

Resolution No. 9679

Resolution of the Council of the City of Palo Alto Declaring Its Intention to Levy an Assessment Against Businesses Within the Downtown Palo Alto Business Improvement District for Fiscal Year 2018 and Setting a Time and Place for June 12, 2017 at 6:00 PM or Thereafter, in the Council Chambers

R E C I T A L S

The Council of the City of Palo Alto hereby DECLARES as follows:

SECTION 1. The Parking and Business Improvement Area Law of 1989 (the "Law"), California Streets and Highways Code Sections 36500 et seq., authorizes the City Council to levy an assessment against businesses within a parking and business improvement area which is in addition to any assessments, fees, charges, or taxes imposed in the City.

SECTION 2. Pursuant to the Law, the City Council adopted Ordinance No. 4819 establishing the Downtown Palo Alto Business Improvement District (the "District") in the City of Palo Alto.

SECTION 3. The City Council, by Resolution No. 8416, appointed the Board of Directors of the Palo Alto Downtown Business & Professional Association, a California nonprofit mutual benefit corporation, to serve as the Advisory Board for the District (the "Advisory Board").

SECTION 4. In accordance with Section 36533 of the law, the Advisory Board prepared and filed with the City Clerk a report entitled "Downtown Palo Alto Business Improvement District, Annual Report 2017-2018" (the "Report"). The City Council hereby preliminarily approves the report.

SECTION 5. The boundaries of the District are within the City limits of the City of Palo Alto (the "City") and encompass the greater downtown area of the City, generally extending from El Camino Real to the East, Webster Street to the West, Lytton Avenue to the North and Addison Avenue to the South (east of Emerson Street, the boundaries extend only to Forest Avenue to the South). Reference is hereby made to the map of the District attached hereto in the Report and incorporated herein by reference for a complete description of the boundaries of the District.

SECTION 6. The City Council hereby declares its intention, in addition to any assessments, fees, charges or taxes imposed by the City, to levy and collect an assessment against businesses within the District for fiscal year 2018 (July 1, 2017 to June 30, 2018). Such assessment is not proposed to increase from the assessment levied and collected for the prior fiscal year. The method and basis of levying the assessment is set forth in the Report attached hereto, and incorporated herein by reference.

SECTION 7. The types of improvements to be funded by the levy of an assessment against businesses within the District are the acquisition, construction, installation or maintenance of any tangible property with an estimated useful life of five years or more. The types of activities to be funded by the levy of an assessment against businesses within the District are the promotion of public events which benefit businesses in the area and which take place on or in public places within the District; the furnishing of music in any public place in the District; and activities which benefit businesses located and operating in the District.

SECTION 8. New businesses established in the District after the beginning of any fiscal year shall be exempt from the levy of the assessment for that fiscal year. In addition, non-profit organizations, newspapers and professional "single-person businesses," defined as those businesses which have 25% or less full time equivalent employees, including the business owner, shall be exempt from the assessment.

SECTION 9. The City Council hereby fixes the time and place for a public hearing on the proposed levy of an assessment against businesses within the District for fiscal year 2016 as follows:

TIME: 6:00 p.m. or soon thereafter  
DATE: Monday, June 12, 2017  
PLACE: City Council Chambers  
250 Hamilton Avenue  
Palo Alto, California 94301

At the public hearing, the testimony of all interested persons regarding the levy of an assessment against businesses within the District for fiscal year 2018 shall be heard. A protest may be made orally or in writing by any interested person. Any protest pertaining to the regularity or sufficiency of the proceedings must be in writing and shall clearly set forth the irregularity or defect to which the objection is made.

Every written protest must be filed with the City Clerk at or before the time fixed for the public hearing. The City Council may waive any irregularity in the form or content of any written protest and at the public hearing may correct minor defects in the proceedings. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing.

Each written protest must contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the City as the owner of the

business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business. A written protest which does not comply with the requirements set forth in this paragraph will not be counted in determining a majority protest (as defined below).

If, at the conclusion of the public hearing, written protests are received from the owners of businesses in the District which will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent (i.e., there is a majority protest), no further proceedings to levy the proposed assessment, as contained in this resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the City Council.

If the majority protest is only against the furnishing of a specified type or types of improvement or activity within the District, those types of improvements or activities shall be eliminated.

SECTION 10. For a full and detailed description of the improvements and activities to be provided for fiscal year 2018, the boundaries of the District and the proposed assessments to be levied against the businesses within the District for fiscal year 2017, reference is hereby made to the Report of the Advisory Board. The Report is on file with the City Clerk and open to public inspection.

SECTION 11. The City Clerk is hereby authorized and directed to provide notice of the public hearing in accordance with law.

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SECTION 12. The Council finds that the adoption of this resolution does not meet the definition of a project under Section 21065 of the California Environmental Quality Act and, therefore, no environmental impact assessment is necessary.

INTRODUCED AND PASSED: May 22, 2017

AYES: DUBOIS, FILSETH, FINE, HOLMAN, KNISS, KOU, SCHARFF, TANAKA, WOLBACH

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

DocuSigned by:  
*Beth Minor*  
45F95502DB71482  
\_\_\_\_\_  
City Clerk

DocuSigned by:  
*H. Gregory Seely*  
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\_\_\_\_\_  
Mayor

APPROVED AS TO FORM: APPROVED:

DocuSigned by:  
*Molly Stump*  
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City Attorney

DocuSigned by:  
*Jack Jones*  
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City Manager

DocuSigned by:  
*[Signature]*  
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Director of Administrative Services

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*Hillary Gitelman*  
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Director of Planning and Community Environment

## Certificate Of Completion

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Subject: Please DocuSign this document: RESO 9679 Declaring Intention to Levy BID FY18.pdf	
Source Envelope:	
Document Pages: 4	Signatures: 6
Supplemental Document Pages: 0	Initials: 0
Certificate Pages: 5	
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Kim Lunt
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	250 Hamilton Ave
	Palo Alto , CA 94301
	kimberly.lunt@cityofpaloalto.org
	IP Address: 12.220.157.20

## Record Tracking

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## Signer Events

Molly Stump  
Molly.Stump@CityofPaloAlto.org  
City Attorney  
City of Palo Alto  
Security Level: Email, Account Authentication (None)

## Signature

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Hillary Gitelman  
Hillary.Gitelman@CityofPaloAlto.org  
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**Electronic Record and Signature Disclosure:**  
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Lalo Perez  
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Chief Financial Officer  
City of Palo Alto  
Security Level: Email, Account Authentication (None)

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**Electronic Record and Signature Disclosure:**  
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City Manager  
City of Palo Alto  
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**Electronic Record and Signature Disclosure:**  
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ID: 44fe333a-6a81-4cb7-b7d4-925473ac82e3

Signer Events	Signature	Timestamp
<p>H. Gregory Scharff  greg.scharff@cityofpaloalto.org  Mayor  City of Palo Alto  Security Level: Email, Account Authentication (None)</p> <p><b>Electronic Record and Signature Disclosure:</b>  Not Offered via DocuSign</p>	<p>DocuSigned by:    6FB3765F09D34EA...</p> <p>Using IP Address: 23.126.179.35  Signed using mobile</p>	<p>Sent: 6/12/2017 6:49:16 AM  Viewed: 6/12/2017 7:32:12 AM  Signed: 6/12/2017 7:32:39 AM</p>
<p>Beth Minor  Beth.Minor@CityofPaloAlto.org  City Clerk  City of Palo Alto  Security Level: Email, Account Authentication (None)</p> <p><b>Electronic Record and Signature Disclosure:</b>  Not Offered via DocuSign</p>	<p>DocuSigned by:    45F95502DB71492...</p> <p>Using IP Address: 12.220.157.20</p>	<p>Sent: 6/12/2017 7:32:41 AM  Viewed: 6/12/2017 7:47:12 AM  Signed: 6/12/2017 7:47:38 AM</p>
In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
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