



CITY OF LONG BEACH

H-4

DEPARTMENT OF PUBLIC WORKS

333 West Ocean Boulevard 9th Floor • Long Beach, CA 90802 • (562) 570-6383 • Fax (562) 570-6012

October 16, 2012

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the hearing, adopt the Resolution continuing the East Anaheim Street Parking and Business Improvement Area program and assessment for the period of October 1, 2012 through September 30, 2013; and authorize the City Manager to execute an agreement with the East Anaheim Street Business Association for a one-year term and increase appropriations in the Parking and Business Area Improvement Fund (SR132) in the Department of Public Works (PW) by \$15,170. (Districts 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 (EASPBIA). 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.

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. A copy of the Assessment Report is attached.

At its September 18, 2012 meeting, City Council approved Resolution No. RES-12-0092 granting approval of the Assessment Report, declaring the intention of the City Council to levy the assessment, and setting October 16, 2012 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 activities, boundaries of the area, and/or any benefit zone as proposed in the Assessment Report. The Fiscal Year 2013 (FY 13) Assessment Report, transmitting the recommendations of the EASPBIA 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 matter was reviewed by Assistant City Attorney Charles Parkin on September 5, 2012 and Budget Management Officer Victoria Bell on September 27, 2012.

TIMING CONSIDERATIONS

City Council action is requested on October 16, 2012 to allow purchase order and contract modifications to be completed so that FY 13 assessment transfers may be made, as required by the Agreement of Funding with the EASBA.

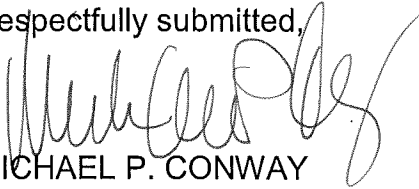
FISCAL IMPACT

It is expected that the EASPBA will generate \$147,880 in FY 13, through continuation of the existing assessment. Since there is \$132,710 currently budgeted, an appropriation increase is requested in the Parking and Business Area Improvement Fund (SR 132) in the Department of Public Works (PW). Expenditures will be limited to revenue collected through assessments. There is no fiscal impact to the General Fund. Approval of this recommendation will provide continued support to the local economy.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,




MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS

MPC:VSG:jf
10.16.12 FY13 EASPBA Pub Hrng v3.doc

Attachments: East Anaheim Street Parking and Business
Improvement Area FY 2013 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, 2012 – September 30, 2013

August 2012

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 "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 bound 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 2011-2012 fiscal year revenue from business assessments is \$147,880: Assessments are calculated as follows:
- Type of 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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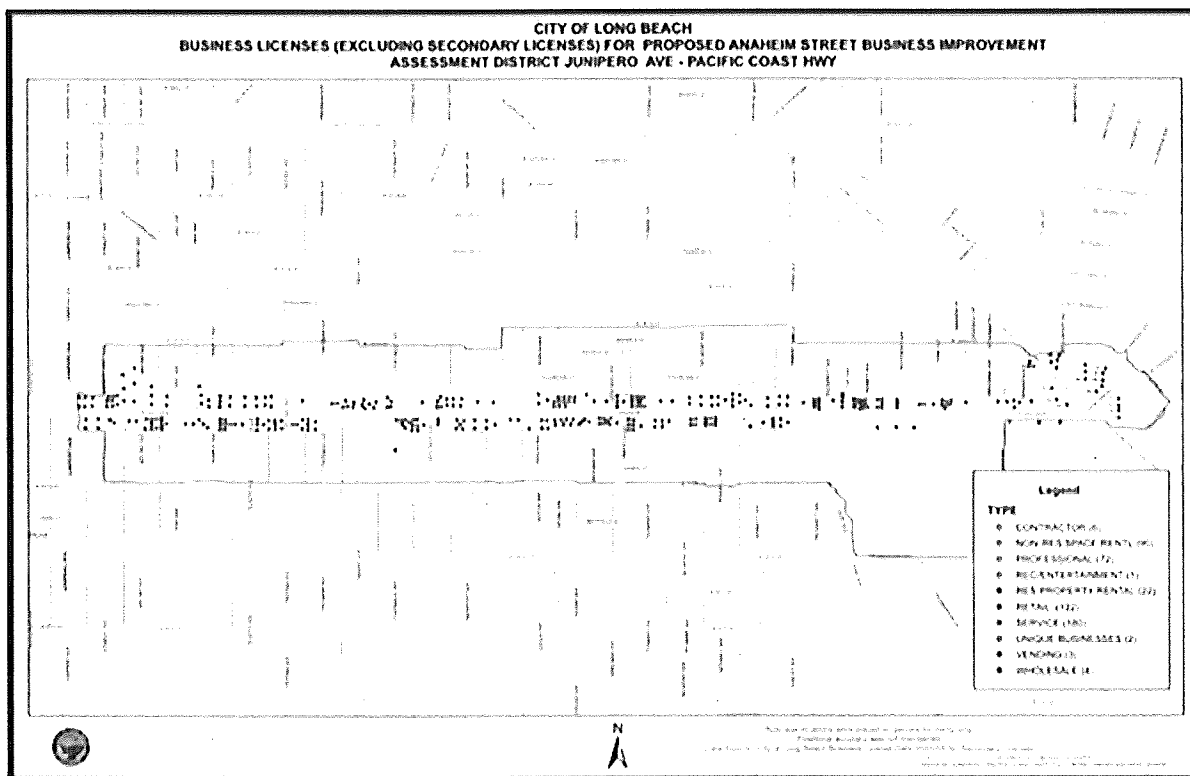
Residential property rental, home-based and secondary licensees are exempt from the assessment.

