

STAFF REPORT
COUNCIL MEETING DATE:
March 26, 2012

ITEM FOR COUNCIL CONSIDERATION:

PROPOSAL TO CONTINUE PARKING & BUSINESS IMPROVEMENT AREA DISTRICT #4 FOR FY 2012-13

Report prepared by: **John Thornberry, Administrative Services Director**
Department: Administrative Services _____
Signature

Reviewed by: _____
City Manager _____
Signature

STAFF RECOMMENDATION:

Adopt the attached Resolution No. 5364 as read by title only ordering a report by the Parking And Business Improvement Area Advisory Board and the City Manager for the purpose of continuing assessments for the Carpinteria Parking and Business Improvement District #4 for fiscal year 2012-13

I. BACKGROUND:

This District was formed to provide a means of funding downtown promotion and revitalization efforts and to provide for public parking within the District. Currently all businesses within the District pay a flat annual assessment of \$115 for general business promotion.

In addition, businesses in sub area B (see attached District map) pay a parking assessment based on the difference between the parking the business provides and the parking required as per the parking ordinance. Another factor in the assessment calculation is the distance the business is from Parking Lot #3. Collections of this assessment are used to make partial debt service payments on the Certificates of

Participation issued to acquire and construct the lot. These debt service payments are scheduled to end in 2018.

In fiscal 1996-97 a new sub area C was created and assessments levied to finance an asphalt overlay of parking lot #1. The total cost of this overlay was \$60,000. One half of this cost (\$30,000) was funded by levying parking assessments on businesses within the sub area over a ten year period which ended in June 2006. There are no proposed parking assessments for sub area C.

The Parking and Business Improvement Area Advisory Board provides oversight and budget recommendations for spending the general business promotion assessments. Examples of expenditures are funding for Project Carpinteria, downtown promotions such as the electric light parade, and Christmas parade, safe Halloween program and various display advertising promoting the downtown.

II. FINANCIAL CONSIDERATIONS:

Assessments for this district remained unchanged from 1991 to 2011 when the general assessment of \$100 was increased to \$115. The number of businesses in the district has declined while the per-space parking assessments have remained constant.

III. LEGAL ISSUES:

Assessments are made on businesses located within the improvement area; not on property owners. As such these assessments are not subject to the provisions of Proposition 218. It is possible to establish a district that is property based making collections through the county property tax roll. Such a district and assessments would however be subject to Proposition 218 requirements.

The following is the sequence of events for continuing this district:

March 26 --- Adopt resolution ordering preparation of a report

April 23 --- Report is presented by staff with recommendations
Adopt resolution accepting report
Adopt resolution of intention to continue district for next year and set for public hearing

May 29 --- Conduct public hearing on proposal to continue district
Adopt resolution continuing the district and levying assessments for Fiscal Year 2012-13

IV. OPTIONS:

1. Levy assessments at the levels discussed above
2. Levy assessments at their current levels with a General Fund subsidy
3. Levy assessments at some intermediate level
4. Direct staff to investigate the possibility of establishing a new property based district.

V. PRINCIPAL PARTIES EXPECTED AT MEETING:

None

VI. ATTACHMENTS:

Resolution No. 5364

Exhibit A

Summary of District revenues and expenses for past years, an estimate for the current year and projections for the next year.

Map of the district

RESOLUTION NO. 5364

**A RESOLUTION OF THE
CITY COUNCIL OF THE CITY OF CARPINTERIA
ORDERING THAT A REPORT BE PREPARED
IN ACCORDANCE WITH CHAPTERS 3 AND 4 OF THE
"PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989" OF THE
CALIFORNIA STREETS AND HIGHWAYS CODE, AS AMENDED,
COMMENCING WITH SECTION 36500,
FOR THE ACQUISITION, CONSTRUCTION OR MAINTENANCE OF
PARKING FACILITIES AND OTHER ELIGIBLE IMPROVEMENTS AND
BUSINESS PROMOTION ACTIVITIES
IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF CARPINTERIA,
FOR THE FISCAL YEAR COMMENCING JULY 1, 2012 AND ENDING JUNE 30, 2013
CARPINTERIA PARKING AND BUSINESS IMPROVEMENT AREA DISTRICT NO. 4**

WHEREAS, the Carpinteria City Council did form an assessment district pursuant to the "Parking and Business Improvement Area Law of 1979", being Division 18, Part 6 of the Streets and Highways Code of the State of California, commencing with Section 36500; and

WHEREAS, said formation of the Carpinteria Parking and Business Improvement Area District No. 4 was accomplished by adoption of Ordinance No. 393 on September 8, 1986, following public hearings as prescribed by the Parking and Business Improvement Area Law of 1979; and

WHEREAS, said District No. 4 has been continued in full force and effect in subsequent fiscal years; and

WHEREAS, effective January 1, 1990, said Parking and Business Improvement Area Law of 1979 was repealed by the State of California and replaced by the Parking and Business Improvement Area Law of 1989, being Division 18 of Part 6 (commencing with Section 36500) of the California Streets and Highways Code; and

WHEREAS, Article 3 of Chapter 1 of said 1989 Improvement Area Law (Section 36515) provides that any Parking and Business Improvement Area created prior to January 1, 1990, under the prior 1979 law, continues to be in full force and effect, subject to certain conditions, under the 1989 law; and

WHEREAS, Chapter 3 (Assessments) and Chapter 4 (Modification of Boundaries) of said 1989 Improvement Area Law (commencing with Section 36530) prescribes the process for levying assessments, including appointment of an advisory board and requires said board to make a report to the City Council on all matters relating to said Improvement Area prior to the City Council taking any action on said assessments or boundaries for the next fiscal year starting July 1, 2012 ; and

WHEREAS, it is necessary for the public safety, convenience and economic health of the City that efforts to provide off-street public parking and other improvements and business promotion activities within the central business district be continued; and

WHEREAS, the City Council wishes to consider continuing the existing Parking and Business Improvement Area District No. 4 for Fiscal Year 2012-13 including the various programs and assessments associated therewith.

NOW, THEREFORE, THE CARPINTERIA CITY COUNCIL DOES HEREBY RESOLVE, DETERMINE AND ORDER that a Report be prepared by the Parking and Business Improvement Area Advisory Board and the City Manager pursuant to Chapters 3 and 4 of the California Parking and Business Improvement Area Law of 1989, being Part 6 of Division 18 (commencing with Section 36530) of the California Streets and Highways Code, for the fiscal year starting July 1, 2012 and ending June 30, 2013, including programs for the acquisition, construction or maintenance of off-street public parking and such other eligible improvements and business promotion activities, including proposed assessments and boundary adjustments, if any.

PASSED, APPROVED AND ADOPTED this 26th day of March 2012 by the following called vote:

AYES: COUNCIL MEMBER:

NOES: COUNCIL MEMBER:

ABSENT: COUNCIL MEMBER:

Mayor, City of Carpinteria

ATTEST:

City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the 26th day of March 2012.

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

City Attorney

