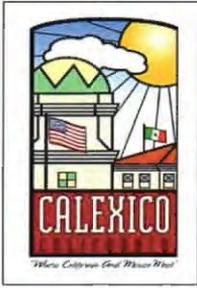


**AGENDA
ITEM**

6



AGENDA STAFF REPORT

DATE: December 9, 2019

TO: Mayor and City Council

APPROVED BY: David B. Dale, City Manager *[Signature]*

PREPARED BY: Carlos Campos, City Attorney
Christopher Velasco, Contract Planner *[Signature]*

SUBJECT: Adopt a Resolution of the City Council of the City of Calexico, California, Declaring Restriction of Vehicular and Pedestrian Traffic Through the Public Alleys Located Between Rockwood Avenue and Heffernan Avenue and Rockwood Avenue and Paulin Avenue Between First Street and Second Street Necessary for the Protection and Preservation of Public Peace, Safety, Health, and Welfare and Restricting the Same by Means of Gates Installed at the Rockwood Avenue Entrance to the Alley Between Rockwood Avenue and Paulin Avenue and at the Rockwood Avenue and Heffernan Avenue Entrances to the Alley Between Rockwood Avenue and Heffernan Avenue

=====

Recommendation:

Staff requests that the City Council adopt the following resolution:

A Resolution of the City Council of the City of Calexico, California, declaring restriction of vehicular and pedestrian traffic through the public alleys located between Rockwood Avenue and Heffernan Avenue and Rockwood Avenue and Paulin Avenue between First Street and Second Street necessary for the protection and preservation of public peace, safety, health, and welfare and restricting the same by means of gates installed at the Rockwood Avenue entrance to the alley between Rockwood Avenue and Paulin Avenue and at the Rockwood Avenue and Heffernan Avenue entrances to the alley between Rockwood Avenue and Heffernan Avenue.

Background:

The Vehicle Code allows the City Council, by resolution, to adopt rules and regulations restricting vehicular or pedestrian traffic through an

**AGENDA
ITEM**
6

alley by means of the installation of gates, when, in the opinion of the City Council, the restriction is necessary for the protection of the public peace, safety, health, or welfare. (Veh. Code § 21102.1.) Presently, the City Council does so find that the installation of gates at the Rockwood Avenue entrance to the alley between Rockwood Avenue and Paulin Avenue and at the Rockwood Avenue and Heffernan Avenue entrances to the alley between Rockwood Avenue and Heffernan Avenue is necessary to protect the public safety, health and welfare.

Discussion & Analysis:

On August 6, 2019, the City of Calexico Business Improvement District (“BID”) met in special session and discussed the installation of a gate at the alley between Rockwood Avenue and Paulin Avenue on Rockwood Avenue between First and Second Street. The gate was proposed because there was, and presently still is, a need to clean up the alley between Rockwood Avenue and Paulin Avenue. Specifically, the alley has become a frequent site of public urination, in violation of Calexico Municipal Code section 8.34.010. The BID approved the installation of the gate on the Rockwood Avenue entrance to the alley between Rockwood Avenue and Paulin Avenue and, on September 5, 2019, the gate was installed.

Since the installation of the gate at the Rockwood Avenue entrance to the alley between Rockwood Avenue and Paulin Avenue, the City Council has become aware of a similar need for gates at both entrances to the alley between Rockwood Avenue and Heffernan Avenue. Public urination has also become a regular occurrence in the alley between Rockwood Avenue and Heffernan Avenue, and the City Council has determined that installing gates at the entrances to the alley is necessary to protect the public from the adverse health and safety effects of public urination.

Pursuant to Vehicle Code section 21102.1 the City Council is authorized to adopt the attached resolution authorizing the installation of the three gates described above in order to protect the public health, safety, and welfare, subject to the following conditions:

1. The restriction of access to the alleys by way of the gates shall not be enforced until signs are posted providing adequate notice of the restrictions;
2. The installation of the gates shall not interfere with utility vehicular or pedestrian traffic, delivery of freight by commercial vehicles, or emergency vehicle access to the alleys; and
3. The restriction of access to the alleys by way of the gates shall be equally applied to all members of the public, and no individual or group of individuals shall have access to the alleys through the gates unless all members of the public are simultaneously allowed equal access.

The attached Resolution has been drafted in accordance with the aforementioned conditions as required by Vehicle Code section 21102.1 and, if adopted, will authorize

the installation of gates at the Rockwood Avenue entrance to the alley between Rockwood Avenue and Paulin Avenue and at the Rockwood Avenue and Heffernan Avenue entrances to the alley between Rockwood Avenue and Heffernan Avenue.

Attachment(s):

1. A Resolution of the City Council of the City of Calexico, California, declaring restriction of vehicular and pedestrian traffic through the public alleys located between Rockwood Avenue and Heffernan Avenue and Rockwood Avenue and Paulin Avenue between First Street and Second Street necessary for the protection and preservation of public peace, safety, health, and welfare and restricting the same by means of gates installed at the Rockwood Avenue entrance to the alley between Rockwood Avenue and Paulin Avenue and at the Rockwood Avenue and Heffernan Avenue entrances to the alley between Rockwood Avenue and Heffernan Avenue.

RESOLUTION NO. 2019-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, DECLARING RESTRICTION OF VEHICULAR AND PEDESTRIAN TRAFFIC THROUGH THE PUBLIC ALLEYS LOCATED BETWEEN ROCKWOOD AVENUE AND HEFFERNAN AVENUE AND ROCKWOOD AVENUE AND PAULIN AVENUE BETWEEN FIRST STREET AND SECOND STREET NECESSARY FOR THE PROTECTION AND PRESERVATION OF PUBLIC PEACE, SAFETY, HEALTH, AND WELFARE AND RESTRICTING THE SAME BY MEANS OF GATES INSTALLED AT THE ROCKWOOD AVENUE ENTRANCE TO THE ALLEY BETWEEN ROCKWOOD AVENUE AND PAULIN AVENUE AND AT THE ROCKWOOD AVENUE AND HEFFERNAN AVENUE ENTRANCES TO THE ALLEY BETWEEN ROCKWOOD AVENUE AND HEFFERNAN AVENUE.

WHEREAS, pursuant to Vehicle Code section 21102.1, the City of Calexico has authority, under specified conditions, to adopt rules and regulations restricting vehicular or pedestrian traffic through an alley by means of gates, when, in the opinion of the City, the restriction is necessary for the protection of the public peace, safety, health, or welfare;

WHEREAS, the City has found that citizens and non-citizens of the City have been regularly using the alleys located between Rockwood Avenue and Heffernan Avenue and Rockwood Avenue and Paulin Avenue between First Street and Second Street ("alleys") as sites for public urination in violation of Calexico Municipal Code section 8.34.010;

WHEREAS, the City has found that violations of Calexico Municipal Code section 8.34.010 threaten public health, safety and welfare;

WHEREAS, the City therefore finds that restricting vehicular and pedestrian traffic through the alleys by the installation of gates at the Rockwood Avenue entrance to the alley between Rockwood Avenue and Paulin Avenue and at the Rockwood Avenue and Heffernan Avenue entrances to the alley between Rockwood Avenue and Heffernan Avenue is necessary for the protection of public health, safety, and welfare;

WHEREAS, the City finds that the operation of emergency vehicles and the performance of municipal services shall in no way be adversely affected by installation of the gates; and

WHEREAS, the City finds that the installation of the gates shall restrict access to the alley to all members of the public equally;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Calexico, as follows:

SECTION 1. Incorporation of Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. Recitals. Pursuant to Section 21102.1 of the Vehicle Code, the City Council of the City of Calexico does hereby find, order, and resolve as follows:

A. The installation of gates at the Rockwood Avenue entrance to the alley between Rockwood Avenue and Paulin Avenue and at the Rockwood Avenue and Heffernan Avenue entrances to the alley between Rockwood Avenue and Heffernan Avenue is necessary and authorized in order to protect the public health, safety, and welfare;

B. Restriction of access to the alleys by way of the gates shall not be enforceable until appropriate signs giving notice of the restriction are posted at every entrance to the alleys;

C. Access to the alleys shall be provided to utility vehicular and pedestrian traffic in order that the utilities may maintain, operate, replace, remove, or renew existing and functioning utility facilities;

D. Delivery of freight by commercial vehicles shall not be prohibited or restricted by the gates;

E. Access to the alleys through the gates shall be provided to all emergency vehicles and all vehicles and individuals, who require access in order to perform municipal services; and

F. No member of the public shall have access to the alleys through the gates when the gates are locked for any reason other than for those reasons listed above in Recitals "C" through "E."

SECTION 3. CEQA. The installation of the gates is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 4. Severability. 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 5. Effective Date of Resolution. 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 special meeting held on this 9th day of December 2019.

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) ss.
City of Calexico)

I, Gabriela T. Garcia, City Clerk of the City of Calexico, California, do hereby certify that the above and foregoing Resolution No. 2019-_____ was duly passed, approved and adopted by the City Council at a special meeting held on the 9th day of December, 2019, by the following vote, to-wit:

AYES:
NOES:
ABSENT:

Gabriela T. Garcia, City Clerk