

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 RESOLUTION NO. RES-10-0113

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH APPROVING AN ANNUAL REPORT  
5 FOR OCTOBER 1, 2010 TO SEPTEMBER 30, 2011 FOR  
6 THE EAST ANAHEIM STREET PARKING AND BUSINESS  
7 IMPROVEMENT AREA ("EASPBA") AND DECLARING ITS  
8 INTENTION TO LEVY THE ANNUAL ASSESSMENT FOR  
9 THAT FISCAL YEAR  
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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, 2010 to September  
14 30, 2011 relating to the East Anaheim Street Parking and Business Improvement Area  
15 ("EASPBA"); and

16 WHEREAS, said Report contains, among other things, with respect to  
17 October 1, 2010 to September 30, 2011 all matters required to be included by the above  
18 cited Section 36533; and

19 WHEREAS, having approved such Report, the City Council hereby  
20 declares its intention to:

21 A. Confirm levy of and direct collecting within the Area, assessments for  
22 the EASPBA for October 1, 2010 to September 30, 2011. Said assessments are  
23 proposed to be levied on such classifications and at such rates as are set forth in Exhibit  
24 "A" attached hereto and incorporated herein. These assessments are not proposed to be  
25 levied on owners of commercial or residential property;

26 B. Provide that each business shall pay the assessment annually, at the  
27 same time the business license is due. This is the same collection procedure which  
28 occurred in the previous fiscal year; and

1 WHEREAS, to this end, the proposed activities and improvements  
2 undertaken by the Area include those generally specified in the establishing Ordinance  
3 ORD-10-0012, as adopted by the City Council on May 4, 2010; and

4 WHEREAS, a copy of the Report is on file with the City Clerk and includes  
5 a full description of the activities and improvements to be provided from October 1, 2010  
6 to September 30, 2011, the boundaries of the area, and the proposed assessments to be  
7 levied on the businesses that fiscal year and all other information required by law; and

8 WHEREAS, it is the desire of this City Council to fix a time and place for a  
9 public hearing to be held in the City Council Chamber of the City of Long Beach on  
10 October 19, 2010 at 5:00 p.m., regarding the Report, the levy and the proposed program  
11 for October 1, 2010 to September 30, 2011;

12 NOW THEREFORE, the City Council of the City of Long Beach resolves as  
13 follows:

14 Section 1. That certain Report entitled "Assessment Report for  
15 October 1, 2010 to September 30, 2011, East Anaheim Street Parking and Business  
16 Improvement Area" as filed with the City Clerk is hereby approved.

17 Section 2. On October 19, 2010 at 5:00 p.m., in City Council Chamber,  
18 City Hall, 333 West Ocean Boulevard, Long Beach, California 90802, the City Council of  
19 the City of Long Beach will conduct a public hearing on the levy of proposed  
20 assessments for October 1, 2010 to September 30, 2011 for the EASPBI. All  
21 concerned persons are invited to attend and be heard, and oral or written protests may  
22 be made, in accordance with the following procedures:

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

28 B. Every written protest shall be filed with the City Clerk at or

1 before the time fixed for the public hearing. The City Council may waive  
2 any irregularity in the form or content of any written protest and at the public  
3 hearing may correct minor defects in the proceedings. A written protest  
4 may be withdrawn in writing at any time before the conclusion of the public  
5 hearing.

6 C. Each written protest shall contain a description of the  
7 business in which the person subscribing the protest is interested sufficient  
8 to identify the business and, if a person subscribing is not shown on the  
9 official records of the City as the owner of the business, the protest shall  
10 contain or be accompanied by written evidence that the person subscribing  
11 is the owner of the business. A written protest which does not comply with  
12 this section shall not be counted in determining a majority protest.

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

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

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

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of September 21, 2010, by the following vote:

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

Noes: Councilmembers: None.

Absent: Councilmembers: Johnson, Gabelich.

*Daylene*  
City Clerk

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# **EXHIBIT A**

## **East Anaheim Street Parking and Business Improvement Area**

### **Initial Assessment Report and Proposed Service Plan**

*For the period*

October 1, 2010 – September 30, 2011

August 2010

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.

# East Anaheim Street Parking and Business Improvement Area Assessment Report and Proposed Service Plan

## City of Long Beach, California

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Appendix 1 - East Anaheim Street Business Improvement Area Map

Appendix 2 - East Anaheim Street Business Improvement Area Business Assessment Roll

## 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 "EASPBIA" 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, 11<sup>th</sup> Street to the south, 14<sup>th</sup> Street to the north. 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 area. The estimated 2010-2011 fiscal year revenue from business assessments is \$144,980: 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.

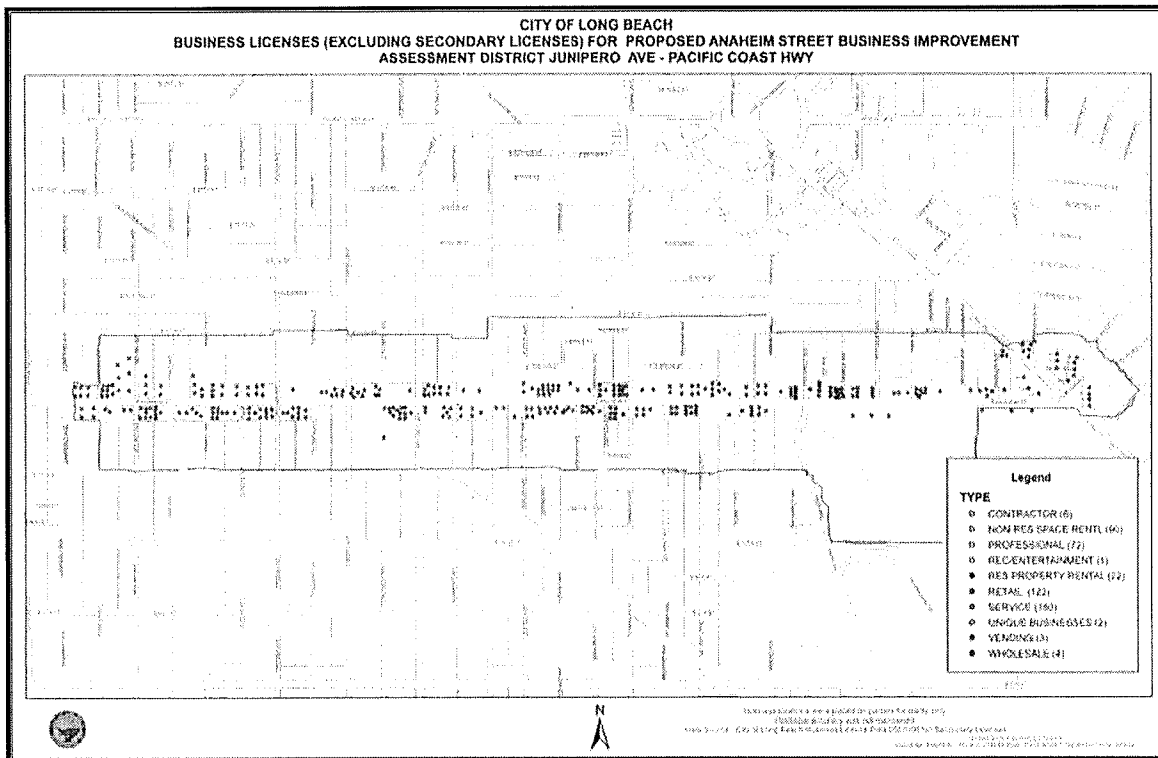
#### D. Method of

**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 EASPBIA 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, 11<sup>th</sup> Street to the south, 14<sup>th</sup> 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) will work with member business on enhancing the identity and promoting the area for the benefit of all businesses. EASBA will also coordinate with the city to conduct street clean up activities, public safety programs and to deliver marketing and promotional services using funds received from EASPBIA 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:

- Create a unique identity for the area
- Sidewalk sales
- Holiday Open House events
- Street fairs
- Street Banners/Signs
- Regular street clean-ups
- Marketing and advertising - Business alliance brochure and website

Formation of an 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

#### 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:

Marketing Media and Materials \$ 48,000 Promotional Events \$ 20,000 Security, Streetscape and Cleanliness \$ 33,500

**\$109,000 C. Services Budget**

Services are based on the following estimated allocation of EASPBIA revenue totaling \$144,980 in the first year of the district.

**Program Year FY 2010 Budget Amount**

**Program Expense**

Marketing Media/ Materials \$24,000 Street Banners 24,000 Promotional Events 20,000 Streetscape and Cleanliness 13,000

Security \$20,000 Website maintenance \$5,000 Subtotal \$106,000

**Administrative Expense**

Administration \$20,000

District Formation Services 2,500 Accounting 1,000 Annual Incorporation Fee 1,000 Tel./Fax 2,000 Insurance 2,000 Supplies & Postage 1,900 Newsletter/Brochure 5,000 Contingency 3,580

Subtotal \$38,980

**Total \$144,980**

**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 2010-2011 is estimated at \$144,980: 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 are exempt, 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.

## 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 (3%) percent 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.

<b>Estimated Future Assessment Under Various CPI Increases Year 1% / yr 2% / yr 3% / yr</b>									
2009-2010	\$144,980	2010-2011	\$146,430	\$147,880	\$149,329	2011-2012	\$147,894	\$150,837	
	\$153,809	2012-2013	\$149,373	\$153,854	\$158,424	2013-2014	\$150,867	\$156,931	\$163,176

## 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**

### **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 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.

1. The East Anaheim Street Business Alliance board will serve and the EASPBIA Advisory Board and shall be appointed by the Mayor and confirmed by the City Council as required by District Law.
2. 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: