

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

1 RESOLUTION NO. RES-13-0077

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH APPROVING AN ANNUAL
5 ASSESSMENT REPORT FOR OCTOBER 1, 2013 TO
6 SEPTEMBER 30, 2014 FOR THE FOURTH STREET
7 PARKING AND BUSINESS IMPROVEMENT AREA AND
8 DECLARING ITS INTENTION TO LEVY THE ANNUAL
9 ASSESSMENT FOR THAT FISCAL YEAR

10
11 WHEREAS, pursuant to Section 36533 of the California Streets and
12 Highways Code, the Fourth Street Parking and Business Improvement Area Advisory
13 Board has caused a Report to be prepared for October 1, 2013 to September 30, 2014
14 relating to the Fourth Street Parking and Business Improvement Area ("FSPBIA") which
15 is located generally in that section of the City of Long Beach bounded by Cherry Avenue
16 and Carroll Park North with frontage along Fourth Street and as more specifically
17 described in the Report; and

18 WHEREAS, said Report contains, among other things, with respect to
19 October 1, 2013 to September 30, 2014 all matters required to be included by the above
20 cited Section 36533; and

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

23 A. Modify the boundaries of the Fourth Street Parking and Business
24 Improvement Area as described in Ordinance No. ORD-07-0043 of the City Council of
25 the City of Long Beach which created the Area, which new boundaries are described in
26 Exhibit "B" hereto;

27 B. Confirm levy of and direct collecting within the Area, assessments for
28 the FSPBIA for October 1, 2013 to September 30, 2014. Said assessments are

1 proposed to be levied on such classifications and at such rates as are set forth in Exhibit
2 "A" attached hereto and incorporated herein. These assessments are not proposed to be
3 levied on owners of commercial or residential property;

4 C. Provide that each business shall pay the assessment annually, at the
5 same time the business license is due. This is the same collection procedure which
6 occurred in the previous fiscal year; and

7 WHEREAS, to this end, the proposed activities and improvements
8 undertaken by the Area include those generally specified in the establishing Ordinance
9 No. ORD-07-0043, Section 5, as adopted by the City Council on September 18, 2007;
10 and

11 WHEREAS, a copy of the Report is on file with the City Clerk and includes
12 a full description of the activities and improvements to be provided from October 1, 2013
13 to September 30, 2014, the boundaries of the area, and the proposed assessments to be
14 levied on the businesses that fiscal year and all other information required by law; and

15 WHEREAS, it is the desire of this City Council to fix a time and place for a
16 public hearing to be held in the City Council Chamber of the City of Long Beach on
17 October 8, 2013 at 5:00 p.m., regarding the Report, the levy and the proposed program
18 for October 1, 2013 to September 30, 2014;

19 NOW THEREFORE, the City Council of the City of Long Beach resolves as
20 follows:

21 Section 1. That certain Report entitled "Fourth Street Parking and
22 Business Improvement Area Fiscal Year 2013/14 Assessment Report and Service Plan"
23 for the period October 1, 2013 to September 30, 2014, as filed with the City Clerk is
24 hereby approved.

25 Section 2. On October 8, 2013 at 5:00 p.m., in City Council Chamber,
26 City Hall, 333 West Ocean Boulevard, Long Beach, California 90802, the City Council of
27 the City of Long Beach will conduct a public hearing on the levy of proposed
28 assessments for October 1, 2013 to September 30, 2014 for the FSPBIA. All concerned

1 persons are invited to attend and be heard, and oral or written protests may be made, in
2 accordance with the following procedures:

3 A. At the public hearing, the City Council shall hear and consider
4 all protests. A protest may be made orally or in writing by any interested
5 person. Any protest pertaining to the regularity or sufficiency of the
6 proceedings shall be in writing and shall clearly set forth the irregularity or
7 defect to which the objection is made.

8 B. Every written protest shall be filed with the City Clerk at or
9 before the time fixed for the public hearing. The City Council may waive
10 any irregularity in the form or content of any written protest and at the public
11 hearing may correct minor defects in the proceedings. A written protest
12 may be withdrawn in writing at any time before the conclusion of the public
13 hearing.

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

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

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

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

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of September 3, 2013, by the following vote:

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

Noes: Councilmembers: None.

Absent: Councilmembers: None.



City Clerk

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



Fourth Street Parking and Business Improvement Area

**Fiscal Year 2013/14 Assessment
Report and Service Plan**

For the period

October 1, 2013 to September 30, 2014

July 2013



**Fourth Street Parking and Business Improvement Area
2013/14 Assessment Report and Service Plan**

City of Long Beach, California

Contents

- I. District Overview
 - A. Location
 - B. Services
 - C. Method of Assessment
 - D. Method of Collection
 - E. Authority

- II. Fourth Street Parking and Business Improvement Area Boundary
 - A. District Map
 - B. General Description
 - C. Board of Directors

- III. Service Plan and Budget
 - A. The Year in Review – 2013
 - B. Service Plan
 - C. Service Plan Budget

- IV. Assessments
 - A. Methodology
 - B. CPI Adjustment
 - C. Time and Manner for Collecting Assessments

- V. District Governance and Administration
 - A. The Fourth Street Association
 - B. Disestablishment

I. DISTRICT OVERVIEW

Conceived by a coalition of Fourth Street business owners, the Fourth Street Parking and 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. **We are requesting to expand our District to Temple Avenue along 4th Street.**

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 Temple Avenue East. 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 2014 fiscal year revenue from business assessments is \$15,800.

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

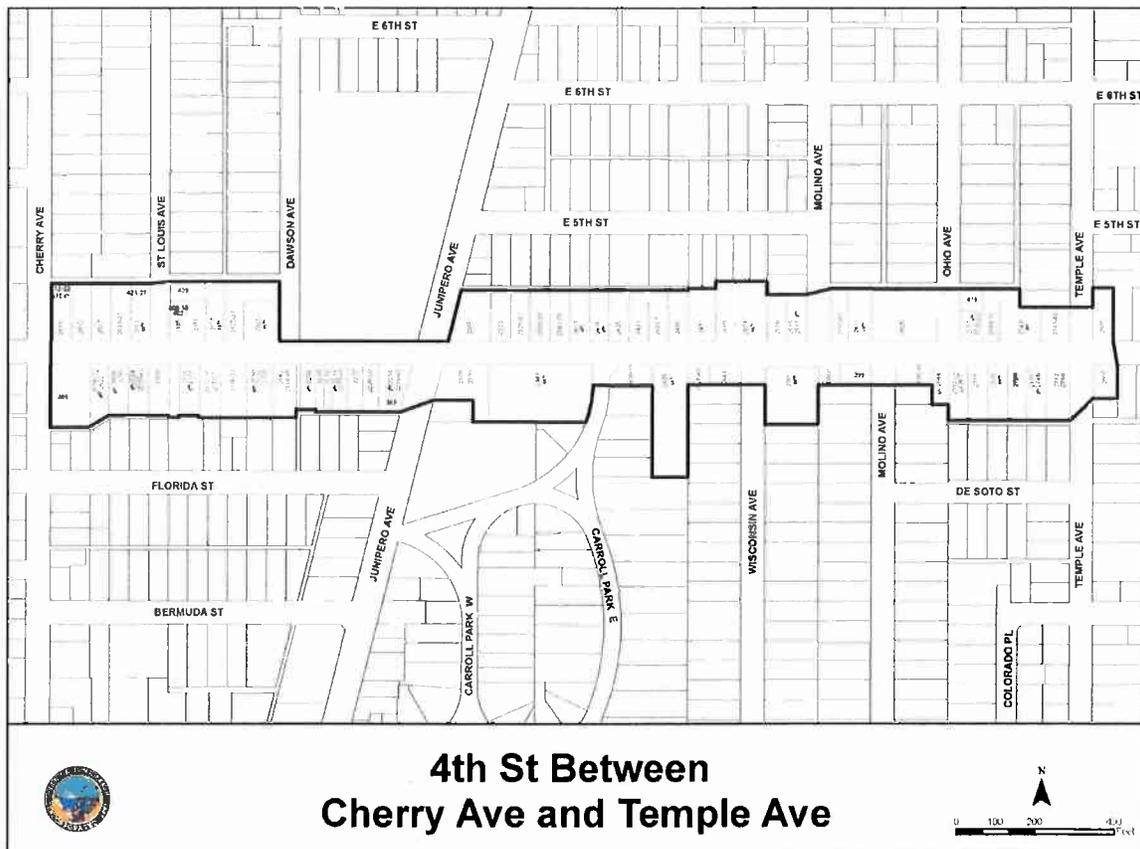
- Each miscellaneous, wholesale, mobile business, contractor, commercial space rental and professional services licensee is assessed \$100 per year
- Each non-profit organization is assessed \$100 per year
- Secondary service operator and residential rental licensees are exempt from the assessment

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 – 4th Street: Cherry Avenue to Temple Avenue East.



—— Boundary Line

B. General Description

The Fourth Street Improvement Association (FSIA) delivers marketing and promotional services for 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
 Kerstin Kansteiner, Portfolio Coffeehouse
 Steven Sarinana, Trebor Nevets
 Kathleen Schaaf, Meow
 Sophia Sandoval, 4th Street Vine
 David Eaton/Chris Giaco, Inretrospect
 Luis Navarro, Lolas Mexican Cuisine
 Chris Reece, The Pike Bar and Restaurant

Monthly Board meetings

1st Tuesday of the month at Kafe Neo at 2800 E 4th Street, Long Beach CA 90814

8:30am

Monthly General Meetings

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

8:30am

III. SERVICE PLAN AND BUDGET

A. The year in review – 2013 events

Known as “Retro Row,” the area along Fourth Street between Cherry Avenue and Carroll Park East offers a 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 sixth 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 “Retro Ramble”(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 4th Street BIA attractive and safe.
- **Maintenance of Sprinkler System in “Garden Walk” (Summer)**
 - The Garden Walk (along Burbank Elementary School at 4th and Junipero) was planted over 10 years ago with a NPP grant. The 4th 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 4th Street now include bike-friendly parking options.
- **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 in the future.
 - The association completely overhauled its website and integrated it with its current FB and other online marketing tactics.
- **Business Outreach Committee on for 4th Street Retro Row (ongoing)**
 - We have created an outreach committee to welcome new businesses and actively recruit businesses to locate to 4th Street.

- **Business Listing Brochure**
 - The marketing brochure received a full makeover in 2013 and shines with a new design and updated content.
- **Welcome Brochure for New Businesses**
 - This new brochure gives all new (and old) BIA members access to necessary phone numbers, websites and grants available to start a new business on 4th Street.

Planned FY 2013/14 activities will include:

- **2 Sidewalk Sales “Retro Rambles”**
- **Expansion of Retro Ramble in the spring 2014 to include a music festival**
- **Regular updates of 4th Street / Retro Row brochure**
- **Joint advertising**
- **Regular street cleaning**
- **Maintenance of a business outreach committee**
- **Maintenance of Parking Lot at 4th and Cherry**
- **Maintenance of a bike friendly business corridor**
- **Implementation of a Bike Rental Kiosk**
- **Implementation of an electric car charging station**

B. Service Plan

The FSPBIA Service Plan provides for funding for marketing, 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: \$5800

These services will include the new development and continuous updating of the 4th 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 4th Street's marketing efforts and we will continue to strengthen our efforts in this regard.

2. Promotional Events

Amount: \$7100

The largest portion of this budget will go towards regular 4th Street events, such as Sidewalk Sales (Retro Ramble), 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 (at 4th and Cherry), 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 \$15,800 for FY 2012/13. No Consumer Price Index adjustment is applied to assessment fees for FY 2013/14.

- **2 Sidewalk Sales/"Retro Rambles"**
- **Expansion of Retro Ramble in the spring to include music festival**
- **Regular updates of 4th Street / Retro Row brochure**
- **Joint advertising**
- **Regular street cleaning**
- **Maintenance of a business outreach committee**
- **Maintenance of Parking Lot at 4th and Cherry**
- **Maintenance of a bike-friendly business corridor along 4th Street**
- **Implementation of a Bike Rental Kiosk**
- **Implementation of an electric car charging station**

Annual Programming

| | |
|---|-----------------|
| Marketing | |
| PR Services | 3000 |
| Marketing Collateral (Ongoing) | 1400 |
| Advertising | 1400 |
| Sub Total | 5800 |
| Promo Events | |
| Sidewalk Sales (2) | 3800 |
| Holiday Open House | 1000 |
| Other promotional events (e.g., Car Show events) | 2300 |
| Sub Total | 7100 |
| Streetscape and Maintenance | |
| Landscaping Supplies | 200 |
| Parking Lot Maintenance | 1000 |
| Garden Walk Maintenance | 500 |
| Sub Total | 1700 |
| Total Programming | 14,600 |
| Administrative Expenses | |
| Accounting | 700 |
| Insurance | 400 |
| Contingency | 100 |
| Sub Total | 1200 |
| Grand Total | \$15,800 |

IV. ASSESSMENTS

A. Methodology

Improvements and activities identified in the Service Plan are designed to improve the appearance of pedestrian areas and safety, thereby making the area

more attractive to customers. All businesses in the District will benefit from these improvements, but although 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; therefore, these latter businesses pay a reduced assessment. The proposed assessment rate for each business operating within the District is shown in the following table.

| Business License Category | Rate |
|---|-------------|
| 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 2013/ 2014 assessment revenue is \$15,800.

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 Counties. 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. 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 Business 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 Business 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 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.

