

RESOLUTION NO. RES-2019-173

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA FORMING THE SANTA ROSA RAILROAD SQUARE COMMUNITY BENEFIT DISTRICT AND LEVYING THE ASSESSMENT IN CONNECTION THEREWITH

WHEREAS, Ordinance 2018-004 authorizes the City to establish, in perpetuity, Community Benefit Districts (CBD) to promote the economic vitality and physical maintenance of mixed use and business districts in Santa Rosa; and

WHEREAS, the Ordinance authorizes the City to levy and collect assessments on real property within such districts for the purpose of providing improvements and promoting activities that specially benefit real property within such districts; and

WHEREAS, Articles XIIC and XIID of the California Constitution, and Section 53753 of the California Government Code impose certain procedural and substantive requirements relating to the levy of new or increased assessments; and

WHEREAS, on September 10, 2019, Council adopted a Resolution of Intention (RES-2019-141) to establish the Santa Rosa Railroad Square Community Benefit District for an undetermined term; and

WHEREAS, as directed by the Resolution of Intention, staff mailed to recorded owners of affected parcels notice of an October 29, 2019, public hearing on the formation of the District; and

WHEREAS, that notice, which was mailed no less than 45 days prior to the Public Hearing, included all information required by Article XIID, Section 4 of the California Constitution and Section 53753 of the Government Code, and the notice mailed to each property owner was accompanied by an assessment ballot; and

WHEREAS, on October 29, 2019, at 5:00 pm or as soon thereafter as practicable, in the City Council Chambers, the City Council held the Public Hearing at which it heard and considered oral and written testimony from all interested persons; and

WHEREAS, following the public input portion of the Public Hearing, all assessment ballots that had been returned to the City were tabulated pursuant to the procedures set forth in the Resolution of Intention; and

WHEREAS, based on the tabulation, the City Council determined that a majority protest, as defined by Article XIID, Section 4(e) of the California Constitution and Section 53753 of the Government Code, does not exist with respect to the assessment proposed in connection with the Santa Rosa Railroad Square CBD; and

WHEREAS, the property within the area of the District will be benefited by the improvements and activities funded by the assessments levied in connection with the CBD; and

WHEREAS, the assessment against each parcel does not exceed the reasonable cost of the proportional special benefit conferred on that parcel; and

WHEREAS, no real properties deriving special benefit within the proposed Railroad Square CBD will be exempted from payment into the District; and

WHEREAS, a Management District Plan entitled the “Santa Rosa Railroad Square Community Benefit District Assessment Engineer’s Report and Management District Plan” (the “Management District Plan”) has been prepared and submitted to the City Clerk, containing all of the information required by Section 36622 of California Streets and Highway Code, Section 36600, and the local Ordinance, including a description of the boundaries of the District, the improvements and activities proposed for the District, and the cost of such improvements and activities.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa receives and files the Santa Rosa Downtown Community Benefit District ballot results.

BE IT FURTHER RESOLVED that the Council:

Section 1. Establishes the Santa Rosa Railroad Square Community Benefit District and authorizes the levying and collection of assessments against lots and parcels of real property within the District pursuant to Chapter 6-56, Article V of the Santa Rosa City Code and Section 36621(a) of the California Streets and Highway Code, commencing fiscal year 2019-2020.

BE IT FURTHER RESOLVED that the Council declares the following:

Section 2. The boundaries of the proposed District generally include all properties listed within the boundaries of the map on file in the Management District Plan attached to this Resolution as Exhibit A and filed in the Clerk’s office.

Section 3. The proposed activities for the District may include sidewalk cleaning, private security, beautification, marketing and promotional activities, administration of the services, public space development and enhancement for residential property owners in the CBD and contingency/reserves.

Section 4. All proposed services and improvements benefit real property owners located in the District.

Section 5. The assessment proposed to be levied and collected for fiscal year 2019-2020 is \$231,826.09. The amount to be levied and collected for subsequent years may be increased, by an amount not to exceed five (5) percent per year.

IN COUNCIL DULY PASSED this 19th day of November, 2019.

AYES: (6) Mayor Schwedhelm, Vice Mayor Fleming, Council Members Combs, Olivares, Rogers, Sawyer

NOES: (0)

ABSENT: (0)

ABSTAIN: (1) Council Member Tibbetts

ATTEST: _____
Acting City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM:

City Attorney

Exhibit A - Santa Rosa Railroad Square Community Benefit District Assessment Engineer's Report and Management District Plan