

CITY OF YUBA CITY
STAFF REPORT

Date: December 16, 2008
To: Honorable Mayor & Members of the City Council
From: Administration
Presentation By: Steven C. Kroeger, Assistant City Manager

Summary

Subject: Proposed Levy of the 2009 Annual Assessment of the Downtown Yuba City Business Improvement District

Recommendation: 1) Conduct public hearing
2) Adopt a resolution confirming the Annual Report for the Yuba City Downtown Business Association and levying the assessment for the Downtown Business Improvement District for Calendar Year 2009

Fiscal Impact: None related to levy and collection of annual assessments besides staff time

Background:

At its meeting on December 2, 2008, the City Council received the 2008 Annual Report from the Yuba City Downtown Business Association and adopted Resolution 08-129 declaring its intention to levy and collect an annual assessment for calendar year 2009 in the Downtown Yuba City Business Improvement District (BID). A public hearing was set for December 16, 2008. The notice of public hearing was published in the Appeal Democrat on December 2nd and 9th, 2008.

The purpose of the public hearing is for the City Council to hear and consider all protests against the levying of the proposed assessments. The City Council should note that the Annual Report proposes no changes to the BID boundaries or the assessment formula as originally established.

Analysis:

After the public hearing, the City Council may take one of the following actions:

1. Terminate proceedings if protest is received from business owners in the proposed district who collectively pay 50% or more of the proposed assessment (a "majority protest"). If the majority protest is only against the furnishing of a specified type of improvement or activity within the district, those types of improvements or activities shall be eliminated.
2. Order changes in any of the matters provided in the Annual report including: 1) changes in the proposed assessments, 2) the proposed improvements and activities to be funded with the revenues derived from the levy of the assessments, and 3) the proposed boundaries of the area and any benefit zones with the area. The City Council cannot change the boundaries to include any territory that will not, in its judgment, benefit by the improvement of activity.

3. Continue the public hearing with the understanding that the public hearing must be completed within 30 days.
4. Adopt a resolution confirming the Annual Report as originally filed or as amended. The adoption of the resolution constitutes the levy of the assessment for calendar year 2009.

Fiscal Impact:

None related to levy and collection of annual assessments besides staff time. The City's Redevelopment Agency provides staff support to the DBA on an ongoing basis at an approximate cost of \$43,000 annually.

Alternatives:

1. Do not levy assessments
2. Identify alternate funding source for Downtown improvements and activities.

Recommendation:

Unless there is majority protest, it is the recommendation of staff that the City Council adopt the attached resolution confirming the Annual Report as originally filed by the Downtown Yuba City Business Association and levying the annual assessment for calendar year 2009 in the Downtown Yuba City Business Improvement District.

Attachments:

1. Resolution Confirming the Annual Report and levying the Assessment for the Downtown Business Improvement District for Calendar Year 2009
2. Map of the Downtown Business Improvement District
3. District Assessment Formula

Prepared By:

Judy Sanchez
Administrative Clerk III


Submitted By:



Steven R. Jepsen
City Manager

Reviewed by:

Department Head
Finance
City Attorney



RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY CONFIRMING THE ANNUAL REPORT FOR THE YUBA CITY DOWNTOWN BUSINESS ASSOCIATION AND LEVYING THE ASSESSMENT FOR THE DOWNTOWN YUBA CITY BUSINESS IMPROVEMENT DISTRICT FOR CALENDAR YEAR 2009

WHEREAS, on December 2, 2008, the Yuba City Council adopted Resolution No. 08-129 (the "Resolution") declaring its intention to levy and collect an annual assessment for Calendar Year 2009 in the Downtown Yuba City Business Improvement District (the "District") pursuant to the Parking and Business Improvement Area Law of 1989, Part 6, (commencing with Section 36500) of Division 18 of the California Streets and Highways Code (the "Act"); and

WHEREAS, pursuant to the Act and the Resolution, the City Council of the City of Yuba City conducted a public hearing, after giving due notice thereof as required by the Act, on December 16, 2008, at 7:00 p.m. at the Council Chambers, 1201 Civic Center Boulevard, Yuba City, California; and

WHEREAS, the public hearing has been held and the City Council has heard and considered all oral and written protests and other comments regarding the levying of the proposed assessments; and

WHEREAS, protests from businesses in the District paying fifty percent (50%) or more of the proposed assessments have not been received; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YUBA CITY DOES HEREBY RESOLVE, DETERMINE, AND FIND AS FOLLOWS:

1. The recitals set forth herein are true and correct.
2. The City Council does confirm the Annual Report as originally filed by the Yuba City Downtown Business Association.
3. This Resolution is effective on its adoption and constitutes the levy of the assessment for calendar year 2009 for the Downtown Yuba City Business Improvement District.

I HEREBY CERTIFY that the foregoing resolution was introduced and read at a Regular Meeting of the City Council of the City of Yuba City on the 16th day of December, 2008, and was duly adopted at said meeting by the following vote:

AYES:
NOES:
ABSENT:

ATTEST:

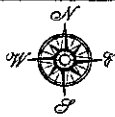
Mayor

City Clerk

Yuba City - Downtown Plumas Street Area

Downtown Business Improvement District

- Commercial Uses--A Zone
- Commercial Uses--B Zone
- Residential Uses



DISTRICT ASSESSMENT FORMULA

The Business Improvement District (BID) is a self-initiated business district funded by an annual assessment based on a formula developed by the Downtown Yuba City Business Improvement District Formation Committee. The assessments will be used to fund improvements and activities in the BID designed for economic stimulation and business enhancement for the business in the BID. The assessment formula is based on type, size and location of business in order to offer a fair and equitable charge for each business in the BID.

Business Type	Business Size Number of Employees		Annual Assessment Zone	
			A	B
Retail, Restaurant and Service	Small	1-4	\$385	\$180
	Medium	5-9	\$560	\$285
	Large	10 +	\$735	\$380
Professional Business			\$350	\$180
Lodging Business			\$560	\$285
Financial Business			\$875	\$725

Retail, Restaurant and Service Businesses: Includes businesses that buy and resell goods such as clothing stores, shoe stores, office supplies, businesses that sell prepared foods and drinks, general office, news and advertising media, printers, photographers, personal care facilities and outlets, contractors, builders, service stations, repairing and servicing businesses, renting and leasing businesses, utilities, vending machine businesses, household finance companies, theaters and entertainment-oriented businesses, and other similar businesses not otherwise defined in the other categories.

Professional Business: Includes attorneys, architects, accountants, engineers, surveyors, physicians, dentists, optometrists, chiropractors and others in a medical/health service field, consultants, real estate brokers, financial advisors, laboratories (including dental and optical), hearing aid services, artists and designers, and similar businesses.

Lodging Businesses: Includes inns, hotels, motels, RV parks, and other similar businesses.

Financial Institutions: Includes banks, savings & loans, credit unions, and similar businesses.

Associate Members: Businesses outside the BID boundaries that would like to participate will be charged.

Note: Retail and restaurant businesses will be assess on size which will be determined by number of employees, either full-time or the equivalent made up of multiples of part-time employees.