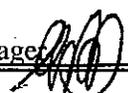
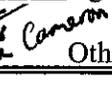




Meeting Date: 08 /02 /11

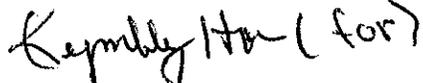
ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input checked="" type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/>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

Prepared By: Sabrina Rodriguez, Management Analyst II  Agenda Item No. **G-1**

Reviewed By: City Manager  City Attorney  Finance  Other (Specify) 

DATE: July 25, 2011

TO: City Council

FROM: Curtis P. Cannon, Community Development Director
Community Development Department  (for)

SUBJECT: Public Hearing on Renewal/Boundary Modification of the Oxnard Downtown Management District and Levy of Assessments

RECOMMENDATION

That City Council:

1. Conduct a public hearing concerning the renewal and boundary modification of the Oxnard Downtown Management District (ODMD) and tabulate the ballots for and against its establishment.
2. If a weighted majority of the ballots are in support of the formation of the district, adopt a resolution renewing and modifying the boundaries of the ODMD and levying assessments in the ODMD for fiscal year 2011-2012 to fiscal year 2013-2014.

DISCUSSION

On June 14, 2011, the City Council adopted a Resolution of Intent (Resolution No. 14,053) to renew and modify the boundaries of the ODMD and levy and collect assessments therein, and to hold a public hearing on August 2, 2011. The resolution was adopted pursuant to the requirements of Section 36600 et. seq. of the California Streets and Highways code, also known as the Property and Business Improvement District (PBID) Law of 1994. Also pursuant to PBID law, the City Clerk mailed a ballot and informational packet for the renewal and expansion of the ODMD to the property owners within

Public Hearing on Renewal/Boundary Modification of the Oxnard Downtown Management District and Levy of Assessments

July 25, 2011

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the proposed district boundaries. At the August 2nd public hearing, the City Council will receive public testimony on the renewal of the ODMD and the proposed assessments. The City Clerk will open and count the ballots received at the conclusion of the public hearing. In order for the district to be renewed, a weighted majority of ballots received must be in favor of the ODMD renewal.

Assuming that a weighted majority of the vote supports the renewal, the City Council may renew and modify the boundaries of the ODMD by adopting a resolution. ODMD assessments are collected by the County with the property tax billing. The first assessment installment of the renewal period will be due to the County by December 10, 2011 and the second by April 10, 2012. The assessments collected by the County will be transferred back to the City in January and May 2012 for remittance to ODMD, Inc. to carry out the PBID programs and services for the PBID 2012 operating year. The term of the PBID is three fiscal/tax years (calendar operating years), after which a new petition and ballot procedure must be carried out to renew the district again.

Since last fall, a PBID Renewal Committee consisting 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 (10 years maximum are currently permitted by State Law for renewals), and that the PBID boundaries will be reduced by deleting the area along the east side of Oxnard Boulevard between 7th Street and Wooley Road, and that an initial annual budget of approximately \$504,000 be set to continue to provide enhanced maintenance, enhanced security, business development, beautification and related management services. The reduced PBID boundary includes approximately a 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. Assessment fees for the remaining two years may be increased by an amount not to exceed five (5) percent per year, either in accordance with increases in the Consumer Price Index, all Urban Consumers, for the Ventura County metropolitan area or upon approval by the ODMD Inc. Board. An annual report is required from ODMD Inc.

PBID PROPOSAL

As addressed in a companion item scheduled on the same agenda, the assessments for the City of Oxnard, Housing Authority, and Parking Authority properties as assessees, would be assessed \$134,415.95 which will be combined with the PBID assessment funding of \$396,164 from the remaining properties within the proposed renewed/modified district boundary for a total projected assessment of \$530,579.95. The combined funds are proposed to be allocated as follows during 2012 - sample programs and services are listed:

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 power 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; solid lobbying force on Downtown issues and needs.

FINANCIAL IMPACT

There will be a financial impact in the form of assessments levied on the City and City related properties if the ODMD is renewed. The estimated amount of assessment for the related City/CDC/Housing Authority/Parking Authority properties is \$134,415.95 for fiscal year 2011-2012.

Attachment #1 - Resolution of the City of Oxnard Renewing and Modifying the Boundary of the Oxnard Downtown Management District

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF OXNARD 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

WHEREAS, pursuant to the Property and Business Improvement District Law of 1994, California Streets and Highways Code Section 36600 et seq. (the "Law"), the City Council adopted on June 14, 2010, "Resolution of the City of Oxnard Stating its Intention to Renew and Modify the Boundaries of the Oxnard Downtown Management District ("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 a Public Hearing" ("Resolution of Intention"). Such resolution, among other things, adopted the Management District Plan on file in the office of the City Clerk; and

WHEREAS, the City caused notice of a public hearing concerning the proposed renewal and boundary modification of the District and the proposed levy of assessments within such District to be duly mailed, as required by law, to the record owner of each parcel proposed to be assessed within the District; and