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. 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) has been working with member business on enhancing the identity and promoting the area for the benefit of all businesses. EASBA has also coordinated 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 Purposes. 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:

- Build upon the 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
- Safety, video cameras monitoring intersections

The 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
- Safety, providing video cameras as designate intersections

B. Service Plan. The EASPBA 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
- Promotional Events
- Security, Streetscape and Cleanliness

C. Service Budget: Services are based on the following estimated allocation of EASPBA revenue totaling \$147,880 in the Fiscal Year 2012-2013.

**Program Year FY 2012 – 2013
Budget Amount**

October 1, 2012 - September 30, 2013

Income

Member Assessments	\$147,880.00
Allowance for Uncollectables	\$(17,745.60)
Monthly Lunch Reimbursement	\$1,500.00
Total Income	\$131,634.10

Expenses

Administrative

Franchise Tax Board	\$800.00	
Accounting	\$1,000.00	
Administration	\$6,000.00	
Contingency	\$2,000.00	
Insurance		
	Liability	\$1,000.00
	Directors & Officers	\$1,000.00
Supplies & Postage	\$1,500.00	
Total Administrative Expense	\$13,300.00	

Program Expense

Matching Grant Fund	\$7,500.00
Administrative Coordination	\$18,000.00
Promotional Events	\$19,834.24
Marketing Materials	\$8,000.00
Newsletter	\$4,000.00
Brochure	\$700.00
Advertising	\$1,000.00
Special Projects: Gateway signs	\$15,998.25
Dues & Memberships	\$300.00
Monthly meeting lunch	\$3,000.00
Permits & Fees	\$200.00
Security Surveillance Cameras	\$25,000.00
Street Banners & maintenance	\$1,000.08
Trash & Weed abatement	\$19,000.08
Power wash	\$6,200.00
Website Maintenance	\$4,800.00
Total Program Expense	\$134,532.65

Total Expense	\$147,832.65
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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 2011-2012 is estimated at \$147,880: Assessments are calculated as follows:

- Type of 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 Business: 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.

- 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 the City of Long Beach Financial Management Assessment revenue received will be segregated into a special fund for transfer to the EASBA.

VII. 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:
 - i. Any proposed changes in the boundaries of the parking and business improvement area or in any benefit zones within the area
 - ii. The improvements and activities to be provided for that fiscal year.
 - iii. An estimate of the cost of providing the improvements and the activities for that fiscal year.
 - iv. The method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of assessment to be levied against his or her business for that fiscal year.
 - v. The amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
 - vi. 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 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.
3. 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 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 percent or more of the total assessments levied submit a written petition to disestablish the District, the City Council will do so.

REVIEWED 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, 2012 through
September 30, 2013 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 16, 2012 at 5:00 p.m., the City Council conducted a
public hearing relating to that Report in accordance with its Resolution of Intention No.

