



November 8, 2011

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the hearing, and adopt the Resolution confirming the Fourth Street Parking and Business Improvement Area annual report and continuing the assessment for the period of October 1, 2011 through September 30, 2012, and authorize the City Manager to extend the agreement with the Fourth Street Business Improvement Association for a one-year term. (District 2)

DISCUSSION

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 October 18, 2011 meeting, the City Council approved Resolution number RES-11-0117, granting approval of the Assessment Report, declaring the intention of the City Council to levy the assessment, and set November 8, 2011 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 2012 Assessment Report, transmitting the recommendations of the FSPBIA Advisory Commission, proposes the following assessment rates:

<u>Business License Category</u>	<u>Annual Assessment</u>
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 FSRIA 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 Chief Assistant City Attorney Heather Mahood on September 28, 2011 and Budget Management Officer Victoria Bell on October 19, 2011.

TIMING CONSIDERATIONS

City Council action is requested on November 8, 2011 to allow purchase order and contract modifications to be completed so that Fiscal Year 2012 (FY 12) assessment transfers may be made as required by the Agreement for Funding with the FSRIA.

FISCAL IMPACT

It is estimated that the FSPBIA will generate \$10,800 in FY 12 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 12 Budget in the Parking and Business Area Improvement Fund (SR 132) in the Department of Public Works (PW). There is no impact to the General Fund and no local job impact associated with this recommendation.

HONORABLE MAYOR AND CITY COUNCIL

November 8, 2011

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SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS

MPC:VG:jsf

11.08.11 FY12 4th St PBIA Pub Hrng v1

Attachments:

4th Street Parking and Business Improvement Area Annual
Report and Service Plan

Resolution

APPROVED:



PATRICK H. WEST
CITY MANAGER



Fourth Street Parking and Business Improvement Area

**Fiscal Year 2011/12 Assessment
Report and Service Plan**

For the period

October 1, 2011 to September 30, 2012

September 2011



**Fourth Street Parking and Business Improvement Area
2011/12 Assessment Report and Service Plan**

City of Long Beach, California

Contents

- I. District Overview
 - A. Location
 - B. Services
 - C. Method of Assessment
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- II. Fourth Street Parking and Business Improvement Area Boundary
 - A. District Map
 - B. General Description
 - C. Board of Directors

- III. Service Plan and Budget
 - A. The year in review – 2012 planned events
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- IV. Assessments
 - A. Methodology
 - B. CPI Adjustment
 - C. Time and Manner for Collecting Assessments

- V. District Governance and Administration
 - A. The Fourth Street Association
 - B. Disestablishment

I. DISTRICT OVERVIEW

Conceived by a coalition of Fourth Street business owners, the Fourth Street Business Improvement Area (the "FSPBIA" or the "District") is a benefit assessment district formed on September 11, 2007 by Ordinance 07-0043 to attract customers to the Fourth Street shopping area. No changes to the boundaries or assessment methodology are requested for this period.

The purpose of the district is to promote and market the Fourth Street shopping district as a destination through events, clean-ups and advertising. The Fourth Street Improvement Association (the "FSIA") manages the District under contract with the City of Long Beach.

A. Location: Fourth Street between Cherry Avenue and Carroll Park 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 District. The estimated 2012 fiscal year revenue from business assessments is \$10,800.

Each business operating within the District will be assessed \$200 per year with the following exceptions:

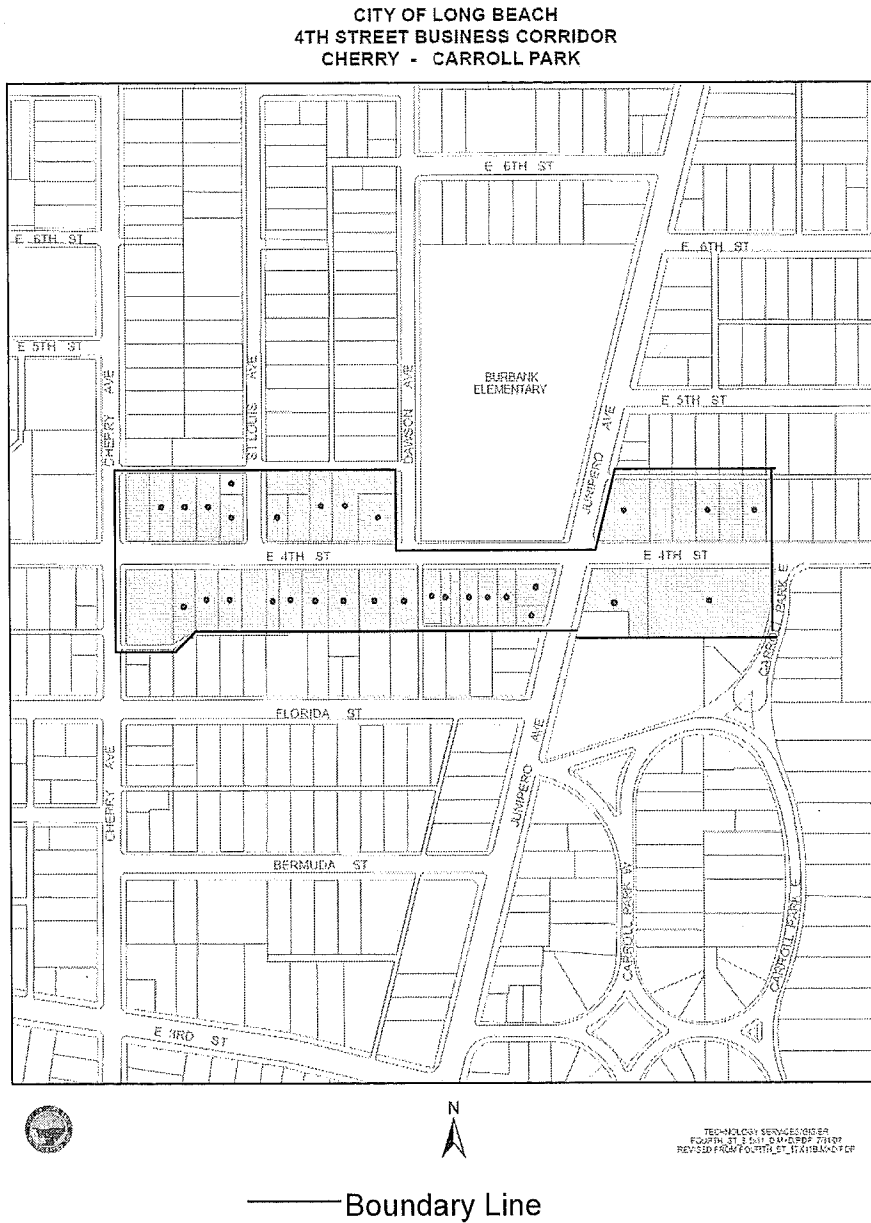
- Each miscellaneous, wholesale, mobile business, contractor, commercial space rental and professional services licensee is assessed \$100 per year
- Each Non profit organization is assessed \$100 per year
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D. Method of Collection District assessments 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 FSIA.

E. Authority The FSPBIA 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. Fourth Street Business Improvement Area Boundary

A. District Map – 4th Street; Cherry Avenue to Carroll Park East



B. General Description

The Fourth Street Improvement Association (FSIA) delivers marketing and promotional services within the Fourth Street area with funds received from Fourth Street Parking and Business Improvement Area (FSPBIA) assessments.

C. Board of Directors

Officers

President..... Kerstin Kansteiner, Portfolio Coffeehouse
Vice President..... Kathleen Schaaf, Meow
Secretary..... Barbara Brunner, Elan Collections
Treasurer..... Kathleen Schaaf, Meow

Directors

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8:30am

III. SERVICE PLAN AND BUDGET

A. The year in review – 2012 planned events

The area along Fourth Street between Cherry Avenue and Carroll Park East offers a truly unique shopping area. This relatively small area is known regionally as well as internationally for its eclectic shops and hip product selection.

Fourth Street businesses continue making strides in promoting the district working together during the second year of the business improvement district, the FSIA has continued with regular meetings, gained the participation of new additional affiliate member businesses and increased the scope and impact of marketing and promotional programs. Programs conducted during 2010 included:

- **Two Sidewalk sales (summer and fall event)**
 - The street held two sidewalk sales with different themes: Summer lemonade theme and Circus theme. Both proved highly successful and attracted visitors from the neighborhood as well as neighboring cities.
- **One Holiday Open House event (December)**
 - The Holiday Open House event started off the shopping season for this district and promoted a shop local, shop independent slogan.
- **Regular street clean-ups (daily and monthly)**
 - The regular sweeping, graffiti reporting and code enforcement efforts are vital to make 4th Street BIA attractive and safe.
- **Maintenance of sprinkler system in “Garden Walk” (Summer)**
 - The Garden walk was planted over 10 years ago with a NPP grant. The 4th Street BIA is maintaining the planter beds and sprinkler system to this day. Greening the area makes the street look more attractive and cared for.
- **4th Street – creation of BFBD**
 - Retro Row became a Bike friendly business district. A BFBD committee was established with business owners to explore the possibilities of becoming more bike friendly.
- **Joint advertising (event driven)**
 - 4th Street placed several ads in local newspapers in order to raise awareness of the BIA.
- **Maintenance and update of 4th Street Retro Row website (monthly)**
 - As print media is fading more and more in the background of our marketing efforts, online presence is where the association will be focusing on in the future.
- **Business outreach committee on 4th Street Retro Row (ongoing)**
 - We have created an outreach committee to welcome new businesses and actively recruit businesses to locate to 4th Street.

Planned FY 2011/12 activities will include:

- **2 Sidewalk sales**
- **“Garden Walk” re-planting effort with draught tolerant plant scheme**
- **Regular update of 4th Street / Retro Row brochure**
- **Joint advertising**
- **2nd annual 4th Street in Motion Street Fair**
- **Regular street cleaning of 4th Street Retro Row**
- **Maintenance of a business outreach committee on Retro Row**
- **Maintenance of Parking Lot at 4th and Cherry lot**
- **Development of a bike friendly business corridor along 4th Street**
- **Joint project with Luther Burbank School to facilitate the expansion of “The Garden of the Mind”**

B. Service Plan

The FSPBIA Service Plan provides for funding for marketing and promoting and maintaining the cleanliness and attractiveness of the shopping area. Although we are a new organization, with relatively few participants, we have amassed a modest budget that will enable us to plan and promote events, as well as contribute to the overall cleanliness of our area.

Services to be provided are:

1. Marketing Media and Materials Amount: \$3600

These services will include the new development and continuous updating of the 4th Street website, as well as print advertising for our special events and general pieces to promote the street. Social media promotion has become a large part of 4th streets marketing efforts. We will strengthen this part of our marketing efforts as well.

2. Promotional Events Amount: \$3800

The largest portion of this budget will go toward the 4th Street in Motion Street Fair event.

3. Streetscape and Cleanliness Amount: \$2900

In an ongoing effort to maintain the cleanliness of our street, we have earmarked funds for streets scaping and cleanliness. One of the major budget items for this year will be for new plantings along the “Garden Walk” and around the tree wells along the street; this will give the street a uniform and clean aesthetic look.

C. Services Budget

Services will be provided based on the following estimated allocation of FSPBIA revenue totaling \$10,800 for FY 2011/12. No Consumer Price Index adjustment is applied to assessment fees for FY 2011/12.

- **2 Sidewalk sales**
- **“Garden Walk” re-planting effort with draught tolerant plant scheme**
- **Regular update of 4th Street / Retro Row brochure**
- **Joint advertising**
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Annual Programming

Marketing	
PR services	800
marketing collateral (ongoing)	1000
advertising	800
Sub Total	3600
promo events	
summer street fair	2800
Sidewalk Sales (2x)	1000
Sub Total	3800
streetscaping	
landscaping supplies	2000
sidewalk cleaning	400
street signage	500
Sub Total	2900
Total Programming	10300
Administration Expenses	
accounting	200
tel/fax	0
insurance	200
contingency	100
Sub Total	500
Grand Total	\$10,800

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, but retail, financial, professional and service businesses are expected to benefit more than miscellaneous, wholesale, manufacturing or other

businesses that do not rely upon foot traffic for their business. Therefore, these businesses pay a reduced assessment. The proposed assessment rate for each business operating within the District is shown in the following table.

Business License Category	Rate
Financial/Banking & Insurance	\$200
Service Real Estate Offices	200
Retail – Restaurant w/Alcohol & RTE	200
Retail – Other	200
Consulting	200
Construction Contractor	200
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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 2011/ 2012 assessment revenue is \$10,800.

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. The District will have a fiscal year of October 1 through September 30.

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. Assessment revenue received will be segregated into a special fund for transfer to the FSIA.

V. DISTRICT GOVERNANCE

A. The Fourth Street Improvement Association

1. The Fourth Street Improvement Association shall manage the FSPBIA 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.

2. The Fourth Street Improvement Association board will serve and the FSPBIA Advisory Board and shall be appointed by the City Council as required by District Law.
3. The FSPBIA 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 assesses 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 assesses who pay 50% or more of the total assessments levied submit a written petition to disestablish the District, the City Council will do so.

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 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

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, 2011 through September 30, 2012 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

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

WHEREAS, on November 8, 2011 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 October 18, 2011, 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:

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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Section 1. A public hearing having been conducted on November 8, 2011 at 5:00 p.m., and all persons having been afforded an opportunity to appear and be heard, the City Council hereby confirms the Report of the Fourth Street Parking and Business Improvement Area Advisory Board, previously filed and approved by Resolution No. _____, adopted October 18, 2011, as originally filed, and declares that this resolution shall constitute the levy of the Assessment referred to in the Report for October 1, 2011 through September 30, 2012, as more specifically set forth in Exhibit "A".

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

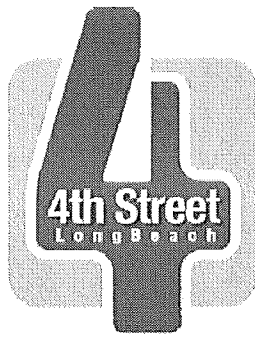
I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2011, by the following vote:

Ayes:	Councilmembers:	_____

Noes:	Councilmembers:	_____

Absent:	Councilmembers:	_____

City Clerk



Fourth Street Parking and Business Improvement Area

**Fiscal Year 2011/12 Assessment
Report and Service Plan**

For the period

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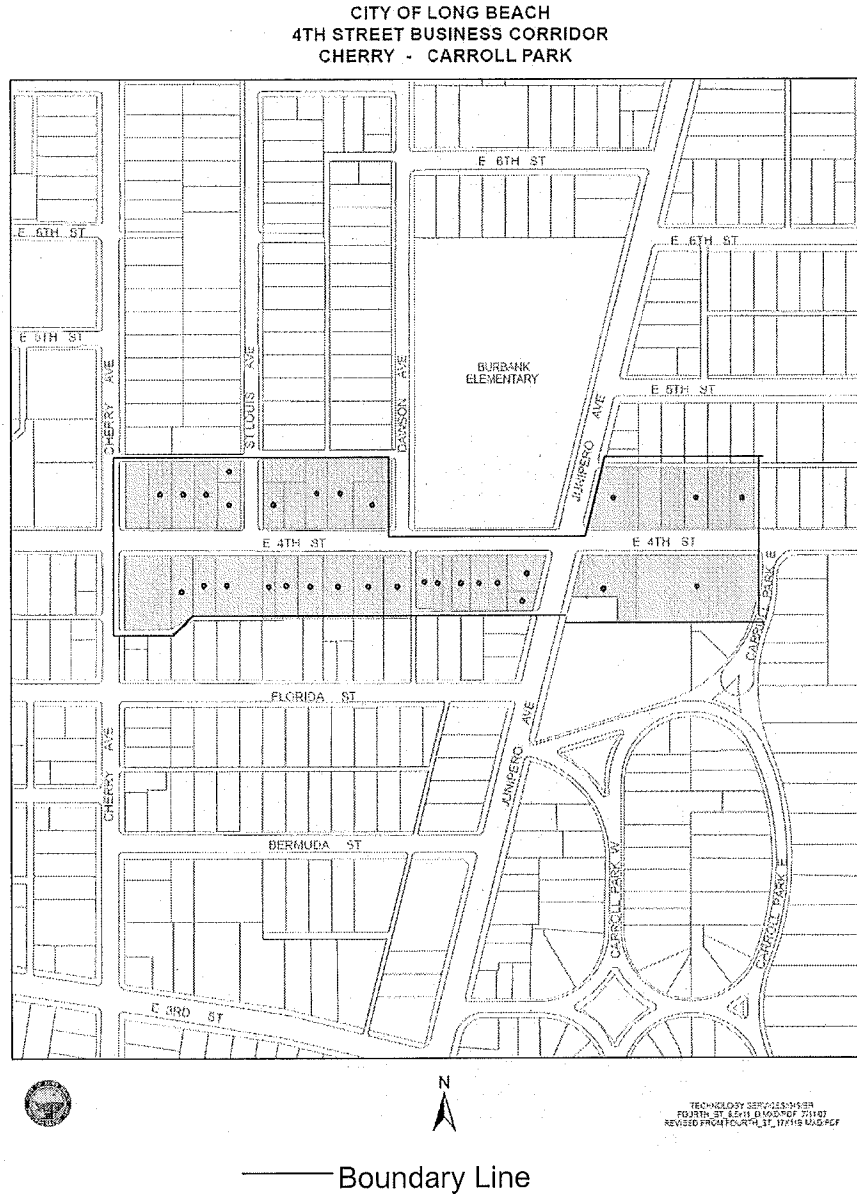
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Sub Total	2900
Total Programming	10300
Administration Expenses	
accounting	200
tel/fax	0
insurance	200
contingency	100
Sub Total	500
Grand Total	\$10,800

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, but retail, financial, professional and service businesses are expected to benefit more than miscellaneous, wholesale, manufacturing or other

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Estimated FY 2011/ 2012 assessment revenue is \$10,800.

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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. The District will have a fiscal year of October 1 through September 30.

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. Assessment revenue received will be segregated into a special fund for transfer to the FSIA.

V. DISTRICT GOVERNANCE

A. The Fourth Street Improvement Association

1. The Fourth Street Improvement Association shall manage the FSPBIA 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.

2. The Fourth Street Improvement Association board will serve and the FSPBIA Advisory Board and shall be appointed by the City Council as required by District Law.
3. The FSPBIA 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 assesses 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 assesses who pay 50% or more of the total assessments levied submit a written petition to disestablish the District, the City Council will do so.