

RESOLUTION NO. RES-2019-141

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AUTHORIZING THE CITY MANAGER TO SIGN THE PETITION AND FORTHCOMING BALLOT; RECEIVING THE DISTRICT PETITION RESULTS; DIRECTING THE CITY CLERK TO FILE THE DISTRICT PETITION RESULTS; AND STATING ITS INTENTION TO ESTABLISH THE SANTA ROSA RAILROAD SQUARE COMMUNITY BENEFIT DISTRICT AND TO LEVY AND COLLECT ASSESSMENTS WITHIN SUCH DISTRICT PURSUANT TO LOCAL ENABLING ORDINANCE, ARTICLE 5 TO CHAPTER 6-56 OF THE SANTA ROSA CITY CODE RELATING TO THE ESTABLISHMENT OF COMMUNITY BENEFIT DISTRICTS AND APPOINTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

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 XIII C and XIII D 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, written petitions have been submitted by district property owners requesting the Santa Rosa City Council to initiate proceedings pursuant to the Ordinance to establish the Santa Rosa Railroad Square Community Benefit District for an undetermined term; and

WHEREAS, such petitions were signed by property owners in the proposed district who will pay more than thirty percent (30%) of the assessments proposed to be levied; and

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

WHEREAS, a Management District Plan entitled the "Railroad Square Santa Rosa Community Benefit District Management District Plan and Assessment Engineer's Report" (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 Railroad Square Community Benefit District petition results.

BE IT FURTHER RESOLVED that the Council authorizes the City Manager to sign the petition and forthcoming ballot pertaining to the properties owned by the City of Santa Rosa subject to assessment under the Community Benefit District.

BE IT FURTHER RESOLVED that the Council:

Section 1. Declares its intention to establish the Santa Rosa Railroad Square Community Benefit District and to levy and collect 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 2019-20.

Section 2. Approves the Management District Plan and Assessment Engineer's Report on file in the office of the City Clerk and attached to this Resolution as Exhibit A.

Section 3. Directs the City Clerk to make the Management District Plan and the Assessment Engineer's report and other documents related to the District available to the public for review during normal business hours.

Section 4. GIVES NOTICE that the City Council will conduct a public hearing on the establishment of the District and the levy and collection of assessments for fiscal year 2019-20 in October 2019 or as soon thereafter as the matter may be heard, in the City Council Chambers located at 100 Santa Rosa Avenue. At the public hearing, the City Council will consider all objections or protests, if any, to the proposed establishment of the District and the proposed assessment. Any interested person may present written or oral testimony at the public hearing. At the conclusion of the public testimony portion of the public hearing, the City Clerk shall open and tabulate all ballots received and not withdrawn at that time. Results of the ballot procedure will be announced, and, provided a weighted majority in opposition to the District establishment does not occur, the City Council may then establish the District by adopting a resolution to that effect.

BE IT FURTHER RESOLVED that the Council declares the following:

Section 1. The boundaries of the proposed District generally include all properties listed within the boundaries of the map on file in the Management District Plan filed in the Clerk's office.

Section 2. 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 3. All proposed services and improvements benefit real property owners located in the District.

Section 4. The assessment proposed to be levied and collected for fiscal year 2019-20 is \$233,122.00. The amount to be levied and collected for subsequent years may be increased, by an amount not to exceed five (5) percent per year.

BE IT FURTHER RESOLVED by the Council that the City Clerk is authorized and directed to give notice of the public hearing as provided in Section 53753 of the Government Code and Article XIID, Section 4 of the California Constitution.

IN COUNCIL DULY PASSED this 10th day of September, 2019.

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

NOES: (0)

ABSENT: (0)

ABSTAIN: (1) Council Member Tibbetts

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
Acting City Clerk Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Exhibit A - Management Plan/Assessment Engineer's Report