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# CITY OF SACRAMENTO

## DEPARTMENT OF FINANCE

REVENUE DIVISION

CITY MANAGER'S OFFICE October 17, 1985  
RD:851282-ADM:MLM:ld  
**RECEIVED**  
OCT 23 1985

City Council  
Sacramento, California

**APPROVED**  
BY THE CITY COUNCIL

Honorable Members in Session:

OCT 29 1985

SUBJECT: FRANKLIN BOULEVARD BUSINESS IMPROVEMENT AREA

OFFICE OF THE  
CITY CLERK

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF SACRAMENTO  
OCT 23 4 17 PM '85

### SUMMARY

This report recommends that the City Council conduct a hearing on the Resolution of Intent to establish Franklin Boulevard Business Improvement Area.

### BACKGROUND

On Tuesday, October 8, 1985 staff submitted to the City Council a Resolution of Intent to establish a Franklin Boulevard Business Improvement Area. The Council established 7:30 p.m. on Tuesday, October 29, 1985 in the City Council Chambers as the time, date, and place to conduct a hearing on the establishment of the area. The Council directed the Revenue Officer, on behalf of the City Clerk, to notice each business within the proposed area of the hearing and to mail a copy of the Resolution of Intent to each business within the area. On Tuesday, October 22, 1985, the City Council ordered the proposed ordinance passed for publication and continued the hearing until 7:30 p.m., October 29, 1985.

### DISCUSSION

The purpose of the hearing is to receive testimony from all persons interested in, or desiring to protest the formation and establishment of said business improvement area, and/or the extent thereof, the boundaries thereof, the proposed amount of charges, the classification of businesses, the drawing of benefit zones, or to any other proposal or matter set forth in the Resolution of Intent to establish the area.

The City Council may proceed to adopt the attached ordinance establishing the area unless a majority of the businesses within the area protest the establishment of the area.

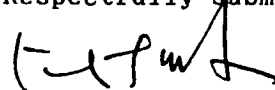
At the close of the hearing, the Revenue Officer will report on the percentage of businesses protesting the establishment of the area.

RECOMMENDATION

It is recommended that the City Council:

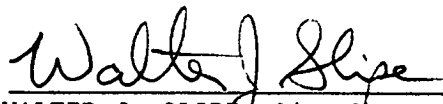
1. Conduct the hearing on the establishment of a business improvement area for Franklin Boulevard.
2. Request the Revenue Officer to determine if the amount of protest exceeds 50%; and
3. Adopt or take no action upon the attached ordinance which establishes a business improvement area for Franklin Boulevard.

Respectfully submitted,



MICHAEL L. MEDEMA  
Revenue Officer

RECOMMENDATION APPROVED:

  
WALTER J. SLIPE City Manager

Attachment

All Districts  
October 29, 1985

**ORDINANCE NO. 85-097**

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

**APPROVED**  
BY THE CITY COUNCIL

OCT 29 1985

OFFICE OF THE  
CITY CLERK

**AN ORDINANCE ADDING ARTICLE IX TO CHAPTER 23 OF  
THE SACRAMENTO CITY CODE ESTABLISHING THE  
FRANKLIN BOULEVARD BUSINESS IMPROVEMENT AREA**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

**SECTION 1.**

Article IX is hereby added to Chapter 33 of the Sacramento City Code to read as follows:

**Article IX - Franklin Boulevard Business Improvement Area**

**Sec. 23.740. Authority.**

This article is adopted pursuant to the "Parking and Business Improvement Area Law of 1979", being Section 36500 et seq. of the California Streets and Highways Code, and Resolution of Intention No. 85-766, adopted by the City Council on October 8, 1985, and titled "A Resolution of the City Council of the City of Sacramento, California, Declaring Its Intentions to Establish a Business Improvement Area In the Franklin Boulevard Area, to Provide for Levying of Charges on Specified Businesses Conducted Within Such Area, Classifying Various Businesses for Such Purposes, Describing the Boundaries of the Proposed Area, the Authorized Uses to Which the Proposed Revenues Shall Be Put, the Rate of Such Charges, Fixing the Time and Place of a Hearing to be Held by the City Council to Consider the Establishment of Such an Area, and Directing the Giving of Notice of Such Hearing". Such resolution was published and mailed as provided by law, and hearings thereon were held by the City Council at its regular meeting on \_\_\_\_\_, at which time all persons desiring to be heard, and all objections made or filed, were fully heard. The City Council duly concluded the hearing on \_\_\_\_\_, and determined that protests objecting to the formation of the area have not been made by a majority of the businesses within the area and that such protests are overruled and denied. The City Council hereby finds that the businesses and improvement area, in the opinion of the City Council, will be benefited by the expenditure of the funds raised by the charges proposed to be levied.

**Sec. 23.741. Area Established -- Description.**

There is hereby established a business improvement area which shall be known as the "Franklin Boulevard Business Improvement Area of the City of Sacramento", herein referred to as the "Area" for brevity and convenience. The description of the Area is as follows:

Beginning at the intersection of Sutterville Road and State Freeway 99 South on State Freeway 99 to the intersection of Fruitridge Road proceeding west on Fruitridge Road to the west property line of the commercial property of the property located on the northwest corner of Fruitridge Road and Franklin Boulevard then proceeding in a northerly course on the west property line of the commercially zoned property fronting Franklin Boulevard to Sutterville Road, then proceeding easterly on Sutterville Road to the beginning point.

The businesses located in the Area shall be subject to any future amendments to the "Parking and Business Improvement Area Law of 1979" (commencing with Section 36500 of the Streets and Highway Code).

**Sec. 23.742. Authorized Uses.**

The authorized uses to which the additional revenue shall be put are as follows:

- (a) The general promotion of business activities in the Area.
- (b) Promotion of public events which are to take place on or in public places in the Area.
- (c) Decoration of any public place in the Area.
- (d) Furnishing of music in any public place in the Area.

**Sec. 23.743. Levy of Charge in Addition to Business Operations Tax.**

There is hereby imposed a charge for the purposes authorized in Sec. 23.742, which charge is in addition to the ordinary business operations tax as it is imposed upon businesses conducting their activities within the Area by Chapter 23 of the Sacramento City Code. Such additional charge is imposed at the rates set forth in Section 23.744 for the specified business classifications regardless of whether the business is taxed upon a flat rate or gross receipts or other basis under the provisions of Chapter 23 of the Sacramento City Code.

**Sec. 23.744. Classification of Businesses and Charges Imposed.**

The businesses conducted in the Area are classified as follows so as to promote the equitable imposition of the additional charge hereunder in relation to the relative benefits to be derived. The charge shall be as follows:

- (a) Retailing activity: 5.35 Mills per dollar of gross receipts.

(b) Non-Retail: Flat fee of \$25.00.

(c) There shall be a minimum charge of \$25.00 per year for any business conducting business in the Area and a maximum charge of \$250.00 per year.

The determination of the type or class of business or businesses a charge payer is engaged in or about to engage in shall be an administrative function of the Revenue Officer of the City of Sacramento.

In cases where a charge payer believes he is placed in the wrong business or class of business or businesses, he may apply in writing to the Revenue Officer for a change in his classification, setting forth in full his reason for requesting such change. The Revenue Officer shall conduct an investigation and shall thereupon render his decision in writing as to the proper classification or classifications.

If the charge payer is aggrieved by the Revenue Officer's decision, he shall have the right of appeal to the Director of Finance. The appeal shall be filed with the Director of Finance within ten (10) days of the date of the Revenue Officer's decision, and shall be heard by the Director of Finance within thirty (30) days thereafter. The charge payer shall be given at least seven (7) days notice of the hearing by the Director of Finance.

On July 1, 1986, and each July 1 thereafter, the amount of the non-retail charge in subparagraph (c), above, and the maximum and minimum charges in subparagraph (d), shall be automatically increased by the amount of increase in consumer price index, San Francisco area, all items, most recently available prior to the date of increase, provided, however, that in no event shall any automatic increase hereunder exceed ten percent (10%), and provided further that the amounts of the charges which result from the application of the automatic increases hereunder shall be rounded to the nearest whole dollar.

**Sec. 23.745. Exemption; Voluntary Contribution**

Any business, person or institution located in the Area, which is exempt from the payment of the ordinary business operations tax of the City by reason of the provisions of the laws of the United States or the City or by reason of the provisions of the United States or California Constitutions, is not to be charged under this proceeding but may make a voluntary contribution to the City. Such contributions shall be used for the purposes provided in this Article.

**Sec. 23.746. Modification or Disestablishment of the Area.**

The City Council, by ordinance, may modify the provisions of this Article and may disestablish the Area, after adopting a resolution of intention to such effect. Such resolution shall describe the proposed change or changes, or indicate that it is proposed to disestablish the Area, and shall state the time and place of a hearing to be held by the City Council to consider the proposed action.

If a majority of the businesses in the Area file a petition with the City Clerk requesting the Council to adopt a resolution of intention to modify or disestablish the Area, the Council shall adopt such resolution and act upon it as hereinafter provided. Signatures on such petition shall be those of a duly authorized representative of businesses in the Area; and the petition shall be filed with the City Clerk within six weeks of the date on which the first signature was affixed.

The City Clerk shall cause such resolution to be published at least once in the official newspaper of the City of Sacramento, and shall also mail a complete copy thereof, postage prepaid, to each business in the area, or, if it is proposed to enlarge the boundaries of the area, to each business in the Area as it is proposed to be enlarged. Such publication and mailing shall be completed at least fifteen (15) days prior to the date of said hearing.

In the event the resolution proposes to modify any of the provisions of this ordinance, including changes in the existing charges or in the existing boundaries of the Area, such proceedings shall terminate if protest is made by a majority of the businesses in the Area, or in the Area as it is proposed to be enlarged, provided that the City Council may modify the boundaries or charges as specified in Streets and Highways Code Section 26528.

In the event the resolution proposes disestablishment of the Area, the City Council shall disestablish the Area; unless at such hearing, protest against disestablishment is made by a majority of the businesses in the Area.

At the hearing, the City Council shall hear all protests and receive evidence for and against the proposed action; shall rule upon all protests. The Council's determination in this regard shall be final. The Council may continue the hearing from time to time.

**Sec. 23.747. Administration**

The Council may provide for the administration of the Area's activities by entering into a contract with an entity that in the opinion of the City Council will have the capability of representing the interests of the businesses in the Area, whose general objectives will be consistent with the purposes of this Article, and who will provide the resources to effectively achieve those objectives. However, in such event the City Council shall reserve unto itself sole discretion as to how the revenue derived from the charges hereunder shall be used within the scope of the said authorized purposes.

**Sec. 23.748. Payment of Charge -- Effective Date.**

The collection of the charges imposed hereunder shall be made at the same time and in the same manner as the general business operations tax under Chapter 23 of the City's Code, commencing January 2, 1986.

A special fund is hereby created, known as the "Franklin Boulevard Business Improvement Area Fund," and the charges imposed by this article shall be deposited in such fund.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

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22



# CITY OF SACRAMENTO

## DEPARTMENT OF FINANCE

REVENUE DIVISION

October 14, 1985  
RD:851273-ADM:MLM:ld

City Council  
Sacramento, California

Honorable Members in Session:

SUBJECT: FRANKLIN BOULEVARD BUSINESS IMPROVEMENT AREA

CITY MANAGER'S OFFICE  
**RECEIVED**  
OCT 15 1985

SUMMARY

This item is presented at this time for approval of publication of title pursuant to City Charter Section 38.

BACKGROUND

On Tuesday, October 8, 1985 the City Council adopted Resolution 85-766 which declared the Council's intention to establish a business improvement area in the Franklin Boulevard area. The Council established October 29, 1985 as the date of the hearing to consider establishment of the area. The attached ordinance, if adopted, establishes the area and provides for matters related thereto.

RECOMMENDATION

It is recommended that this item be passed for publication of title and continued to October 29, 1985.

Respectfully submitted,

Michael L. Medema  
Revenue Officer

RECOMMENDATION APPROVED:

  
WALTER J. SLAPE, City Manager

PASSED FOR  
PUBLICATION  
& CONTINUED  
TO 10-29-85

Attachment

All Districts  
October 22, 1985



# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

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EFFECTIVE:

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MAYOR

ATTEST:

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CITY CLERK