



**BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT**

Item No. **6**

For Meeting of: November 20, 2012


ITEM TITLE: Public hearing to consider legislation modifying the Downtown Yakima Business Improvement District in accord with the terms of Council Resolution 2012-131, as required by statute for public participation in the consideration of said modification.

SUBMITTED BY: Jeff Cutter, City Attorney

CONTACT PERSON/TELEPHONE: Jeff Cutter / 575-6030

SUMMARY EXPLANATION:

On October 16, 2012 the City Council set November 20th, 2012 as the date for a public hearing, as required by RCW 35.87A, to consider the modification of the Downtown Yakima Business Improvement District (DYBID), making revisions to the DYBID Area, services provided and assessments collected, all as described in the attached Ordinance. Following the public hearing the City Council may choose to modify said DYBID consistent with the terms of Resolution 2012-131 and the attached Ordinance. Alternatively, following the hearing the Council may decide to amend the attached Ordinance, which depending upon the amendment(s) proposed, may require a continuation of the public hearing after an opportunity for further notice so that the parties subject to the proposed assessments have opportunity to comment on the amended proposal (RCW 35.87A.070).

Resolution	Ordinance X	Other (specify)
Contract:	Mail to:	
Contract Term:	Amount:	Expiration Date:
Insurance Required? No		
Funding Source:		Phone:
APPROVED FOR SUBMITTAL:		City Manager

STAFF RECOMMENDATION:

Consider the legislation presented.

BOARD/COMMISSION RECOMMENDATION:

ATTACHMENTS:

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- ☐ [PBIA-2012 DYBID Modification Ord-11-2012](#)
- ☐ [Exhibit A - DYBID ZoneMap2012](#)
- ☐ [Exhibit B - DYBID PBIA-Intent to Modify DYBID Area Services & Assessments](#)

ORDINANCE NO. 2012-44

AN ORDINANCE of the City of Yakima, Washington, relating to a Downtown Business Improvement Area; modifying the existing Downtown Yakima Business Improvement District (hereinafter DYBID) boundaries to 1) provide for a reduced assessment area, 2) modify the services provided within the DYBID area and 3) change the assessment structure applicable to the modified DYBID area.

WHEREAS, the City Council desires to modify the existing Downtown Yakima Business Improvement District (hereinafter "DYBID") by 1) reducing the overall area of the DYBID from the present Zones A and B to a reduced Zone A, as indicated on Exhibit A attached hereto and incorporated herein by this reference, 2) revising the specific services to be provided within the assessment area as indicated on Exhibit B, attached hereto and incorporated herein by this reference and 3) changing the assessment structure to provide for reduced assessments for habitable vacant property located within the DYBID; and

WHEREAS, the City Council adopted Resolution No. R-2012-131 and set a public hearing relating to the modification of said Downtown Yakima Business Improvement District, proposing modification to the geographic description of the Downtown Yakima Business Improvement District, the proposed uses and projects to be financed within said Downtown Yakima Business Improvement District, and the proposed special assessments to be levied upon businesses within said Downtown Yakima Business Improvement District; and

WHEREAS, notice of the hearing set for November 20 2012, at 7:00 p.m., was issued as provided in RCW 35.87A.050; and

WHEREAS, a public hearing concerning the modification of the Downtown Yakima Business Improvement District was held on November 20 2012, at 7:00 p.m., in the City Council Chambers of City Hall, 129 North Second Street, Yakima, Washington; **Now, Therefore;**

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. The City Council (the "Council") of the City of Yakima, Washington, hereby modifies the existing Downtown Yakima Business Improvement District, in accord with Chapter 35.87A RCW, to 1) reduce the overall assessment area from the previous inclusion of two assessment/service zones to one reduced Zone A, (2) modify the specific scope of services to be provided within the assessment district, and 3) change the assessment structure for properties within the modified area to provide a twenty five percent (25%) reduced assessment for properties with vacant habitable space. The modified DYBID boundaries are specifically described and illustrated in Exhibit A, attached hereto and by this reference incorporated herein.

Section 2. The modified scope of services describing the uses and projects to which the special assessments shall be applied are set forth in Exhibit "B", attached hereto and by this reference fully incorporated herein. The special assessments shall be applied among the various uses and projects set forth in Exhibit "B" so as to accomplish, as nearly as may be possible, all such uses and projects for which said assessments are estimated and budgeted, as set forth in Section 5 hereof. If the City determines, in consultation with any contractor retained by the City to accomplish the

purposes of the DYBID ("Contractor"), and with full consideration of any recommendations from the DYBID Advisory Board, that it has become impractical or undesirable to accomplish any of the described uses or projects set forth in Exhibit "B" by reason of increased costs, changed conditions or needs, alternative uses or projects may be substituted; provided, however, that such alternative uses or projects must include any one or more of the following:

- (a) The acquisition, construction or maintenance of parking facilities for the benefit of the area;
 - (b) Decoration of any public place in the area;
 - (c) Promotion of public events that are to take place on or in public places in the area;
 - (d) Furnishing of music in any public place in the area;
 - (e) Providing professional management, planning and promotion for the area, including the management and promotion of retail trade activities in the area;
 - (f) Providing maintenance and security for common, public areas; and
 - (g) Any other purposes that may hereafter be permitted under Chapter 35.87A RCW, as amended, or its successor statute, if any; and provided further that the City, in consultation with Contractor and the DYBID Advisory Board, may not substitute any such alternative use or project for those set forth on Exhibit "B" if, within 30 days of the City's mailing notice of such proposed substitution to all businesses within the DYBID subject to assessments, objections in writing are received from operators of businesses that would be required to pay more than fifty percent (50%) of the proposed special assessments within the DYBID.
- All such uses and projects shall be supplemental to regular street maintenance provided by the City and shall not displace any ordinary street maintenance services regularly provided by the City.

Section 3. Upon the effective date of the modifications special assessments shall be levied in accord with the conditions set forth herein, against all businesses within the modified DYBID area to provide funds necessary for the purposes set forth in Section 2 and Exhibit "B"; special assessments shall be levied upon the following classes of business and at the following modified rates:

A. Property Assessment

The Downtown Yakima Business Improvement District property assessment utilizes Assessed Property Value to determine the assessment. Each property owner within the Downtown Yakima Business Improvement District shall pay an assessment determined by the Yakima County Assessor's assessed value for the property owner's particular property as a percentage of the aggregate of all similarly assessed property values for all properties located within the corresponding DYBID Zone. The property's calculated DYBID assessment shall be determined at the time the DYBID is established and shall remain at that value throughout the term of this DYBID, unless amended in the interim by application of the statutory modification process set forth in RCW 35.87A.140, or as hereafter amended.

B. Business Assessment

The Downtown Yakima Business Improvement District business assessment shall be assessed based upon the City-issued business license. Each business license holder within the District shall be assessed a Downtown Yakima Business Improvement District business assessment of One Hundred Dollars (\$100.00).

C. Non Profit Assessment

Non-Profit organizations shall be assessed a reduced property assessment of sixty percent (60%) of the standard property assessment rate applied within the District. There shall be no discount for the business license fee.

D. Property Assessment Reduction for Vacant Habitable Property

Each property within the DYBID that has presently habitable space that is immediately available for lease or rent, but that is more than 50% vacant space at the time assessments are invoiced by the City, shall be entitled to receive a twenty five percent (25%) reduction in the standard assessment otherwise applied to the property when leased or rented. This reduction will be made as an adjustment by the City at the time the standard assessment is billed PROVIDED, it shall be the responsibility and duty of the property owner to timely assert the request for adjustment to the City and, upon request, to provide the City with reasonable evidence of the vacant status prior to the reduction being applied to the standard assessment value. It shall be necessary to reassert a claim for reduction at each assessment billing period to which the business vacancy reduction applies. If no such reduction is requested during a billing period or if insufficient evidence is provided by the business owner during any assessment collection period, as shall be determined in the sole discretion of the City, then no reduction shall be permitted. A request for reduction must be made at the time the assessment is due and may not be asserted after any applicable assessment period has passed.