12-0092, adopted September 18, 2012, 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 16, 2012,

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 18, 2012, 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, 2012 through September 30, 2013 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 _____, 2012, by the
12 following vote:

13 Ayes: Councilmembers: _____

14 _____

15 _____

16 _____

17 Noes: Councilmembers: _____

18 _____

19 _____

20 Absent: Councilmembers: _____

21 _____

22 _____

23 City Clerk

East Anaheim Street Parking and Business Improvement Area

Initial Assessment Report and Proposed Service Plan

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EASBA Assessment Report and Service Plan – 083111

EXHIBIT A

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

City of Long Beach, California

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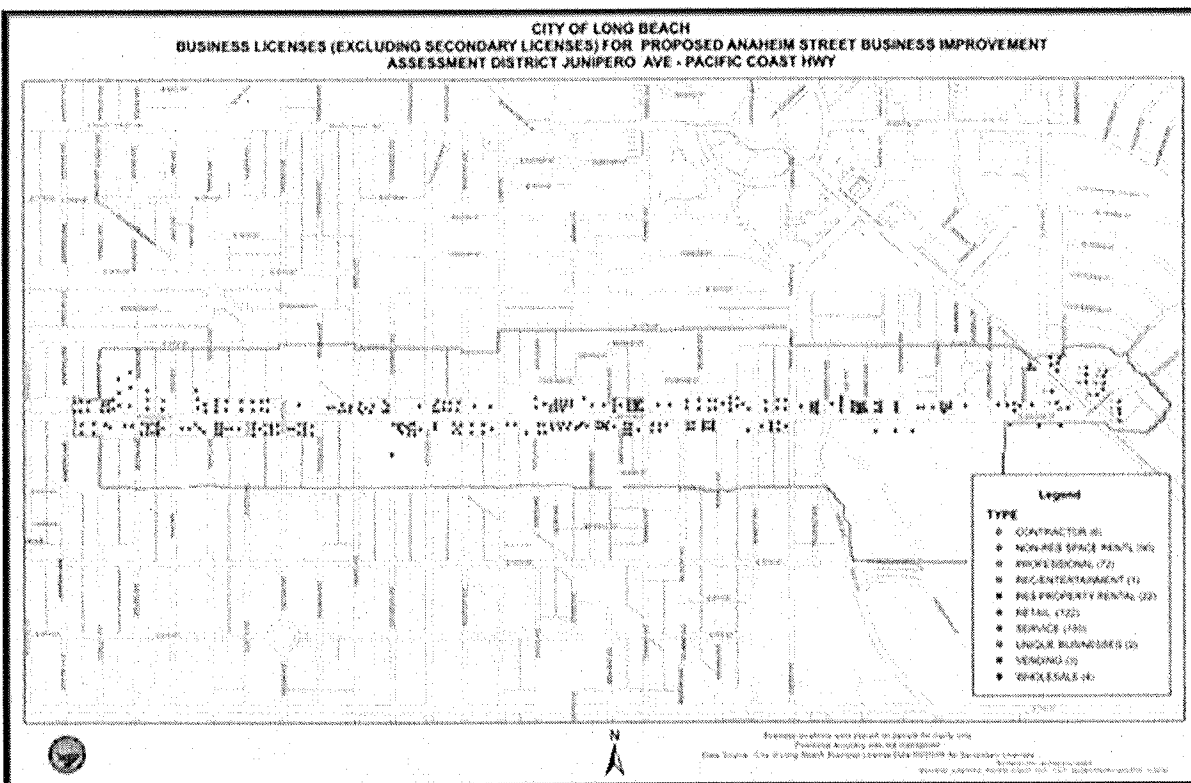
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 - b. The report shall be filed with the clerk and shall refer to the parking and business improvement area by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following:
 - i. Any proposed changes in the boundaries of the parking and business improvement area or in any benefit zones within the area
 - ii. The improvements and activities to be provided for that fiscal year.
 - iii. An estimate of the cost of providing the improvements and the activities for that fiscal year.
 - iv. The method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of assessment to be levied against his or her business for that fiscal year.
 - v. The amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
 - vi. 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 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.
3. 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 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 percent or more of the total assessments levied submit a written petition to disestablish the District, the City Council will do so.

REVIEWED BY:

DATE: