

CITY OF NAPA CITY COUNCIL  
**AGENDA REPORT**

CONSENT CALENDAR  
AGENDA ITEM 4.E.  
Date: May 21, 2013

To: Honorable Mayor and Members of City Council

From: Rick Tooker, Community Development Director

Prepared by: Robin Klingbeil, Project Coordinator

Subject: 2013 Annual Report and Budget for the Oxbow Business Improvement Area; Schedule Public Hearing to Levy Assessments

**ISSUE STATEMENT:**

Adopt a Resolution approving the 2013 Annual Report, Budget and Advisory Board for the Oxbow Business Improvement Area and authorizing the City Clerk to schedule a public hearing on June 4, 2013 to levy assessments in the Oxbow Business Improvement Area in accordance with NMC Section 3.29.

**DISCUSSION:**

The Napa Downtown Association (NDA) has submitted the annual budget and work program for 2013 activities funded by the Oxbow Business Improvement Area (BIA), which NDA administers. This area is comprised of businesses east of Soscol Avenue, generally bounded by River Terrace Way, Silverado Trail, Third Street and Soscol Avenue (see map, Exhibit C to Attachment 1).

In accordance with the contract obligations contained in Agreement 9354, "Napa Downtown Association Agreement, Management of Assessment Districts", the NDA must prepare and file with the City an annual report which describes improvements and activities that will be performed using revenues generated by BIA assessments. The California Streets and Highways Code requires that these reports be approved by the City Council, along with a resolution of intention to authorize the levying of these charges.

The City collects BIA assessments from merchants in the BIA boundaries, and pays those assessment revenues to the NDA pursuant to Agreement 9354. In the Oxbow BIA benefit zone, a promotional assessment equal to 40% of the business license fee is paid by the businesses in that area when fees are renewed. NDA has estimated that \$25,400 in revenue will be received from this area in the 2013 FY.

Required Components of Annual Report: The California Streets and Highways Code Section 36533 requires that the annual report for the Oxbow BIA contain the following information:

1. Any proposed change in boundary of area or benefit zone, or parcel classification.

Response: No changes to boundaries or classifications are proposed.

2. Improvements and activities to be provided for the Fiscal Year.

Response: Activities include advertising, collateral, employee payroll, printing, general membership meetings, and website.

3. Estimate of cost to provide the improvements and activities for the year:

Response: The estimated cost to fund the items listed above is \$25,400

4. Method and basis of levying assessment.

Response: The assessments for the Oxbow BIA shall be levied in an amount equal to 40% of the business license tax (imposed on each business pursuant to Napa Municipal Code Chapters 3.29 Oxbow Business Improvement Area and 5.04 Business Licenses Generally).

5. Amount of any surplus or deficit revenues to be carried over from previous fiscal year.

Response: The Budget vs Actual exhibit for FY 2012 indicates \$3,140.80 in surplus revenue.

6. Amount of any contributions to be made from sources other than assessments levied pursuant to this part.

Response: No contributions from other sources are identified under this part.

The 2013 Oxbow BIA Advisory Board members and their respective affiliations are:

Sara Brooks, President, Napa Mill  
Tom Finch, Filippi's Pizza Grotto  
Anette Madsen, Anette's Chocolates  
Steve Pierce, The Executive Room  
Steve Rodrigues, Val's Liquors

Celeste Carducci, Uncorked at Oxbow  
Stephanie Kendall, Carpe Diem  
Joe Peatman, Jr., Downtown Joe's  
Cheryl Richburg, NV Traditions  
Craig Smith, NDA

## **FINANCIAL IMPACTS:**

This action results in no financial City obligation or impact to its General Fund, but there are impacts related to City staff time. The additional 40% promotional business license assessment is collected by the Finance Department and remitted to the NDA on a monthly basis

**CEQA:**

The Community Development Director has determined that the Recommended Action described in this Agenda Report Update is not subject to CEQA, pursuant to CEQA Guidelines Section 15060 (c).

**DOCUMENTS ATTACHED:**

Attachment 1: Resolution with Exhibits A, B, and C.

**NOTIFICATION:**

The Napa Downtown Association was notified of this agenda item prior to the meeting date.

**RECOMMENDED ACTION:**

Staff recommends that the City Council move, second and approve each of the actions set forth below, in the form of the following motion. Move to:

Adopt a Resolution approving the 2013 Annual Report, Budget and Advisory Board for the Oxbow Business Improvement Area and authorizing the City Clerk to schedule a public hearing on June 4, 2013 to levy assessments in the Oxbow Business Improvement Area in accordance with NMC Section 3.29.