



Meeting Date: 06/14/11

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s).	<input checked="" type="checkbox"/> Report
<input type="checkbox"/> Res. No(s).	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other	<input type="checkbox"/> Other _____

Prepared By: Maureen Hooper, Redevelopment Project Manager Agenda Item No. 0-2

Reviewed By: City Manager [Signature] Holmberg
City Attorney [Signature] Finance [Signature] Other (Specify) _____

DATE: June 3, 2011

TO: City Council

FROM: Curtis P. Cannon, Community Development Director
Community Development Department

Curtis P. Cannon

SUBJECT: **Renewal/Boundary Modification of the Oxnard Downtown Management District**

RECOMMENDATION

That the City Council adopt a Resolution of Intention to renew and modify the boundaries of the Oxnard Downtown Management District ("ODMD") to be roughly - Second Street on the north; the railroad tracks/Oxnard Boulevard on the east, Wooley Road on the south and C Street/D Street on the west, and to levy and collect assessments therein and to hold a public hearing thereon on August 2, 2011.

DISCUSSION

In May 2001 the City Council established the Oxnard Downtown Management District, a property and business improvement district ("PBID") for a five-year period which expired in 2006. The PBID was renewed with expanded boundaries for a five-year period in June 2006. The renewed PBID expires this year. Unless renewed again, the PBID's assessment levying authority terminates with property tax year 2010-2011 (June 30, 2011) with PBID operations to end with calendar year 2011 (December 31). The steps to renew the PBID are identical to the initial establishment in 2001 and the renewal in 2006; gather support petitions signed by property owners who will contribute more than 50 percent of the total assessments to be collected, have the City Council adopt a Resolution of Intention to renew the PBID, conduct a Proposition 218 ballot procedure of all property owners within the PBID, conduct a public hearing, and, providing there is not a majority opposition to the PBID renewal, adopt a Resolution renewing the PBID. PBIDs have been used successfully in over 150 commercial districts throughout the State to increase sales, attract new tenants, increase occupancies, and increase property values. Downtown Oxnard has experienced similar positive results over the past 10 years that the PBID has been in effect.

Since late 2010, a PBID Renewal Committee of Downtown property and business owners has been meeting to formulate the details of the PBID renewal. The Committee has determined that the PBID renewal period will be a three-year period (up to 10 years are permitted by State Law for renewals), that the PBID boundaries will be reduced slightly on the east side of Oxnard Boulevard from Seventh Street to Wooley Road and that a 2012 annual budget of approximately \$504,000 be established to be used to

continue to provide enhanced maintenance, enhanced security, business development, beautification and related management services. The boundary reduction was determined by an analysis of the current needs of the subject properties and property owners' feedback provided to the Committee. The reduced PBID boundary includes an approximately 38-block area bounded roughly by Second Street on the north; the railroad tracks/Oxnard Boulevard on the east, Wooley Road on the south and C Street/D Street on the west. (Please refer to map attached – Exhibit 1.)

The draft Management Plan (attached) provides that institutional/non-profits/government owned parcels will be exempt from the building area portion of the proposed assessment. State law provides that the Council may structure the assessment in the manner it determines corresponds with the distribution of benefits from the proposed improvements and activities of the PBID.

PBID Proposal

Under the PBID renewal proposal the City/Community Development/Housing Authority/Parking Authority, as assesses, would contribute \$134,415.95, to be combined with the PBID assessment funding of \$369,618.08 from the remaining properties within the proposed renewed/modified District boundary. The combined funds of \$504,034.03 are proposed to be allocated as follows during 2012, the first renewal year. Sample programs and services will be:

Maintenance \$157,600

Daily pickup of litter from all sidewalks, gutters, alleys and public parking lots; daily inspection and emptying of sidewalk trash bins; daily mechanical sweeping of gutters; monthly mechanical sweeping of all sidewalks, alleys, and public parking lots; regular mechanical scrubbing and steam-washing of all sidewalk areas.

Public Safety \$83,500

Additional Downtown safety personnel to patrol on foot or on bicycle; act as community ambassadors to assist visitors with directions and information; report graffiti, non-operational street lights, deter loitering and other problem activities.

Business Development \$132,700

A series of festive Downtown events and activities; sales and business promotions; advertising of Downtown Oxnard's diverse array of goods and services; marketing of business and property investment opportunities in Downtown; marketing of available space for lease or sale and development of an "Arts District" concept.

Beautification \$51,700

Expansion of desirable streetscape elements such as banners, trash bins, planters and hanging flower baskets; seeking of matching grants from public and private sources for streetscape amenities.

Management/Operations \$78,855

Full-time professional staff to manage District programs and activities; full service office to assist property and business owners with their Downtown-related needs; and solid lobbying force on Downtown issues and needs.

Process for District Renewal

California State Law (Section 36600 et seq. Streets and Highways Code), which allows for the formation and renewal of PBIDs, requires a two step approval process which begins with a petition phase to gather support from owners who represent more than 50 percent of the proposed total assessment to be levied. This has been accomplished, with collected petitions representing over 50 percent of the property owners (including properties owned by the City of Oxnard, Oxnard Redevelopment Agency, Oxnard Housing Authority and Oxnard Parking Authority). The second step, the ballot phase, is initiated by the City Council adopting a Resolution of Intent to renew the PBID, which authorizes the City Clerk to mail a ballot for the renewal of the district to each property owner within the proposed renewed district, and set a date for a public hearing to count the ballots. This is the item before the City Council on June 14.

In order for the District to be renewed, of the PBID ballots returned, a weighted majority as determined by assessment dollars to be paid into the District must be in favor of the District renewal. The City Council may then renew the assessment District by adopting a formal resolution. The District assessments are collected either by the City or by the County with the property tax billing. The County returns the assessment funds to the City, who then remits them to the ODMD. An annual report and fiscal audit are required from the ODMD.

In order to meet the County Assessor's timeline for inclusion of the assessment on the tax rolls for Year 1, a Resolution of Adoption of the Assessment must be received by the County no later than August 4, 2011. And as the law requires a minimum period of 45 days in which the ballots must circulate, staff proposes convening a Special Meeting of the City Council on August 2, 2011 for the Public Hearing and proposed resolution.

Attached to this staff report is the informational packet that will be mailed out (by June 16) to the property owners within the proposed District boundary. The packet will include a ballot to be returned to the City Clerk's Office by the close of the public input period of the public hearing on August 2.

FINANCIAL IMPACT

There are no financial impacts associated with the recommended action. However, there will be a financial impact in the form of assessments levied on City- and City-related properties at such a time that the District is renewed, to be determined by Council action at the August 2 public hearing. The Estimated amount of assessment for the related City/CDC/Housing Authority/Parking Authority is \$134,415.95, for the first year (FY2011-12) if the District is renewed.

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Renewal/Boundary Modification of the Oxnard Downtown Management District

June 9, 2011

Page 4

Attachment #1 - Resolution of the City of Oxnard Stating its Intention to Renew and Modify the Oxnard Downtown Management District

#2 - Proposed Oxnard Downtown Management District Boundary Map

#3 - Oxnard Downtown Management District Plan

#4 - Informational Packet on PBID Notice and Ballot

Note: Attachment No. 3, the Oxnard Downtown Property-Based Business Improvement District (PBID) Management District Plan, has been provided to the City Council. Copies are available for review at the Circulation Desk in the Library after 6:00 p.m. on the Thursday prior to the Council meeting and at the City Clerk's Office after 8:00 a.m. on Monday.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF OXNARD STATING ITS INTENTION TO RENEW AND MODIFY THE BOUNDARIES OF THE OXNARD DOWNTOWN MANAGEMENT DISTRICT AND TO LEVY AND COLLECT ASSESSMENTS WITHIN SUCH DISTRICT PURSUANT TO THE PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994, PART 7 OF DIVISION 18 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE AND APPOINTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO.

WHEREAS, the Property and Business Improvement District Law of 1994, Part 7 of Division 18 of the California Streets and Highways Code, commencing with Section 36600, (the "Law") authorizes cities and counties to establish property and business improvement districts ("PBID") to promote the economic revitalization and physical maintenance of business districts; and

WHEREAS, the Law authorizes cities and counties to levy and collect assessments on real property within such districts for the purpose of providing improvements and promoting activities that specially benefit real property within such districts; and

WHEREAS, on May 1, 2001, the City Council of the City of Oxnard established a property and business improvement district in Downtown Oxnard for a five-year period known as the Oxnard Downtown Management District; and

WHEREAS, on July 25, 2006, the City Council of the City of Oxnard renewed the Oxnard Downtown Management District for a five-year period; and

WHEREAS, unless renewed again by the City Council, the Oxnard Downtown Management District's authority to levy assessments will have ended with tax year 2010-2011 with operations to end by December 31, 2011; and

WHEREAS, a written petition has been submitted by property owners within Downtown Oxnard requesting the City Council to initiate proceedings pursuant to the Law to renew the boundaries of the Oxnard Downtown Management District; and

WHEREAS, such petition was signed by property owners in the proposed renewed district who will pay more than fifty percent (50 percent) of the assessments proposed to be levied; and

WHEREAS, a Management District Plan entitled the "Oxnard Downtown Management District Plan" (the "Management District Plan") has been prepared and submitted to the City Clerk, containing all of the information to renew the District required by Section 36622 of the Law, including a description of the boundaries of the district, the improvements and activities proposed for the district, and the cost of such improvements and activities; and

WHEREAS, Articles XIIC and XIID of the California Constitution and Section 53753 of the California Government Code impose certain procedural and substantive requirements relating to the levy of new or increased assessments, including mailing of a notice to each affected property owner regarding the proposed assessment, conducting a ballot procedure; and holding a public hearing.

NOW, THEREFORE, the City Council of the City of Oxnard resolves:

Section 1. Pursuant to Section 36621(a) of the Law, the City Council declares its intention to renew and modify the boundaries for three (3) years of "The Oxnard Downtown Management District" (the "District") and to levy and collect assessments against lots and parcels of real property within the District, commencing with fiscal year 2011-12.

Section 2. The City Council hereby approves the Management District Plan, on file in the office of the City Clerk.

Section 3. The City Clerk shall make the Management District Plan and other documents related to the District available to the public for review during normal business hours.

Section 4. NOTICE IS HEREBY GIVEN that the City Council shall conduct a public hearing on the renewal and expansion of the District and the levy and collection of assessments for fiscal year 2011-12 on August 2, 2011 at 7:00 p.m. or as soon thereafter as the matter may be heard, in the City Council Chambers located at 305 West Third Street, Oxnard, California 93030. At the public hearing, the City Council will consider all objections or protests, if any, to the proposed renewal and boundary modification of the District and the proposed assessment. Any interested person may present written or oral testimony at the public hearing.

Section 5. The boundaries of the proposed renewed and modified District include an approximate 38 block area bounded roughly by Second Street on the north, the railroad tracks/Oxnard Boulevard on the east, Wooley Road on the south and C Street/D Street on the west, as shown on Exhibit 1.

Section 6. The proposed activities for the District include providing street, sidewalk, alley and public parking lot cleaning and other municipal services supplemental to those normally provided by the City of Oxnard, additional public safety services, business development, promotions and marketing, expansion of physical amenities throughout Downtown, related management and operation services, and other improvements and activities which benefit businesses and real property located in the District.

Section 7. The assessment proposed to be levied and collected for fiscal year 2011-12 is approximately \$504,000. A maximum increase of 5 percent per annum, tied either to the C.P.I. for the Oxnard/Ventura area for all urban consumers or upon approval of the

Resolution No.

Page 3

Property Owner's Association Board may be imposed. Assessments may also be increased where new building construction occurs on parcels within the District which exceeds the current building area.

Section 8. No bonds shall be issued in conjunction with the renewal of the District.

Section 9. The City Clerk is hereby authorized and directed to give notice of the public hearing as provided in Section 53753 of the Government Code and Article XIID, Section 4 of the California Constitution.

PASSED AND ADOPTED this 14TH day of June, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

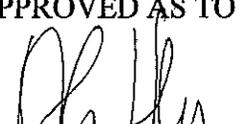
CITY OF OXNARD

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney

APPROVED AS TO CONTENT:



Curtis P. Cannon, Community Development Director

CITY OF OXNARD

NOTICE OF PUBLIC HEARING REGARDING PROPOSED RENEWAL AND BOUNDARY MODIFICATION OF THE OXNARD DOWNTOWN MANAGEMENT DISTRICT AND PROPOSED LEVY OF ASSESSMENT

The City Council of the City of Oxnard by adoption of Resolution No. _____ declared its intention to renew and modify the boundaries of the Oxnard Downtown Management District - a property and business improvement district (PBID) and to levy and collect an assessment within the PBID commencing with fiscal year 2012. The purpose of the assessment is to continue to provide funding for various improvements and activities, including security, street and sidewalk cleaning, marketing and business development, beautification, management and other improvements and activities which benefit businesses and real property in the PBID.

NOTICE IS HEREBY GIVEN that the Oxnard City Council will conduct a public hearing on the renewal of the PBID and the levy and collection of assessments commencing with fiscal year 2012 on August 2, 2011 at 7:00 p.m. or as soon thereafter as the matter may be heard, in the Council Chambers, at City Hall, 305 W. Third Street, Oxnard, CA 93030.

Renewal of the PBID was requested by a written petition of property owners within the proposed PBID, and the PBID may only be renewed if approved by property owners through the ballot process described below. Any funds collected by the City may only be used for the proposed improvements and activities within the PBID.

The proposed renewed PBID has a duration of three (3) years. The total amount of the proposed assessment for the PBID for property tax year 2011-2012 is approximately \$504,000.00. In future years, the amount of the assessment may increase up to five percent each year based either on the C.P.I. for the Oxnard/Ventura area for all urban consumers or upon approval of the Property Owner's Association Board.

The assessment for property tax year 2011-2012 for each parcel is generally calculated on the basis of the parcels land area, the gross building area and the total street frontage. The PBID has one benefit zone. Property tax year 2011-2012 property assessment rates per parcel are \$334.09 base parcel fee, plus 2.63 cents per square foot of land, plus 11.56 cents per square foot of building, plus \$3.87 per linear foot of street frontage. Institutional/non-profit/government owned parcels shall be exempt from the building area portion of the assessment. Residential uses (including residential condominiums) shall be assessed at the rate of \$52.53 per unit. Mixed use development assessments shall be pro-rated based on the ratios of each respective use.

Additional information on the proposed PBID, including the proposed boundaries, is included in the management district plan which is on file in the office of the City Clerk and available to the public for review during normal business hours and which can be obtained by contacting Kymberly Horner at the Community Development Department at 805.385.7407.

To complete the attached assessment ballot, mark the box indicating whether you are in favor of or oppose the proposed assessment, and sign the statement certifying you are authorized to submit an assessment ballot on behalf of the parcel(s) identified on the assessment ballot. If your ballot is lost or damaged, or if you never received a ballot, duplicate ballots will be available at the Community Development Department at 305 W. Third Street, Oxnard, CA, 93030, and at the public hearing. (See the enclosed Procedures for the process to obtain a duplicate ballot.)

Assessment ballots may be mailed to the Oxnard City Clerk at 305 W. Third Street, Oxnard, CA, 93030. Assessment ballots may also be delivered in person to the City Clerk's Office or at the public hearing on the PBID. To ensure that your ballot is counted, it must be received prior to the close of the public input portion of the public hearing on the PBID, which is scheduled to begin on August 2, 2011, at 7:00 p.m.

An impartial person designated by the City will tabulate the returned assessment ballots at the close of the public hearing on the PBID. Proceedings to establish the PBID will be abandoned if a majority protest exists at the conclusion of the public hearing. A majority protest exists if ballots submitted in opposition to the assessment outweigh the ballots submitted in favor of the assessment. Ballots shall be weighted according to the proposed assessment against the property, or, in some cases, by the share of the proposed assessment proportional to the protesting owner's interest in the property.

Enclosed are the City's Procedures Applicable to the Completion, Return and Tabulation of Ballots. Please consult these Procedures for details regarding the ballot process. Should you have any questions regarding the balloting process or regarding the specifics of the proposed PBID, please contact Kymberly Horner at the Community Development Department at 805.385.7407 for more information.

CITY OF OXNARD - OFFICIAL ASSESSMENT BALLOT

Oxnard Downtown Management District – A Property & Business Improvement District
Being renewed for 3 years pursuant to Section 36600 of the California Streets and Highways Code

- 1. PLEASE MARK EITHER “YES” OR “NO” BELOW**
- 2. PRINT YOUR NAME AND SIGN AND DATE THE BALLOT**
- 3. PUT THE COMPLETED BALLOT IN THE “BALLOT SECRECY ENVELOPE”**
- 4. PUT THE SECRECY ENVELOPE IN THE ENCLOSED STAMPED PRE-ADDRESSED RETURN ENVELOPE AND PLACE IN MAIL**

(PLEASE REFER TO THE PROPOSED 2012 ASSESSMENT ON THE BACKSIDE OF THIS BALLOT)

YES, I APPROVE of the proposed assessment on the parcel(s) identified on this ballot.

NO, I DO NOT APPROVE of the proposed assessment on the parcel(s) identified on this ballot

Printed Name

Date



Signature of Record Owner or Authorized Representative

I hereby declare, under penalty of perjury under the laws of the State of California, that I am authorized to submit an assessment ballot on behalf of the parcel(s) identified on this assessment ballot.

Please return ballot either by mail or in person by **4 PM, August 2, 2011** to:

CITY OF OXNARD
CITY CLERK'S OFFICE
305 W. THIRD ST
OXNARD CA 93030

NOTE: IN ORDER TO BE COUNTED, IF THE DEADLINE SHOWN ABOVE IS NOT MET, THIS ASSESSMENT BALLOT MUST BE RECEIVED BY THE CITY CLERK IN THE COUNCIL CHAMBERS PRIOR TO THE CLOSE OF THE PUBLIC INPUT PORTION OF THE PUBLIC HEARING TO RENEW THIS DISTRICT, WHICH IS SCHEDULED TO BEGIN AT 7:00 PM ON TUESDAY AUGUST 2, 2011. IF A MAJORITY OF ASSESSMENT BALLOTS RECEIVED (AS WEIGHTED BY ASSESSMENTS) OPPOSE THE DISTRICT ASSESSMENT, THE DISTRICT WILL NOT BE RENEWED, AND THE ASSESSMENTS WILL NOT BE LEVIED.