



Legislation Details (With Text)

File #: 13-0873 **Version:** 2 **Name:** PW - ORD Fourth St. PBIA
Type: Ordinance **Status:** Adopted
File created: 9/27/2013 **In control:** City Council
On agenda: 10/15/2013 **Final action:** 10/15/2013
Title: Recommendation to declare ordinance amending Ordinance No. ORD-07-0043 modifying the boundaries of the Fourth Street Parking and Business Improvement Area, read and adopted as read. (District 32)
Sponsors: Public Works
Indexes:
Code sections:
Attachments: 1. 100813-H-2sr&att.pdf, 2. 101513-ORD-14att.pdf, 3. ORD-13-0021.pdf

Date	Ver.	Action By	Action	Result
10/15/2013	2	City Council	approve recommendation and adopt	Pass
10/8/2013	1	City Council	declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading	Pass

Recommendation to declare ordinance amending Ordinance No. ORD-07-0043 modifying the boundaries of the Fourth Street Parking and Business Improvement Area, read and adopted as read. (District 32)

The Fourth Street Business Improvement Association (FSBIA) uses business license assessment funds to promote and market the commercial area along Fourth Street on behalf of businesses located in the Fourth Street Parking and Business Improvement Area (FSPBIA). The FSBIA 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 Assessment 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 Assessment Report proposes no change in the basis and method of levying the assessment and no significant change in proposed activities.

The Assessment Report requests a change in the District boundaries to include businesses located easterly on Fourth Street to Temple Avenue. The FSPBIA board petitioned the businesses located within the boundaries of the proposed expansion via US mail, and they conducted outreach by walking door-to-door. As a result, 65 percent of the total number of businesses located within the proposed additional area expressed support for the District expansion. Of the number of business owners who responded to the petition, 87 percent are in support of the expansion. It is requested that the City Council adopt the ordinance amending Ordinance No. ORD-07-0043 modifying the Fourth Street Parking and Business Improvement Area boundary as shown on the attached vicinity map.

At its September 3, 2013 meeting, City Council approved Resolution Number RES-13-0077, granting

approval of the Assessment Report, declaring the intention of the City Council to levy the assessment, and set October 8, 2013 as the date of the public hearing. A hearing notice, including a copy of the resolution, was published in local media.

State law further 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 Assessment Report. The Fiscal Year 2014 Assessment Report, transmitting the recommendations of the FSPBIA Advisory Commission, proposes the following assessment rates:

Business License Category	Annual Assessment
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

The law 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.

On December 12, 2007, the City entered into an Agreement for Funding with the FSBI A setting forth the duties and delegations of the parties. This Agreement is automatically extended on a year-by-year basis upon approval of the annual Assessment Report and related levy of assessments by City Council.

This matter was reviewed by Deputy City Attorney Amy Webber on August 29, 2013 and Budget Management Officer Victoria Bell on September 17, 2013.

City Council action is requested on October 8, 2013 to allow purchase order and contract modifications to be completed so that Fiscal Year 2014 (FY 14) assessment transfers may be made as required by the Agreement for Funding with the FSBI A.

It is estimated that the FSPBIA will generate \$15,800 in FY 14 through the proposed assessment due to the boundary expansion. Assessment funds are collected through additional fees attached to FSPBIA business licenses and passed directly through to the Fourth Street Improvement Association for implementation of annual programs. Sufficient appropriation is budgeted in the FY 14 Budget in the Parking and Business Area Improvement Fund (SR 132) in the Department of Public Works

(PW). Approval of this recommendation will provide continued support to the local economy.

Approve recommendation.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING ORDINANCE NO. ORD-07-0043 MODIFYING THE BOUNDARIES OF THE FOURTH STREET PARKING AND BUSINESS IMPROVEMENT AREA

ARA MALOYAN, PE
ACTING DIRECTOR OF PUBLIC WORKS

APPROVED:

PATRICK H. WEST
CITY MANAGER