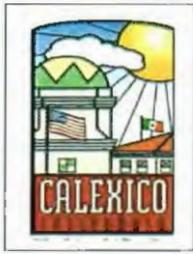


**AGENDA
ITEM**

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AGENDA STAFF REPORT

DATE: March-18, 2020- APRIL 1, 2020
 PUBLIC HEARING ITEM CONTINUED FROM 3-18-2020 MEETING

TO: Mayor and City Council

APPROVED BY: David B. Dale, City Manager *df f. D. P.*

PREPARED BY: Carlos Campos, City Attorney

SUBJECT: Public Hearing to Determine Whether There Exists a Majority Protest to Levying the Calendar Year 2020 Assessment for the Calexico Business Improvement District

Adopt Resolution No. 2020- _____ a Resolution of the City Council of the City of Calexico, California, Confirming the Advisory Board 2019 Report and Levying an Assessment for Calendar Year 2020 on the Calexico Business Improvement District

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Recommendation:

1. Hold a public hearing to determine whether there exists a majority protest to levying the calendar year 2020 assessment for the Calexico Business Improvement District.
2. If no majority protest is determined, adopt Resolution No. 2020- _____ A Resolution of the City Council of the City of Calexico, California, Confirming the Advisory Board 2019 Report and Levying an Assessment for Calendar Year 2020 on the Calexico Business Improvement District.

Background:

In February of 2000, the Calexico City Council established the Calexico Business Improvement District ("BID") by the adoption of Ordinance No. 990 which provided for the levying of assessments for the BID. In 2009, the Calexico City Council appointed a BID advisory board.

Pursuant to Streets and Highways Code Section 36500 - 36537, an annual report is attached which outlines the activities in 2019 and estimates revenues for the calendar year 2020. The Annual Report recommends the assessment be continued for calendar year 2020.

AGENDA
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The assessments may only be used for the promotion, marketing, and advertising of professional and retail businesses located in the BID.

Discussion & Analysis:

A public hearing was set for April 1, 2020 to consider the BID Assessment for Calendar Year 2020. The Resolution of Intent and public hearing notice was advertised on March 6, 2020.

Fiscal Impact:

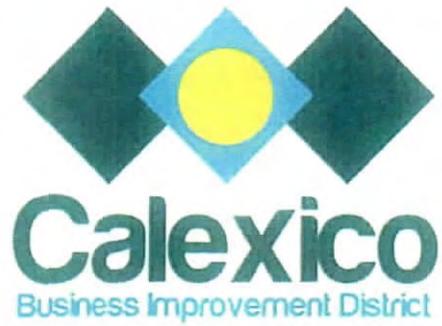
The amount to be collected in assessments is estimated to be forty-four thousand five hundred dollars (\$44,500.00). The assessment is calculated on 445 business licenses at \$100.00 each. The total amount estimated to be available for BID activities is seventy thousand one hundred and fifty eight dollars (\$70,158.00) which includes the balance of monies from the prior year.

Coordinated With:

BID Advisory Board on January 9, 2020 reviewed and approved the 2020 Annual Report and estimated revenue for calendar year 2020.

Attachments:

1. Report to the City Council prepared by the City of Calexico on behalf of the Calexico Business Improvement District dated January 9, 2020.
2. Resolution No. 2020-_____ A Resolution of the City Council of the City of Calexico, California, Confirming the Advisory Board 2019 Report and Levying an Assessment for Calendar Year 2020 on the Calexico Business Improvement District.



CALEXICO BUSINESS IMPROVEMENT DISTRICT (BID)

ANNUAL REPORT – 2019

Prepared for:

Business Improvement District Advisory Committee

Prepared by:

City of Calexico

January 9, 2020

HISTORY

Ordinance No. 990 established the Calexico Business Improvement District (BID) in which an annual assessment is to be collected at the same time and manner as the Business Tax License fees.

Ordinance No. 990 established the fees and the boundary of the BID. Assessments were based on zones and the business category. The categories established under the Ordinance are general retailers, restaurants, non retailers/service providers, and state regulated companies and specifies fees to be collected.

Revenue collected is to defray the cost of services and programs which will benefit businesses in the area, including, but not limited to any of the following:

- The acquisition, construction, or maintenance of parking facilities for the benefit of the area;
- Decoration of any public place;
- Promotion of public events which are to take place on or in public places in the area;
- Furnishing of music in any public place in the area;
- The general promotion of business activities in the area.

The BID Advisory Committee appointed by the City Council meets on the second Thursday of each month and continues to accomplish promotional events and advertising. The events hosted by BID include advertising in print, radio, electronic boards, and television media and events held in the downtown area. Advertising provided by BID provides an opportunity to promote all businesses within the zone boundaries.

The activities undertaken by BID for the calendar year 2019 emphasized efforts in advertising and activities in downtown to draw as well as retain people to the downtown. In addition, the BID focused on improving downtown through action plans for economic flourishing and public health concerns.

DOWNTOWN ADVERTISING AND PROMOTIONAL EVENTS

The 8th Annual Car Show was held on May 4, 2019 and drew approximately 6,000-7,000 people to downtown. This is a family event that showcases classic and low rider cars, and bikes. Raffle prizes were donated by downtown merchants and distributed throughout the day. Music, food, and activities for children are provided as well. Sidewalk sales were allowed for this event.

The Mother's Day annual event, in its 6th year, invited merchants to participate by purchasing corsages to give to clients shopping in their store. A total of 450 corsages were given out by participating merchants. BID paid the cost of advertising for participating merchants and provided music during the day. Mariachi music was made available for the shoppers to enjoy.

Battle of the Bands and Saturday's Night Life events took place on June 15, 2019 and July 6, 2019, respectively. Local bands participated alongside different food and arts and crafts vendors

were invited to bring more people to downtown. Portable restrooms, lighting, advertising, and stage were all paid for by BID.

The *16 de Septiembre Grito* celebration event took place at Crummett Park. Dignitaries from Mexico were hosted to strengthen the connection amongst the sister cities. The Grito celebration had mariachi performances, folkloric dancers, and reenactments.

The Downtown Calexico Halloween Carnival and Lucha Libre event was held on October 31, 2019 for the community's enjoyment. Food vendors, raffle prizes, and costume contests were part of the evening program. A haunted house and rock band was provided for entertainment. A costume contest took place as well. Print advertisements were made to promote and advertise BID businesses.

Advertising through Black Friday begins in November and continues through until the end of the month. Merchants pay 50 percent of the cost of advertising and BID pays for 50 percent, hence the 50/50 program. The 50/50 program was implemented by BID in 2009 and carried out by El Lechugon. The 50/50 advertising program includes a booklet with ads and coupons that is distributed to border crossers and in businesses in Calexico, ads in print media, electronic billboards, and television commercials.

The 50/50 program was also reintroduced and extended for the month of December 2019 following the Black Friday promotions and sales.

BID members funded for the purchase of toys to be given away after the Christmas Parade and hosted the 3rd annual Christmas in Downtown Festival celebration. The toys donated would be given away to needy children in the community. The list of children would be provided by the Family Resource Center. The 3rd annual Christmas in Downtown Festival event took place December 7. Entertainment, and toy giveaways took place in Christmas Downtown. Proper insurance, security and portable restrooms were sponsored by the BID for this event.

CALEXICO DOWNTOWN ACTION PLAN

During the calendar year, the BID members discussed, reviewed and approved the Calexico Downtown Action Plan. This plan includes the creation of a pedestrian plaza on Rockwood Avenue between First Street and Second Street (Calexico Rockwood Plaza Promenade). Rockwood Avenue would be closed to vehicular traffic from First Street to Second Street. This will result in business development opportunities for existing businesses and new businesses (recreation areas and commerce kiosks). Relocation of taxi cabs from Rockwood Avenue between First and Second Streets to First Street between Heffeman and Paulin Avenue was also discussed. This will improve access to public transportation services by hindering the "Raiteros" (illegal transportation services operations) and improve public safety.

Installation of wall lights, street bicycle station, planters, and ornamental streetlights to beautify streets and alleys. The installation of the gates at the entrance to the alley on Rockwood Avenue

is necessary for the preservation of public safety; the gate installation must be by ordinance or resolution, to be considered at a later date by Council.

The Calexico Rockwood Avenue Promenade work will continue in 2020. The work described will be performed by the City of Calexico in partnership with a consultant that will be selected through a competitive procurement process that will be performed by the Southern California Association of Governments (SCAG), with a consultant selection coming in the Summer of 2020. This is part of the \$200K grant the City of Calexico was awarded by SCAG's Regional Council on April 4, 2019.

This will be a walkable outdoor promenade that will promote bicycle and pedestrian infrastructure and increase pedestrian safety and improve mobility between the proposed promenade and the future Calexico Intermodal Transportation Center.

The site plan that will be developed shall include, but is not limited to, placemaking features such as decorative lighting and planters; protected bicycle lanes and racks, wayfinding signage, delineators, and other improvements.

This project looks to promote and encourage people to walk and bike for personal transportation as an alternative to motor vehicles and study the potential to integrate bicycle/pedestrian facilities in the Calexico downtown area.

The consultant that will be assigned by SCAG to this project will receive 500 numbers of surveys from local residents, visitors and/or business owners in the downtown area. We will also prepare a site plan to advance future active transportation infrastructure on Rockwood Avenue between 1st Street and 2nd Street.

With the assistance of Lori's Sanitation Services, two portable restrooms were approved for public use in downtown to improve commerce of BID merchants affected.

RECOMMENDATIONS FOR CALENDAR YEAR 2020

BID Boundaries:

Recommendation to amend current boundaries as established by Ordinance No. 990.

BID Zones:

Recommendation to continue with Zones 1 and 2, and add a third zone.

BID Assessment Fees:

Recommendation to leave fee at \$100.00.

The fees assessed will be collected and used for the following activities:

- Prepare a Request for Proposals for marketing and promotional activities to include advertising, social media marketing and general promotion.
- Revisit the use of the BID website (www.calexicobid.com).
- Decoration of any public place in the BID boundaries.
- Assist the City in enforcing ordinances previously established.

Fiscal Impact:

Estimated amount to be collected in the calendar year 2020 assessments is \$44,500.00. The assessment is calculated on four hundred forty-five (445) business licenses to be paid at \$100.00 each by businesses in the in the two BID zones.

BID EXPENSES FOR CALENDAR YEAR 2019

| Date | Description | Amount |
|--------------|---|---------------------|
| 4/18/19 | Hechos Y Opinion/El Lechugon | \$ 750.00 |
| 4/18/19 | Hechos Y Opinion/El Lechugon | \$ 3,500.00 |
| 4/18/19 | Hechos Y Opinion/El Lechugon | \$ 3,500.00 |
| 5/17/19 | Hechos Y Opinion/El Lechugon | \$ 750.00 |
| 6/5/19 | Entravision | \$ 508.00 |
| 6/13/19 | Al and Al Services LLC | \$ 480.00 |
| 6/13/19 | Robert Pena | \$ 1,000.00 |
| 7/17/19 | Hechos Y Opinion/El Lechugon | \$ 3,150.00 |
| 8/9/19 | Hechos Y Opinion/El Lechugon | \$ 3,150.00 |
| 9/12/19 | Hechos Y Opinion/El Lechugon | \$ 2,000.00 |
| 9/12/19 | Big J Fencing Inc | \$ 4,100.00 |
| 9/19/19 | Hechos Y Opinion/El Lechugon | \$ 2,000.00 |
| 9/19/19 | Hechos Y Opinion/El Lechugon | \$ 3,150.00 |
| 10/4/19 | Lori's Sanitation LLC | \$ 420.00 |
| 10/4/19 | Venue Wrestling Entertainment | \$ 3,250.00 |
| 10/18/19 | Wells Fargo - CC Miguel Figueroa | \$ 256.00 |
| 11/1/19 | Travel for Liliana Reyes (1/2 of Expense) | \$ 70.00 |
| 11/1/19 | Venue Wrestling Entertainment | \$ 3,250.00 |
| 11/15/19 | Hechos Y Opinion/El Lechugon | \$ 1,480.00 |
| 11/15/19 | Lori's Sanitation LLC | \$ 240.00 |
| 12/13/19 | Hechos Y Opinion/El Lechugon | \$ 2,500.00 |
| 12/27/19 | Hechos Y Opinion/El Lechugon | \$ 1,480.00 |
| 12/27/19 | Hechos Y Opinion/El Lechugon | \$ 2,500.00 |
| 12/27/19 | Wal-Mart Community | \$ 1,000.00 |
| 12/27/19 | Lori's Sanitation LLC | \$ 630.00 |
| TOTAL | | \$ 45,114.00 |

RESOLUTION NO. 2020-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, CONFIRMING THE ADVISORY BOARD 2019 REPORT AND LEVYING AN ASSESSMENT FOR CALENDAR YEAR 2020 ON THE CALEXICO BUSINESS IMPROVEMENT DISTRICT.

THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, HEREBY FINDS, DECLARES AND ORDERS AS FOLLOWS:

SECTION 1. The Parking and Business Improvement Area Law of 1989, California Streets and Highways Code Sections 36500 *et. seq.* (the "Law"), authorizes the City Council to levy an assessment against businesses within a parking and business improvement area, which is in addition to any assessments, fees, charges, or taxes imposed in the City.

SECTION 2. Pursuant to the Law, the City Council adopted Ordinance No. 990 establishing the Calexico Business Improvement District (the "District") in the City of Calexico.

SECTION 3. By previous resolution, pursuant to Section 36530 of the Law, the City Council appointed certain individuals to serve as the Advisory Board for the District (the "Advisory Board") and directed the Advisory Board to prepare and file with the City a report in connection with the proposed levy of an assessment against businesses in the District for calendar year 2019.

SECTION 4. In accordance with Section 36533 of the Law, the Advisory Board prepared and filed with the City Clerk a report entitled "Calexico Business Improvement District, Annual Report 2019" (the "Report"), and by previous resolution, the City Council preliminarily approved such report as filed.

SECTION 5. The boundaries of the District are within the City limits of the City of Calexico (the "City") and encompass the greater downtown area of the City, more specifically described as follows: That area of the City that is bounded on the north by State Highway 98/Birch Street from Harold Avenue to Paulin Avenue, and by 5th Street from Paulin Avenue to Mary Avenue; on the west by Mary Avenue from 5th Street to the International Border with Mexico; on the south by the International Border with Mexico from Mary Avenue to State Highway 111; and on the east by State Highway 111 and Harold Avenue from the International Border with Mexico to State Highway 98/Birch Street. Reference is hereby made to the map of the District attached hereto as Exhibit "A" and incorporated herein by reference for a complete description of the boundaries of the District.

SECTION 6. The City Council has adopted a Resolution of Intention, Resolution No. 2020-_____ declaring its intention to levy and collect an assessment for calendar year 2020 against the businesses in the District.

SECTION 7. Following notice duly given pursuant to law, the City Council has held a full and fair public hearing regarding the levy and collection of an assessment within the District for calendar year 2020. All interested persons were afforded the opportunity to hear and be heard

regarding protests and objections to the levy and collection of the assessment for calendar year 2020. The City Council finds that there was no majority protest within the meaning of the Law. All protests and objections to the levy and collection of the assessment and any and all protests and objects are hereby overruled by the City Council.

SECTION 8. Based on its review of the Report, a copy of which has been presented to the City Council and has been filed with the City Clerk, and other reports and information, the City Council hereby finds and determines that (1) the businesses in the District will be benefited by the expenditure of funds raised by the assessment, (2) the District includes all of the businesses so benefited; and (3) the net amount of the assessment levied within the District for the 2020 calendar year in accordance with the Report is apportioned by a formula and method which fairly distributes the net amount in proportion to the estimated benefits to be received by each such business.

SECTION 9. The City Council hereby confirms the Report as filed by the Advisory Board.

SECTION 10. The Adoption of this Resolution constitutes a levy of an assessment for the calendar year 2020 (commencing January 1, 2020 and ending December 31, 2020). The assessment shall be collected by the City from the business owners commencing after the approval by the City Council. Each and every business in the District shall pay an assessment of one hundred dollars (\$100.00) for the calendar year 2020.

SECTION 11. The City Council hereby declares that the proposed uses of the revenues derived from the assessments levied against the businesses in the District are for the following facilities and activities: Prepare a Request for Proposals for marketing and promotional activities to include advertising, social media marketing, and general promotion; revisit the use of the BID website (www.calexico.com); decoration of any public place in the BID boundaries; assist the City in enforcing ordinances previously established.

SECTION 12. There is no change in the boundaries of the District as established and set forth in City of Calexico Ordinance No. 990.

SECTION 13. The City Council hereby finds and determines that this Resolution relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, section 15378(b)(5).

SECTION 14. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 15. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Calexico, California, at a regular meeting held on this 18th day of March, 2020.

AYES:

NOES:

ABSENT:

ABSTAIN:

BILL HODGE, MAYOR

ATTEST:

GABRIELA GARCIA, CITY CLERK

APPROVED AS TO FORM:

CARLOS CAMPOS, CITY ATTORNEY

State of California)
County of Imperial) s.s.
City of Calexico)

I, Gabriela T. Garcia, City Clerk of the City of Calexico, California do hereby certify the above Resolution No. 2020-_____ was approved at a regular City Council meeting held on the 18th day of March 2020, by the following vote to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

GABRIELA T. GARCIA, CITY CLERK

EXHIBIT "A"

Calexico Business Improvement District Map

