

**RESOLUTION NO. \_\_\_\_\_ (N.C.S.)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALINAS DECLARING ITS INTENTION TO 1) APPROVE A FIRST ADDENDUM TO THE 2015 DOWNTOWN SALINAS COMMUNITY BENEFIT DISTRICT ENGINEER'S ASSESSMENT REPORT TO ADD, LEVY AND COLLECT ASSESSEMENTS OF FIVE ADJACENT PARCELS TO THE DISTRICT, 2) CALL FOR AN ASSESSMENT BALLOT PROCEEDING AND 3) ESTABLISH A TIME AND PLACE FOR A PUBLIC HEARING ON JULY 18, 2017**

**WHEREAS**, on December 16, 2014, the City Council adopted Ordinance No. 2556, the City of Salinas' Community Benefit District Ordinance, authorizing the City to establish a Community Benefit District ("CBD") for up to 20 years to enhance the security, safety, appearance, and economic viability within such districts; 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**, the Ordinance authorizes the City to use the procedures set forth in the Property and Business Improvement District Law of 1994 (Streets & Highways Code sections 36600 *et seq.*, the "PBID Law") as modified by the Ordinance for purposes of forming an assessment district; and

**WHEREAS**, Articles XIIC and XIID of the California Constitution and Section 53753 of the California Government Code (Proposition 218 Omnibus Implementation Act) also impose certain procedural and substantive requirements relating to the notice, protests and hearing requirements pertaining to new or increased assessments; and

**WHEREAS**, On May 26, 2015, the City Council adopted a Resolution of Intention (Resolution No. 577) to form the Salinas Downtown Community Benefit District (the "District" or "CBD"). This action included adoption of a District Management Plan and Engineer's Assessment Report and direction to the City Clerk to mail ballot packets and notice of the public hearing to be held on July 21, 2015 to the proposed district property owners. ; and

**WHEREAS**, on July 21, 2015, the City Council adopted Resolution No. 2080 certifying the positive results of a duly held election process confirming that the majority of property owners within the District agreed to its formation; and

**WHEREAS**, during the last year, two owners of property adjacent to the adopted boundaries of the 2015 District Engineer's Report, expressed their interest in being added to the District and having an assessment levied against their properties in order to receive special District benefits; and

**WHEREAS**, on January 25, 2017, the Salinas City Center Improvement Association, the District's management association, submitted a written request that the City add properties at 318 Cayuga Street and 401 Monterey Street to the District; and

**WHEREAS**, a First Addendum to the Engineer's Report (the "Addendum") has been prepared and includes an amended parcel listing and boundary map; and

**WHEREAS**, the sole purpose of the First Addendum is to add these two (2) additional properties to the District. It does not in any way change the required “nexus” of rationale between assessment amounts levied and special benefits conferred on properties within the District, nor does it change the formula/methodology for calculating assessment amounts; and

**WHEREAS**, the City of Salinas has determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALINAS AS FOLLOWS:**

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

**Section 2.** Pursuant to Article 4 of Chapter 21D of the City of Salinas City Code (Ordinance 2556) which incorporates provisions of Section 36621 of the PBID Law, the City Council declares its intention to add five (5) adjacent parcels to the Downtown Salinas Community Benefit District and to levy and collect assessments against these additional lots and parcels of real property within the District commencing fiscal year 2017-2018 and ending December 1, 2030.

**Section 3.** The City Council hereby adopts the First Amendment to the Downtown Salinas Community Benefit Engineer’s Report to modify the District boundaries to incorporate the aforementioned adjacent parcels (Exhibit 1).

**Section 4.** The City Clerk shall make the First Addendum and other documents related thereto available to the public for review during normal business hours.

**Section 5.** NOTICE IS HEREBY GIVEN that the City Council shall conduct a public hearing to adopt this First Addendum and the levy and collection of assessments on the five new parcels for fiscal year 2017-2018 on July 18, 2017, at 4:00 p.m. or as soon thereafter as the matter may be heard, in the City Council Chambers located at 200 Lincoln Avenue, City Council Rotunda, Salinas, CA.

At the public hearing, the City Council will validate the desire of the property owners of the five (5) parcels, to be incorporated to the Downtown Salinas CBD.

An assessment ballot proceeding is hereby called on behalf of the City Council on the matter of confirming assessments for the additional properties requesting to be subject to a new assessment pursuant to Article XIID of the California Constitution. The assessment ballot proceeding on the

matter of authorizing the levy of the assessments, pursuant to Government Code Section 53753 and Section 4 of Article XIID of the California Constitution, consists of a ballot and mailed notice, distributed to affected property owners. Each property owner may return the ballot by mail or in person to the City Clerk, Salinas City Hall, at 200 Lincoln Avenue, Salinas, CA 95354, at or before the conclusion of public testimony at the public hearing. A written protest may be withdrawn in writing at any time before the public hearing.

At the conclusion of the public hearing, the City Clerk and/or an impartial designee shall tabulate the ballots received from the two property owners to confirm their desire to be included in the District and acceptance of a levy against their properties. Provided the two property owners consent to be added to the District, the City Council may adopt a resolution to expand the Downtown Salinas CBD..

**Section 5.** The City Clerk is hereby 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.

**PASSED AND APPROVED** this 6<sup>th</sup> day of June 2017 by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

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Joe Gunter, Mayor

ATTEST:

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Patricia M. Barajas, City Clerk