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1 RESOLUTION NO. C- 28417

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH APPROVING AN ANNUAL  
5 REPORT FOR OCTOBER 1, 2004 TO SEPTEMBER 30,  
6 2005 FOR THE BIXBY KNOLLS PARKING AND BUSINESS  
7 IMPROVEMENT AREA ("PBIA") AND DECLARING ITS  
8 INTENTION TO LEVY THE ANNUAL ASSESSMENT FOR  
9 THAT FISCAL YEAR

10  
11 The City Council of the City of Long Beach resolves as follows:

12 WHEREAS, pursuant to Section 36533 of the California Streets and  
13 Highways Code, the Bixby Knolls Parking and Business Improvement Area Advisory  
14 Board has caused a Report to be prepared for October 1, 2004 to September 30, 2005  
15 relating to the Bixby Knolls Parking and Business Improvement Area ("PBIA") which is  
16 located generally in that section of the City of Long Beach bounded by Wardlow Road,  
17 Long Beach Boulevard, Del Amo Boulevard and Orange Avenue and as more  
18 specifically described in the Report; and,

19 WHEREAS, said Report contains, among other things, with respect to  
20 October 1, 2004 to September 30, 2005 all matters required to be included by the  
21 above cited Section 36533; and,

22 WHEREAS, having approved such Report, the City Council hereby  
23 declares its intention to:

24 A. Confirm levy of and direct collecting within the Area,  
25 assessments for the Bixby Knolls PBIA for October 1, 2004 to September 30, 2005.  
26 Said assessments are proposed to be levied on such classifications and at such rates  
27 as are set forth in Exhibit "1" attached hereto and incorporated herein. These  
28 assessments are not proposed to be levied on owners of commercial or residential

1 property;

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

5 WHEREAS, to this end, the proposed activities and improvements  
6 undertaken by the Area include those generally specified in the establishing Ordinance  
7 No. C-6646, Section 5, as adopted by the City Council on September 19, 1989; and

8 WHEREAS, a copy of the Report is on file with the City Clerk and includes  
9 a full description of the activities and improvements to be provided from October 1,  
10 2004 to September 30, 2005, the boundaries of the area, and the proposed  
11 assessments to be levied on the businesses that fiscal year and all other information  
12 required by law; and

13 WHEREAS, it is the desire of this City Council to fix a time and place for a  
14 public hearing to be held in the City Council Chamber of the City of Long Beach on  
15 September 21, 2004 at 5:00 p.m., regarding the Report, the levy and the proposed  
16 program for October 1, 2004 to September 30, 2005;

17  
18 NOW THEREFORE, the City Council of the City of Long Beach resolves  
19 as follows:

20 Section 1. That certain Report entitled "Assessment Report for  
21 October 1, 2004 to September 30, 2005, Bixby Knolls Parking and Business  
22 Improvement Area" as filed with the City Clerk is hereby approved.

23 Sec. 2. On September 21, 2004 at 5:00 p.m., in City Council  
24 Chamber, City Hall, 333 West Ocean Boulevard, Long Beach, California 90802, the  
25 City Council of the City of Long Beach will conduct a public hearing on the levy of  
26 proposed assessments for October 1, 2004 to September 30, 2005 for the Bixby Knolls  
27 PBIA. All concerned persons are invited to attend and be heard, and oral or written  
28 protests may be made, in accordance with the following procedures:

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

6                   B.     Every written protest shall be filed with the City Clerk at or  
7 before the time fixed for the public hearing. The City Council may waive any irregularity  
8 in the form or content of any written protest and at the public hearing may correct minor  
9 defects in the proceedings. A written protest may be withdrawn in writing at any time  
10 before the conclusion of the public hearing.

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

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

20                  Sec. 3.     The City Clerk shall give notice of the public hearing called  
21 for in Section 2 by causing this Resolution of Intention to be published once in a  
22 newspaper of general circulation in the City not less than seven days before the public  
23 hearing.

24                  Sec. 4.     This resolution shall take effect immediately upon its  
25 adoption by the City Council, and the City Clerk shall certify the vote adopting this  
26 resolution.

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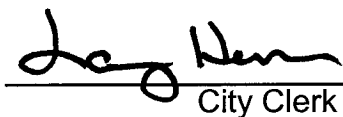
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I certify that this resolution was adopted by the City Council of the City of Long Beach at its meeting of August 17, 2004, by the following vote:

Ayes: Councilmembers: Baker, Colonna, O'Donnell,  
Kell, Richardson, Reyes Uranga,  
Gabelich, Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: Lowenthal.

  
\_\_\_\_\_  
City Clerk

HAM:fl  
7/29/04  
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**Exhibit 1**

**FY 2005 Bixby Knolls PBIA  
Assessment Formula**

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**Type A**

\$135.00 + \$ 2.50 per employee

*Includes:* Contractors, Insurance, Manufacturing, Professions, Wholesale, Unique Businesses

**Type B**

\$ 165.00 + \$ 3.25 per employee

*Includes:* Services, Vending Operations

**Type C**

\$ 185.00 + \$ 4.00 per employee

*Includes:* Retailing, Recreation & Entertainment

**Type D**

\$ 500.00

*Includes:* Financial Institutions

*Business classifications are determined by the City of Long Beach Business License Division.*