

RESOLUTION NO. RES-12-0091

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH APPROVING AN ANNUAL REPORT  
FOR OCTOBER 1, 2012 TO SEPTEMBER 30, 2013 FOR  
THE FOURTH STREET PARKING AND BUSINESS  
IMPROVEMENT AREA ("FSPBIA") AND DECLARING ITS  
INTENTION TO LEVY THE ANNUAL ASSESSMENT FOR  
THAT FISCAL YEAR

WHEREAS, pursuant to Section 36533 of the California Streets and  
Highways Code, the Fourth Street Parking and Business Improvement Area Advisory  
Board has caused a Report to be prepared for October 1, 2012 to September 30, 2013  
relating to the Fourth Street Parking and Business Improvement Area ("FSPBIA") which  
is located generally in that section of the City of Long Beach generally bounded by  
Cherry Avenue and Carroll Park North with frontage along Fourth Street and as more  
specifically described in the Report; and

WHEREAS, said Report contains, among other things, with respect to  
October 1, 2012 to September 30, 2013 all matters required to be included by the above  
cited Section 36533; and

WHEREAS, having approved such Report, the City Council hereby  
declares its intention to:

A. Confirm levy of and direct collecting within the Area, assessments for  
the FSPBIA for October 1, 2012 to September 30, 2013. Said assessments are  
proposed to be levied on such classifications and at such rates as are set forth in Exhibit  
"A" attached hereto and incorporated herein. These assessments are not proposed to be  
levied on owners of commercial or residential property;

B. Provide that each business shall pay the assessment annually, at the

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 same time the business license is due. This is the same collection procedure which  
2 occurred in the previous fiscal year; and

3 WHEREAS, to this end, the proposed activities and improvements  
4 undertaken by the Area include those generally specified in the establishing Ordinance  
5 No. C-6646, Section 5, as adopted by the City Council on September 19, 1989; and

6 WHEREAS, a copy of the Report is on file with the City Clerk and includes  
7 a full description of the activities and improvements to be provided from October 1, 2012  
8 to September 30, 2013, the boundaries of the area, and the proposed assessments to be  
9 levied on the businesses that fiscal year and all other information required by law; and

10 WHEREAS, it is the desire of this City Council to fix a time and place for a  
11 public hearing to be held in the City Council Chamber of the City of Long Beach on  
12 October 16, 2012 at 5:00 p.m., regarding the Report, the levy and the proposed program  
13 for October 1, 2012 to September 30, 2013;

14 NOW THEREFORE, the City Council of the City of Long Beach resolves as  
15 follows:

16 Section 1. That certain Report entitled "Fourth Street Parking and  
17 Business Improvement Area Fiscal Year 2012/13 Assessment Report and Service Plan"  
18 for the period October 1, 2012 to September 30, 2013, as filed with the City Clerk is  
19 hereby approved.

20 Section 2. On October 16, 2012 at 5:00 p.m., in City Council Chamber,  
21 City Hall, 333 West Ocean Boulevard, Long Beach, California 90802, the City Council of  
22 the City of Long Beach will conduct a public hearing on the levy of proposed  
23 assessments for October 1, 2012 to September 30, 2013 for the FSPBIA. All concerned  
24 persons are invited to attend and be heard, and oral or written protests may be made, in  
25 accordance with the following procedures:

26 A. At the public hearing, the City Council shall hear and consider all  
27 protests. A protest may be made orally or in writing by any interested person. Any  
28 protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and

1 shall clearly set forth the irregularity or defect to which the objection is made.

2           B.       Every written protest shall be filed with the City Clerk at or before the  
3 time fixed for the public hearing. The City Council may waive any irregularity in the form  
4 or content of any written protest and at the public hearing may correct minor defects in the  
5 proceedings. A written protest may be withdrawn in writing at any time before the  
6 conclusion of the public hearing.

7           C.       Each written protest shall contain a description of the business in  
8 which the person subscribing the protest is interested sufficient to identify the business  
9 and, if a person subscribing is not shown on the official records of the City as the owner of  
10 the business, the protest shall contain or be accompanied by written evidence that the  
11 person subscribing is the owner of the business. A written protest which does not comply  
12 with this section shall not be counted in determining a majority protest.

13           D.       Testimony is also invited relating to any perceived irregularities in or  
14 protests to previous years' proceedings/assessments.

15           Section 3.    The City Clerk shall give notice of the public hearing called for  
16 in Section 2 by causing this Resolution of Intention to be published once in a newspaper  
17 of general circulation in the City not less than seven days before the public hearing.

18           Section 4.    This resolution shall take effect immediately upon its adoption  
19 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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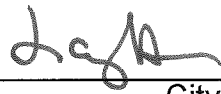
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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of September 18, 2012, by the following vote:

Ayes: Councilmembers: Garcia, Lowenthal, O'Donnell,  
Schipske, Andrews, Johnson,  
Austin, Neal.

Noes: Councilmembers: None.

Absent: Councilmembers: DeLong.



City Clerk

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664



**Fourth Street Parking and Business Improvement Area**

**Fiscal Year 2012/13 Assessment  
Report and Service Plan**

*For the period*

October 1, 2012 to September 30, 2013

August 2012



**Fourth Street Parking and Business Improvement Area  
2012/13 Assessment Report and Service Plan**

**City of Long Beach, California**

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**I. DISTRICT OVERVIEW**

Conceived by a coalition of Fourth Street business owners, the Fourth Street Business Improvement Area (the "FSPBIA" or the "District") is a benefit assessment district formed on September 11, 2007 by Ordinance 07-0043 to attract customers to the Fourth Street shopping area. No changes to the boundaries or assessment methodology are requested for this period.

The purpose of the district is to promote and market the Fourth Street shopping district as a destination through events, clean-ups and advertising. The Fourth Street Improvement Association (the "FSIA") manages the District under contract with the City of Long Beach.

**A. Location:** Fourth Street between Cherry Avenue and Carroll Park North. See map in Section II.

**B. Services:** Marketing, promotions and cleanliness programs to improve the appearance and attractiveness of the business district.

**C. Method of Assessment:** Special benefit assessment for marketing and promotion of businesses operating within the District. The estimated 2013 fiscal year revenue from business assessments is \$10,800.

Each business operating within the District will be assessed \$200 per year with the following exceptions:

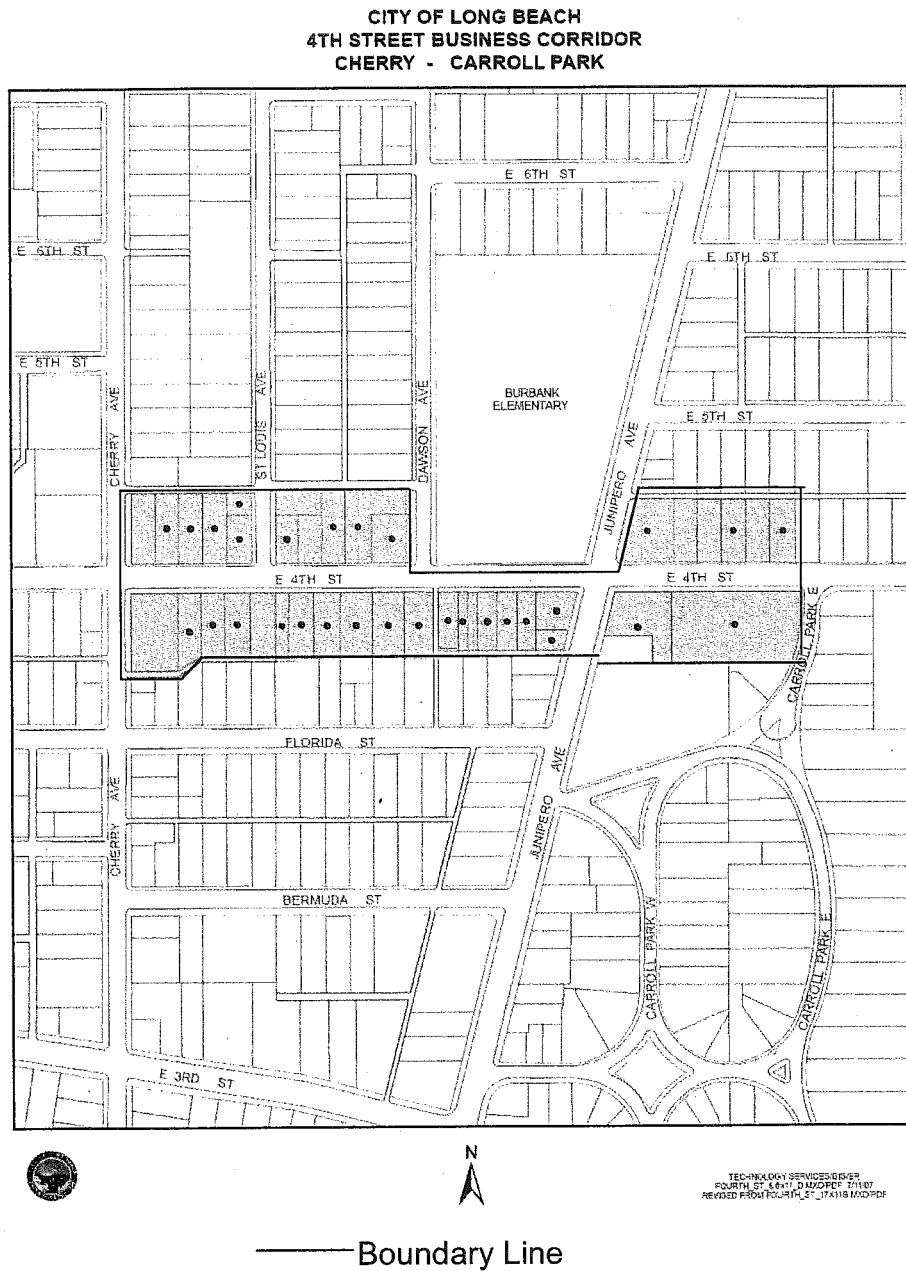
- Each miscellaneous, wholesale, mobile business, contractor, commercial space rental and professional services licensee is assessed \$100 per year
- Each Non profit organization is assessed \$100 per year
- Secondary service operator and residential rental licensees are exempt from the assessment

**D. Method of Collection** District assessments will be invoiced and due with annual City of Long Beach Business License renewal statements. Assessment revenue received will be segregated into a special fund for transfer to the FSIA.

**E. Authority** The FSPBIA is a benefit assessment district formed under the authority of the State of California, Streets and Highways Code Part 6 (commencing with Section 36500) of Division 18; the Parking and Business Improvement Area Law of 1989 (the "District Law").

## II. Fourth Street Business Improvement Area Boundary

### A. District Map – 4<sup>th</sup> Street; Cherry Avenue to Carroll Park East



### B. General Description

The Fourth Street Improvement Association (FSIA) delivers marketing and promotional services within the Fourth Street area with funds received from Fourth Street Parking and Business Improvement Area (FSPBIA) assessments.



**C. Board of Directors**

**Officers**

President..... Kerstin Kansteiner, Portfolio Coffeehouse  
Vice President..... Kathleen Schaaf, Meow  
Secretary..... Barbara Brunner  
Treasurer..... Kathleen Schaaf, Meow

**Directors**

Barbara Brunner  
Jennifer Hill, Songbird, Sneaky Tiki  
Kerstin Kansteiner, Portfolio Coffeehouse  
Steven Sarinana, Trebor Nevets  
Kathleen Schaaf, Meow  
Sophia Sandoval, 4<sup>th</sup> Street Vine  
David Eaton, Inretrospect

**Monthly Board meetings**

1st Thursday of the month at Portfolio Coffeehouse at 2300 E 4<sup>th</sup> Street or Kafe Neo at 2800 E 4<sup>th</sup> Street, Long Beach CA 90814

8:30am

**Monthly General Meetings**

2<sup>nd</sup> Thursday of the month at The Center at 2017 E 4<sup>th</sup> Street, Long Beach CA 90814

8:30am

### III. SERVICE PLAN AND BUDGET

#### A. The year in review – 2012 events

The area along Fourth Street between Cherry Avenue and Carroll Park East offers a truly unique shopping area. This relatively small area is known regionally as well as internationally for its eclectic shops and hip product selection.

Fourth Street businesses continue making strides in promoting the district working together during the second year of the business improvement district, the FSIA has continued with regular meetings, gained the participation of new additional affiliate member businesses and increased the scope and impact of marketing and promotional programs. Programs conducted during 2012 included:

- **Two Sidewalk sales (summer and fall event)**
  - The street held two sidewalk sales with different themes. Both proved highly successful and attracted visitors from the neighborhood as well as neighboring cities.
- **One Holiday Open House event (December)**
  - The Holiday Open House event started off the shopping season for this district and promoted a shop local, shop independent slogan.
- **Regular street clean-ups (daily and monthly)**
  - The regular sweeping, graffiti reporting and code enforcement efforts are vital to make 4<sup>th</sup> Street BIA attractive and safe.
- **Maintenance of sprinkler system in “Garden Walk” (Summer)**
  - The Garden walk was planted over 10 years ago with a NPP grant. The 4<sup>th</sup> Street BIA has maintained the planter beds and sprinkler system to this day. The recent re-greening of the area with native and drought tolerant plants makes the street look more attractive and cared for.
- **4th Street – creation of BFBD**
  - Retro Row became a Bike friendly business district. A BFBD committee was established with business owners to explore the possibilities of becoming more bike friendly. All events on 4<sup>th</sup> Street now include bike friendly parking options.
- **Joint advertising (event driven)**
  - 4<sup>th</sup> Street placed several ads in local newspapers in order to raise awareness of the BIA.
- **Maintenance and update of 4th Street Retro Row website (monthly)**
  - As print media is fading more and more in the background of our marketing efforts, online presence is where the association will be focusing on in the future.
  - The association completely overhauled their website and integrated it with its current FB and other online marketing features.

- **Business outreach committee on 4th Street Retro Row (ongoing)**
  - We have created an outreach committee to welcome new businesses and actively recruit businesses to locate to 4<sup>th</sup> Street.
- **Business Listing Brochure**
  - The marketing brochure received a full make-over in 2012 and shines with a new design and an updated content.

Planned FY 2012/13 activities will include:

- **2 Sidewalk sales**
- **Regular updates of 4th Street / Retro Row brochure**
- **Joint advertising**
- **Regular street cleaning of 4th Street Retro Row**
- **Maintenance of a business outreach committee on Retro Row**
- **Maintenance of Parking Lot at 4<sup>th</sup> and Cherry lot**
- **Maintenance of a bike friendly business corridor along 4<sup>th</sup> Street**
- **Implementation of a Bike Rental Kiosk along 4<sup>th</sup> Street**

## **B. Service Plan**

The FSPBIA Service Plan provides for funding for marketing and promoting and maintaining the cleanliness and attractiveness of the shopping area. Although we are a new organization, with relatively few participants, we have amassed a modest budget that will enable us to plan and promote events, as well as contribute to the overall cleanliness of our area.

Services to be provided are:

### **1. Marketing Media and Materials Amount: \$3300**

These services will include the new development and continuous updating of the 4<sup>th</sup> Street website, as well as print advertising for our special events and general pieces to promote the street.

Social media promotion has become a large part of 4<sup>th</sup> streets marketing efforts. We will strengthen this part of our marketing efforts as well.

### **2. Promotional Events Amount: \$4600**

The largest portion of this budget will go towards regular 4th Street events like the side walk sales, holiday open house and other promotional events.

### **3. Streetscape and Cleanliness Amount: \$1700**

In an ongoing effort to maintain the cleanliness of our street, we have earmarked funds for streets scaping and cleanliness. A landscaping

company has been hired to maintain not only the parking lot but also the Garden Walk alongside Burbank Elementary School.

