



CITY OF LONG BEACH

H-2

OFFICE OF THE CITY MANAGER

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-6711 • Fax (562) 570-7650

October 14, 2014

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the hearing, and adopt the attached Resolution continuing the East Anaheim Street Parking and Business Improvement Area assessment for the period of October 1, 2014 through September 30, 2015; and authorize the City Manager to extend the agreement with the East Anaheim Street Business Alliance for a one-year term. (District 3, 4)

DISCUSSION

The East Anaheim Street Business Alliance (EASBA) uses business license assessment funds to promote and market the commercial area along East Anaheim Street on behalf of businesses located in the East Anaheim Street Parking and Business Improvement Area (EASPBIA). The EASBA governs the assessment to be collected. To continue the assessment levy, State law requires that a public hearing be held on the proposed program and assessment.

The Annual Report (attached to the Resolution as Exhibit A) describes boundaries, proposed activities and budgetary information, as well as the method and basis for continuation of the assessment. The Annual Report proposes no change in the district boundaries, the basis and method of levying the assessment and no significant change in proposed activities.

At its September 16, 2014 meeting, City Council approved Resolution Number RES-14-0087, granting approval of the Annual Report, declaring the intention of the City Council to levy the assessment, and set October 14, 2014 as the date of the public hearing. A hearing notice was published in local media, as required.

State law provides that the City Council shall hear and consider all protests against the assessment, program, boundaries of the area, and/or any benefit zone as proposed in the Annual Report. State law further provides that protests may be made orally or in writing. Protests regarding the regularity or sufficiency of the proceedings shall be in writing. If written protests are received from area business owners representing 50 percent or more of the proposed assessments, the City Council shall not levy the assessment. If protests in such quantity are directed against a specific portion of the program, the City Council shall eliminate that portion.

The Fiscal Year 2015 Annual Report, transmitting the recommendations of the EASPBIA Advisory Board, proposes the following assessment rates:

Type 1 Businesses: Retail, recreation and entertainment, and unique businesses shall pay annual assessment fees of:

- Base Fee: \$300 per year, except that secondary licensees in these classes are exempt, and;
- Employee Fee: \$15 per employee up to \$300 maximum.

Type 2 Businesses: Service, vending, professional, wholesale, contractor, manufacturing and miscellaneous mobile businesses shall pay annual assessment fees of:

- Base Fee: \$200 per year, except that secondary licensees in these classes shall pay a base fee of \$120, and;
- Employee Fee: \$15 per employee up to \$300 maximum

Type 3 Businesses: Non-residential space rental businesses shall pay annual assessment fees of:

- Base Fee: \$120 per year
- Employee Fee: not applicable

Residential property rental, home-based and secondary licensees are exempt from the assessment.

This matter was reviewed by Deputy City Attorney Amy Webber on September 17, 2014 and by Budget Management Officer Victoria Bell on September 25, 2014.

TIMING CONSIDERATIONS

City Council action is requested on October 14, 2014 to allow purchase order and contract modifications to be completed so that Fiscal Year 2015 (FY 15) assessment transfers may be made as required by the Agreement for Funding with the EASBA.

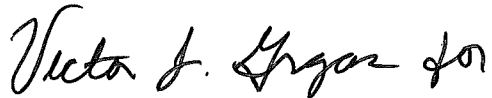
FISCAL IMPACT

It is estimated that the EASPBIA will generate \$141,000 in FY 15 through continuation of the existing assessment. Assessment funds are collected through additional fees attached to EASPBIA business licenses and passed directly through to the East Anaheim Street Business Alliance for implementation of their annual programs. Sufficient funds are included in the FY 15 Budget in the Parking and Business Area Improvement Fund (SR 132) in the Public Works Department (PW). Approval of this recommendation will provide continued support to the local economy.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



MICHAEL P. CONWAY
DIRECTOR OF ECONOMIC AND PROPERTY DEVELOPMENT

MPC:VSG:jsf

Attachment: RESOLUTION

APPROVED:



PATRICK H. WEST
CITY MANAGER

1 RESOLUTION NO.
2

3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH CONFIRMING, FOLLOWING
5 HEARING, THE ANNUAL REPORT OF THE EAST ANAHEIM
6 STREET PARKING AND BUSINESS IMPROVEMENT AREA
7 ADVISORY COMMISSION, CONTINUING THE LEVY OF
8 ANNUAL ASSESSMENT AS SET FORTH IN SAID REPORT
9 AND SETTING FORTH OTHER RELATED MATTERS
10

11 WHEREAS, pursuant to Section 36533 of the California Streets and
12 Highways Code, the East Anaheim Street Parking and Business Improvement Area
13 Advisory Board has caused a Report to be prepared for October 1, 2014 through
14 September 30, 2015 relating to the East Anaheim Street Parking and Business
15 Improvement Area ("EASPBIA"); and

16 WHEREAS, said Report contains, among other things, all matters required
17 to be included by the above cited Section 36533; and

18 WHEREAS, on October 14, 2014 at 5:00 p.m., the City Council conducted a
19 public hearing relating to that Report in accordance with its Resolution of Intention No.
20 RES-14-0087, adopted September 16, 2014, at which public hearing all interested
21 persons were afforded a full opportunity to appear and be heard on all matters relating to
22 the Report; and

23 WHEREAS, a majority protest not having been received, it is the City
24 Council's desire to confirm the Report as originally filed and impose and continue the levy
25 of the Annual Assessment as described in the Report;

26 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
27 follows:

28 Section 1. A public hearing having been conducted on October 14, 2014,

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 at 5:00 p.m., and all persons having been afforded an opportunity to appear and be
2 heard, the City Council hereby confirms the Report of the East Anaheim Street Parking
3 and Business Improvement Area Advisory Board, previously filed and approved by
4 Resolution No. RES-14-0087, adopted September 16, 2014, as originally filed, and
5 declares that this resolution shall constitute the levy of the Assessment referred to in the
6 Report for October 1, 2014 through September 30, 2015 as more specifically set forth in
7 Exhibit "A".

8 Section 2. This resolution shall take effect immediately upon its adoption
9 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

10 I hereby certify that the foregoing resolution was adopted by the City
11 Council of the City of Long Beach at its meeting of _____, 2014,
12 by the following vote:

13
14 Ayes: Councilmembers: _____
15 _____
16 _____

17
18 Noes: Councilmembers: _____
19 _____

20 Absent: Councilmembers: _____
21 _____

22
23 _____
24 City Clerk

25
26
27
28

EXHIBIT "A"

East Anaheim Street Parking and Business Improvement Area

Initial Assessment Report and Proposed Service Plan

For the period
October 1, 2014 – September 30, 2015

August 2014

The East Anaheim Street Parking and Business Improvement Area 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.

EASBA Assessment Report and Service Plan -- 083111

I. DISTRICT OVERVIEW

Conceived by a coalition of business owners located along Anaheim Street east of Junipero, the East Anaheim Street Parking and Business Improvement Area (the "EASPBA" or the "District") is a benefit assessment district proposed to provide a more attractive and vibrant business environment in the East Anaheim Street business area.

