will continue to support the redevelopment goals objectives included in the implementation plan by providing an attractive center for commercial, residential, tourist, and office activity that will facilitate overall development of the Project Area; and

WHEREAS, the Town has no other reasonable means of financing the Town Green Lighting / Electrical 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 Project; and

WHEREAS, the payment of funds for the Town Green Lighting / Electrical 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 Town Green is a public park that provides open space. The Town Green Lighting / Electrical project is intended to continue to improve public parks and open space within the Project Area. Improvement of parks and open space was identified as a redevelopment objective necessary for the elimination of blight in the 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 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 AND THE TOWN OF WINDSOR TOWN COUNCIL 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 Three Thousand Dollars (\$33,000.00) 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 up to Thirty Three Thousand Dollars (\$33,000.00) in tax increment funds for the Town Green Lighting / Electrical Project as described herein.

Section 5. The Town Council of the Town of Windsor and the Board of Directors of the Windsor Redevelopment Agency accept the bid of Republic ITS Inc. for the Town Green Lighting / Electrical Project in the amount of \$28,795.00 and awards to Republic ITS 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 \$28,795.00

Section 6. The Town Council of the Town of Windsor and the Board of Directors of the Windsor Redevelopment Agency approve and authorize the Town Manager 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 Windsor Redevelopment Agency, and authorize the Director of Administrative Services to pay all proper claims for performance of the contract.

PASSED, APPROVED AND ADOPTED this 16th day of March 2011, by the following vote:

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



**STEVE ALLEN, MAYOR AND CHAIR,
REDEVELOPMENT AGENCY**

ATTEST:



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