

Ordinance No. 123995

Council Bill No. 117561

AN ORDINANCE relating to the University District Parking and Business Improvement Area; increasing the assessment rates; and amending Ordinance 118412, as previously amended by Ordinance 120304 and by Ordinance 122212, in accordance therewith.

CF No. _____

Date Introduced:	<u>Sept. 4, 2012</u>	
Date 1st Referred:	To: (committee) <u>Government Performance and Finance</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <u>8-0</u>	
Date Presented to Mayor:	Date Approved: <u>Oct. 1, 2012</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____
Councilmember

Committee Action:

9/19/2012 PASS TB, NL, SC 3-0-0

9.24.12 Passed 8-0 excused: TR

This file is complete and ready for presentation to Full Council. Committee: _____ (initial/date)

Law Department

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

CITY OF SEATTLE
ORDINANCE 123995
COUNCIL BILL 117561

1 AN ORDINANCE relating to the University District Parking and Business Improvement Area;
2 increasing the assessment rates; and amending Ordinance 118412, as previously amended
3 by Ordinance 120304 and by Ordinance 122212, in accordance therewith.

4 WHEREAS, the University District Parking and Business Improvement Area ("PBIA") was
5 created in 1996 through Ordinance 118412, which provided for the levy of special
6 assessments upon businesses within the PBIA for the purpose of enhancing conditions for
7 the operation of those businesses; and

8 WHEREAS, in 2001, through Ordinance 120304, the City Council approved an assessment rate
9 increase of approximately 4%; and

10 WHEREAS, in 2006, through Ordinance 122212, the City Council approved an assessment rate
11 increase of approximately 10%; and

12 WHEREAS, this year the University District Ratepayers Advisory Group requested an additional
13 3.5% increase in the assessment rates, as well as a 3.5% increase in the minimum and
14 maximum assessments allowed by Ordinance 118412, to prevent a reduction in PBIA
15 services caused by inflation in prices since 2006; and

16 WHEREAS, a public hearing regarding the proposed rate adjustment was held on September 5,
17 2012, and comments regarding the increase have been considered by City Council; and

18 WHEREAS, based upon information provided by the University District Ratepayers Advisory
19 Group and comments received during the public hearing, the City Council believes it is in
20 the best interests both of the PBIA and the City to adjust the rate structure to maintain
21 appropriate levels of service; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

22 Section 1. Section 3 of Ordinance 118412, as amended by Ordinance 120304 and
23 Ordinance 122212, is hereby further amended as follows:

24 Section 3. Levy of Special Assessments. To finance the programs authorized in
25 Section 2, there is levied upon and shall be collected from the business and property owners in
26



1 the University District Parking and Business Improvement Area described in Section 1 an annual
2 special assessment, measured by the type of use and rate of assessment in the following table,
3 subject to the calculations and limitations in Sections 4 and 5:

4 Annual Assessment Formula

5 Category....Rate of Assessment

6 I. Retail/commercial uses

7 Ground Floor.... (~~\$.114~~) \$.12 sq. ft.

8 Upper Floor.... (~~\$.057~~) \$.06 sq. ft.

9 Below Ground Floor.... (~~\$.057~~) \$.06 sq. ft.

10 II. Commercial Parking.... (~~\$5.72~~) \$5.92/ space

11 III. Full Service Hotels/Motels.... (~~\$11.44~~) \$11.84/ room

12 IV. Apartments.... (~~\$5.72~~) \$5.92/ unit

13 V. Property Owners.... (~~\$.057~~) \$.06 sq. ft.

14 Section 2. Section 4 of Ordinance 118412 is hereby amended as follows:

15 Section 4. Calculation of and limitations upon assessments.

16 * * *

17 (e) A minimum assessment of (~~\$110~~) \$113.85 (~~((One Hundred Ten Dollars))~~) will be applied
18 to every business, organization, and property within the BIA boundaries.

19 (f) The total assessment upon any single business site within the BIA shall not initially exceed
20 (~~(\$11,000)~~)\$11,385 - (~~((Eleven Thousand Dollars))~~) annually.

