ATTACHMENT 1

RESOLUTION R2016-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA DECLARING ITS INTENTION TO MODIFY THE PARKING AND BUSINESS IMPROVEMENT AREA NO. 1, BENEFIT ZONE 1 (2005), BY: (1) RENAMING THE AREA THE "DOWNTOWN PARKING ASSESSMENT AREA", (2) AMENDING THE BOUNDARIES TO ADD SIX NEW PARCELS, (3) AMENDING ALLOWABLE USES OF ASSESSMENT REVENUE TO INCLUDE PARKING MAINTENANCE, AND (4) FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND PUBLIC HEARING THEREON, AND GIVING NOTICE THEREOF

WHEREAS, on January 4, 2005, the City adopted ordinance O2005-1 which established Parking and Business Improvement Area No. 1, Benefit Zone 1 (2005) ("2005 PBIA"), pursuant to the Parking and Business Improvement Area Law of 1989 (California Streets and Highways Code Sections 36500, *et seq.*), as codified in Napa Municipal Code Chapter 3.30; and

WHEREAS**,** pursuant to Streets and Highways Code Section 36530, the City Council has appointed the Napa Downtown Association to serve as the Advisory Board to the 2005 PBIA; and

WHEREAS**,** Streets and Highways Code Section 36540, authorizes the 2005 PBIA advisory board to recommend the City make modifications to the 2005 PBIA; and
WHEREAS**,** the City received a recommendation from the 2005 PBIA advisory board recommending the modifications to the 2005 PBIA as set forth in this resolution; and

WHEREAS, Streets and Highways Code Section 36541, establishes the procedure to modify the 2005 PBIA which includes adopting a Resolution of Intention, providing notice to affected business owners, holding a public meeting, holding a public hearing, and adopting an ordinance modifying the 2005 PBIA.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Napa as follows:

1. The recitals set forth herein are true and correct.

2. The City Council declares its intention to modify the 2005 PBIA, and establish the "Downtown Parking Assessment Area", as described in this resolution, pursuant to the Parking and Business Improvement Area Law of 1989, Streets and Highways Code Section 36500 *et seq.*, particularly Section 36541.

3. The new name of the area shall be the Downtown Parking Assessment Area ("DPAA"). As referenced throughout this resolution, the phrase "DPAA" shall mean the 2005 PBIA as proposed to be modified as described in this resolution. Upon City Council's approval of the establishment of the DPAA, as described in this resolution, the DPAA shall supersede and replace the 2005 PBIA.

4. The boundaries of the territory proposed to be included in the DPAA generally include all property in the 2005 PBIA as well as the addition of six parcels (APNs 003-136-002, -003, -010, 003-142-001, -013, -014), as shown on the "Downtown Parking Assessment Area Boundary" map attached hereto as Exhibit A, and incorporated herein by reference.

5. The City Council declares its intention to levy and collect assessments within the DPAA boundary. The assessment is proposed to be levied on all businesses, existing and in the future, within the DPAA. The DPAA assessment shall be seventy percent (70%) of the existing business license tax to be imposed on each business in the DPAA under Chapter 5.04 of the Napa Municipal Code; and the calculation of the DPAA assessment rates are set forth on Exhibit B, attached hereto and incorporated herein by reference. Assessment rates shall not increase due to an increase in the City's business license fees unless the procedures to increase the assessment pursuant to the Parking and Business Improvement Area Law of 1989 are satisfied. Except where funds are otherwise available, an assessment will be levied annually to pay for the improvements and activities within the DPAA. New businesses within the DPAA boundaries will not be exempt from the levy of assessment as authorized by Streets and Highways Code Section 36531.

6. The total DPAA assessment collected in year one is estimated to be $28,000.00. Revenues collected from said assessment shall be used for the acquisition, design, construction, and maintenance of parking facilities and sites for the benefit of the businesses within the DPAA. Funds remaining at the end of any DPAA term may be used in subsequent years in which DPAA assessments are levied as long as they are used consistent with the requirements of this Resolution.

7. The DPAA assessment will be collected for each calendar year at the same time and in the same manner as the collection of the business license taxes for each business in the DPAA.

8. The City Council hereby appoints the Napa Downtown Association Board of Directors to serve as the advisory board of the DPAA.

9. The DPAA advisory board shall submit an annual report, which shall include a budget for operations and activities to be undertaken by the DPAA for the ensuing calendar year, to the City Council pursuant to Streets and Highways Code Section 36533.

10. The time and place for a public meeting for comments on the modified 2005 PBIA, and the levy of assessments under the DPAA, are set for 3:30 PM on November 1, 2016 at City Hall Council Chambers, 955 School Street, Napa, CA 94559.

11. The time and place for the public hearing to modify the 2005 PBIA, and levy assessments under the DPAA, are set for 3:30 PM on November 15, 2016 at City Hall Council Chambers, 955 School Street, Napa, CA 94559.

12. At the public meeting and public hearing the testimony of all interested persons for or against modifying the 2005 PBIA, and establishing the DPAA, will be heard.

13. A protest against modifying the 2005 PBIA, as provided in Streets and Highways Code Section 36524, may be made orally or in writing. To count in a protest against the modification of the 2005 PBIA, a protest must be made in writing. A written protest may be withdrawn, in writing, at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person signing the protest is interested, sufficient to identify the business and its address. If the person signing the protest is not shown on the official records of the City of Napa as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business, or the authorized representative. Any protest as to the regularity or evidence of the proceedings shall be in writing and clearly state the irregularity or defect to which objection is made. Written protests must be received by the Clerk of the City of Napa before the close of the public hearing scheduled herein, and may be delivered to the City Clerk at 955 School Street, Napa, CA 94559 or mailed to the City Clerk at P.O. Box 660, Napa, CA 94559.

14. If, at the conclusion of the public hearing, there are of record written protests by the owners of businesses within the DPAA boundary that will collectively pay fifty percent (50%) or more of the DPAA assessment, no further proceedings to modify the 2005 PBIA shall occur for a period of one year from the date of the finding of a majority protest. If the majority of written protest is only as to a proposed improvement or activity, then that type of improvement or activity shall not be included in the DPAA.

15. Further information regarding the DPAA may be obtained from the City Clerk, at 955 School Street, Napa, CA 94559.

16. The City Clerk is instructed to provide notice of the public meeting and public hearing as follows:

a. Publish this Resolution of Intention in a newspaper of general circulation in the City of Napa at least seven days before the hearing; and

b. Mail a complete copy of this Resolution of Intention to each and every business owner proposed to be included in the DPAA boundary on or before September 21, 2016.

17. This resolution shall take effect immediately upon its adoption, and the City Clerk shall certify the vote adopting this resolution.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 20th day of September, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: ________________________
Dorothy Roberts
City Clerk

Approved as to form:

____
Michael W. Barrett
City Attorney

EXHIBIT A
Downtown Parking Assessment Area Boundary

ATTACHMENT 1

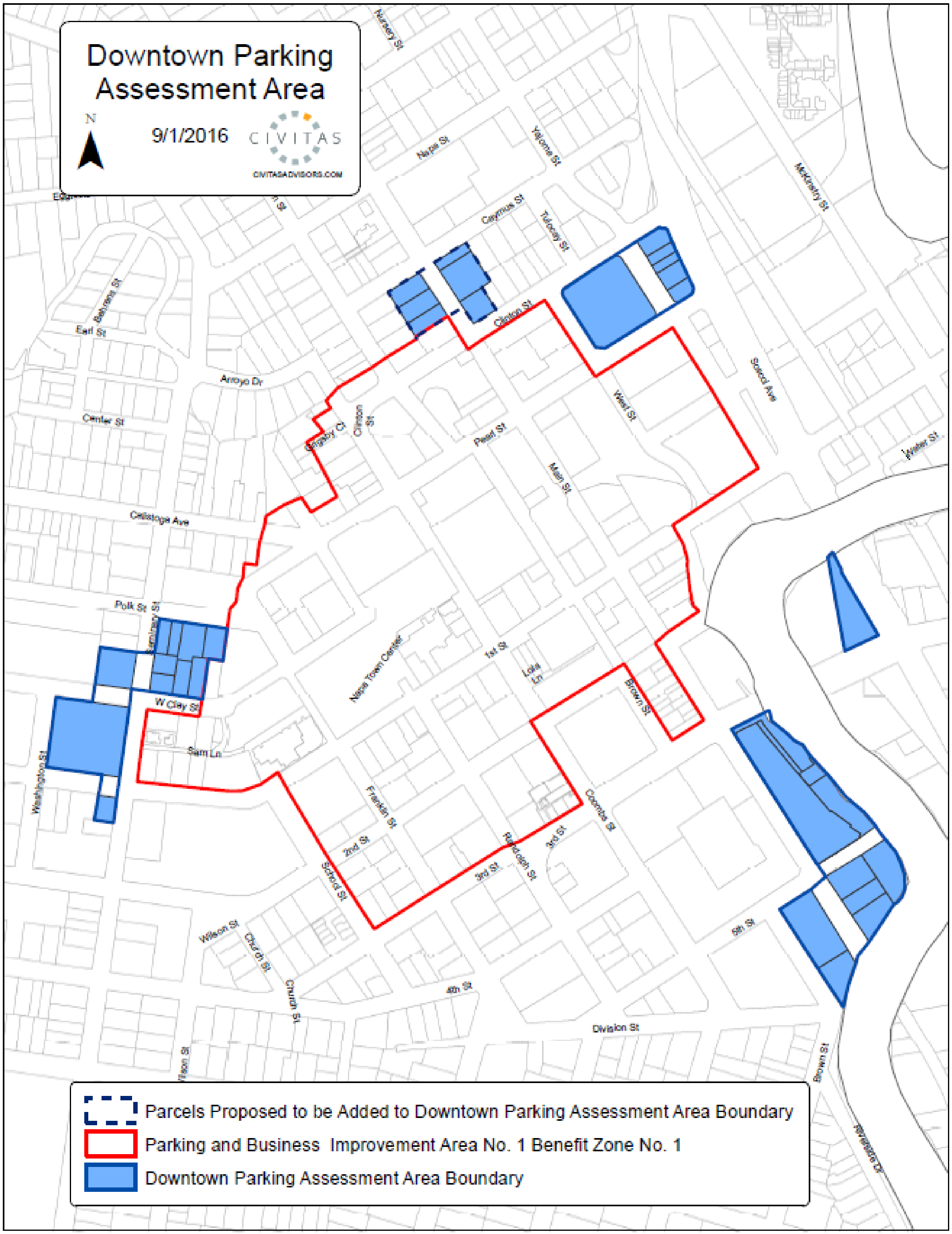

EXHIBIT B

Downtown Parking Assessment Area Assessment Rates

Business Type	Assessment Rate
Gross Receipt Quarterly Business Assessments	
Gross Receipt Quarterly – Retail	$0.70 per $1,000 of gross receipts
Gross Receipt Quarterly – Wholesale	$0.35 per $1,000 of gross receipts
Gross Receipt Quarterly – Retail & Wholesale	$0.70 per $1,000 of retail gross receipts and $0.35 per $1,000 of wholesale gross receipts
Licensed Building Contractors	$0.70 per $1,000 of the construction value
Business with annual gross receipts less than $25k	$14.00
Gross Receipt Annual Business Assessments	
Gross Receipt Annual $0-$49,999	$17.50
Gross Receipt Annual $50,000-$149,999	$35.00
Gross Receipt Annual $150,000-$249,999	$52.50
Gross Receipt Annual $150,000-$249,999	$77.00
Gross Receipt Annual $250,000-$499,999	$115.50
Gross Receipt Annual $500,000-$999,999	$175.00
Each additional 100,000 or portion thereof	$7.00
Fixed Assessments	
Auctioneer – No Fixed Place of Business	$17.50 per day or $140.00 per year
Automobile Trailer/Mobile Home Courts	$3.50 per permanent overnight space per year
Bingo Games	$17.50 per year
Cabaret	$17.50 per day or $70.00 per year
Card Rooms	$350.00 per year per table
Christmas Tree Lot	$17.50 per year
Carnival	$105.00 per day
Circus	$105.00 per day
Closing Out Sale	$70.00—30 days $140.00—60 days $210.00—90 days

Commercial Filming	$350.00 per day
Craft Fairs and Shows	$3.50 per day per stand
Dance	$35.00 per day
Directory Sales	$70.00 per year
Farmers' Market	$140.00 per year
Handbill Distributors	$7.00 per day per person or $70.00 per year per person
Klieg Lights	$14.00 per day
Mobile Home/Trailer	$7.00 per month
Peddler/Solicitor/Canvasser	$7.00 per day or $35.00 per month
Photographer – Itinerant	$70.00 per month
Public Entertainment	$17.50 per day
(Class A) Recreation Contractor	$3.50 per year
Tent or Caravan Show	$105.00 per day
Ice Cream	$105.00 per calendar year, per cart, stand, vehicle, etc.
Itinerant	$17.50 per day
Vending Machines charging $0.49-$1.99	$21.00 per year per machine
Vending Machines charging $2.00+	$42.00 per year per machine
Vendor: Moveable Stand	$21.00 per month, or $105.00 per year, per stand, cart, vehicle, etc.
Video Games/Mechanical Amusement Devices	$21.00 per year per machine
Wrestling/Boxing Exhibitions	$70.00 per exhibition