

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

1 RESOLUTION NO. RES-09-0131

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH APPROVING AN ANNUAL REPORT  
5 FOR OCTOBER 1, 2009 TO SEPTEMBER 30, 2010 FOR  
6 THE BELMONT SHORE PARKING AND BUSINESS  
7 IMPROVEMENT AREA AND DECLARING ITS INTENTION  
8 TO LEVY THE ANNUAL ASSESSMENT FOR THAT FISCAL  
9 YEAR

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11 WHEREAS, pursuant to Section 36533 of the California Streets and  
12 Highways Code, the Belmont Shore Parking and Business Improvement Area Advisory  
13 Commission has caused a Report to be prepared for October 1, 2009 to September 30,  
14 2010 relating to the Belmont Shore Parking and Business Improvement Area which is  
15 located along the commercial corridor at Second Street generally between Livingston  
16 Drive and Bayshore Avenue within the City of Long Beach; and,

17 WHEREAS, said Report contains, among other things, with respect to  
18 October 1, 2009 to September 30, 2010, all matters required to be included by the above  
19 cited Section 36533; and,

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

22 1. Confirm levy of and direct collecting within assessments for the  
23 Belmont Shore Parking and Business Improvement Area for October 1, 2009 to  
24 September 30, 2010. Said assessments are proposed to be levied at the rates set forth  
25 in Exhibit "A."

26 2. Provide that each business shall pay the assessment with its  
27 business license tax; and

28 WHEREAS, to this end, the proposed activities and improvements

1 undertaken by the Area include those generally specified in the establishing Ordinance  
2 No. C-5963, Section 5, as adopted by the City Council on June 7, 1983; and

3 WHEREAS, a copy of the Report is on file with the City Clerk and includes  
4 a full description of the activities and improvements to be provided from October 1, 2009  
5 to September 30, 2010, the boundaries of the area, and the proposed assessments to be  
6 levied on the businesses that fiscal year and all other information required by law; and

7 WHEREAS, it is the desire of this City Council to fix the time and place for a  
8 public hearing to be held in the City Council Chamber of the City of Long Beach on  
9 December 1, 2009, at 5:00 p.m., regarding the Report, the levy and the proposed  
10 program for the 2009-2010 fiscal year;

11  
12 NOW THEREFORE, the City Council of the City of Long Beach resolves as  
13 follows:

14 Section 1. That certain Report entitled "Assessment Report for  
15 October 1, 2009 to September 30, 2010, Belmont Shore Parking and Business  
16 Improvement Area" as filed with the City Clerk is hereby approved.

17 Section 2. On December 1, 2009, at 5:00 p.m., in the City Council  
18 Chamber of the City of Long Beach located in the Long Beach City Hall, First Floor, 333  
19 West Ocean Boulevard, Long Beach, CA 90802, the City Council of the City of Long  
20 Beach will conduct a public hearing on the levy of proposed assessments for October 1,  
21 2009 to September 30, 2010 for the Belmont Shore Parking and Business Improvement  
22 Area with no change in the basis and method assessment. All concerned persons are  
23 invited to attend and be heard, and oral or written protests may be made, in accordance  
24 with the following procedures:

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

1 defect to which the objection is made.

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

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

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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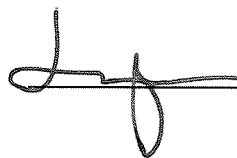
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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of November 3, 2009, by the following vote:

Ayes: Councilmembers: Garcia, Lowenthal, DeLong,  
O'Donnell, Schipske, Andrews,  
Reyes Uranga, Gabelich, Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: None.

  
\_\_\_\_\_  
City Clerk

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# EXHIBIT A

## BELMONT SHORE BUSINESS PARKING AND BUSINESS IMPROVEMENT ASSESSMENT FORMULA 2009-2010

| <u>Categories</u>   | <u>Base Rate</u> | <u>Employee Rate</u> |
|---|------------------|----------------------|
| Financial Institution & Insurance                               | \$1,646.22       | \$16.50              |
| Service Real Estate Office                                      | \$638.70         | \$22.00              |
| Retail – Restaurant w/alcohol & RTE                             | \$640.19         | \$ 9.63              |
| Retail – Other  | \$548.73         | \$ 8.25              |
| Consulting  | \$425.80         | \$22.00              |
| Construction Contractor   | \$425.80         | \$22.00              |
| Professional  | \$425.80         | \$22.00              |
| Service – Other   | \$319.35         | \$16.50              |
| Misc. Rec/Ent, Vending, Manufacturing,<br>Unique & Wholesale    | \$319.35         | \$16.50              |
| 39% Reduced Rate for Service-related<br>Independent Contractors | \$194.80         | \$16.50              |