

Resolution No. 2017-07-25-1501

STOCKTON CITY COUNCIL

PUBLIC HEARING: RENEWAL OF THE DOWNTOWN STOCKTON PROPERTY AND BUSINESS IMPROVEMENT DISTRICT

The Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 *et seq.* authorizes cities to renew property and business improvement districts upon petition by a weighted majority of property owners within the renewed district and affirmative ballot; and

A majority of the property owners subject to assessment, weighted according to the amount of assessment to be paid by each property owner, have petitioned the City Council to renew the Downtown Stockton Property and Business Improvement District ("DSPBID"); and

On May 23, 2017, the City Council adopted Resolution No. 2017-05-23-1401, which was the Resolution of Intention to renew the DSPBID; and

On July 25, 2017, the City Council conducted a public hearing at 5:30 PM at 425 N. El Dorado Street, 2nd Floor, Stockton, CA 95202, with respect to the renewal of the DSPBID; and

All written and oral protests made or filed were duly heard, evidence for and against the proposed action was received, and a full, fair and complete hearing was granted and held; and

Pursuant to California Constitution Article XIII D, ballots were mailed to property owners within the boundaries of the DSPBID, and, among those ballots returned to the City, a weighted majority of the property owners within the DSPBID have approved renewal of the DSPBID; and

A detailed Engineer's Report prepared by a registered professional engineer certified by the State of California, Terrance E. Lowell, in support of the DSPBID's assessments, has been prepared, is incorporated in the Management District Plan, and is on file with the Office of the City Clerk and is incorporated herein by this reference ("Engineer's Report"); now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. **Recitals.** The recitals set forth herein are true and correct.
2. **Renewal and Assessment Levy.** The Downtown Stockton Property and Business Improvement District is hereby renewed and the annual assessment is hereby levied for each year of the entire term of the DSPBID. The initial annual assessment will total approximately \$1,059,760.67.
3. **Management Plan and Engineer's Report.** The Management District Plan and the Engineer's Report are hereby approved.

4. **Boundary Map.** The assessment shall be imposed on properties within the DSPBID. The boundaries of the DSPBID are shown on Exhibit 1 and generally include parcels in the downtown central core. It primarily runs west along the Stockton channel to the I-5 freeway, north to Fremont and Oak Streets, east to the railroad, and south to Sonora Street.

5. **Assessment.** Assessment rates may be subject to an increase of no more than five percent (5%) per year. The assessment will be imposed on real property at the following rates:

Zones	Lot	First Floor	Upper Floor
Zone 1: Commercial	\$0.0800	\$0.0800	\$0.0400
Zone 1: Residential	\$0.0480	\$0.0480	\$0.0240
Zone 2: Commercial	\$0.0443	\$0.0443	\$0.0222
Zone 2: Residential	\$0.0266	\$0.0266	\$0.0133
Zone 3: Commercial	\$0.0242	\$0.0242	\$0.0121
Zone 3: Residential	\$0.0000	\$0.0000	\$0.0000
<i>Total assessment is amount per square foot for lot, first floor and upper floors.</i>			

6. **Assessment Roll.** The Assessment Roll for the Downtown Stockton Property and Business Improvement District has been filed with the City Clerk, and is hereby approved.

7. **Assessment Collection.** The assessments shall be collected in accordance with section 36631 of the Streets and Highways Code.

8. **Assessment Activity.** The assessment levied for the DSPBID shall be applied towards enhanced maintenance, safety and security, beautification, economic and business development, marketing and promotions, and related advocacy and administration that will be provided directly and only to assessed parcels.

9. **Bonds.** Bonds shall not be issued.

10. **Streets and Highways Code.** Properties within the District are subject to any amendments to Part 7 (commencing with 36600) to Division 18 of the Streets and Highways Code.

11. **Improvements and Activities.** The improvements and activities to be provided in the District will be funded by the levy of the assessments specified in the assessment roll. The revenue from the levy of such assessments shall not be used to provide improvements or activities outside the district or for any purpose other than the purposes specified in the Resolution of Intention and Management District Plan. Notwithstanding the foregoing, improvements and activities that must be provided outside the DSPBID boundaries to create a special benefit to the assessed parcels may be provided, but shall be limited to marketing or signage pointing to the DSPBID.

12. **Property Benefit.** All assessed property within the DSPBID will be benefited specially and directly by the improvements and activities funded by the assessments proposed to be levied.

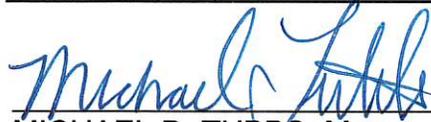
13. **Necessary Actions.** The City Clerk is directed to take all necessary actions to complete the establishment of the DSPBID. The City Clerk is directed to record in the County Recorder's Office a notice and assessment diagram as required by Streets and Highways Code section 36627.

14. **Validity.** If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declares invalid or unconstitutional.

15. **Effectiveness.** This resolution shall take effect immediately.

16. The City Manager is hereby authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED July 25, 2017.


MICHAEL D. TUBBS, Mayor
of the City of Stockton

ATTEST:


BRET HUNTER, CMC
Interim City Clerk of the City of Stockton

