



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: DIRECTOR OF MANAGEMENT AND BUDGET JAMES L. BECKLENBERG
MEETING DATE: DECEMBER 17, 2008
SUBJECT: **INTRODUCE AND HOLD A FIRST READING OF AN ORDINANCE TO AMEND THE MUNICIPAL CODE TO INCLUDE SERVICE STATIONS WITHIN THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT (BID)**
CEQA: THIS ACTION IS EXEMPT FROM CEQA UNDER THE "RATES, TOLLS, FARES & CHARGES" STATUTORY EXEMPTION AT CEQA GUIDELINE SECTION 15273.

RECOMMENDATION:

Introduce and hold a first reading of an Ordinance to amend the Municipal Code to include service stations in the Downtown Business Improvement District (BID), and direct its publication.

DISCUSSION:

On May 24 and June 18, 2008, the City Council took all action required to reauthorize and appropriate funds for the Downtown Business Improvement District (BID) for the current fiscal year, 2008/09. In addition to required action, the May 24th agenda report highlighted a request from the BID to include the service stations located within the geographic boundaries of the district. When the City originally formed the District, the service station located in the district was exempted from paying the BID assessment in exchange for a voluntary annual payment for District purposes. The City has not received any such payment from the service station for at least two (2) years.

To finalize the change discussed on May 24th, the City Council must adopt an ordinance to modify the Municipal Code section that excludes service stations from the BID. A draft ordinance for this purpose is attached.

Staff mailed a letter to the affected business on December 8, 2008 to notify the owner of the proposed change and that the City Council had scheduled this matter for this meeting. The proposed ordinance is exempt from CEQA under the "Rates, Tolls, Fares & Charges" statutory exemption set forth at CEQA Guideline section 15273.

Should the Council approve the first reading of the proposed ordinance, Council is asked to direct staff to publish a summary of the proposed ordinance, as approved by the City Attorney, in accord with Charter Article 15.

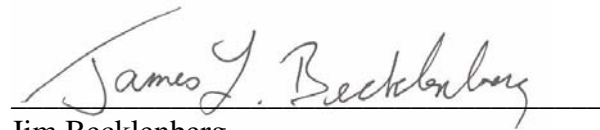
FISCAL IMPACT:

If approved, Business Improvement District assessment revenues will increase beginning in FY 2009/10 (commencing July 1, 2009) by the amount of the payment due from the service station within the BID. This amount equals 35% of the business license tax and will therefore range from \$5.25 to \$1,050

ATTACHMENTS:

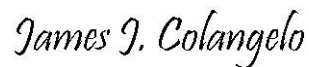
- Draft Ordinance

RESPECTFULLY SUBMITTED:



Jim Becklenberg
DIRECTOR OF MANAGEMENT AND BUDGET

REVIEWED BY:



Digitally signed: I have reviewed this document

James J. Colangelo
CITY MANAGER

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
AMENDING SECTION 6.50.030 OF THE PACIFIC GROVE MUNICIPAL CODE
ELIMINATING THE EXEMPTION FOR SERVICE STATIONS FROM THE
DOWNTOWN BUSINESS IMPROVEMENT DISTRICT ASSESSMENT**

WHEREAS, Chapter 6.50.030 of the Pacific Grove Municipal Code requires each business owner in the Downtown Business Improvement District, except for service stations and catalogue sales establishments, to pay to the City of Pacific Grove an annual assessment equal to 35% of its annual business license tax; and

WHEREAS, The City Council wishes to delete the exception for service stations and include service stations within the Downtown Business Improvement District; and

WHEREAS, A summary of the proposed ordinance, as approved by the City Attorney, was published in accord with Charter Article 15; and

WHEREAS, modification of Chapter 6.50.030 of the Pacific Grove Municipal Code is exempt from CEQA under the “Rates, Tolls, Fares & Charges” statutory exemption set forth at CEQA Guideline section 15273.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:

SECTION 1. The City Council determines that each of the recitals set forth above is true and correct, and that collectively they provide a basis for enacting this measure. By this reference, those recitals are incorporated as an integral part of this ordinance.

SECTION 2. The text set forth in existing Section 6.50.030 of the Pacific Grove Municipal Code entitled, “Method and basis for levying assessments,” shall be changed by the deletion of all text shown in ~~strikeout text~~, as follows:

Section 6.50.030* **Method and basis for levying assessment*

Each business owner in the district established in this chapter, except for ~~service stations~~ ~~and~~ catalogue sales establishments, shall pay to the city of Pacific Grove an annual assessment equal to 35% of its annual business license tax.

SECTION 3. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs,

sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 4. This ordinance shall become effective on the thirtieth (30th) day following passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
THIS ____ day of _____, 2009, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

DANIEL E. CORT, Mayor

ATTEST:

CHARLENE WISEMAN, City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney