

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH APPROVING AN ANNUAL REPORT  
FOR OCTOBER 1, 2008 TO SEPTEMBER 30, 2009 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, 2008 to September 30, 2009  
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, 2008 to September 30, 2009 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, 2008 to September 30, 2009. 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

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, 2008  
8 to September 30, 2009, 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 7, 2008, at 5:00 p.m., regarding the Report, the levy and the proposed program  
13 for October 1, 2008 to September 30, 2009;

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

16 Section 1. That certain Report entitled "Assessment Report for  
17 October 1, 2008 to September 30, 2009, Fourth Street Parking and Business  
18 Improvement Area" as filed with the City Clerk is hereby approved.

19 Section 2. On October 7, 2008, at 5:00 p.m., in City Council Chamber,  
20 City Hall, 333 West Ocean Boulevard, Long Beach, California 90802, the City Council of  
21 the City of Long Beach will conduct a public hearing on the levy of proposed  
22 assessments for October 1, 2008 to September 30, 2009 for the FSPBIA. All concerned  
23 persons are invited to attend and be heard, and oral or written protests may be made, in  
24 accordance 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 D. Testimony is also invited relating to any perceived  
16 irregularities in or protests to previous years' proceedings/assessments.

17 Section 3. The City Clerk shall give notice of the public hearing called for  
18 in Section 2 by causing this Resolution of Intention to be published once in a newspaper  
19 of general circulation in the City not less than seven days before the public hearing. This  
20 resolution shall take effect immediately upon its adoption by the City Council, and the City  
21 Clerk shall certify the vote adopting this resolution.

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

24 I hereby certify that the foregoing resolution was adopted by the City  
25 Council of the City of Long Beach at its meeting of September 16, 2008, by the

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1 following vote:

2 Ayes: Councilmembers: B. Lowenthal, S. Lowenthal, DeLong,  
3 O'Donnell, Schipske, Reyes Uranga,  
4 Gabelich, Lerch.

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6 Noes: Councilmembers: None.

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8 Absent: Councilmembers: Andrews.

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10  
11  City Clerk

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HAM:fl  
7/18/08; rev. 7/23/08  
#A08-02057

## **Exhibit A**

# **FY 2009 Fourth Street PBIA Assessment Formula**

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<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 2009 assessment revenue is \$10,800.