



October 19, 2010

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the hearing, and adopt the attached resolution, continuing the East Anaheim Street Parking and Business Improvement Area program and assessment for the period of October 1, 2010 through September 30, 2011; and authorize the City Manager to execute an agreement with the East Anaheim Street Business Association for a one-year term. (District 3 and 4)

DISCUSSION

The East Anaheim Street Business Association (EASBA) uses business license assessment funds to promote and market the commercial area along East Anaheim Street, on behalf of businesses located in the East Anaheim Street Parking and Business Improvement Area (EASPBA). The EASBA 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. A copy of the Assessment Report describing proposed activities and allocations is attached. These items were reviewed by the City Council at its meeting of September 21, 2010.

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 boundaries, basis and method of levying the assessment, and no significant change in proposed activities.

At its September 21, 2010 meeting, City Council approved Resolution No. RES-10-0113 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 EASPBA Advisory Commission, proposes the following assessment rates:

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.

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.

Should the Assessment Report be approved, the City Council is requested to authorize the execution of an agreement with the EASBA for the use of assessment funds for promotional purposes.

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

TIMING CONSIDERATIONS

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 of Funding with the EASBA.

FISCAL IMPACT

It is expected that the EASPBIA will generate \$140,980 in FY 11, through continuation of the existing assessment. Sufficient funds are included in the FY 11 adopted budget in the Parking and Business Area Improvement Fund (SR 132) in the Department of

HONORABLE MAYOR AND CITY COUNCIL

October 19, 2010

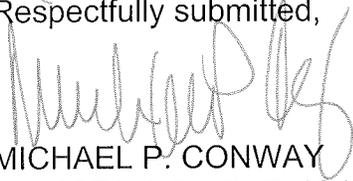
Page 3

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.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS

DJT:VG:jf
CL/Oct19/PS - E.Anaheim PBI.A.doc

Attachments: Attachment – East Anaheim Street Parking and Business
Improvement Area 2011 Annual Report
Resolution

APPROVED:



PATRICK H. WEST
CITY MANAGER

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.

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 "EASPBA" 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, 11th Street to the south, 14th 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:
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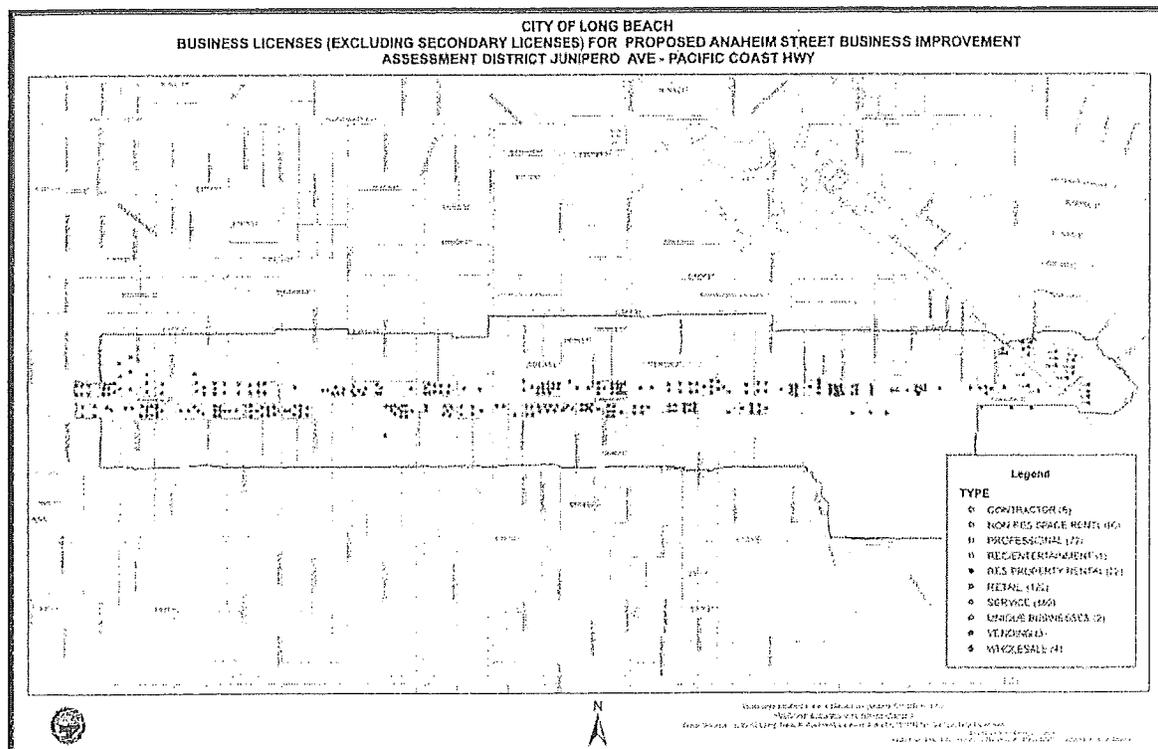
D. Method of

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 EASPBA 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, 11th Street to the south, 14th 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 EASPBA 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:
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 - Base Fee: \$120 per year
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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.

Estimated Future Assessment Under Various CPI Increases Year 1% / yr 2% / yr 3% / yr

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.

ISTRIC 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:

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

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH CONFIRMING, FOLLOWING
HEARING, THE ANNUAL REPORT OF THE EAST ANAHEIM
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

WHEREAS, pursuant to Section 36533 of the California Streets and
Highways Code, the East Anaheim Street Parking and Business Improvement Area
Advisory Board has caused a Report to be prepared for October 1, 2010 through
September 30, 2011 relating to the East Anaheim Street Parking and Business
Improvement Area ("EASPBA"); and

WHEREAS, said Report contains, among other things, all matters required
to be included by the above cited Section 36533; and

WHEREAS, on October 19, 2010 at 5:00 p.m., the City Council conducted a
public hearing relating to that Report in accordance with its Resolution of Intention No.

_____, adopted September 21, 2010, at which public hearing all interested
persons were afforded a full opportunity to appear and be heard on all matters relating to
the Report; and

WHEREAS, a majority protest not having been received, it is the City
Council's desire to confirm the Report as originally filed and impose and continue the levy
of the Annual Assessment as described in the Report;

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

Section 1. A public hearing having been conducted on October 19, 2010

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

1 at 5:00 p.m., and all persons having been afforded an opportunity to appear and be
2 heard, the City Council hereby confirms the Report of the East Anaheim Street Parking
3 and Business Improvement Area Advisory Board, previously filed and approved by
4 Resolution No. _____, adopted September 21, 2010, as originally filed,
5 and declares that this resolution shall constitute the levy of the Assessment referred to in
6 the Report for October 1, 2010 through September 30, 2011 as more specifically set forth
7 in Exhibit "A".

8 Section 2. This resolution shall take effect immediately upon its adoption
9 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

10 I hereby certify that the foregoing resolution was adopted by the City
11 Council of the City of Long Beach at its meeting of _____, 2010, by the
12 following vote:

13 Ayes: Councilmembers: _____
14 _____
15 _____
16 _____

17 Noes: Councilmembers: _____
18 _____
19 _____

20 Absent: Councilmembers: _____
21 _____
22 _____

City Clerk

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East Anaheim Street Parking and Business Improvement Area

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EASBA Draft Assessment Report and Service Plan - 0709 v 02

EXHIBIT A

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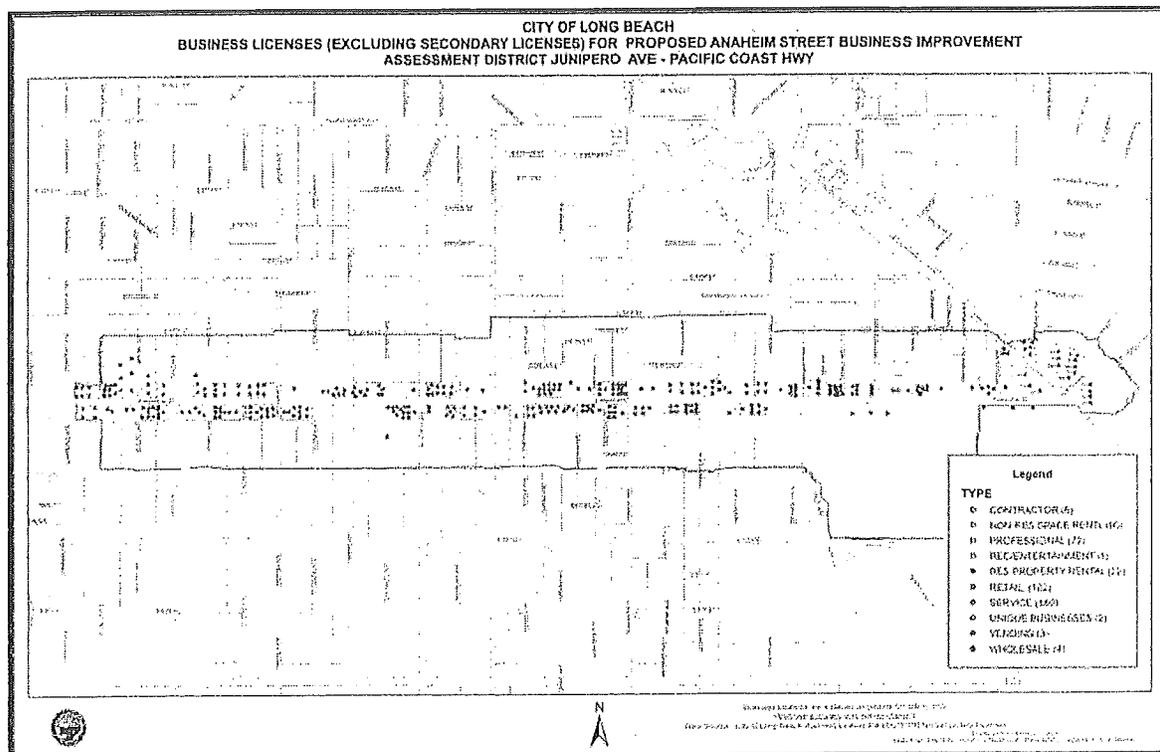
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