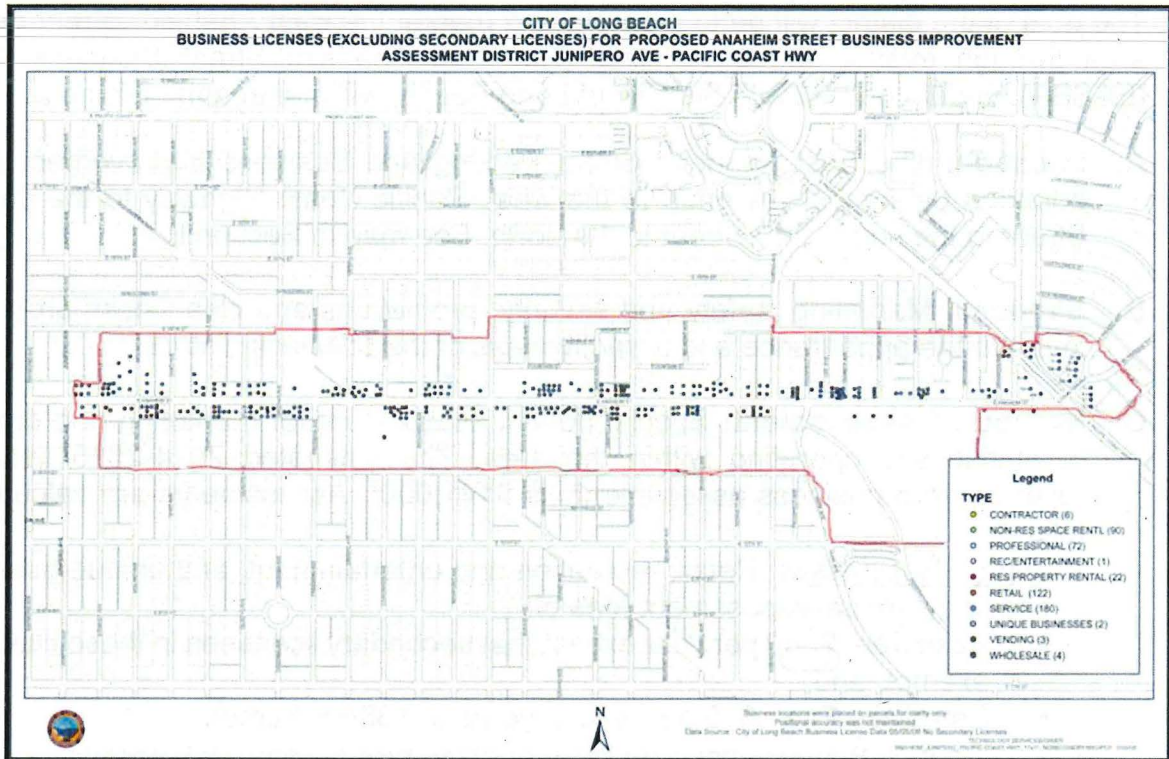
The goal of the district will be to promote and market the East Anaheim Street business area through events and advertising. The East Anaheim Street Business Alliance (EASBA), under contract with the City of Long Beach, will manage the District.

- A. Location:** The East Anaheim Street Parking and Business Improvement Area is bounded by Junipero Avenue to the west, Pacific Coast Highway to the east, 11th Street to the south, 14th Street to the north. See map in Section II.
- B. Services:** Marketing, safety and security, 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 area. The estimated 2014-2015 fiscal year revenue from business assessments is \$141,000. Assessments are calculated as follows:
- **Type 1 Businesses:** Retail, recreation and entertainment, and unique businesses shall pay annual assessment fees of:
 - Base Fee: \$300 per year except that secondary licensees in these classes are exempt, and:
 - Employee Fee: \$15 per employee up to \$300 maximum.
 - **Type 2 Businesses:** Service, vending, professional, wholesale, contractor, manufacturing and miscellaneous mobile businesses shall pay annual assessment fees of:
 - Base Fee: \$200 per year except that secondary licensees in these classes shall pay a base fee of \$120, and:
 - Employee Fee: \$15 per employee up to \$300 maximum
 - **Type 3 Businesses:** Non-residential space rental businesses shall pay annual assessment fees of:
 - Base Fee: \$120 per year
 - Employee Fee: not applicable
- Residential property rental, home-based and secondary 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 EASBA.
- E. Authority:** The EASPBA 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. East Anaheim Street Parking and Business Improvement Area Boundary

- A. **District Map** – Junipero Avenue to the west, Pacific Coast Highway to the east, 11th Street to the south, 14th Street to the north



(East Anaheim Street Business Improvement Area Boundary)

- B. **General Description** Based on the results of the 2008 Business Survey taken by business owners in the district area, the East Anaheim Street Business Alliance (EASBA) has been working with member businesses on enhancing the identity and promoting the area for the benefit of all businesses. EASBA has also coordinated with the city to conduct street clean-up activities, public safety programs and to deliver marketing and promotional services using funds received from EASBIA assessments.

III. SERVICE PLAN AND BUDGET

- A. **District Needs and Purpose** - The East Anaheim Street business area offers a unique neighborhood service, dining and shopping area. This area along Anaheim Street is a major east/west corridor and surrounded by quaint neighborhoods.

East Anaheim Street businesses have made strides in promoting the district in recent years. Working together as the East Anaheim Street Business Alliance, they have held regular meetings, gained the participation of the majority of the businesses in the area, involved the local residential neighborhood associations and have identified future

events for the district such as:

- Build upon the unique identity for the area
- Sidewalk sales
- Holiday Open House events
- Street fairs
- Street banners and signs
- Regular street clean-ups
- Marketing and advertising – business alliance brochure and website
- Safety, video cameras monitoring intersections

The assessment district will enable the EASBA to improve their ability to hold special events and increase funding for promotional activities while maintaining local control and accountability. Proposed additional services and programs include:

- Regular sidewalk and street cleaning
- Increased working with law enforcement and security
- East Anaheim Street gateway signs and light pole banners
- Increased marketing and promotion
- Improved overall sanitation services
- Additional street festivals, sidewalk sales and other public events
- Safety, providing video cameras as designated intersections

B. Service Plan - The EASPBIA Service Plan provides for funding for marketing and promoting and maintaining the cleanliness and attractiveness of the shopping area. Services to be provided are:

- Market Media and Materials
- Promotional Events
- Security, Streetscape and Cleanliness

C. Services Budget - Services are based on the following estimated allocation of EASPBIA revenue totaling \$141,000.00 in the 2014 – 2015 year.

East Anaheim Street Business Alliance
October 1, 2014 - September 30, 2015

Income

Member Assessments \$141,000.00

Allowance for uncollectable Due \$(10,000.00)

Monthly Lunch Reimbursement \$1,500.00

Total Income \$132,500.00

Expenses

Administrative

Franchise Tax Board \$800.00

Accounting \$1,600.00

Administration \$6,000.00

Contingency \$1,000.00

Insurance

Liability \$1,821.13

Directors & Officers \$1,100.00

Property Insurance \$1,000.00

Total Insurance \$3,921.13

Supplies & Postage \$600.00

Total Administrative Expense \$13,921.13

Program Expense

Business Coordination \$24,000.00

Promotional Events \$24,000.00

Newsletter \$7,000.00

Brochure \$700.00

Advertising \$1,000.00

Dues & Memberships \$300.00

Monthly meeting lunch \$3,000.00

Permits & Fees \$560.00

Security Surveillance Cameras \$2,500.00

Street Banners & maintenance \$22,000.00

Trash & Weed abatement \$23,000.00

Power wash - street cleanliness \$6,200.00

Website Maintenance \$4,800.00

Total Program Expense \$119,060.00

Total Expense \$132,981.13

Net Loss \$(481.13)

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 and will be assessed according to the fee schedule below.

Special benefit assessment revenue for 2014-2015 is estimated at \$132,500: Assessments are calculated as follows:

- **Type 1 Businesses:** Retail, recreation and entertainment, and unique businesses shall pay annual assessment fees of:
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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 percent (3%) of the previous year's assessment. The annual Consumer Price Index variance will be calculated in March and applied in July of each year at the discretion of the Advisory Board. 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 or other appropriate means as determined by City of Long Beach Financial Management. Assessment revenue received will be segregated into a special fund for transfer to the EASIA.

V. District Governance and Administration

A. The East Anaheim Street Improvement Association

1. The East Anaheim Street Improvement Association shall manage the EASPBIA 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 the 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 East Anaheim Street Business Alliance Board will serve the EASPBIA Advisory Board and shall be appointed by the Mayor and confirmed by the City Council as required by District Law.
3. The EASPBIA 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 assessees 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 assessees who pay 50% or more of the total assessments levied submit a written petition to disestablish the District, the City Council will do so.

REVIEWED BY:

DATE

APPROVED BY:

DATE