

ORDINANCE NO. 2008-_____

AN ORDINANCE of the City of Yakima, Washington, relating to a Downtown Business Improvement Area; establishing a Downtown Yakima Business Improvement District in the downtown area of the City of Yakima pursuant to Chapter 35.87A RCW; establishing special assessments for certain uses and projects within such Downtown Yakima Business Improvement District, as provided herein; and establishing the time for City Council action to adopt a resolution of intention to disestablish said Downtown Yakima Business Improvement District.

WHEREAS, the City Council of the City of Yakima, Washington (“City”), on July 15, 2008, adopted Resolution No. R-2008-115 initiating the establishment of the Downtown Yakima Business Improvement District in downtown Yakima, in accordance with RCW 35.87A.030 and RCW 35.87A.040, and the title of Resolution No. R-2008-115 was “A Resolution of the City Council of the City of Yakima, Washington, initiating the establishment of a Downtown Yakima Business Improvement District for the downtown area of the City and setting the time for a public hearing for August 6, 2008, at 7:00 p.m., for the consideration of establishing said District”; and

WHEREAS, the City Council by adopting Resolution No. R-2008-115 set a public hearing date to be held at City Hall, Yakima, Washington, on August 6, 2008, at 7:00 p.m., relating to the formation of said Downtown Yakima Business Improvement District, 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 August 6, 2008, at 7:00 p.m., was given as provided in RCW 35.87A.050; and

WHEREAS, a public hearing concerning the establishment of the Downtown Yakima Business Improvement District was held on August 6, 2008, 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 of Yakima, Washington (the “City”), hereby establishes a Downtown Yakima Business Improvement District (hereafter “DYBID”) in downtown Yakima, as provided in Chapter 35.87A RCW, for the purpose of assisting trade, economic vitality, security and livability within the District. The boundaries of the DYBID are described in Exhibit “A” and illustrated in the map attached as Exhibit “B”, attached hereto and by this reference fully incorporated herein.

Section 2. The uses and projects to which the special assessments shall be put are set forth on Exhibit “C”, 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 “C” 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 4 of this Ordinance. If the City determines, in consultation with the Committee for Downtown Yakima (“CDY”) that it has become impractical or undesirable to accomplish any of the described uses or projects set forth in Exhibit “C” 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 CDY may not substitute any such alternative use or project for those set forth on Exhibit “C” 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 such DYBID.

All such uses and projects shall be supplemental to regular street maintenance provided by the City and shall not displace any services regularly provided by the City.

Section 3. Special assessments shall be levied against all businesses within the DYBID to provide funds necessary for the purposes set forth in Section 2, and the special assessments shall be levied upon the following classes of business and at the following rates; **provided**, however, that businesses established after the DYBID has become effective shall be exempted from the special assessments imposed pursuant to this Ordinance for a period of one year from the date they commence business within the DYBID:

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 assessment of \$100.

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 Zone the non-profit property is located in. There shall be no discount for the business license fee. Non-Profit organizations as referred to in this Section include, but are not limited to, non-profit corporations and religious institutions.

D. Service Cost Allocations As Basis For Property Assessment

There are differing service needs within the DYBID and therefore two (2) service zones with individually specific assessment rates are hereby established. The levels of appropriate service delivery within each zone are based upon an analysis of the current service delivery needs of the District and projected future needs over the term of the District. Each zone's assessment rate is calculated by determining the District-wide shared expenses applicable to both zones and the differing zone-specific maintenance expenses for each individual zone, allocating the final zone-specific expenses over the total assessed value within the applicable zone. The difference between Zone One and Zone Two assessments is the differing Zone-specific maintenance costs. Zone One receives additional seasonal maintenance services to maintain the increased landscaping therein. All other costs and services are shared equally by both zones.

E. Calculation of Property Assessments

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

Assessment Per	Zone One	Zone Two
Dollar of Assessed Value	\$0.000937	\$0.000772

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.

Section 4. The total estimated annual budgetary requirement from DYBID sources necessary to provide the services and uses described in Section 2 and Exhibit “C” is Two Hundred Fifteen Thousand Five Hundred Twenty-Six Dollars (\$215,526.00).

Section 5. The special assessments described herein will be levied every year for three (3) years following the effective date of this ordinance. Upon or before the third (3rd) anniversary of this DYBID the City Council shall take the legislative action described in RCW 35.87A.180 to effectively disestablish the DYBID formed by this Ordinance. In order to timely fulfill the required disestablishment, in the month of May, 2011, the City Council shall adopt a resolution of intention to disestablish this DYBID, identifying the time and place of the public hearing to be set at least fifteen (15) days thereafter and advertised in accord with RCW 35.87A.050. During the public hearing the City Council shall approve by Ordinance the disestablishment of this DYBID. The City may thereafter elect to initiate a new DYBID in accordance with the procedures for forming a new District as established by RCW 35.87A or any successor statute, if any.

Section 6. This ordinance shall become effective and shall be in full force and effect 30 days after its passage and publication in accordance with law.

PASSED BY THE CITY COUNCIL this ____ day of August, 2008.

David Edler, Mayor

ATTEST:

City Clerk

Ordinance No.: _____

Publication Date: _____

Effective Date: _____

EXHIBIT “A”

District Boundary

The Downtown Yakima Business Improvement District is broken into two. The boundaries of each zone are described as follows:

Zone One

Zone One represents all the DYBID properties that have frontage on Yakima Avenue from the centerline of 8th Avenue east to centerline of 9th Street with the exception of parcel #18132442461 (First Presbyterian Church). Zone One also includes the current Holiday Inn express properties and Howard Johnson properties on the north side of Yakima Avenue backing up to Gateway Center. Those parcel numbers are 19131912547, 19131911507, 19131911022, 19131911077, 19131911023, 19131911025, 19131911026, 19131911031, 19131911030, 19131911029, 19131911027 and 19131911028. Also included in Zone One are all properties east of the railroad tracks from the centerline of Lincoln Avenue south to the centerline of Walnut Street to properties that have frontage on the eastside of Naches Avenue. East of Naches Avenue the Zone narrows to the centerline of Chestnut Street as the southern border. Zone One also includes parcels 19131913414, 19131913415, 19131913416, 19131913417, 19131913418, 19131913419 and 19131913420 which are on the west side of 6th Street between Chestnut Street and Walnut Street. The northern edge of Zone One in this area is the northern edge of the properties that includes the current Red Lion Hotel and it's adjoining parking lot's edge, the Yakima Convention Center and its adjoining parking lot's northern edge and the Greater Yakima Chamber of Commerce and the adjoining parking lot's northern edge. Those northern parcels are 19131912414, 19131912561, 19131912560, 19131912447, 19131912505 and 1913191294. The northern section of Zone One also includes parcels 19131921472, 19131921473, 19131921474, 19131921475, 19131921476 and 19131921477 which face the centerline of 6th Street between Martin Luther King and 'A' Street. Zone One includes approximately 41 blocks.

Zone Two

Zone Two represents the entire area that is north and south of the frontage properties along Yakima Avenue to the centerline of Lincoln Avenue and Walnut Street respectively and between the railroads tracks and 7th Avenue. Zone Two also includes parcel # 18132442454 which is on the southeast corner of Summitview Avenue and 8th Avenue. All properties that have frontage on West Yakima Avenue from the railroad tracks west to centerline of 7th Avenue are included in Zone Two. Zone Two represents 36 complete blocks.

EXHIBIT "B"

Map of Zoned District

EXHIBIT “C”

The Downtown Yakima Business Improvement District assessments shall be used to supplement the Committee for Downtown Yakima budget in order that the Committee can continue to provide services toward fulfillment of the following purposes, unless said purposes are modified in accord with Section 2 of the DYBID Ordinance:

Clean Services

The Committee for Downtown Yakima (hereafter “CDY”) shall continue to supplement existing City of Yakima services by adding an additional 7,840 man hours of services throughout the Downtown Yakima Business Improvement District. CDY will use the best equipment available to ensure the most efficient approach to clean services. The services provided will include:

- Pressure washing of sidewalks - CDY shall keep the new sidewalk features looking sharp by pressure washing them on a regular basis to remove spills, dirt and gum. Further, CDY shall regularly clean all new street features including benches and water fountains.
- Weed abatement - CDY shall constantly spray and remove weeds throughout the district
- Daily trash removal - CDY shall pan and broom each sidewalk and curb in the district to remove trash and debris through the entire district.
- Special Projects - CDY shall work with the City of Yakima and remain flexible to work on special projects that come up each year.
- Graffiti Removal - A service of the CDY Clean and Safe Team will be immediate graffiti removal throughout the entire district from both public and private property. CDY’s goal will be removal within 24 hours of the graffiti being reported. After receiving a signed waiver from a victimized property owner, CDY’s clean team shall remove graffiti from private property at no charge. In the case of areas that receive graffiti damage regularly, CDY will gladly store extra paint to do the work on demand. CDY shall use a combination of chemicals and pressure washing equipment that are sensitive to the various surfaces in downtown Yakima.

Safety Services

The Committee for Downtown Yakima shall work actively to create a safe environment for visitors, customers and employees through the ambassador program by adding 4,512 annual security hours per year 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. The CDY ambassadors shall be on the street from 11:00 – 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.

Landscape and Special Projects

The Committee for Downtown Yakima shall manage the hanging baskets, flower beds and flower pots throughout the District. The cost to maintain these displays and purchase the plants for them annually will come from Downtown Yakima Business Improvement District funds. On a weekly basis, CDY shall deadhead, fertilize and properly maintain the baskets, pots and planting areas to ensure a positive feel and attractive look to downtown Yakima. CDY anticipates spending approximately 30 man-hours per week on this project. The hanging baskets, flower beds and flower pots within the District shall be planted with a variety of flowers during the summer months and re-planted with fall-appropriate plants in mid September. All planting areas throughout the District shall be weeded and mulched.

Economic and Business Development

The Committee for Downtown Yakima shall continue to work toward attracting new businesses to the District and help retain the thriving business community of today. CDY shall do this by continuing to be a knowledge base for all available commercial and office spaces in the Downtown Yakima Business Improvement District and by actively recruiting new tenants. CDY shall also work closely with developers to grow the number of living units available within the District.

Marketing/Communication

The Committee for Downtown Yakima shall continue to market the changes occurring within the District and shall work to market the Downtown Yakima Business Improvement District to visitors and locals alike.

- CDY shall continue to operate and expand the CDY website, which averages over 30,000 hits per month and 800 unique visitors. CDY shall work to expand individual listings for each District business to ensure that as many District businesses as possible have an internet presence. These services will only be available to the businesses within the District.
- CDY shall continue weekly District email updates to over 500 subscribers to continue to inform the community about events, developments and people in the District. CDY shall actively expand this list.
- CDY shall publish a bi-annual Downtown Yakima Business Improvement District restaurant guide to be distributed by the business community and the Yakima Valley Convention and Visitors Bureau.

- CDY shall publish an annual Guide to Downtown Yakima that will feature listing of all businesses within the District, as well as other features of the District including a calendar of events and a map of the District.

Advocacy/Leadership/Administration

The following is a list of the staff positions required to do the work included in the management plan. All positions listed are full time, year round positions.

Executive Director - the Executive Director of the Committee for Downtown Yakima is responsible for all fiscal oversight of all Business Improvement District programs with a major focus on economic development, retail development, residential development and advocacy. The Executive Director shall work to secure additional funding streams to enhance the Business Improvement District resources to provide for special projects that enhance the District.

Director of User Experience - the Director of User Experience for the Committee for Downtown Yakima is responsible for all communications, marketing and outreach programs. The Director of User Experience shall manage the website and the production of all marketing materials, including the District shopping and restaurant guides. The Director of User Experience shall also work with the retailers and restaurants within the District to facilitate cooperative marketing and special events.

Clean and Safe Team Supervisor - the Clean and Safe Team Supervisor manages all aspects of both the clean and safe teams, including the hiring, motivating and assignment of all clean and safe team members. The Clean and Safe Team Supervisor shall monitor the maintenance conditions throughout the District and create daily assignments to keep the District clean and safe. The supervisor position is a working position. The supervisor shall spend approximately 90% of his time working with the clean and safe team and 10% doing administrative work.

Maintenance Foreman - the Maintenance Foreman is responsible for being the clean team's full time leader on the street. The maintenance foreman shall constantly monitor the work of the clean team on a daily basis to ensure quality and shall interact with the District's business community to address solutions to maintenance needs.