

ORDINANCE 71434

Summary

Board Bill Number 123

Introduced by: Alderman John Coatar

October 29, 2021

This Board Bill seeks to approve the Petition to Amend the Petition for Creation, Extension Renewal and Establishment of the Downtown St. Louis Community Improvement District, Inc. (the “CID”) pursuant to Section 67.1421(5) RSMo to authorize the CID to continue to provide services, construct improvements, and carry out other functions as set forth in such Amended Petition, to impose special assessments upon real property within the CID boundaries to provide funds to accomplish any power, duty or purpose of the CID, and to receive the services and benefits all as set forth in the Amended Petition.

**BOARD BILL NUMBER 123 INTRODUCED BY: ALDERMAN JOHN COATAR/
ALDERWOMAN MARLENE DAVIS/ ALDERWOMAN CHRISTINE INGRASSIA/
ALDERMAN JAMES PAGE**

1 An Ordinance Approving The Petition Of An Owner Of Certain Real Property To Amend
2 the Petition for Creation, Extension, Renewal, and Establishment of the Downtown St. Louis
3 Community Improvement District, Inc., Containing A Severability Clause, and Containing an
4 Emergency Clause.

5 **WHEREAS**, Section 67.1400 *et seq*, RSMo, (the “CID Act”) authorizes the Board of
6 Aldermen to approve the petitions of property owners to establish a Community Improvement
7 District; and

8 **WHEREAS**, on March 21, 2011, certain property owners or authorized representatives of
9 the owners of more than 50% by assessed value and per capita located within the proposed
10 boundaries of The Downtown St. Louis Community Improvement District, Inc. requested the
11 creation, extension, renewal and establishment of a portion of The Downtown St. Louis
12 Community Improvement District, Inc.; and

13 **WHEREAS**, the Board of Aldermen on June 24, 2011, adopted and on July 5, 2011, the
14 Mayor approved Ordinance 68935 which authorized the creation, extension, renewal and
15 establishment of The Downtown St. Louis Community Improvement District, Inc. (the “CID”) for
16 a term ending December 31, 2021; and

17 **WHEREAS**, on May 1, 2015 certain property owners or authorized representatives of the
18 owners of more than 50% by assessed value and per capita located within the proposed boundaries
19 of The Downtown St. Louis Community Improvement District, Inc. requested that certain property
20 be added to the boundaries of the CID.; and

1 **WHEREAS**, the Board of Aldermen on July 10, 2015, adopted and on July 17, 2015, the
2 Mayor approved Ordinance 70052 which authorized the addition of certain real property to the
3 CID as described therein; and

4 **WHEREAS**, the property within the CID constitutes a large portion of the central
5 downtown business district and drives much of the downtown economic activity and thus the
6 peace, health, safety and economic stability of the CID is critical to the overall peace, health,
7 safety, and economic stability of the City as a whole; and

8 **WHEREAS**, since its creation, the CID has supplemented City services to preserve the
9 peace, health and safety of CID property owners and their patrons by providing additional
10 neighborhood-improvement services and programs to the community, including additional
11 security, maintenance and public infrastructure, and beautification services and programs that
12 would not otherwise be provided to the CID; and

13 **WHEREAS**, such services include, but are not limited to: funding the Metropolitan Police
14 Department's Fourth District Bike Unit, the City's only neighborhood-dedicated bike unit;
15 maintaining the Fourth District Bike Unit through funding its Lucas Ave. substation; purchasing
16 specialized police bikes and equipment and providing training for same to officers; operating the
17 Downtown CID Safety Officer Program, which contracts off-duty police officers to provide
18 secondary policing patrols; operating the Downtown Ambassador Program to enhance the
19 experience of pedestrians and visitors by providing directions and information and reporting
20 maintenance concerns; and. funding the Clean Team, made up of individuals who provide
21 supplementary trash removal, and additional street-cleaning services; and

1 **WHEREAS**, the CID and downtown region as a whole have historically been the site of
2 shootings, assaults, carjacking, reckless driving and numerous other crimes that threaten the peace,
3 health and safety of the residents within the boundaries of the CID and the City as a whole; and

4 **WHEREAS**, these threats to the peace, health and safety of the CID property owners and
5 their patrons create a perception of lawlessness that depresses economic investment in the CID
6 and the entire downtown community as businesses select other locations instead of the City to
7 locate their offices, leading to office vacancy rates that are the highest in the St. Louis metropolitan
8 region, as well as high costs to City in both lost tenants and loss of potential business for
9 conventions and events; and

10 **WHEREAS**, the City has recognized the need for additional security and law enforcement
11 in the CID and the greater downtown area to promote the peace, health and safety of City property
12 owners and their patrons and the City as a whole; and

13 **WHEREAS**, the expiration of the term of existence of the CID is December 31, 2021; and

14 **WHEREAS**, the expiration of the CID would result in the immediate cessation of all the
15 services provided by the CID, including the maintenance and public infrastructure services and
16 programs funded or provided by the CID as well as the supplementary security services provided
17 or funded by the CID, thus decreasing the total amount of security in the CID and the City as a
18 whole at a time when these services are critically necessary for health and safety of the CID and
19 downtown community; and

20 **WHEREAS**, the expiration of the CID presents an immediate threat to the preservation of
21 the public peace, health and safety of the property owners in the CID and the City as a whole; and

1 **WHEREAS**, Section 67.1421(5) of the CID Act authorizes the Board of Aldermen to
2 approve amendments to a petition of property owners to establish a Community Improvement
3 District; and

4 **WHEREAS**, a petition has been filed with the City, requesting to amend the Petition for
5 Creation, Extension Renewal and Establishment of the CID, signed by the authorized
6 representatives of the owners of more than fifty percent by assessed value and per capita of the
7 property located within the existing boundaries of the CID (the “Amended Petition”); and

8 **WHEREAS**, the Register of the City of St. Louis did review and determine that the
9 Amended Petition substantially complies with the requirements of the CID Act; and

10 **WHEREAS**, a public hearing, duly noticed and conducted as required by and in
11 accordance with the CID Act was held via electronic webinar at 11:00 a.m. on November 4, 2021,
12 by the Board of Aldermen; and

13 **WHEREAS**, there is an immediate need to approve the Amended Petition to authorize the
14 CID to continue to provide services, construct improvements, and carry out other functions as set
15 forth in the Amended Petition and the CID Act, to impose special assessments upon real property
16 within the CID boundaries to provide funds to accomplish any power, duty or purpose of the CID,
17 and to receive the service and benefits all as set forth in the Amended Petition; and

18 **WHEREAS**, this Board of Aldermen hereby finds that the adoption of this ordinance is in
19 the best interest of the City of St. Louis and that the owners of real property located within the CID
20 specifically and, by extension, the City as a whole, will benefit from the approval of the Amended
21 Petition and the other transactions described herein.

22 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

23 **SECTION ONE.** The Board of Aldermen hereby adopts the foregoing recitals as findings.

1 **SECTION TWO.**

2 1. The CID is hereby amended, pursuant to the CID Act and the Amended
3 Petition, and the CID is authorized to carry out the functions set forth in the Amended
4 Petition and the CID Act, to impose special assessments to provide services, and to receive
5 the service and benefits all as set forth in the Amended Petition attached hereto as
6 **Appendix A** and made a part hereof.

7 2. The CID boundaries shall remain the same as set forth in the Amended
8 Petition and are described as follows: Beginning at the intersection of the centerline of
9 14th Street and Interstate 40/64; thence eastwardly along the centerline of Interstate
10 40/64 across all intervening streets to the intersection of the centerlines of Interstate
11 40/64 and Interstate 70; thence northwardly along the centerline of Interstate 70 across
12 all intervening streets to the intersection of the centerlines of Interstate 70 and
13 Washington Avenue; thence eastwardly along the centerline of Washington Avenue
14 across all intervening streets to the intersection of the centerlines of Washington Avenue
15 and Commercial Street; thence northwardly along the centerline of Commercial Street
16 across all intervening streets to the intersection of the centerlines of Commercial
17 Street and Carr Street; thence westwardly along the centerline of Carr Street across
18 all intervening streets to the intersection of the centerlines of Carr Street and Interstate
19 70; thence southwardly along the centerline of Interstate 70 across all intervening streets
20 to the intersection of the centerlines of Interstate 70 and Cole Street; thence westwardly
21 along the centerline of Cole Street across all intervening streets to the intersection of the
22 centerlines of Cole Street and 14th Street; thence southwardly along the centerline of
23 14th Street across all intervening streets to the intersection of the centerlines of 14th

1 Street and Delmar Boulevard; thence westwardly along the centerline of Delmar
2 Boulevard across all intervening streets to the intersection of the centerlines of Delmar
3 Boulevard and 18th Street; thence southwardly along the centerline of 18th Street across
4 all intervening streets to the intersection of the centerlines of 18th Street and
5 Chestnut Street; thence eastwardly along the centerline of Chestnut Street across all
6 intervening streets to the intersection of the centerlines of Chestnut Street and 14th Street;
7 thence southwardly along the centerline of 14th Street to the intersection of the
8 centerlines of 14th Street and at Interstate 40/64, the point of beginning.

9 **SECTION THREE.** The CID is authorized by the Amended Petition, in accordance with
10 the CID Act, to impose special assessments upon real property within the CID in the manner
11 provided in the Amended Petition and Section 67.1521 of CID Act, to provide funds to accomplish
12 any power, duty or purpose of the CID.

13 **SECTION FOUR.** The services to be provided by the CID with the use of the special
14 assessments authorized hereunder will provide a special benefit to the properties assessed and the
15 special assessments levied and collected by the CID represent the costs of the services and
16 improvements described in the Amended Petition to each property owner within the CID. Each
17 property owner's special assessment shall represent that Property Owner's share of the benefit and
18 the cost of such services and improvements. The Board of Aldermen hereby finds that the special
19 assessments provided in the Petition do not constitute taxes but constitute special assessments
20 imposed upon those benefitting from the CID's services and that said special assessment serve a
21 public purpose by proving the services authorized in the Amended Petition and CID Act.

22 **SECTION FIVE.** The CID is authorized by the CID Act, at any time, to issue obligations,
23 or to enter into agreements with other entities with the authority to issue obligations, for the

1 purpose of carrying out any of its powers, duties, or purposes. Such obligations shall be payable
2 out of all, part or any combination of the revenues of the CID and may be further secured by all or
3 any part of any property or any interest in any property by mortgage or any other security interest
4 granted. Such obligations shall be authorized by resolution of the CID, and if issued by the CID,
5 shall bear such date or dates, and shall mature at such time or times, but not more than twenty (20)
6 years from the date of issuance, as the resolution shall specify. Such obligations shall be in such
7 denomination, bear interest at such rate or rates, be in such form, be payable in such place or
8 places, be subject to redemption as such resolution may provide and be sold at either public or
9 private sale at such prices as the CID shall determine subject to the provisions of Section 108.170,
10 RSMo. The CID is also authorized to issue such obligations to refund, in whole or part, obligations
11 previously issued by the CID.

12 **SECTION SIX.** The provisions of the Original Ordinance are hereby affirmed and
13 continue, except as specifically amended by the Amended Petition and this Ordinance.

14 **SECTION SEVEN.**

15 1. Pursuant to the Amended Petition, the CID shall continue to be in the form of a not-
16 for-profit corporation, known as the “Downtown St. Louis Community Improvement District,
17 Inc.”

18 2. Pursuant to Section 67.1471(1) of the CID Act, the fiscal year for the CID shall be
19 the same as the fiscal year for the City of St. Louis.

20 3. No earlier than one hundred and eighty (180) days and no later than ninety (90)
21 days prior to the first day of each fiscal year, the CID shall submit to the Board of Aldermen a
22 proposed annual budget for the CID, setting forth expected expenditures, revenues, and rates of
23 assessments, if any, for such fiscal year. The Board of Aldermen may review and comment on

1 this proposed budget, but if such comments are given, the Board of Aldermen shall provide such
2 written comments no later than sixty (60) days prior to the first day of the relevant fiscal year; such
3 comments shall not constitute requirements, but shall only be recommendations.

4 4. The CID shall hold an annual meeting and adopt an annual budget no later than
5 thirty (30) days prior to the first day of each fiscal year.

6 **SECTION EIGHT.** The CID is authorized to use the funds of the CID for any of the
7 improvements, services or other activities authorized under the CID Act.

8 **SECTION NINE.** Pursuant to the CID Act and the Amended Petition, the CID shall have
9 all of the powers necessary to carry out and effectuate the purposes of the CID and the CID Act as
10 set forth in the CID Act.

11 **SECTION TEN.** Within one hundred twenty (120) days after the end of each fiscal year,
12 the CID shall submit a report to the Register of the City and the Missouri Department of Economic
13 Development stating the services provided, revenues collected and expenditures made by the CID
14 during such fiscal year, and copies of written resolutions approved by the board of directors of the
15 CID during the fiscal year. The Register shall retain this report as part of the official records of
16 the City and shall also cause this report to be spread upon the records of the Board of Aldermen,
17 pursuant to Section 67.1471 of the CID Act.

18 **SECTION ELEVEN.** The term for the existence of the CID shall be as set forth in the
19 Amended Petition.

20 **SECTION TWELVE.** Pursuant to the CID Act, the Board of Aldermen shall not decrease
21 the level of publicly funded services in the CID existing prior to the creation of the CID or transfer
22 the burden of providing the services to the CID unless the services at the same time are decreased

1 throughout the City, nor shall the Board of Aldermen discriminate in the provision of the publicly
2 funded services between areas included in the CID and areas not so included.

3 **SECTION THIRTEEN.** The Register shall report in writing the amendment of the CID to
4 the Missouri Department of Economic Development.

5 **SECTION FOURTEEN.** It is hereby declared to be the intention of the Board of Aldermen
6 that each and every part, section and subsection of this Ordinance shall be separate and severable
7 from each and every other part, section and subsection hereof and that the Board of Aldermen
8 intends to adopt each said part, section and subsection separately and independently of any other
9 part, section and subsection. In the event any section, subsection, sentence, clause, phrase or
10 portion of this ordinance (including, without limitation, the emergency provision in Section
11 Fifteen) is held to be invalid or unconstitutional, or unlawful for any reason, by any court of
12 competent jurisdiction, such portion shall be deemed and is hereby declared to be a separate,
13 distinct and independent provision of this ordinance, and the remaining parts, sections, subsection,
14 sentences, clauses, phrases or portions shall be and remain in full force and effect, and such holding
15 or holdings shall not affect the validity of the remaining portions of this ordinance.

16 **SECTION FIFTEEN.** The Board of Aldermen hereby finds and determines that this
17 ordinance constitutes an “emergency measure” pursuant to Article IV, Section 20 of the City
18 Charter, because this Ordinance is necessary for the immediate preservation of the public health,
19 welfare and safety, and as such, this Ordinance shall take effect immediately upon its approval by
20 the Mayor as provided in Article IV, Section 20 of the City Charter.

Board Bill Number 123
Appendix A

APPENDIX A

Petition to Amend the Petition for Creation Extension Renewal
and Establishment of the Downtown St. Louis Community Improvement District, Inc.

On file with City Register

BOARD BILL NUMBER 123

FISCAL NOTE

Preparer's Name: David G. Richardson

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Bill Sponsor: Alderman Jack Coatar/Alderwoman Marlene Davis/Alderwoman Christine Ingrassia

Bill Synopsis:	Board Bill Number 123 approves the Petition to Amend the Petition for Creation, Extension, Renewal and Establishment of the Downtown St. Louis Community Improvement District, Inc.
Type of Impact:	The purpose of the Board Bill is to approve the Petition to Amend the Petition for Creation, Extension Renewal and Establishment of the Downtown St. Louis Community Improvement District, Inc. (the "CID") pursuant to Section 67.1421(5) RSMo to authorize the CID to continue to provide services, construct improvements, and carry out other functions as set forth in such Amended Petition, to impose special assessments upon real property within the CID boundaries to provide funds to accomplish any power, duty or purpose of the CID, and to receive the service and benefits all as set forth in the Amended Petition.
Agencies Affected:	None

SECTION A

Does this bill authorize:

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget? Yes No.
- An undertaking of a new service for which no funding is provided in the current adopted city budget? Yes No.
- A commitment of city funding in the future under certain specified conditions? Yes No.
- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget? Yes No.

- An execution or initiation of an activity as a result of federal or state mandates or requirements?
 Yes No.
- A capital improvement project that increases operating costs over the current adopted city budget?
 Yes No.
- A capital improvement project that requires funding not approved in the current adopted city budget or that will require funding in future years?
 Yes No.

If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill. Complete Section B of the form below.

SECTION B

- Does the bill require the construction of any new physical facilities? Yes No
 - o If yes, describe the facilities and provide the estimated cost:

- Is the bill estimated to have a direct fiscal impact on any city department or office? Yes No

- Does the bill create a program or administrative subdivision? Yes No
 - o If yes, then is there a similar existing program or administrative subdivision?
 Yes
 No
 - o If yes, explain the how the proposed programs or administrative subdivisions may overlap:

- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources:

Complete the chart below to list the total estimated expenditures required of the City resulting from the proposed board bill and any estimated savings or additional revenue.

Financial Estimate of Impact on General Fund			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	N/A	N/A	N/A
Additional Revenue	N/A	N/A	N/A
Net	N/A	N/A	N/A
Financial Estimate of Impact on Special Funds			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures	N/A	N/A	N/A
Additional Revenue	N/A	N/A	N/A
Net	N/A	N/A	N/A

- Describe any assumptions used in preparing this fiscal note:

- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note:

- Have the financial estimates of this bill been verified by the City Budget Division?

___Yes ___No

o If yes, by whom? _____ .