

RESOLUTION NO.16-041

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972 AND THE CALIFORNIA CONSTITUTION ARTICLE XIIIID, DECLARING ITS INTENTION TO BALLOT PROPERTY OWNERS FOR PROPOSED NEW OR INCREASED ASSESSMENTS WITHIN THE EL PASO DE ROBLES LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 1 RELATED TO ZONE 1 SUB AREAS 1 TRACT 1581-1; 4 TRACT 1619; 6 TRACT 1463-1; 18 TRACT 1581-2; 19 TRACT 1463-2; ZONE 2 SUB AREAS 2A-2 TRACT 1632-3; 2A-3 TRACT 1632-4; 15 TRACT 1832; ZONE 3 SUB AREAS 20 PR 91-088; 25 PR 94-016; 30 PR 91-089; ZONE 4 SUB AREAS 5 TRACT 1508-1,2; 16 TRACT 1580-3; 27 TRACT 1508-4; ZONE 9 SUB AREA 52 TRACT 2281-1 TO 5; ZONE 10A SUB AREA 13 TRACT 1886; ZONE 12 SUB AREA 3 TRACT 1457; ZONE 13B SUB AREA 22 PR 91-095; ZONE 13C SUB AREA 46 PR 98-038; ZONE 15 SUB AREA 66 PD 00-029 AND STAND ALONE SUB AREA 44 TRACT 2186, FOR 2016/2017 FISCAL YEAR, SETTING A TIME AND PLACE FOR A PUBLIC HEARING, AND AUTHORIZING STAFF TO PROCEED WITH THE BALLOTING PROCEDURES

WHEREAS, there currently exists in the City of El Paso de Robles an assessment district known as the El Paso de Robles Landscape and Lighting Maintenance District No. 1 (“District”); and

WHEREAS, the City Council of the City of El Paso de Robles initiated proceedings to levy and collect proposed new or increased assessments in the District for Zone 1 Sub Areas 1 Tract 1581-1; 4 Tract 1619; 6 Tract 1463-1; 18 Tract 1581-2; 19 Tract 1463-2; Zone 2 Sub Areas 2A-2 Tract 1632-3; 2A-3 Tract 1632-4; 15 Tract 1832; Zone 3 Sub Areas 20 PR 91-088; 25 PR 94-016; 30 PR 91-089; Zone 4 Sub Areas 5 Tract 1508-1,2; 16 Tract 1580-3; 27 Tract 1508-4; Zone 9 Sub Area 52 Tract 2281-1 To 5; Zone 10A Sub Area 13 Tract 1886; Zone 12 Sub Area 3 Tract 1457; Zone 13B Sub Area 22 PR 91-095; Zone 13C Sub Area 46 PR 98-038; Zone 15 Sub Area 66 PD 00-029 and Stand Alone Sub Area 44 Tract 2186, and ordered the Assessment Engineer to prepare the report required by California Streets and Highways Code, pursuant to the provisions of the Landscaping and Lighting Act of 1972 (hereafter the “Act,” starting at Streets and Highways Code Section 22500); and

WHEREAS, the Engineer’s Report for the proposed new or increased assessments for Zone 1 Sub Areas 1 Tract 1581-1; 4 Tract 1619; 6 Tract 1463-1; 18 Tract 1581-2; 19 Tract 1463-2; Zone 2 Sub Areas 2A-2 Tract 1632-3; 2A-3 Tract 1632-4; 15 Tract 1832; Zone 3 Sub Areas 20 PR 91-088; 25 PR 94-016; 30 PR 91-089; Zone 4 Sub Areas 5 Tract 1508-1,2; 16 Tract 1580-3; 27 Tract 1508-4; Zone 9 Sub Area 52 Tract 2281-1 To 5; Zone 10A Sub Area 13 Tract 1886; Zone 12 Sub Area 3 Tract 1457; Zone 13B Sub Area 22 PR 91-095; Zone 13C Sub Area 46 PR 98-038; Zone 15 Sub Area 66 PD 00-029 and Stand Alone Sub Area 44 Tract 2186 has been presented to and approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Paso de Robles as follows:

Section 1. Pursuant to the Act (specifically, Streets and Highways Code Section 22624), the City Council hereby finds and declares that the public interest and necessity require the maintenance and servicing of landscaping and public lighting facilities in the City, and contingent upon compliance with, as applicable, the requirements of the Act, Article XIIIID of the California Constitution (commonly known as “Proposition 218”) and the Proposition 218 Omnibus Implementation Act (set forth at Government Code Sections 53750-53758), the City Council hereby declares its intention to levy and collect proposed new or increased assessments within the El Paso de Robles Landscape and Lighting Maintenance District No. 1 for Zone 1 Sub Areas 1 Tract 1581-1; 4 Tract 1619; 6 Tract 1463-1; 18 Tract 1581-2; 19 Tract 1463-2; Zone 2 Sub Areas 2A-2 Tract 1632-3; 2A-3 Tract 1632-4; 15 Tract 1832; Zone 3 Sub Areas 20 PR 91-088; 25 PR 94-016; 30 PR 91-089; Zone 4 Sub Areas 5 Tract 1508-1,2; 16 Tract 1580-3; 27 Tract 1508-4; Zone 9 Sub Area 52 Tract 2281-1 To 5; Zone 10A Sub Area 13 Tract 1886; Zone 12 Sub Area 3 Tract 1457; Zone 13B Sub Area 22 PR 91-095; Zone 13C Sub Area 46 PR 98-038; Zone 15 Sub Area 66 PD 00-029 and Stand Alone Sub Area 44 Tract 2186 for fiscal year 2016/2017.

Under the Act, before levying and collecting the proposed new or increased assessments in the assessment district, the City Council is required to adopt a resolution declaring its intention to do so.

Section 2. The existing and proposed improvements in the District within Zone 1 Sub Areas 1 Tract 1581-1; 4 Tract 1619; 6 Tract 1463-1; 18 Tract 1581-2; 19 Tract 1463-2; Zone 2 Sub Areas 2A-2 Tract 1632-3; 2A-3 Tract 1632-4; 15 Tract 1832; Zone 3 Sub Areas 20 PR 91-088; 25 PR 94-016; 30 PR 91-089; Zone 4 Sub Areas 5 Tract 1508-1,2; 16 Tract 1580-3; 27 Tract 1508-4; Zone 9 Sub Area 52 Tract 2281-1 To 5; Zone 10A Sub Area 13 Tract 1886; Zone 12 Sub Area 3 Tract 1457; Zone 13B Sub Area 22 PR 91-095; Zone 13C Sub Area 46 PR 98-038; Zone 15 Sub Area 66 PD 00-029 and Stand Alone Sub Area 44 Tract 2186 are generally described as the construction, installation, operation, servicing, and maintenance of streetlights, landscaping, trees and related facilities within public rights-of-way and or City easements. The location and boundaries of the above-listed Zones/Sub-Zones are shown on maps in the Engineer's Report referenced in Section 3 (below) and the third recital (above). In addition, a list of the parcel numbers for each of the properties in the above-listed Zones/Sub-Zones is on file with the City Clerk.

Section 3. Reference is hereby made to the Engineer's Report on file with the City Clerk regarding the proposed new or increased assessments for Zone 1 Sub Areas 1 Tract 1581-1; 4 Tract 1619; 6 Tract 1463-1; 18 Tract 1581-2; 19 Tract 1463-2; Zone 2 Sub Areas 2A-2 Tract 1632-3; 2A-3 Tract 1632-4; 15 Tract 1832; Zone 3 Sub Areas 20 PR 91-088; 25 PR 94-016; 30 PR 91-089; Zone 4 Sub Areas 5 Tract 1508-1,2; 16 Tract 1580-3; 27 Tract 1508-4; Zone 9 Sub Area 52 Tract 2281-1 To 5; Zone 10A Sub Area 13 Tract 1886; Zone 12 Sub Area 3 Tract 1457; Zone 13B Sub Area 22 PR 91-095; Zone 13C Sub Area 46 PR 98-038; Zone 15 Sub Area 66 PD 00-029 and Stand Alone Sub Area 44 Tract 2186 for the 2016/2017 fiscal year (the "Engineer's Report"), which contains a full description of the improvements, the boundaries of the Zones/Sub-Zones within the District, and the proposed new or increased assessments upon assessable lots and parcels of land within the above-listed Zones/Sub-Zones within the District.

Section 4. Contingent on compliance with the Act's, Proposition 218's and the Proposition 218 Omnibus Implementation Act's balloting procedure(s), the City Council proposes to levy and collect new or increased assessments upon all real property in the City of El Paso de Robles Landscape and Lighting Maintenance District No. 1, Zone 1 Sub Areas 1 Tract 1581-1; 4 Tract 1619; 6 Tract 1463-1; 18 Tract 1581-2; 19 Tract 1463-2; Zone 2 Sub Areas 2A-2 Tract 1632-3; 2A-3 Tract 1632-4; 15 Tract 1832; Zone 3 Sub Areas 20 PR 91-088; 25 PR 94-016; 30 PR 91-089; Zone 4 Sub Areas 5 Tract 1508-1,2; 16 Tract 1580-3; 27 Tract 1508-4; Zone 9 Sub Area 52 Tract 2281-1 To 5; Zone 10A Sub Area 13 Tract 1886; Zone 12 Sub Area 3 Tract 1457; Zone 13B Sub Area 22 PR 91-095; Zone 13C Sub Area 46 PR 98-038; Zone 15 Sub Area 66 PD 00-029 and Stand Alone Sub Area 44 Tract 2186 for 2016/2017 fiscal year, as described in the Engineer's Report. The existing assessment in the above-listed Zones/Sub-Zones is proposed to increase from the previous year.

Section 5. Notice is hereby given that on Tuesday, June 7, 2016, at 6:30 p.m., in the City Council Chambers at 1000 Spring Street, Paso Robles, at a Regular Meeting of the City Council, the City Council will hold a Public Hearing to tabulate Proposition 218 ballots, consider all oral statements, and communication made or filed by any interested person concerning the proposed new or increased assessments for Zone 1 Sub Areas 1 Tract 1581-1; 4 Tract 1619; 6 Tract 1463-1; 18 Tract 1581-2; 19 Tract 1463-2; Zone 2 Sub Areas 2A-2 Tract 1632-3; 2A-3 Tract 1632-4; 15 Tract 1832; Zone 3 Sub Areas 20 PR 91-088; 25 PR 94-016; 30 PR 91-089; Zone 4 Sub Areas 5 Tract 1508-1,2; 16 Tract 1580-3; 27 Tract 1508-4; Zone 9 Sub Area 52 Tract 2281-1 To 5; Zone 10A Sub Area 13 Tract 1886; Zone 12 Sub Area 3 Tract 1457; Zone 13B Sub Area 22 PR 91-095; Zone 13C Sub Area 46 PR 98-038; Zone 15 Sub Area 66 PD 00-029 and Stand Alone Sub Area 44 Tract 2186 for fiscal year 2016/2017 for the El Paso De Robles Landscape and Lighting Maintenance District No. 1.

Section 6. Pursuant to the Act, the California Constitution, and the Proposition 218 Omnibus Implementation Act, an assessment ballot proceeding is hereby called on the matter of confirming the proposed new or increased assessments Zone 1 Sub Areas 1 Tract 1581-1; 4 Tract 1619; 6 Tract 1463-1; 18 Tract 1581-2; 19 Tract 1463-2; Zone 2 Sub Areas 2A-2 Tract 1632-3; 2A-3 Tract 1632-4; 15 Tract 1832; Zone 3 Sub Areas 20 PR 91-088; 25 PR 94-016; 30 PR 91-089; Zone 4 Sub Areas 5 Tract 1508-1,2; 16 Tract 1580-3; 27 Tract 1508-4; Zone 9 Sub Area 52 Tract 2281-1 To 5; Zone 10A Sub Area 13 Tract 1886; Zone 12 Sub Area 3 Tract 1457; Zone 13B Sub Area 22 PR 91-095; Zone 13C Sub Area 46 PR 98-038; Zone 15 Sub Area 66 PD 00-029 and Stand Alone Sub Area 44

Tract 2186 as outlined in the Engineer's Report. Under the supervision of the City Clerk's Office, City staff is authorized and directed to proceed with the balloting procedure for all property in the City of El Paso De Robles Landscape and Lighting Assessment District for Zone 1 Sub Areas 1 Tract 1581-1; 4 Tract 1619; 6 Tract 1463-1; 18 Tract 1581-2; 19 Tract 1463-2; Zone 2 Sub Areas 2A-2 Tract 1632-3; 2A-3 Tract 1632-4; 15 Tract 1832; Zone 3 Sub Areas 20 PR 91-088; 25 PR 94-016; 30 PR 91-089; Zone 4 Sub Areas 5 Tract 1508-1,2; 16 Tract 1580-3; 27 Tract 1508-4; Zone 9 Sub Area 52 Tract 2281-1 To 5; Zone 10A Sub Area 13 Tract 1886; Zone 12 Sub Area 3 Tract 1457; Zone 13B Sub Area 22 PR 91-095; Zone 13C Sub Area 46 PR 98-038; Zone 15 Sub Area 66 PD 00-029 and Stand Alone Sub Area 44 Tract 2186. The ballots and notices for the Public Hearing shall be distributed to the property owner(s) of record as of the last County equalized roll. Property owner or owners of each affected parcel may return the ballot by mail or in person to the City Clerk not later than the conclusion of the Public Hearing noted above.

Section 7. The City Clerk or their designee is hereby authorized and directed to give Notice of the Public Hearing referred to in Section 5 of this Resolution and distribute property owner protest ballots referred to in Section 6 of this Resolution in accordance with applicable law. The Notice and ballots shall be distributed by first class mail to the property owner(s) of records for each parcel within Zone 1 Sub Areas 1 Tract 1581-1; 4 Tract 1619; 6 Tract 1463-1; 18 Tract 1581-2; 19 Tract 1463-2; Zone 2 Sub Areas 2A-2 Tract 1632-3; 2A-3 Tract 1632-4; 15 Tract 1832; Zone 3 Sub Areas 20 PR 91-088; 25 PR 94-016; 30 PR 91-089; Zone 4 Sub Areas 5 Tract 1508-1,2; 16 Tract 1580-3; 27 Tract 1508-4; Zone 9 Sub Area 52 Tract 2281-1 To 5; Zone 10A Sub Area 13 Tract 1886; Zone 12 Sub Area 3 Tract 1457; Zone 13B Sub Area 22 PR 91-095; Zone 13C Sub Area 46 PR 98-038; Zone 15 Sub Area 66 PD 00-029 and Stand Alone Sub Area 44 Tract 2186 not less than 45 days before the date of the Public Hearing pursuant to the California Constitution.

Section 8. The property owner protest ballot proceeding conducted for Zone 1 Sub Areas 1 Tract 1581-1; 4 Tract 1619; 6 Tract 1463-1; 18 Tract 1581-2; 19 Tract 1463-2; Zone 2 Sub Areas 2A-2 Tract 1632-3; 2A-3 Tract 1632-4; 15 Tract 1832; Zone 3 Sub Areas 20 PR 91-088; 25 PR 94-016; 30 PR 91-089; Zone 4 Sub Areas 5 Tract 1508-1,2; 16 Tract 1580-3; 27 Tract 1508-4; Zone 9 Sub Area 52 Tract 2281-1 To 5; Zone 10A Sub Area 13 Tract 1886; Zone 12 Sub Area 3 Tract 1457; Zone 13B Sub Area 22 PR 91-095; Zone 13C Sub Area 46 PR 98-038; Zone 15 Sub Area 66 PD 00-029 and Stand Alone Sub Area 44 Tract 2186 shall be tabulated separately and constitute the property owners' approval of rejection of the proposed new or increased assessments and assessment range formula described in the Engineer's Report.

Section 9. In accordance with Streets and Highways Code Section 22660(a), the City Council has determined that the estimated cost of certain proposed improvements, described in Section 22525, subdivisions (a) through (d), are greater than can conveniently be raised from a single assessment and, as a result, shall be collected in installments and held in a reserve account, as noted in the Engineer's Report.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 19th day of April, 2016 by the following vote:

- AYES: Strong, Hamon, Gregory, Reed, Martin
- NOES:
- ABSENT:
- ABSTAIN:



Steven W. Martin, Mayor

ATTEST:


Kristen L. Buxkemper, Deputy City Clerk