21
22 Section 3. Section 14 of Ordinance 118412 is hereby amended as follows:

23 Section 14. Rate Changes. Any change in the assessment rate shall only be made by
24 ordinance and as authorized in RCW Chapter 35.87A.140. No increase shall occur in the
25 assessment rate unless recommended by the Ratepayers Advisory Board.



1 To prevent reduction in services due to inflation in prices the City may from time to
2 time, upon recommendation of the Ratepayers Advisory Board and by ordinance, increase or
3 reduce assessment rates, to reflect changes in the purchasing power of money. Any increase in
4 the assessment formula shall be based on the lesser of the Board request or the increase, if any,
5 of the Consumer Price Index (CPI) for the metropolitan Seattle area; provided, however, that the
6 increase shall not exceed five percent (5%) in any calendar year. The percentage of increase in
7 the assessment formula shall be computed as follows:

8
9
$$\frac{(\text{Ending CPI} - \text{Beginning CPI}) \times 100}{(\text{Beginning CPI})} = \text{Percentage of Increase}$$

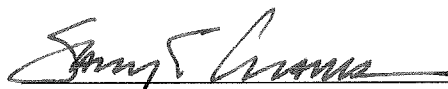
10
11 Rates after the percentage increase shall be rounded to the nearest one-thousandth (mil)
12 as to square footage rates in Categories I, II, III, and IV.

13 Section 4. The assessment rates provided for in Section 1 shall take effect on the
14 effective date of this ordinance or January 1, 2013, whichever is later.

15 Section 5. This ordinance shall take effect and be in force thirty (30) days from and
16 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)
17 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.



1
2 Passed by the City Council the 24th day of September, 2012, and
3 signed by me in open session in authentication of its passage this
4 24th day of September, 2012.

5
6 

7 President _____ of the City Council

8
9 Approved by me this 1st day of October, 2012.

10
11 

12 Michael McGinn, Mayor

13
14 Filed by me this 2nd day of October, 2012.

15
16 

17 Monica Martinez Simmons, City Clerk

18 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
FAS	Teri Allen/684-5226	Jennifer Devore/615-1328

Legislation Title: AN ORDINANCE relating to the University District Parking and Business Improvement Area; increasing the assessment rates; and amending Ordinance 118412, as previously amended by Ordinance 120304 and by Ordinance 122212, in accordance therewith.

Summary of the Legislation: This legislation will increase the assessment rate in the University District Business Improvement Area (BIA) in accordance with RCW 35.87A.

Background:

The Ratepayers Advisory Board voted to increase the assessment rate in order to keep pace with inflation and to prevent a reduction in services for the University District BIA. This BIA was formed by Ordinance 118416 in 1996. The rates have been increased twice since formation, the first increase of 4% was in 2001 by Ordinance 120304 and the second was an increase of 10% by Ordinance 122212 in 2006. The Ratepayer Advisory Board is currently seeking a 3.5% increase to maintain existing levels of service.

Please check one of the following:

This legislation does not have any financial implications.

This legislation has financial implications.

Appropriations:

Appropriations Notes:

There are no additional appropriations associated with this legislation.

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Department	Revenue Source	2012 Revenue	2013 Revenue
19890 University District BIA Subfund	FAS	Ratepayer Assessments	\$0.00	\$4,550.00
TOTAL			\$0.00	\$4,550.00



Revenue/Reimbursement Notes:

Finance and Administrative Services (FAS) will collect the assessments from the ratepayers, but the funds would then be kept by FAS only for reimbursement to the University District BIA.

Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact: *Not Applicable*

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2012 Positions	2012 FTE	2013 Positions*	2013 FTE*
				0	0	0	0
TOTAL				0	0	0	0

* 2013 positions and FTE are *total* 2013 position changes resulting from this legislation, not incremental changes. Therefore, under 2013, please be sure to include any continuing positions from 2012.

Position Notes:

Do positions sunset in the future?

N/A

Spending/Cash Flow:

Fund Name & #	Department	Budget Control Level*	2012 Expenditures	2013 Anticipated Expenditures
TOTAL				

* See budget book to obtain the appropriate Budget Control Level for your department.

Spending/Cash Flow Notes:

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
No.
- b) **What is the financial cost of not implementing the legislation?**
None to the City. The City would continue to administer the University District BIA, which would operate at current rate levels.
- c) **Does this legislation affect any departments besides the originating department?**
No.



d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?

None. RCW 35.87A.140 requires the City to pass a resolution of intention and a subsequent ordinance to change assessment rates for a parking and business improvement area. Improvement area services are in addition to, and not a replacement of, basic City services, and are funded by assessments on the properties that benefit from the services. If the legislation is not passed, University District BIA services will be provided at a level feasible with revenues from current rates. Over time, inflation will erode the level of service the University District BIA is able to provide to ratepayers.

e) Is a public hearing required for this legislation?

Yes, the public hearing will be set through the companion Resolution as required by RCW 35.87A.050..

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No

g) Does this legislation affect a piece of property?

Yes, a map is attached as Exhibit A.

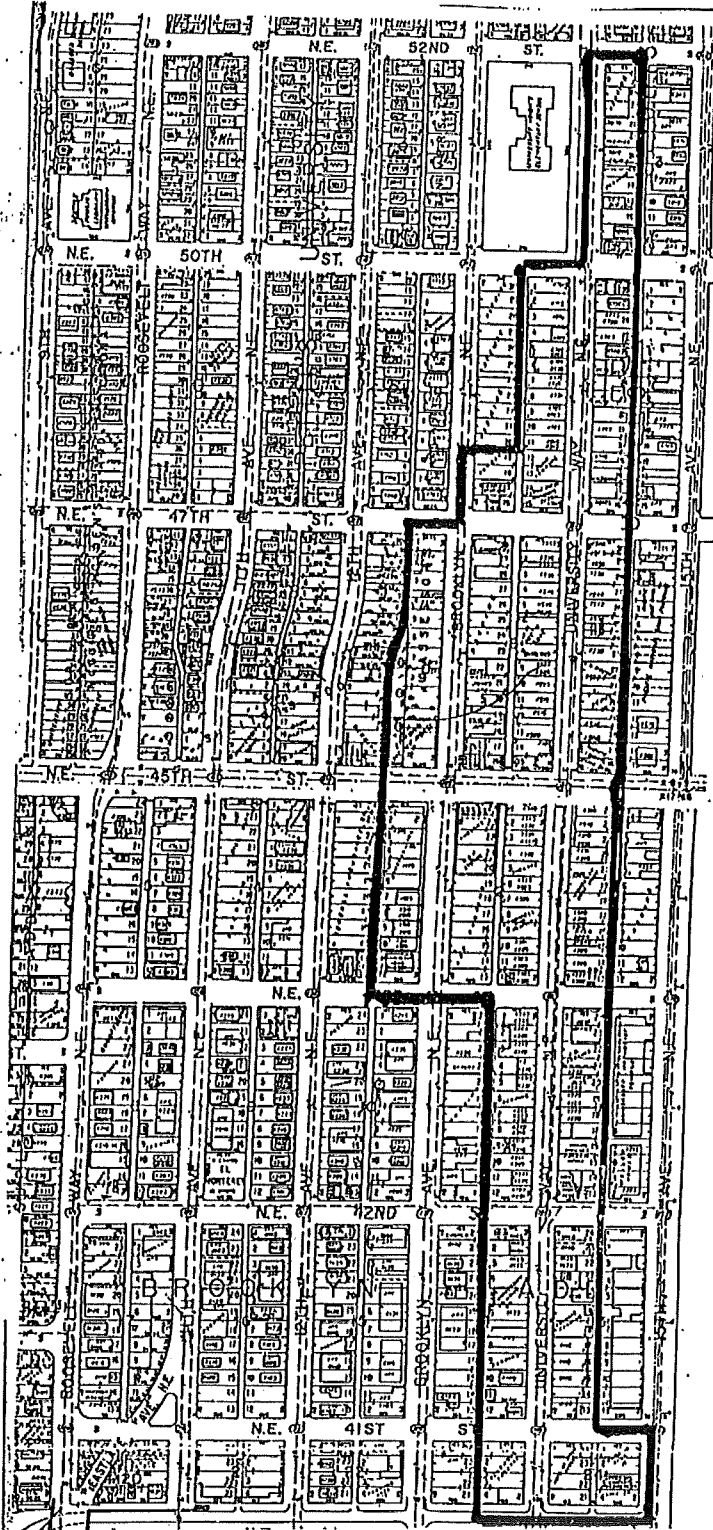
h) Other Issues:

List attachments to the fiscal note below:

Exhibit A - Map



EXHIBIT A



NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.





City of Seattle
Office of the Mayor

August 7, 2012

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am transmitting the attached proposed Council Bill to increase the assessment rate in the University District Business Improvement Area (BIA). This Bill follows an earlier Resolution stating the Council's intent to hold a public meeting on this matter.

The University District BIA provides supplemental services to enhance the economic vitality of the area. Some of these services include maintenance and beautification of common areas, seasonal decorations, supplemental cleaning that includes sidewalk sweeping, alley deodorization, and power washing. In addition, these funds pay for professional management services. In order to carry out these programs and keep pace with inflation, a moderate rate increase is necessary. The Ratepayers Advisory Board has requested an assessment rate increase of 3.5% in order to maintain current levels of service. The University District BIA was established in 1996, and has previously had rate increases in 2001 and 2006, all in accordance with RCW 35.87A.

Thank you for your consideration of this legislation. Should you have questions, please contact Teri Allen at 684-5226.

Sincerely,
Dayl Smith Deputy Mayor
for

Mike McGinn
Mayor of Seattle

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON – KING COUNTY

--SS.

289250
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123979-81,995-124010

was published on

10/11/12

The amount of the fee charged for the foregoing publication is the sum of \$265.05 which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

10/11/2012

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on September 24, 2012, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 123979

AN ORDINANCE relating to a new multi-purpose sports and entertainment facility; authorizing the Mayor to execute a memorandum of understanding with King County and ArenaCo; and to execute an interlocal agreement with the County.

ORDINANCE NO. 123980

AN ORDINANCE relating to certain City-owned property located at 1620 12th Avenue East, commonly known as the East Precinct Parking Facility; authorizing the Director of Finance and Administrative Services to execute and record certain documents, including a Condominium Declaration, Survey Map and Plans, a Purchase and Sale Agreement, a Quit Claim Deed, a Ground Lease, a Sublease, and other agreements and documents in consideration of the development by Capitol Hill Housing Improvement Program of a six-story mixed-use facility with underground parking for the Seattle Police Department, commercial, retail and arts space, as well as affordable housing; and increasing appropriations in the 2012 Adopted Budget for certain activities of the Finance and Administrative Services Budget; all by a three-fourths vote of the City Council.

ORDINANCE NO. 123981

AN ORDINANCE relating to economic and community development; authorizing a loan of federal Section 108 loan proceeds to finance development of the 12th Avenue Arts project at 12th Avenue and E. Pine Street; authorizing loan documents, amendments, replacements and related documents and actions; authorizing amendments to the City's 2009-2012 Consolidated Plan to reflect the transactions contemplated by this ordinance; designating the Pike/Pine neighborhood as a local economic zone for New Markets Tax Credit investments; and ratifying and confirming prior acts.

ORDINANCE NO. 123995

AN ORDINANCE relating to the University District Parking and Business Improvement Area; increasing the assessment rates; and amending Ordinance 118412, as previously amended by Ordinance 120304 and by Ordinance 122212, in accordance therewith.

ORDINANCE NO. 123996

AN ORDINANCE authorizing the Director of Finance and Administrative Services to execute a seven-year lease agreement between the City and Fu Quan, LLC, a Washington limited liability company, for a portion of the property located at 800 Maynard Avenue South, commonly known as the RDA Building.

ORDINANCE NO. 123997

AN ORDINANCE relating to the regulation of the tow industry; revising tow industry regulations; repealing Sections 6.214.010, 6.214.020, 6.214.030, 6.214.040, 6.214.050, 6.214.060, 6.214.070, 6.214.080, 6.214.090, 6.214.100, 6.214.110, 6.214.120, 6.214.130, 6.214.140, 6.214.150, 6.214.160, 6.214.170, and 6.214.180 of the Seattle Municipal Code; adding new sections to chapter 6.214; and amending the 2012 budget, Ordinance 123758, to appropriate funds and create a new position; all by a three-fourths vote of the City Council.

ORDINANCE NO. 123998

AN ORDINANCE relating to the Department of Parks and Recreation and Seattle Public Utilities; transferring partial jurisdiction of a portion of the property formerly known as the Sound Way Property, in the West Duwamish Greenbelt, from the Department of Parks and Recreation to Seattle Public Utilities for maintenance, repair and operation of existing drainage facilities.

ORDINANCE NO. 123999

AN ORDINANCE relating to Seattle Public Utilities; authorizing the sale of certain real property at the North Transfer Station and ratifying and confirming certain prior acts.

ORDINANCE NO. 124000

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the acquisition of real property commonly known as 6311 California Avenue Southwest; authorizing acceptance and recording of the deed for open space, park, and recreation purposes; and authorizing acquisition by condemnation.

ORDINANCE NO. 124001

AN ORDINANCE authorizing Seattle Public Utilities and Seattle Parks and Recreation to enter into a Settlement, Release and Cost Allocation Agreement with Puget Sound Energy, Inc. (PSE) for remediation of the combined Gas Works Park uplands and North Lake Union sediments; to enter into an Agreed Order or Consent Decree with the Washington State Department of Ecology or U.S. Environmental Protection Agency and PSE to undertake additional work at the Site consistent with the Agreement; and to seek and accept state Remedial Action Grants for cleanup work related to the Site.

ORDINANCE NO. 124002

AN ORDINANCE relating to Seattle Public Utilities; authorizing the sale of approximately 148 acres located in Section 36, Township 23 North, Range 7 East W.M., in King County to the State of Washington Department of Natural Resources and the acceptance of a conservation easement on the same property; and declaring said property to be surplus to the City's needs and not required for continued utility needs.

ORDINANCE NO. 124003

AN ORDINANCE relating to City employment; amending Sections 4.20.300, 4.21.040, 4.24.010, 4.24.030, 4.24.035, and 4.24.040 of the Seattle Municipal Code; authorizing a memorandum of understanding between the City of Seattle and City labor unions; and ratifying and confirming prior acts.

ORDINANCE NO. 124004

AN ORDINANCE relating to City employment; authorizing execution of a collective bargaining agreement between the City of Seattle and the International Association of Fire Fighters, Local 27 to be effective January 1, 2012 through December 31, 2014; providing payment therefor; and ratifying and confirming prior acts.

ORDINANCE NO. 124005

AN ORDINANCE relating to City employment; authorizing execution of a collective bargaining agreement between the City of Seattle and the Washington State Council of County and City Employees, Local 21C to be effective January 1, 2011 through January 31, 2014; providing payment therefor; and ratifying and confirming prior acts.

ORDINANCE NO. 124006

AN ORDINANCE authorizing the Director of Finance and Administrative Services to execute and deliver a building separation easement and restrictive covenant agreement granting an air rights easement over portions of the West Precinct / 911 Communication Center, and to accept payment therefor.

ORDINANCE NO. 124007

AN ORDINANCE relating to certain appointments; directing the City Clerk to establish and manage a registry of appointments to certain City positions and constituent committees; directing the Clerk to monitor and make public the status of all such appointments; and directing the Clerk to notify the Mayor and Council of pending and actual expirations of such appointments.

ORDINANCE NO. 124008

AN ORDINANCE relating to the filing of consultant contracts; amending Section 20.50.070 of the Seattle Municipal Code to establish a date by which contracts must be filed with the City Clerk.

ORDINANCE NO. 124009

AN ORDINANCE related to cable television; amending Ordinance 123954, which approved the transfer of the controlling interest in WaveDivision Holdings, LLC to Oak Hill Capital Partners III, L.P., to correct clerical errors in that legislation.

ORDINANCE NO. 124010

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, October 11, 2012.
10/11(289250)