



Legislation Text

File #: 10-1142, **Version:** 1

Recommendation to receive supporting documentation into the record, conclude the hearing, and adopt resolution confirming the Fourth Street Parking and Business Improvement Area annual report and continuing the assessment for the period of October 1, 2010 through September 30, 2011; and authorize City Manager to extend the agreement with the Fourth Street Business Improvement Association for a one-year term. (District 2)

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 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. A copy of the Assessment Report describing proposed activities and allocations is attached.

At its September 21, 2010 meeting, City Council approved resolution number RES-10-0114, granting approval of the Assessment Report, declaring the intention of the City Council to levy the assessment, and set October 19, 2010 as the date of the public hearing. A hearing notice, including a copy of the resolution, was published in local media within seven days of the hearing date, as required.

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 2011 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 FSBIA 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 letter was reviewed by Assistant City Attorney Heather Mahood on August 31, 2010 and City Treasurer David Nakamoto and Budget Management Officer Victoria Bell on September 2, 2010.

City Council action is requested on October 19, 2010 to allow purchase order and contract modifications to be completed so that Fiscal Year 2011 (FY 11) assessment transfers may be made as required by the Agreement for Funding with the FSBIA.

It is estimated that the FSPBIA will generate \$10,800 in FY 11 through the proposed continuation of the existing assessment. 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 funds are included in the FY 11 adopted budget in the Parking and Business Area Improvement Fund (SR 132) in the Department of Community Development (CD). As a result of the reorganization efforts that are currently in transition, a formal reconciliation to transfer these funds to the Department of Public Works will occur through a future FY 11 quarterly budget adjustment. There is no fiscal impact to the General Fund and no local job impact associated with the recommendation.

Approve recommendation.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH CONFIRMING, FOLLOWING HEARING, THE ANNUAL REPORT OF THE FOURTH STREET PARKING AND BUSINESS IMPROVEMENT AREA ADVISORY COMMISSION, CONTINUING THE LEVY OF ANNUAL ASSESSMENT AS SET FORTH IN SAID REPORT AND SETTING FORTH OTHER RELATED MATTERS.

MICHAEL CONWAY
DIRECTOR OF PUBLIC WORKS

APPROVED:

PATRICK H. WEST
CITY MANAGER