

RESOLUTION NO. 45-2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA DECLARING THE CITY COUNCIL'S INTENTION TO AMEND THE PACIFICA HOTEL BUSINESS IMPROVEMENT DISTRICT (BID) BY AMENDING SECTION 3-17.03 (ADMINISTRATION) OF CHAPTER 17 (HOTEL BUSINESS IMPROVEMENT DISTRICT) WITHIN TITLE 3 (FINANCE) OF THE PACIFICA MUNICIPAL CODE TO REMOVE PROVISION FOR ALLOCATION OF FUNDS WITHIN THIRTY DAYS AND TO REPLACE THE PACIFICA CHAMBER OF COMMERCE AS THE MANAGING AGENCY OF THE BID WITH THE CITY OF PACIFICA

WHEREAS, pursuant to California Streets and Highways Code sections 36500 et. seq., the City Council of the City of Pacifica adopted Ordinance No. 714-C.S. in 2004, creating the Pacifica Hotel Business Improvement District and levying an annual assessment of \$1.00 per room per day of occupancy on the hotels in the City; and

WHEREAS, the Pacifica Hotel Business Improvement District ("BID") has been operating and levying an annual assessment of \$1.00 per room per day of occupancy on the hotels in the City continuously since 2004; and

WHEREAS, Ordinance No. 714-C.S. is codified in Pacifica Municipal Code ("PMC") Chapter 17, "Hotel Business Improvement District" within Title 3, "Finance"; and

WHEREAS, PMC section 3-17.03(a), "Administration" currently provides that funds will be collected by the City of Pacifica on the same schedule as, but independently from, the collection of transient occupancy taxes and that funds shall be allocated from the City to the district within thirty (30) days of collection; and

WHEREAS, PMC section 3-17.03(c) also provides that the Pacifica Chamber of Commerce and Visitor Center is designated as the managing agency for district related activities, staffing and administration; and

WHEREAS, during the Council meeting on June 13, 2022, City Council directed staff to hold quarterly meetings with the BID members, Chamber representatives, and Council liaisons to build collaboration between the City and the BID, ensure compliance with the BID regulations, review performance measures and BID budget, unify marketing efforts, and report back to Council at mid-year with recommendations; and

WHEREAS, at the second quarter meeting of the BID on February 3, 2023, the members of the BID and the Pacifica Chamber of Commerce and City staff discussed the governance structure and improvements that could be made to the BID and recommended by the majority vote of the BID members who were present to replace the Chamber of Commerce as the managing agency and identify the City of Pacifica as the managing agency for the BID; and

WHEREAS, the BID members expressed interest to align the BID's and City's Marketing Plans and ensure collaboration in achieving the same goals of promoting Pacifica as overnight destination, assisting hotels with improving occupancy rates throughout the year and improving the hospitality industry and local economy in general. The BID members expressed their desire to continue with the assessment but hold allocating the BID funds until the City's limited-term ARPA-funded marketing budget is exhausted at the end of 2023; and

WHEREAS, the City Council will need to amend the existing provisions of Chapter 17 to make the requested improvements to the BID, and the BID has expressed support for and recommended this amendment.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Pacifica, California, that:

1. Pursuant to Streets and Highways Code section 36500 et seq., the City Council declares its intention to amend the BID by amending Subsections (a) and (c) of PMC Section 3-17.03 to remove provision for the allocation of funds to the district within thirty (30) days and to replace the Pacifica Chamber of Commerce as the Managing Agency for the district for the City of Pacifica.
2. Public Meeting. The City Council hereby sets Monday, June 12, 2023, as the date for the public meeting on the proposal to amend the BID. The public meeting will be held at 7:00 p.m. or as soon thereafter as practicable and shall be for the purpose of allowing public testimony on the proposal to amend the BID. At the public meeting the testimony of all interested persons, for or against the amendment of the BID or any of the matters included in the amendment will be heard.
3. Pursuant to Streets and Highways Code section 36523(b), within seven (7) days of adoption of this Resolution of Intention, the City Clerk is hereby directed to mail a complete copy of the Resolution to each business owner in the territory of the BID.
4. A public hearing to amend the BID shall be held on Monday, July 10, 2023, before the City Council. The public hearing will be held at 7:00 p.m. or as soon thereafter as practicable and shall be for the purpose of allowing testimony of all interested persons, for or against the amendment of the BID by amending Subsections (a) and (c) of PMC Section 3-17.03 and to receive any protests collected.
5. Protest Procedures. Written and oral protests to the levy of the annual assessments may be made at the public hearing in the form and manner prescribed in Sections 36624 and 36625 of the California Streets and Highways Code. 6. At the public hearing, the City Council must consider oral and written protests. If written protests meeting the requirements of Section 36524 of the Streets & Highways Code are received (and not withdrawn) from the owners of businesses in the BID totaling less than fifty percent (50%), then the City Council may amend Subsections (a) and (c) of PMC Section 3-17.03.
4. The City Clerk is hereby directed to provide joint notice of the public meeting and public hearing on the proposed amendment to the BID and publish any necessary notice in the manner prescribed by California Streets and Highways Code section 36534.
5. The City Clerk is directed to certify the adoption of this Resolution. The Resolution shall take effect immediately upon its adoption by the City Council.

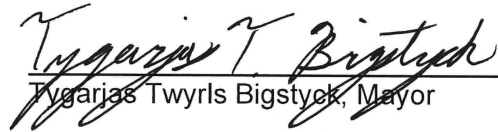
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Pacifica, California, held on the 8th day of May, 2023, by the following vote:

AYES, Councilmembers: *Beckmayer, Bier, Bigstycck, Botes, Vaterlaus.*

NOES, Councilmembers: *n/a*

ABSENT, Councilmembers: *n/a*

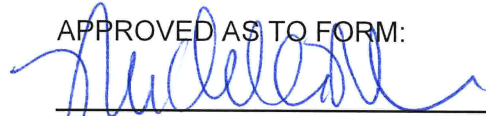
ABSTAIN, Councilmembers: *n/a*


Tygarjas Twyrls Bigstycck, Mayor

ATTEST:


Sarah Coffey, City Clerk

APPROVED AS TO FORM:


Michelle Kenyon, City Attorney