E. Calculation of Property Assessments

Based upon the property assessment methodology described above, property assessments for each Zone are established as follows:

Assessment Per Dollar of Assessed Value \$0.000937

F. Other

Single-family residences and any building containing three or fewer residential units only that are located in the DYBID will not be included in or receive the property assessments in the Downtown Yakima Business Improvement District ("DYBID") that is established in accordance with the procedures of Chapter 35.87A RCW and is described in this Ordinance.

G. Schools

All Schools that are located in the DYBID shall not be included in or receive the property assessments in the Downtown Yakima Business Improvement District ("DYBID") that is established in accordance with the procedures of Chapter 35.87A RCW and is described in this Ordinance.

H. Religious Institutions

Religious institutions, including churches, that are located in the DYBID will not be included in or receive the property assessments in the Downtown Yakima Business Improvement District ("DYBID") that is established in accordance with the procedures of Chapter 35.87A RCW and is described in this Ordinance; PROVIDED, however, that religious institutions that are located in the DYBID are requested to make a suggested voluntary donation of Two Hundred Dollars (\$200.00) per year to be contributed voluntarily to the fund consisting of the special assessments that are collected pursuant to this Ordinance.

Section 4. The total estimated annual budgetary requirement from DYBID sources necessary to provide the services and uses described in Section 2 and Exhibit "B" is One Hundred Eighty-Nine Thousand Three Hundred Twelve Dollars and 80 cents (\$189,312.80).

Section 5. The modified special assessments described herein will be levied annually following the effective date of the ordinance modifying the District boundaries, scope of services and assessments, until the DYBID is disestablished by the City Council through the statutory process set forth in RCW 35.87A.180, or as hereafter amended.

Section 7. This ordinance shall become effective and shall be in full force and effect on January 1, 2013.

PASSED BY THE CITY COUNCIL this 20th day of November, 2012.

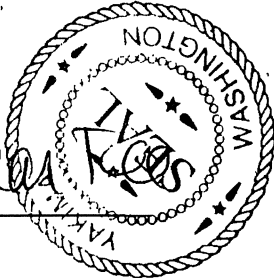


Micah Cawley, Mayor

ATTEST:



City Clerk



Publication Date: November 23, 2012
Effective Date: January 1, 2013

All properties that have frontage on Yakima Avenue from the intersection of 7th Avenue with Yakima Avenue easterly to the intersection of 9th Street with Yakima Avenue, as well as all properties that are located south of Martin Luther King Jr Boulevard between Front Street and easterly to 6th Street, as well as all properties located north of Chestnut Avenue between Front Street and easterly to 9th Street, as well as properties located north of East Yakima Avenue between 9th Street to 11th Street, then continuing westerly to include properties south of "A" Street to its intersection with 9th Street, including all properties owned by the City of Yakima and used for the Yakima Convention Center or public parking for that use, as well as properties on the east side of North 6th Street between Yakima Avenue and one lot north of the intersection with "A" Street