WHEREAS, a public hearing concerning the proposed renewal and boundary modification of the District for a three (3) year period and the proposed levy of assessments within such District was held on August 2, 2011 at the hour of 7:00 p.m. at the City Council Chambers located at 305 W. Third St., Oxnard, California 93030; and

WHEREAS, at or before the public hearing, staff submitted to the City Council the Management District Plan which included the Assessment Engineer's Report along with any modifications. Such modifications do not substantially change the proposed assessments, and do not revise, change or modify the boundaries of the proposed District, the type or types of improvements, maintenance or activities to be funded with the revenues from the assessments, or the proposed assessment rates. The City Council hereby orders such modifications, if any, be made to the Management District Plan as presented to the City Council and now on file in the office of the City Clerk; and

WHEREAS, at the public hearing, the City Council heard and considered the testimony of all interested persons for or against the renewal and boundary modification of the District, the levy of assessments within such District, and the type or types of improvements, maintenance and activities to be funded with the revenues from the assessments, and a full, fair and complete hearing was held; and

WHEREAS, the City Council heard and considered all objections or protests to the proposed assessments and tabulated the assessment ballots submitted, and not withdrawn, in support of or opposition to the proposed assessments. The City Council hereby finds that a

majority protest does not exist as defined in Section 4(e) of Article XIID of the California Constitution and Section 53753 of the California Government Code. All objections or protests, both written and oral, are hereby duly overruled; and

WHEREAS, the public interest, convenience and necessity require the proposed renewal of the District; and

WHEREAS, in the opinion of the City Council, the property within the District will be benefited by the improvements and activities to be funded by the assessments, and no assessment has been imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel; now therefore be it

RESOLVED, that the City of Oxnard City Council declares as follows:

Section 1. Renewal of District. Pursuant to the Law, the Oxnard Downtown Management District is hereby renewed for three (3) years, commencing with fiscal year 2011-2012 and ending with fiscal year 2013-2014.

Section 2. Description of District. 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.

Section 3. Amount of Assessment.

(a) Except where funds are otherwise available, an assessment will be levied annually to pay for all the improvements, maintenance and activities to be provided within the District, commencing with fiscal year 2011-2012 and ending with fiscal year 2013-2014. For purposes of levying and collecting assessments within the District, a fiscal year shall commence on each July 1st and end on the following June 30th.

(b) The total amount of the proposed assessment to be levied and collected for fiscal year 2011-2012 is estimated to be \$504,000. A maximum increase of 5% per annum, tied either to the C.P.I. for the Oxnard/Ventura area for all urban consumers or upon approval of the Property Owner's Association Board may be imposed. Assessments may also be increased based on new building construction on parcels within the District or reconfiguration of land areas and street frontages.

(c) The method and basis of levying the assessment is set forth in the Management District Plan on file in the office of the City Clerk.

Section 4. Fund. A special fund shall be created, designated as the "Oxnard Downtown Management District Fund", into which all revenue derived from assessments levied pursuant to this Resolution shall be placed, and such funds shall be used only for the purposes specified in this Resolution. This fund may be subject to an annual independent audit of financial statements.

Section 5. Use of Revenues. 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 6. District Administration and Contract Services. The City Manager, acting as agent for the City, will receive the assessment funds in trust on behalf of the Oxnard Downtown Management District Inc. (ODMD) and will disburse said funds to ODMD in accordance with a Management Agreement between The City and ODMD, to administer the District and fund the activities described in Section 5 above. The City may require any agency that holds funds in trust on behalf of the District for any purposes whatsoever, at no expense to the City, to provide an annual independent report of audited financial statements by a certified public accountant of these funds. The report may be funded from assessment proceeds as part of the general administration of the District. At all times the City shall reserve full rights of accounting of this fund.

Section 7. Amendments. Properties within the District established by this Resolution shall be subject to any amendments to the Law.

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

Section 9. Recordation of Notice and Diagram. The City Clerk or a designee is hereby authorized and directed to record a notice and an assessment diagram pursuant to Section 36627 of the California Streets and Highways Code following adoption of this Resolution.

Section 10. Levy of Assessment. The adoption of this Resolution and recordation of the notice and assessment diagram pursuant to Section 36627 of the California Streets and Highways Code constitutes the levy of an assessment in each of the fiscal years referred to in the Management District Plan. Each year, the City Finance Department shall prepare an assessment roll of parcels and assessment amounts and forward such roll to the County of Ventura Auditor-Controller Office and such assessment shall then be collected at the same time and in the same manner as the County property taxes are collected.

Adopted at the regular meeting of the City Council on the 2nd of August, 2011, by the following vote:

AYES:

NOES:

ABSENT:

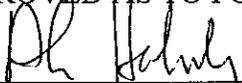
ABSTAIN:

Dr. Thomas E. Holden, Mayor

ATTEST

Daniel Martinez, City Clerk

APPROVED AS TO FORM:



Alan Holmberg, City Attorney