

CITY COUNCIL AND BUSINESS
IMPROVEMENT DISTRICT
Alma Hernandez, Mayor
Princess Washington, Mayor Pro Tem
Jenalee Dawson, Member
Marlon L Osum, Member
Amit Pal, Member



CITY COUNCIL AND BUSINESS
IMPROVEMENT DISTRICT MEETING

A G E N D A
SPECIAL JOINT MEETING OF THE SUISUN CITY COUNCIL
AND
SUISUN CITY HISTORIC WATERFRONT BUSINESS IMPROVEMENT DISTRICT
BOARD OF DIRECTORS
TUESDAY, SEPTEMBER 12, 2023
6:00 PM

Suisun City Council Chambers - 701 Civic Center Boulevard - Suisun City, California

NOTICE

Pursuant to Government Code Section 54953(b) the following Special Joint City Council and Suisun City Historic Waterfront Business Improvement District Board of Directors meeting includes teleconference participation by:
Boardmember Shelly Kontogiannis, Athenian Grill, 750 Kellogg Street, Suisun City, CA 94585.
Boardmember Megan Smith, Ironwood American Bistro, 203 Main Street, Suisun City, CA 94585
Boardmember Elaine Byers, Edward Jones, 153 Valencia Drive, Fairfield, CA 94533

*CITY COUNCIL MEETINGS ARE HELD IN-PERSON
PUBLIC PARTICIPATION IS ALSO AVAILABLE VIA ZOOM*

*ZOOM MEETING INFORMATION:
WEBSITE: <https://zoom.us/join>
MEETING ID: **874 9634 0177**
CALL IN PHONE NUMBER: (707) 438-1720*

*REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE CITY COUNCIL MEETING BY EMAILING
CLERK@SUISUN.COM (PRIOR TO 5 PM), VIA WEBSITE, OR ZOOM CALL IN PHONE NUMBER (707) 438-1720*

*(If attending the meeting via phone press *9 to raise your hand and *6 to unmute/mute for public comment.)*

ROLL CALL

Councilmembers / Boardmembers
Pledge of Allegiance
Invocation

CONFLICT OF INTEREST NOTIFICATION

(Any items on this agenda that might be a conflict of interest to any Councilmembers / Boardmembers should be identified at this time.)

REPORTS: (Informational items only.)

- 1 City Manager/Business Representatives/Staff.

PUBLIC COMMENT

(Request by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3. Comments are limited to no more than 3 minutes unless allowable by the Mayor/Chair. Speaker cards are available on the table near the entry of the meeting room and should be given to the City Clerk. By law, no prolonged discussion or action may be taken on any item raised during the public comment period, although informational answers to questions may be given and matters may be referred for placement on a future agenda.)

COUNCIL/BOARDMEMBER COMMENTS

- 2 Council Updates.
- 3 Boardmember Comments.

GENERAL BUSINESS

Joint City Council/Suisun City Historic Waterfront Business Improvement District

- 4 City Council and Suisun City Historic Waterfront Business Improvement District (BID) Joint Workshop - (Lofthus: klofthus@suisun.com).

REPORTS: (Informational items only)

- 5 Non-Discussion Items.

ADJOURNMENT

Public Access To Agenda Documents

A complete packet of information containing staff reports and exhibits related to each item for the open session of this meeting, and provided to the City Council, are available for public review at least 72 hours prior to a Council /Agency/Authority Meeting at Suisun City Hall 701 Civic Center Blvd., Suisun City. Agenda related writings or documents provided to a majority of the Council/Board/Commissioners less than 72 hours prior to a Council/Agency/Authority meeting related to an agenda item for the open session of this meeting will be made available for public inspection during normal business hours. An agenda packet is also located at the entrance to the Council Chambers during the meeting for public review. The city may charge photocopying charges for requested copies of such documents. To the extent feasible, the agenda packet is available for online public viewing on the City's website: <https://www.suisun.com/Government/City-Council/Agendas>

The City Council/Agency/Authority hopes to conclude its public business by 10:00 p.m. No new items will be taken up after 10:00 p.m., unless so moved by a majority of the City Council, and any items remaining will be agendized for the next meeting. The agendas have been prepared with the hope that all items scheduled will be discussed within the time allowed.

Accommodations

If you require an accommodation to participate in this meeting, please contact the City Clerk at (707) 421-7302 or clerk@suisun.com. The City's reasonable accommodation policy is available for review on the City's website at www.suisun.com/government/city-council/, you may request an electronic copy or have a copy mailed to you.

Please note that for accommodations that are not readily available, you must make your request as soon as you can prior to the time of the meeting.

Decorum

All participants are expected to conduct themselves with mutual respect. Conduct that disrupts meetings will be addressed in accordance with Section 54957.95 of the Government Code.

Ordinances

Ordinances are city laws contained in the Suisun City Municipal Code. Enacting a new city law or changing an existing one is a two-step process. Government Code 36934 provides, except when, after reading the title, further reading is waived by regular motion adopted by majority vote all ordinances shall be read in full either at the time of introduction or passage; provided, however, that a reading of the title or ordinance shall not be required if the title is included on the published agenda and a copy of the full ordinance is made available to the public online and in print at the meeting prior to the introduction or passage.

Certification Of Posting

Agendas for regular and special meetings are posted in accordance with the Brown Act at Suisun City Hall, 701 Civic Center Boulevard, Suisun City, CA. Agendas may be posted at other Suisun City locations including:

- Suisun City Fire Station, 621 Pintail Drive, Suisun City, CA;
- Joe Nelson Center, 611 Village Drive, Suisun City, CA;
- Harbor Master Office, 800 Kellogg Street, Suisun City, CA.

I, Donna Pock, Deputy City Clerk for the City of Suisun City, declare under penalty of perjury that the above agenda was posted and available for review, in compliance with the Brown Act.

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AGENDA TRANSMITTAL

MEETING DATE: September 12, 2023

CITY AGENDA ITEM: City Council and Suisun City Historic Waterfront Business Improvement District (BID) Joint Workshop.

FISCAL IMPACT: There is no fiscal impact to the General Fund from the item.

STRATEGIC PLAN: Provide Good Governance, Section 4.7 – Improve productivity, efficiency, effectiveness, customer service and citizen satisfaction in all areas of municipal organization.

BACKGROUND: The BID was enacted in April of 2003. Each year the city council has reauthorized the continued operation of the BID. The BID must present an annual report and review with the city council to maintain its continuity.

STAFF REPORT: This joint meeting between the city council and the BID is designed to have a fruitful dialogue about the history of the BID, how the BID currently operates, and ways to improve the relationship between the city and the BID.

STAFF RECOMMENDATION: This is an informational only item, and no recommendation is associated with this item.

DOCUMENTS ATTACHED:

1. BID Streets and Highways Code
 2. BID Map
 3. Chapter 3.40 Main Street-Waterfront BID Ordinance
 4. PowerPoint Presentation
-

PREPARED BY:

Kris Lofthus, Deputy City Manager

REVIEWED BY:

Greg Folsom, City Manager

APPROVED BY:

Greg Folsom, City Manager

ATTACHMENTS:

1. [BID Streets and Highways Code.pdf](#)
2. [BID District Map.pdf](#)
3. [Chapter 3.40 Main Street-Waterfront BID Ordinance.pdf](#)
4. [PowerPoint Presentation.pdf](#)

STREETS AND HIGHWAYS CODE
SECTION 36500-36551

36500. This part shall be known and may be cited as the "Parking and Business Improvement Area Law of 1989."

36501. (a) The Legislature finds and declares that businesses located and operating within the business districts of this state's communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.

(b) The Legislature also finds and declares that it is in the public interest to promote the economic revitalization and physical maintenance of the business districts of its cities in order to create jobs, attract new businesses, and prevent erosion of the business districts.

(c) The Legislature also finds that it is of particular local benefit to allow cities to fund property related improvements and activities through the levy of assessments upon the businesses which benefit from those improvements and activities.

(d) The Legislature also finds and declares that tourism is a large and growing contributor to California's economy, and that promotion of a city's or county's scenic, recreational, cultural, and other attractions as a tourist destination is an important public purpose.

(e) The Legislature also finds and declares that assessments levied for the purpose of providing improvements and promoting activities which benefit individual businesses may also benefit the property within the area directly or indirectly and that those assessments are not taxes for the general benefit of a city, but are assessments for the improvements and activities which confer special benefits upon the businesses for which the improvements and activities are provided.

36502. The purpose of this part is to recodify and supplant previously enacted provisions of law which authorize cities to levy assessments on businesses within a parking and business improvement area and to provide a uniform procedure to levy assessments for improvements and activities of businesses located and operating in a business district of a city. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. In addition, this part is intended to provide a method for financing public programs to attract tourist visits to areas where tourism is economically important and desired.

36503. Any provision of this part which conflicts with any other provision of law shall prevail over the other provision of law.

36504. This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. If the provisions of this part respecting the levying of assessments are held invalid in any area within which assessments have been levied pursuant to Chapter 3 (commencing with Section 36530), the assessments shall be reimposed in an identical amount and upon the same businesses as a matter of law and no lapse in the levy of any assessment shall be deemed to have occurred. Assessments levied under this part are not special taxes.

STREETS AND HIGHWAYS CODE SECTION 36505-36513

36505. "Advisory board" means the advisory board or commission appointed by the city council pursuant to Section 36530.

36506. "Assessment" means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and promoting activities which will benefit the businesses located and operating within a parking and business improvement area.

36507. "Business" means all types of businesses and includes financial institutions and professions.

36508. "City" means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the public member agencies of which include only cities, counties, or a city and county.

36509. "City council" means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

36510. "Improvement" means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

- (a) Parking facilities.
- (b) Benches.
- (c) Trash receptacles.
- (d) Street lighting.
- (e) Decorations.
- (f) Parks.
- (g) Fountains.

36511. "Parking and business improvement area," or "area," means an area designated as provided in this part.

36512. "Property" means real property situated within an area.

36513. "Activities" means, but is not limited to, all of the following:

(a) Promotion of public events which benefit businesses in the area and which take place on or in public places within the area.

(b) Furnishing of music in any public place in the area.

(c) Promotion of tourism within the area.

(d) Activities which benefit businesses located and operating in the area.

STREETS AND HIGHWAYS CODE

SECTION 36515

36515. Every improvement area established prior to January 1, 1990, pursuant to the Parking and Business Improvement Area Law of 1979 (former Part 6 (commencing with Section 36500) of this division) is hereby declared valid and effective and is unaffected by the repeal

STREETS AND HIGHWAYS CODE

SECTION 36520-36529

36520. A parking and business improvement area may be established as provided in this chapter.

36521. The city council may establish an area on its own initiative.

36521.5. A county may not form an area within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form an area within the unincorporated territory of a county, without the consent of the board of supervisors of that county. A city may not form an area within the territorial jurisdiction of another city without the consent of the city council of the other city.

36522. Proceedings to establish a parking and business improvement area shall be instituted by the adoption by the city council of a resolution of intention to establish the area. The resolution of intention shall do all of the following:

(a) State that a parking and business improvement area is proposed to be established pursuant to this chapter and describe the boundaries of the territory proposed to be included in the area and the boundaries of each separate benefit zone to be established within the area. The boundaries of the area may be described by reference to a map on file in the office of the clerk, showing the proposed area.

(b) State the name of the proposed area.

(c) State the type or types of improvements and activities proposed to be funded by the levy of assessments on businesses in the area. The resolution of intention shall specify any improvements to be acquired.

(d) State that, except where funds are otherwise available, an assessment will be levied annually to pay for all improvements and activities within the area.

(e) State the proposed method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of the assessment to be levied against his or her business.

(f) State whether new businesses will be exempt from the levy of the assessment, pursuant to Section 36531.

(g) Fix a time and place for a public hearing on the establishment of the parking and business improvement area and the levy of assessments, which shall be held not less than 20 or more than 30 days after the adoption of the resolution of intention.

(h) State that at the hearing the testimony of all interested persons for or against the establishment of the area, the extent of the area, or the furnishing of specified types of improvements or activities will be heard. The notice shall also describe, in summary, the effect of protests made by business owners against the establishment of the area, the extent of the area, and the furnishing of a specified type of improvement or activity, as provided in Section 36524.

36523. Notice of a public hearing held under Section 36524, 36541, 36542, or 36550 shall be given by both of the following:

(a) Publishing the resolution of intention in a newspaper of general circulation in the city once, for at least seven days before the public hearing.

(b) Mailing of a complete copy of the resolution of intention by first-class mail to each business owner in the area within seven days of the city council's adoption of the resolution of intention.

(c) Notwithstanding subdivision (b), in the case of an area established primarily to promote tourism, a copy of the resolution of intention shall be mailed by first-class mail within seven days of the city council's adoption of the resolution of intention, to the owner of each business in the area which will be subject to assessment.

36523.5. Notwithstanding Section 36523, prior to adopting any new or increased assessment, the city council shall give notice pursuant to Section 54954.6 of the Government Code in lieu of publishing notice pursuant to subdivision (a) of Section 36523.

36524. (a) At the public hearing, the city council shall hear and consider all protests against the establishment of the area, the extent of the area, or the furnishing of specified types of improvements or activities within the area. A protest may be made orally or in writing by any interested person. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made.

(b) Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form

or content of any written protest and at the public hearing may correct minor defects in the proceedings. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing.

(c) Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business. A written protest which does not comply with this section shall not be counted in determining a majority protest.

36525. (a) If written protests are received from the owners of businesses in the proposed area which will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than that 50 percent, no further proceedings to create the specified parking and business improvement area or to levy the proposed assessment, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

(b) If the majority protest is only against the furnishing of a specified type or types of improvement or activity within the area, those types of improvements or activities shall be eliminated.

36526. (a) At the conclusion of the public hearing to establish the area, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements and activities to be funded with the revenues from the assessments.

(b) At the public hearing, the city council may only make changes in, to, or from, the boundaries of the proposed parking and business improvement area that will exclude territory which will not benefit from the proposed improvements or activities. However, proposed assessments may only be revised by reducing any or all of them.

(c) The city council shall not change the boundaries of the area to include any territory that will not, in its judgment, benefit by the improvement or activity. Any addition of territory to the proposed boundaries of the area may be made only upon notice to the owners of the businesses proposed to be added to the area, as provided in Section 36523, and upon a public hearing on the addition of territory, as provided in Section 36524.

36527. If the city council, following the public hearing, decides to establish the proposed parking and business improvement area, it shall adopt an ordinance to that effect. The ordinance shall contain all of the following:

- (a) The number, date of adoption, and title of the resolution of intention.
- (b) The time and place where the public hearing was held concerning the establishment of the area.
- (c) A determination regarding any protests received at the public hearing.

(d) The description of the boundaries of the area and of each separate benefit zone established within the area.

(e) A statement that a parking and business improvement area has been established and the name of the area.

(f) A statement that the businesses in the area established by the ordinance shall be subject to any amendments to this part.

(g) The description of the method and basis of levying the assessments, with a breakdown by classification of businesses if a classification is used.

(h) A statement that the improvements and activities to be provided in the area will be funded by the levy of the assessments. The revenue from the levy of assessments within an area shall not be used to provide improvements or activities outside the area or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the area.

(i) A finding that the businesses and the property within the business and improvement area will be benefited by the improvements and activities funded by the assessments proposed to be levied. In the case of an area formed to promote tourism, only businesses that benefit from tourist visits may be assessed.

(j) The time and manner of collecting the assessments.

36528. The city council may establish one or more separate benefit zones within the area based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone.

36529. All provisions of this part applicable to the establishment, modification, or disestablishment of a parking and business improvement area apply to the establishment, modification, or disestablishment of benefit zones. The city council shall, to establish, modify, or disestablish a benefit zone, follow the procedure to establish, modify, or disestablish a parking and business improvement area.

STREETS AND HIGHWAYS CODE SECTION 36530-36537

36530. The city council shall appoint an advisory board which shall make a recommendation to the city council on the expenditure of revenues derived from the levy of assessments pursuant to this part, on the classification of businesses, as applicable, and on the method and basis of levying the assessments. The city council may designate existing advisory boards or commissions to serve as the advisory board for the area or may create a new advisory board for that purpose. The city council may limit membership of the advisory board to persons paying the assessments under this part. The city council may appoint the advisory board prior to adoption of the resolution of intention to create the area, so that the advisory board may recommend the provisions of the resolution of intention.

36531. The city council may exempt a business recently established in the area from the levy of the assessments, for a period not to exceed one year from the date the business commenced operating in the area. The city council shall state its determination to so exempt new businesses in the resolution of intention to establish the area and shall reaffirm its determination annually in the resolution of intention required to be adopted pursuant to Section 36534.

36532. The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the ordinance establishing the area.

36533. (a) The advisory board shall cause to be prepared a report for each fiscal year for which assessments are to be levied and collected to pay the costs of the improvements and activities described in the report. The report may propose changes, including, but not limited to, the boundaries of the parking and business improvement area or any benefit zones within the area, the basis and method of levying the assessments, and any changes in the classification of businesses, if a classification is used.

(b) The report shall be filed with the clerk and shall refer to the parking and business improvement area by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following:

(1) Any proposed changes in the boundaries of the parking and business improvement area or in any benefit zones within the area.

(2) The improvements and activities to be provided for that fiscal year.

(3) An estimate of the cost of providing the improvements and the activities for that fiscal year.

(4) The method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of the assessment to be levied against his or her business for that fiscal year.

(5) The amount of any surplus or deficit revenues to be carried over from a previous fiscal year.

(6) The amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(c) The city council may approve the report as filed by the advisory board or may modify any particular contained in the report and approve it as modified. The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments.

36534. (a) After the approval of the report, the city council shall adopt a resolution of intention to levy an annual assessment for that fiscal year. The resolution of intention shall do all of the following:

(1) Declare the intention of the city council to change the boundaries of the parking and business improvement area, or in any benefit zone within the area, if the report filed pursuant to Section 36533 proposes a change.

(2) Declare the intention of the city council to levy and collect assessments within the parking and business improvement area for the fiscal year stated in the resolution.

(3) Generally describe the proposed improvements and activities authorized by the ordinance enacted pursuant to Section 36527 and any substantial changes proposed to be made to the improvements and activities.

(4) Refer to the parking and business improvement area by name and indicate the location of the area.

(5) Refer to the report on file with the clerk for a full and detailed description of the improvements and activities to be provided for that fiscal year, the boundaries of the area and any benefit zones within the area, and the proposed assessments to be levied upon the businesses within the area for that fiscal year.

(6) Fix a time and place for a public hearing to be held by the city council on the levy of the proposed assessment for that fiscal year. The public hearing shall be held not less than 10 days after the adoption of the resolution of intention.

(7) State that at the public hearing written and oral protests may be made. The form and manner of protests shall comply with Sections 36524 and 36525.

(b) The clerk shall give notice of the public hearing by causing the resolution of intention to be published once in a newspaper of general circulation in the city not less than seven days before the public hearing.

36535. (a) The city council shall hold the public hearing at the time and in the place specified in the resolution of intention. The public hearing shall be conducted as provided in Sections 36524 and 36525. The city council may continue the public hearing from time to time, but the public hearing shall be completed within 30 days.

(b) During the course or upon the conclusion of the public hearing, the city council may order changes in any of the matters provided in the report, including changes in the proposed assessments, the proposed improvements and activities to be funded with the revenues derived from the levy of the assessments, and the proposed boundaries of the area and any benefit zones within the area. The city council shall not change the boundaries to include any territory that will not, in its judgment, benefit by the improvement or activity.

(c) At the conclusion of the public hearing, the city council may adopt a resolution confirming the report as originally filed or as changed by it. The adoption of the resolution shall constitute the levy of an assessment for the fiscal year referred to in the report.

(d) Notwithstanding subdivision (c), if the primary purpose of the area is promotion of tourism, the city council may adopt a resolution confirming the report as submitted by the advisory board, or may adopt a resolution continuing the program and assessments as levied in the then current year without change, and that resolution shall constitute the levy of an assessment for the fiscal year

referred to in the report. As an alternative, the city council may modify the report and adopt a resolution confirming the report as modified, but in that case the city council may adopt the resolution only after providing notice of the proposed changes as specified in Section 36523 and only after conducting a public hearing on the resolution as provided in Sections 36524 and 36525.

36536. The assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses and property within the parking and business improvement area. The city council may classify businesses for purposes of determining the benefit to a business of the improvements and activities provided pursuant to this part.

36537. The validity of an assessment levied under this part shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36535. Any appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

STREETS AND HIGHWAYS CODE SECTION 36540-36542

36540. In addition to the changes authorized to be made in the annual report filed with the city council pursuant to Section 36533 or at the conclusion of the public hearing on the annual levy of the assessments, the advisory board may, at any time, recommend that the city council modify the boundaries of the area, any benefit zones within the area, the basis and method of levying the assessments, and any improvements or activities to be funded with the revenues derived from the levy of the assessments. Any modification shall be made pursuant to this chapter.

36541. (a) The city council shall modify the basis and method of levying the assessment or the boundaries of the area by adopting an ordinance after holding a public hearing on the proposed modification.

(b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not less than 20 or more than 30 days after the adoption of the resolution of intention. Notice of the public hearing shall be published and shall be mailed to each owner of a business affected by the proposed modification, as provided in Section 36523. The public hearing shall be conducted as provided in Sections 36524 and 36525.

36542. (a) The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. Notice of the public hearing and the proposed modifications shall be published as provided in Section 36523.

(b) The public hearing shall be conducted as provided in Sections 36524 and 36525.

STREETS AND HIGHWAYS CODE SECTION 36550-36551

36550. (a) The city council may disestablish an area by adopting an ordinance after holding a public hearing on the disestablishment, as provided in this section.

(b) The city council shall adopt a resolution of intention to disestablish the area prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the parking and business improvement area. The public hearing shall be held not less than 20 or more than 30 days after the adoption of the resolution of intention. Notice of the public hearing shall be published as provided in Section 36523.

36551. (a) Upon the disestablishment of an area, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be refunded to the owners of the businesses then located and operating within the area in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the area is disestablished.

(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund. Notice of the disestablishment of an area shall be published once in a newspaper of general circulation in the city, not later than 15 days after the ordinance disestablishing the area is adopted.

PROPOSED SUISUN CITY DOWNTOWN - WATERFRONT
BUSINESS IMPROVEMENT DISTRICT (BID)
BOUNDARY MAP



Chapter 3.40 MAIN STREET-WATERFRONT BUSINESS IMPROVEMENT DISTRICT

3.40.010 Resolution of intention, public hearing and findings.

The recitals hereof, which set forth facts regarding the adoption of council resolutions, the conduct of public hearings and certain findings of the city council¹, are true and correct and incorporated herein by reference.

(Ord. 667 § 1(part), 2003)

3.40.020 Definitions.

In order to distinguish between district businesses and for the purpose of calculating and applying the amount of assessments owed, the following definitions shall apply:

- A. "Retail businesses" means and includes all businesses not covered by other definitions set out in this section, at least 50 percent of whose gross income is derived from "retail sales" as that term is defined under the California Sales and Use Tax Law. The fact that a substantial part of its business consists of sales other than retail sales does not exclude said business from this classification so long as such other business component does not account for more than 50 percent of said business' gross income;
- B. "Restaurant businesses" means and includes cafes, eating establishments, sandwich shops, dinner houses, restaurants and fast food services and other similar businesses;
- C. "Sales and service businesses" means and includes businesses that combine retail and product services. Examples are appliance stores, most automotive-oriented businesses, repair shops, repairing and servicing businesses and service stations. Other businesses of a general service-type nature such as general office, news and advertising media, printers, renting and leasing businesses, utilities, vending machine businesses, household finance companies, entertainment businesses and other similar businesses not otherwise included in categories a, b, d, e, f, or g are included in this section;
- D. "Personal care salons" means and includes beauty salons, barber shops, tanning salons, etc.
- E. "Lodging businesses" means and includes inns, hotels, motels, RV Parks and other similar businesses;
- F. "Professional businesses" means and includes attorneys, architects, accountants, engineers, surveyors, physicians, dentists, optometrists, chiropractors and others in a medical/health service field, consultants, real estate brokers, financial advisors, laboratories (including dental and optical), hearing aid services, artists, photographers and designers;
- G. "Financial" institutions means and includes banks, savings and loans, credit unions, etc.
- H. "Calendar year" means January first to and including December thirty-first of the same year;
- I. "Billing period" means the fiscal year period beginning on July first and ending on June thirtieth of the following year;
- J. "Payment of benefit assessment levy" shall refer to and be concurrent with the time(s) set forth for payment of all business license taxes as set forth in Chapter 5.04 of this code.

(Ord. 682 § 1(part), 2005; Ord. 667 § 1(part), 2003)

3.40.030 Establishment of boundaries.

A parking and business improvement district is hereby established pursuant to the Parking and Business Improvement Area Law of 1989, Streets and Highways Code Section 36500 et seq. The boundaries of the district and the benefit zones within the district shall be as set forth on Exhibit "A", attached hereto and incorporated herein by reference. This district shall be known as the "main street-waterfront business improvement district" (the "district").

(Ord. 667 § 1(part), 2003)

3.40.040 Establishment of district board of directors.

There shall be a board of directors ("BID board") of the district to administer the affairs of the district. Said board shall be constituted of businesses within the district. Within the BID board there shall be a president, vice-president, secretary and treasurer elected by the membership, and such other officers as deemed necessary by the board. Such other officers shall be appointed by the board of directors at their discretion.

(Ord. 667 § 1(part), 2003)

3.40.050 Establishment of benefit assessment.

All businesses, trades, and professions located within the district boundaries shown on Exhibit "A" shall, commencing on January 1, 2021, pay an annual benefit assessment to the district in the following amounts:

DISTRICT ASSESSMENT FORMULA
Proposed 2021 Benefit Fee Formula Matrix:

Type of Business	Assessment Amount
Retailers and Restaurants	\$ 200.00
Service and Professional Businesses	\$ 100.00
*Personal Services (such as hair dressers, barbers, massage therapists, manicurists/pedicurists, etc.)	\$ 25.00
*Commercial Cannabis Businesses	\$1,000.00
Lodging	\$10.00 per room
Financial Institutions	\$ 500.00

* Commencing February 5, 2021.

Business Type Definitions :

"Commercial cannabis business" means any retail or non-retail commercial operation that is licensed under the city's commercial cannabis ordinance.

"Financial institutions" means banking and savings and loan institutions as well as credit unions, etc.

"Lodging" means renting rooms by the day or week to community visitors.

"Personal services" means individuals/businesses that have their own business license and rent "stalls" or space within a building to provide personal services, such as hair dressers, barbers, massage therapists, and manicurists/pedicurists.

"Professional businesses" means architects, engineers, attorneys, dentists, doctors, accountants, optometrists, realtors, insurance offices, mortgage brokers and most other businesses that require advanced and/or specialized licenses and/or advanced academic degrees.

"Retail" and "restaurant" means businesses that buy and resell goods, examples are clothing stores, shoe stores, office supplies as well as businesses that sell prepared foods and drinks.

"Service businesses" means businesses that sell services. Examples are beauty and barber shops, repair shops, most automotive-oriented businesses, entertainment businesses such as theaters, etc.

(Ord. 667 § 1(part), 2003)

(Ord. No. 775 , § 2, 11-17-2020; Ord. No. 778 , § 2, 1-5-2021)

EXHIBIT A (3)

**PROPOSED SUISUN CITY DOWNTOWN - WATERFRONT
BUSINESS IMPROVEMENT DISTRICT (BID)
BOUNDARY MAP**



3.40.060 Purpose and use of benefit assessments.

The types of improvements and activities proposed to be funded by the levy of assessments on businesses in the district are as follows:

- A. The acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following improvements:
 - 1. Benches;
 - 2. Trash receptacles;
 - 3. Decorations;
 - 4. Facade improvements;
 - 5. Permanent landscaping.
- B. Activities including but not limited to the following:
 - 1. Promotion of public events which benefit businesses in the area and which take place on or in public places within the area;
 - 2. Furnishing of music in any public place in the area;
 - 3. Activities which benefit businesses located and operating in the area, including but not limited to commercial shopping and promotional programs.

(Ord. 667 § 1(part), 2003)

3.40.070 Exclusions from benefit assessment.

No person or business shall be required to pay an assessment based on: (a) a residential use of the property within the district, or (b) a non-profit organization as defined by Section 501(C)(3) or (C)(6) of the Internal Revenue Service Code located within the district.

(Ord. 667 § 1(part), 2003)

3.40.080 Pro-ration of benefit assessment levy.

Pro-ration of benefit assessment levy shall be applied in the same manner as pro-ration of business license taxes set forth in Section 5.04.070 of this code.

(Ord. 682 § 1(part), 2005: Ord. 667 § 1(part), 2003)

3.40.090 Collection of benefit assessment.

Payment of the benefit assessment levy for district businesses (Section 3.40.050 of this chapter), shall be a precondition to the issuance or renewal of the appropriate city business license as set forth in Chapter 5.04 of this code each fiscal year as prescribed by Chapter 5.04. Benefit assessment levy amount shall be due and payable at the times and in the manner prescribed for all business taxes as set forth in Chapter 5.04. Failure to pay the benefit assessment levy amount shall be deemed to be a violation of this chapter. Violations of this chapter shall be enforced in the same manner and are subject to the same penalties as set forth in Chapter 5.04. City will bill and collect the benefit assessment levy at no charge to the district and forward all funds collected to the BID board within thirty days of said collections.

(Ord. 682 § 1(part), 2005: Ord. 667 § 1(part), 2003)

3.40.100 Voluntary contributions to district.

Contributions to the district shall be permitted on a voluntary basis. The boundaries of the district shall not be modified as a result of the contribution, nor shall said contributing business be considered a member of the district for voting or other purposes. However, said business making a voluntary contribution may be entitled to participate in the programs of the district upon a finding by the BID Board that the district derives a benefit from said business' participation in the program.

(Ord. 667 § 1(part), 2003)

3.40.110 Annual budget process.*

Pursuant to the Act, it shall be necessary for the BID board to present an annual budget for city council review and approval prior to the beginning of each fiscal year. The purpose of this process is to comply with the Act provisions regarding public notice and hearing prior to establishing the benefit assessments for the following fiscal year. City shall not adopt, modify or otherwise amend any fiscal year budget of the district that is inconsistent in any way with said fiscal year's budget as agreed to and presented by the BID board except in the case of a written majority protest (regarding elimination or modification of any specific budget item) from business owners which will pay 50 percent or more of the assessments proposed to levied as to any specific budget item pursuant to GC Section 36525(b). In such case the written protest regarding any specific budget item shall be grounds to eliminate or modify said expenditure from the district's proposed budget pursuant to the written protest.

(Ord. 667 § 1(part), 2003)

* Parking and Business Improvement Area Law of 1989, Part 6 (commencing with Section 36500) of Division 18 of the California Streets and Highways Code ("the Act").

3.40.120 Decisions regarding expenditure of funds.

As provided for within the guidelines of SB 1424, decisions of the BID board regarding expenditure of all funds generated under this program shall be final.

(Ord. 667 § 1(part), 2003)

3.40.130 District proceeds do not offset city services.

City specifically finds and declares that the funds derived from the district shall not be used to offset or diminish current maintenance, capital improvement programs, including but not limited to, public property and sidewalk cleaning, street cleaning and maintenance, tree maintenance, restroom cleaning and maintenance. The city declares its intent to provide at least the same level and standard of maintenance and repair of public property within the district providing city funds are available from year to year.

(Ord. 667 § 1(part), 2003)

3.40.140 Disestablishment of the district.

Proceedings to disestablish the district shall be initiated by the city council following the presentation of a petition to the city council signed by business owners paying 50 percent or more of the assessments levied in the district. Proceedings to disestablish the district shall follow the procedures set forth in GC Section 36550. The city council shall disestablish the district if, following the public hearing prescribed in Section 36550(b), written protests are not withdrawn as to reduce the protests below the 50 percent level. In the event of disestablishment of the district, remaining revenues of the district shall be refunded to paying business owners in a pro-rata manner calculated in the same manner as was used to establish the most recent assessments applied in the district.

(Ord. 667 § 1(part), 2003)

3.40.150 Constitutionality.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance, it being expressly declared that this ordinance and each section, subsection, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

(Ord. 667 § 1(part), 2003)

3.40.160 Effective date of ordinance codified in chapter.

The ordinance codified in this chapter shall take effect upon the 31st day after its final passage.

(Ord. 667 § 1(part), 2003)

Joint City of Suisun City Council/ Suisun City BID Meeting

Tuesday, September 12, 2023



1

What is a Business Improvement District?

A BID is a special benefit assessment district, which allows for an assessment on a property or business within a defined geographic area. Revenues from this assessment are directed back to the defined area to finance a myriad of enhanced services, including security, maintenance, marketing, economic development, tourism, promotion, parking and special events.

2

What is a Business Improvement District?

In California, there are several types of BIDs, including:

- **Property-based business improvement districts (PBID)** that allow for an assessment on real property. BIDs governed by the '94 Law can be funded by assessments against businesses, assessments against property, or a combination of the two types of assessments.
- **Business-based business improvement districts (BBID)** that create an assessment paid by business owners. *Suisun Waterfront BID is a BBID.*
- **Tourism-based business improvement districts (TBID)** that allow for an assessment on hospitality and tourism related businesses.

3

What is a Business Improvement District?

Common BID Service Options include:

- **Maintenance:** BIDs can support maintenance services over and above those provided by local government
- **Security:** BIDs can finance extra security to augment services from local police departments & "ambassadors" that have customer service training to help customers navigate through a business district. *This is usually done in PBIDs, as part of a "Clean & Safe" program.*
- **Marketing and Promotions:** Marketing programs aim to improve the overall image of a business district through collaborative promotional strategies, undertaking market research and working with the media.

4

What is a Business Improvement District?

Common BID Service Options include:

- **Special Events:** Special events reinforce the business district's drawing power as a destination.
- **Parking and Transportation:** BIDs often support the management and/or expansion of the parking supply within a business district, including validation programs, management of municipal garages, sponsorship of local shuttles and advocacy to implement regional transit.
- **Economic Development:** Many BIDs finance services to attract jobs and investment to business districts, including undertaking market analysis, developing data bases and structuring public/private financing for redevelopment projects.

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What is a Business Improvement District?

Common BID Service Options include:

- **Tourism Promotion:** In California, BIDs are increasingly being used to supplement local and regional tourism promotion programs to attract visitors to attractions, hotels and other hospitality related businesses
- **Human Services:** PBIDs are becoming active partners with human service agencies to help address the issues of the homeless and other street populations.
- **Capital Improvements:** PBID-supported improvement options include visible amenities such as street lights, benches, kiosks and public art. BIDs can have bonding capabilities that allow for ambitious public/private capital improvement programs.

6

Laws/Ordinances Regarding BIDs

- California Streets and Highway Code Section 36500-36551 - known as the "Parking and Business Improvement Area Law of 1989." (Business-based BIDs)
- The purpose of this law was to recodify and supplant previously enacted provisions of law and to provide a uniform procedure to levy assessments for improvements and activities of businesses located and operating in a business district of a city.
- A city can establish a new Business-based BID which require a public hearing, and a mailing of a complete copy of the resolution of intention by first-class mail to each business owner in the area. At the public hearing, the city council shall hear and consider all protests against the establishment of the area, the extent of the area, or the furnishing of specified types of improvements or activities within the area.
- If written protests are received from the owners of businesses in the proposed area which will pay 50 percent or more of the assessments proposed to be levied, no further proceedings to create the specified parking and business improvement area or to levy the proposed assessment, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

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Formation & Annual Authorization Process

- Formation – The Suisun City Council established the Suisun City BID per City Ordinance No. 667, enacted April 18, 2003.
- Each year since 2003, the Council has reauthorized the continued operation of the District.
- In California, a Business Based BID must present an annual report and undergo an annual review by City Council. This is done each year by the BID.

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History of Suisun City Historic Waterfront BID

- Established/Formed in 2003
- The City of Suisun City gave the BID matching funds, based on the amount of the assessment collected each year.
- In 2010, the city no longer gave a match, but a lesser amount.
- When redevelopment was eliminated in 2012, the BID no longer received any funding from the City.

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Comparison of Local Downtown Associations

Name	Annual Budget	City Contribution	Has Physical Location	Has Paid Staff/Employees
Napa Downtown (PBID)	\$787,763	\$0	Yes	Yes
Benicia Main Street	\$373,284	\$70,000	Yes	Yes
Vacaville (BBID)	\$334,000	\$75,000 (fee for service)	Yes	Yes
Davis Downtown	\$256,000	\$10,000	Yes	Yes
Fairfield Downtown	Unknown	Unknown	No	City Staff**
SCHWBID	\$43,000	\$0	No	Contract/5 hours per week

** City of Fairfield disbanded the Fairfield Main Street program in 2021, and has taken over services & events.

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