### **C. Services Budget**

Services will be provided based on the following estimated allocation of FSPBIA revenue totaling \$10,800 for FY 2012/13. No Consumer Price Index adjustment is applied to assessment fees for FY 2012/13.

- **2 Sidewalk sales**
- **Regular update of 4th Street / Retro Row brochure**
- **Joint advertising**
- **Regular street cleaning of 4th Street Retro Row**
- **Maintenance of a business outreach committee on Retro Row**
- **Maintenance of Parking Lot at 4<sup>th</sup> and Cherry lot**
- **Maintenance of the Garden Walk landscaping along Burbank School**
- **Maintenance of the bike friendly business corridor along 4<sup>th</sup> Street**

## Annual Programming

<b>Marketing</b>	
PR services	2400
marketing collateral (ongoing)	400
advertising	500
Sub Total	3300
<b>promo events</b>	
Sidewalk Sales (2x)	2800
Holiday Open House	1000
Other promotional events (i.e. Food Truck events)	800
Sub Total	4600
Street Cleaning & Organizational fees	
Landscaping supplies	200
Parking lot maintenance	1000
Garden Walk maintenance	500
Sub Total	1700
Total Programming	9600
Administration Expenses	
accounting	700
insurance	400
contingency	100
Sub Total	1200
<b>Grand Total</b>	<b>\$10,800</b>

## IV. ASSESSMENTS

### A. Methodology

Improvements and activities identified in the Service Plan are designed to improve the appearance of pedestrian areas, improve safety and make the area more attractive to customers. All businesses in the district will benefit from these improvements, but retail, financial, professional and service businesses are expected to benefit more than miscellaneous, wholesale, manufacturing or other

businesses that do not rely upon foot traffic for their business. Therefore, these businesses pay a reduced assessment. The proposed assessment rate for each business operating within the District is shown in the following table.

<b>Business License Category</b>	<b>Rate</b>
Financial/Banking & Insurance	\$200
Service Real Estate Offices	200
Retail – Restaurant w/Alcohol & RTE	200
Retail – Other	200
Consulting	200
Construction Contractor	200
Professional	200
Service – Other	200
Misc, Rec/Ent, Vend, Manf, Uniq, Whlsl,	100
Commercial space rental	100
Non-profit business operations	100
Residential property rental	0
All Secondary Licensees	0

Estimated FY 2012/ 2013 assessment revenue is \$10,800.

#### **B. CPI Adjustments**

The assessment may be increased each year to reflect the annual change in the Consumer Price Index for All Urban Consumers in Los Angeles-Riverside-Orange County. The annual increase shall not exceed three (3%) percent of the previous year's assessment. The annual Consumer Price Index variance will be calculated in March and applied in July of each year. The District will have a fiscal year of October 1 through September 30.

#### **C. Time and Manner for Collecting Assessments**

Business operator assessments will be invoiced and due with annual City of Long Beach Business License renewal statements. Assessment revenue received will be segregated into a special fund for transfer to the FSIA.

## V. DISTRICT GOVERNANCE

### A. The Fourth Street Improvement Association

1. The Fourth Street Improvement Association shall manage the FSPBIA and shall exercise the powers of the Advisory Board set forth in the District Law including the following.
  - (a) The Advisory Board shall cause to be prepared a report for each fiscal year (October 1 through September 30) 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.

2. The Fourth Street Improvement Association board will serve and the FSPBIA Advisory Board and shall be appointed by the City Council as required by District Law.
3. The FSPBIA Advisory Board shall comply with the Brown Act when discussing or acting on matters within the subject matter of the district (e.g. annual report assessment methodology, boundaries, budget and Service Plan).

## **B. Disestablishment**

According to State law, any district where there is no outstanding indebtedness may be disestablished by resolution of the City Council. This may occur if the City Council finds that funds have been improperly used or if the assesseees request disestablishment. There will be a thirty-day window every year beginning on the one-year anniversary of the establishment of the District, in which business owners may petition to disestablish the District. If the assesseees who pay 50% or more of the total assessments levied submit a written petition to disestablish the District, the City Council will do so.