Boundary Description

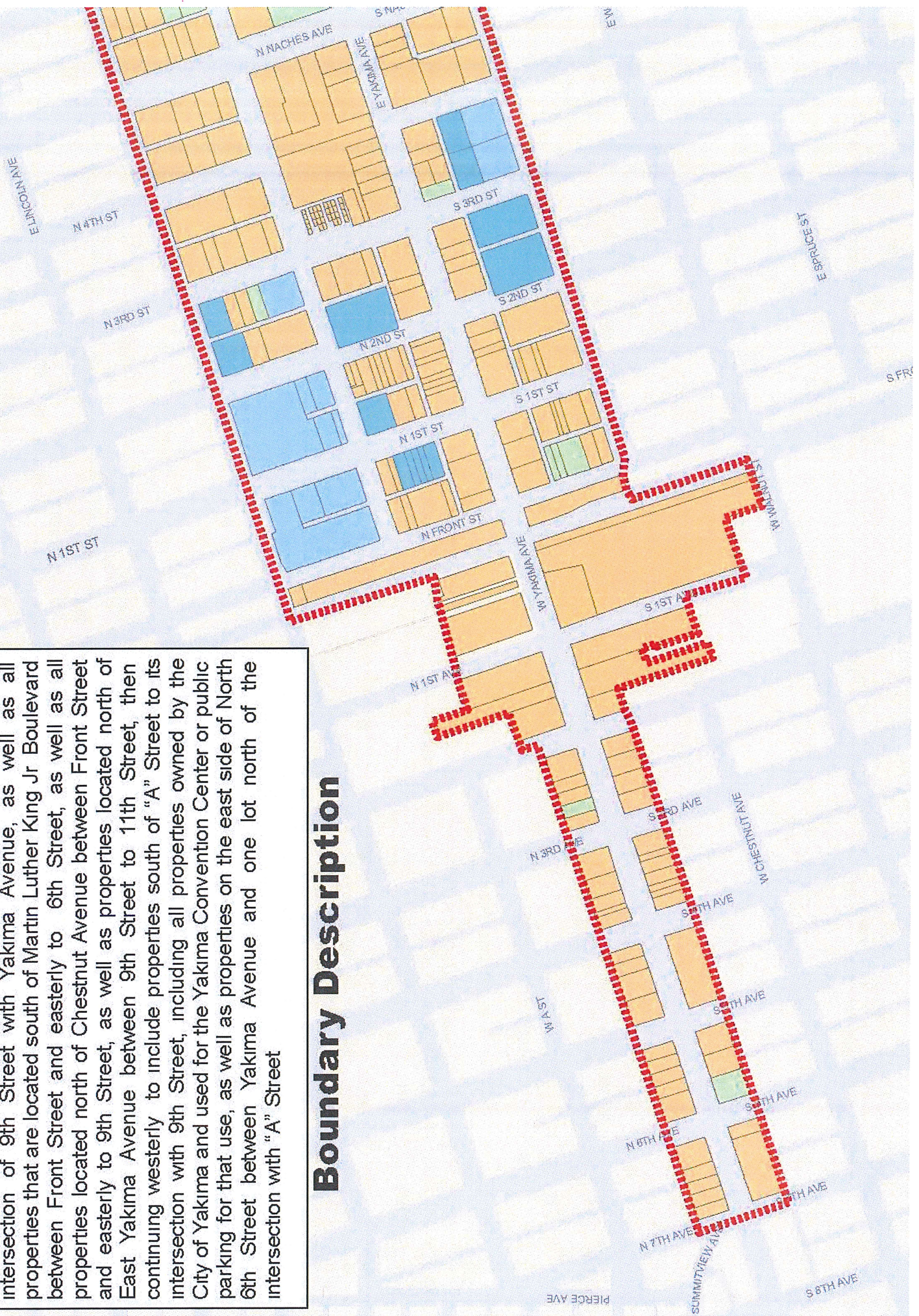


EXHIBIT "B"

The Downtown Yakima Business Improvement District assessments shall be used to supplement the cost of contracting for the services necessary to fulfill the following purposes, unless said purposes are modified in accord with appropriate procedure. The term "CONTRACTOR" herein refers to the entity with which the City of Yakima contracts to perform the following tasks and services.

