



AGENDA

VALLEJO CITY COUNCIL

NOVEMBER 6, 2007

MAYOR
Anthony Intintoli, Jr.

CITY COUNCIL
Gary Cloutier, Vice Mayor
Gerald Davis
Tom Barteo
Hermie Sunga
Stephanie Gomes
Tony Pearsall

City Hall
555 Santa Clara Street
Vallejo, CA 94590

This AGENDA contains a brief general description of each item to be considered. The posting of the recommended actions does not indicate what action may be taken. If comments come to the City Council without prior notice and are not listed on the AGENDA, no specific answers or response should be expected at this meeting per State law.

Those wishing to address the Council on any matter for which another opportunity to speak is not provided on the AGENDA but which is within the jurisdiction of the Council to resolve may come forward to the podium during the "COMMUNITY FORUM" portion of the AGENDA. Those wishing to speak on a "PUBLIC HEARING" matter will be called forward at the appropriate time during the public hearing consideration.

Copies of written documentation relating to each item of business on the AGENDA are on file in the Office of the City Clerk and are available for public inspection. Information may be obtained by calling (707) 648-4527, TDD (707) 649-3562, or at our web site: <http://www.ci.vallejo.ca.us/>



Vallejo City Council Chambers is ADA compliant. Devices for the hearing impaired are available from the City Clerk. Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof.

NOTICE: Members of the public shall have the opportunity to address the City Council concerning any item listed on the notice before or during consideration of that item. No other items may be discussed at this special meeting.

VALLEJO CITY COUNCIL SPECIAL MEETING – CLOSED SESSION 6:45 P.M. -- CITY COUNCIL CONFERENCE ROOM

- A. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION: DALE INGRAHAM V. CITY OF VALLEJO, WORKERS' COMPENSATION APPEALS BOARD (SRO 0132306), PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)

VALLEJO CITY COUNCIL
REGULAR MEETING
7:00 P.M. -- CITY COUNCIL CHAMBERS

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. PRESENTATIONS AND COMMENDATIONS
 - A. PRESENTATION OF PROCLAMATION FOR RADIOLOGIC TECHNOLOGY WEEK – NOVEMBER 4-10, 2007
 - B. PRESENTATION OF PROCLAMATION FOR NOVEMBER AS LUNG CANCER AWARENESS MONTH
5. PUBLIC COMMENT REGARDING CONSENT CALENDAR ITEMS
6. CONSENT CALENDAR AND APPROVAL OF AGENDA – NONE
7. PUBLIC HEARINGS
 - A. PUBLIC HEARING ON INCREASING THE ASSESSMENTS OF THE VALLEJO TOURISM BUSINESS IMPROVEMENT DISTRICT AND CONSIDERATION OF A RESOLUTION HOLDING ON FIRST READING AN ORDINANCE AMENDING SECTION 14.50.090 OF THE VALLEJO MUNICIPAL CODE

Members of the public wishing to address the Council on Consent Calendar Items are requested to submit a completed speaker card to the City Clerk. Each speaker is limited to three minutes pursuant to Vallejo Municipal Code Section 2.02.310. Requests for removal of Consent Items received from the public are subject to approval by a majority vote of the Council. Items removed from the Consent Calendar will be heard immediately after approval of the Consent Calendar and Agenda.

On January 6, 2004, the City Council adopted Ordinance No. 1522 N.C. (2) establishing Chapter 14.50 of the Vallejo Municipal Code, Vallejo Tourism Business Improvement District ("VTBID or District") to levy and collect assessments within the District. As of February 1, 2004, the assessment was levied on all hotels (lodging facilities) within the City of Vallejo based upon a flat fee of \$1.00 per occupied room per night for hotels with more than 40 rooms and \$0.50 per occupied room per night for hotels with 40 or less rooms. On April 6, 2004, the City Council adopted Resolution No. N.C. 04-123 appointing members to the VTBID Advisory Board to make a recommendation to the City Council on the expenditures of revenues derived from the levy assessment. On June 27, 2007, the VTBID Advisory Board ("Board") voted to recommend an increase in the VTBID assessments to a flat fee of \$2.00 per occupied room per night for hotels with more than 40 rooms and \$1.00 per occupied room per night for hotels with 40 or less rooms.

Pursuant to Government Code Section 54954.6 before adopting any new or increased assessment, the City must conduct at least one public meeting at which public testimony is allowed regarding the proposed new or increased assessment, and a public hearing shall take place no earlier than seven days after the public meeting.

On October 9, 2007, a public meeting was held and no one came forward to provide testimony. This evening the public hearing is being held. The City Council will receive any written protests from the affected lodging facility owners. If those lodging facility owners paying fifty percent or more of the projected assessments file written protests, then the proposed assessments cannot be approved and Section 14.50.090 of the Vallejo Municipal Code cannot be amended. If the written protests received are less than fifty percent of the proposed assessments, then the City Council will consider the adoption of an ordinance amending Section 14.50.090 of the Vallejo Municipal Code.

PROPOSED ACTION: Conduct a public hearing and adopt the resolution holding the ordinance on first reading amending Section 14.50.090 of the Vallejo Municipal Code relating to levying of assessments within the Vallejo Tourism Business Improvement District.

8. **POLICY ITEMS - NONE**
9. **ADMINISTRATIVE ITEMS – NONE**
10. **APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES - NONE**
11. **WRITTEN COMMUNICATIONS**

Correspondence addressed to the City Council or a majority thereof, and not added to the agenda by the Mayor or a Council member in the manner prescribed in Government Code, Section 54954.2, will be filed unless referred to the City Manager for a response. Such correspondence is available for public inspection at the City Clerk's office during regular business hours.

12. **CITY MANAGER'S REPORT**
13. **CITY ATTORNEY'S REPORT**
14. **COMMUNITY FORUM**

Anyone wishing to address the Council on any matter for which another opportunity to speak is not provided on the agenda, and which is within the jurisdiction of the Council to resolve, is requested to submit a completed speaker card to the City Clerk. When called upon, each speaker should step to the podium, state his /her name, and address for the record. Each speaker is limited to three minutes pursuant to Vallejo Municipal Code Section 2.20.300.

15. **REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE CITY COUNCIL**
16. **CLOSED SESSION:** *May recess to consider matters of pending litigation (GC 54956.9), personnel (GC 54957), labor relations (GC 54957.6), and real property negotiations (GC 54956.8). Records are not available for public inspection.*
17. **ADJOURNMENT**



COUNCIL COMMUNICATION

Date: November 6, 2007

TO: Mayor and Members of the City Council

FROM: Craig Whittom, Assistant City Manager / Community Development *CW*
Susan McCue, Economic Development Program Manager *SMC*

SUBJECT: Public Hearing on Increasing the Assessments of the Vallejo Tourism Business Improvement District and Consideration of a Resolution Holding on First Reading an Ordinance Amending Section 14.50.090 of the Vallejo Municipal Code

BACKGROUND & DISCUSSION

On January 6, 2004, the City Council adopted Ordinance No. 1522 N.C. (2) establishing Chapter 14.50 of the Vallejo Municipal Code, Vallejo Tourism Business Improvement District ("VTBID or District") to levy and collect assessments within the District. There is not a sunset date for this District. As of February 1, 2004, the assessment was levied on all hotels (lodging facilities) within the City of Vallejo based upon a flat fee of \$1.00 per occupied room per night for hotels with more than 40 rooms and \$0.50 per occupied room per night for hotels with 40 or less rooms. On April 6, 2004, the City Council adopted Resolution No. N.C. 04-123 appointing members to the VTBID Advisory Board to make a recommendation to the City Council on the expenditures of revenues derived from the levy assessment. On June 27, 2007, the VTBID Advisory Board ("Board") voted to recommend an increase in the VTBID assessments to a flat fee of \$2.00 per occupied room per night for hotels with more than 40 rooms and \$1.00 per occupied room per night for hotels with 40 or less rooms.

Pursuant to Government Code Section 54954.6 before adopting any new or increased assessment, the City must conduct at least one public meeting at which public testimony is allowed regarding the proposed new or increased assessment, and a public hearing shall take place no earlier than seven days after the public meeting.

On October 9, 2007, a public meeting was held and no one came forward to provide testimony. This evening the public hearing is being held. The City Council will receive any written protests from the affected lodging facility owners. If those lodging facility owners paying fifty percent or more of the projected assessments file written protests, then the proposed assessments cannot be approved and Section 14.50.090 of the Vallejo Municipal Code can not be amended. If the written protests received are less than fifty percent of the proposed assessments, then the City Council will consider the adoption of an ordinance amending Section 14.50.090 of the Vallejo Municipal Code.

Fiscal Impact

This public hearing does not have a fiscal impact on the General Fund; however it is estimated that approximately \$306,500.00 will be collected by the City for FY 2007-08 through this increased assessment.

RECOMMENDATION

To increase the VTBD assessments, a public hearing must be held to receive public testimony and an amendment to the existing ordinance must be considered. Staff recommends completion of these actions at tonight's meeting.

ENVIRONMENTAL REVIEW

The adoption of the proposed Ordinance is not a project pursuant to Section 15378 (b) (4) of Title 14 of the California Code of Regulations as it involves the creation of a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact to the environment. No environmental review is required for the City Council to take this action.

PROPOSED ACTION

Conduct a public hearing and adopt the resolution holding the ordinance on first reading amending Section 14.50.090 of the Vallejo Municipal Code relating to levying of assessments within the Vallejo Tourism Business Improvement District.

DOCUMENTS ATTACHED

Attachment A - Resolution

Attachment B - Ordinance of the City of Vallejo Amending Section 14.50.090 of the Vallejo Municipal Code

CONTACT: Annette Taylor, Senior Community Development Analyst
707-649-3510, annette@ci.vallejo.ca.us

Susan McCue, Economic Development Program Manager
707-553-7283, smccue@ci.vallejo.ca.us

RESOLUTION NO. _____ N.C.

BE IT RESOLVED by the Council of the City of Vallejo as follows:

WHEREAS, on January 6, 2004 the City Council adopted Ordinance No. 1522 N.C. (2) establishing Chapter 14.50 of the Vallejo Municipal Code, Vallejo Tourism Business Improvement District (VTBID or "District") to levy and collect assessments with the District; and

WHEREAS, on April 6, 2004 the City Council adopted Resolution No. N.C. 04-123 appointing members to the VTBID Board to make a recommendation to the City Council on the expenditures of revenues derived from the levy assessment; and

WHEREAS, on June 27, 2007, the VTBID Advisory Board voted to recommend an increase in the VTBID assessments to a flat fee of \$2.00 per occupied room per night for hotels with more than 40 rooms and \$1.00 per occupied room per night for hotels with 40 or less rooms; and

WHEREAS, on August 28, 2007 the City Council adopted Resolution No. 07-223 N.C. declaring its intention to increase the existing VTBID assessments and to levy and collect assessments within the VTBID boundaries and its intention to amend section 14.50.090 of the Vallejo Municipal Code, with all other provisions of Vallejo Municipal Code Chapter 14.50 to remain unchanged; and

WHEREAS, as specified in Resolution No. 07-223 N.C., a public meeting was held on October 9, 2007 at 7:00 p.m. before this Council in the Chambers of the Vallejo City Council at 555 Santa Clara Street, Vallejo, California; and

WHEREAS, as specified in Resolution No. 07-274 N.C., a public hearing was held on November 6, 2007 at 7:00 p.m. before this Council in the Chambers of the Vallejo City Council at 555 Santa Clara Street, Vallejo, California; and

WHEREAS, at the hearing, all protests, both written and oral, made or filed, were considered and duly overruled and denied and this City Council determined that there was no majority protest within the meaning of Section 36525 of the Parking and Business Improvement Area Law of 1989 (Section 36500 et seq. of Division 18 of the California Streets and Highways Code) (the "Act"); and

WHEREAS, protests in writing from businesses in the proposed VTBID paying fifty percent or more of the proposed assessment have not been received; and

WHEREAS, in the opinion of this City Council, the hotels within the VTBID will benefit by the increased assessment levied; and

WHEREAS, the assessments levied on businesses pursuant to Chapter 14.50 of the Vallejo Municipal Code are levied; to the maximum extent feasible, on the basis of the estimated benefit to the businesses within the VTBID.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Vallejo hereby holds on first reading an Ordinance amending section 14.50.090 of the Vallejo Municipal Code.

ORDINANCE NO. _____ N.C. (2d)

AN ORDINANCE OF THE CITY OF VALLEJO AMENDING
SECTION 14.50.090 OF THE VALLEJO MUNICIPAL CODE RELATING TO
LEVYING OF ASSESSMENTS WITHIN THE VALLEJO TOURISM BUSINESS
IMPROVEMENT DISTRICT

THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 1 (part) of Ordinance Number 1522 N.C. (2d) and Section 14.50.090 are hereby amended to read as follows:

14.50.090 Levy of assessment – Amount.

The VTBD includes all hotels within the city of Vallejo. The assessment shall be levied on all hotels, existing and future, within the city of Vallejo based upon a flat fee of two dollars per occupied room per night for hotels with more than forty rooms and one dollar per occupied room per night for hotels with forty or less rooms. Except where funds are otherwise available, an assessment will be levied annually to pay for the improvements and activities within the area. New hotels within the boundaries will not be exempt from the levy of assessment pursuant to Section 36531 of the California Street and Highways Code. Pursuant to the city of Vallejo's transient occupancy tax ordinance, assessments pursuant to the VTBD shall not be included in gross room rental revenue for purpose of determining the amount of the transient occupancy tax.

SECTION 2. **Severability.**

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact one or more provisions may be declared invalid.

SECTION 3. **Effective Date.**

This Ordinance shall take effect and be in full force and effect thirty (30) days from its final passage.