Clean Services

The CONTRACTOR shall provide no less than five thousand (5,000) employee hours of services throughout the Downtown Yakima Business Improvement District. CONTRACTOR will use the best equipment available to ensure the most efficient approach to clean services. The services provided will include:

- **Pressure Washing of Sidewalks** – CONTRACTOR will provide necessary maintenance for the sidewalk features, cleaning by pressure washing them to remove spills, dirt and gum. Further, CONTRACTOR will regularly clean all street features including benches and water fountains and will provide additional maintenance attention as necessary following special events in the DYBID.
- **Weed Abatement** – CONTRACTOR will spray and remove weeds throughout the entire district.
- **Daily Trash Removal** – CONTRACTOR will regularly pan and broom sidewalks and curbs to remove trash and debris throughout the entire district and shall empty the trash receptacles within the DYBID area a minimum of two times per week or as necessary to maintain cleanliness.
- **Special Projects** – CONTRACTOR will cooperate with the City of Yakima to remain flexible to work on special projects that come up each year.
- **Graffiti Removal** – CONTRACTOR shall provide daily graffiti removal throughout the entire district, including both public and private property. CONTRACTOR's goal will be to remove graffiti within 24 hours of it being reported. After receiving a signed waiver from a private property owner, CONTRACTOR will remove any graffiti from private property for no charge. In the case of areas that receive graffiti damage regularly, CONTRACTOR will store extra paint to do the work on demand. CONTRACTOR shall use a combination of chemicals and pressure washing equipment that is sensitive to the various surfaces in downtown Yakima to accomplish the graffiti removal.
- **Winter Activities** – CONTRACTOR shall remove snow from ADA ramps on sidewalks within the district and initiate calls for snow removal services in the downtown public parking lots.

Landscape and Special Projects

The CONTRACTOR will manage and maintain the hanging baskets, planters and flower beds throughout downtown Yakima. The annual cost to maintain these and purchase necessary pots, plants and baskets annually will come from DYBID funds. On a regular basis, CONTRACTOR will deadhead, fertilize and properly maintain the baskets, planters and planting areas to ensure a positive feel and attractive look to downtown Yakima. The hanging baskets, flower beds and flower pots throughout the District will be planted with a variety of flowers during the summer months and seasonally appropriate plants in mid-September. All other planting areas throughout the District will be weeded, mulched and planted with a variety of flowers each summer. CONTRACTOR shall mow, fertilize and maintain the public lawn areas in the DYBID area during the summer and shall maintain the safety and appearance of ornamental lighting within the District. CONTRACTOR shall provide minor irrigation repair and maintenance to include end of season system drainage

Safety Services

The CONTRACTOR, in cooperation with the Yakima Police Department, shall work actively to create a safe environment for visitors, customers and employees by adding a security presence throughout the entire District. The program shall be active from April 15 to October 15 each year, seven days a week, eight hours a day. CONTRACTOR's security personnel shall be on the street from 11:00 a.m. – 7:30 p.m. daily. Their schedule will vary to accommodate special events and downtown activities. Each ambassador shall be connected through radio and cell phone to respond immediately to any downtown security issue. The ambassadors shall be trained to know local businesses and shall be a point of contact for those downtown users on the street who need help finding businesses and directions.

Marketing/Communication

The CONTRACTOR will be knowledgeable of the changes occurring in downtown and will advocate for the downtown business community to visitors and locals alike.

- CONTRACTOR will assist the City in developing a District website. CONTRACTOR will work to expand individual listings for each District business to ensure that as many businesses as possible have an internet presence. The services will only be available to the businesses within the District.
- CONTRACTOR will provide, at a minimum, a detailed annual report to the City Council and the DYBID Advisory Board describing the services provided in the previous year, describing issues and challenges related to the provision of services and meeting performance standards; report on potential projects that could affect the District.

Administration

The following staff position shall be required to be provided by the CONTRACTOR to perform the work included in the management plan. This position is a full time, year round position.

Maintenance Manager – the Maintenance Manager will lead all street level. The Maintenance Manager will coordinate all cleaning projects and work one on one with property owners to address cleaning and safety issues. The Maintenance Manager will be available via cell phone to all DYBID ratepayers to schedule quick and prompt service calls.