

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 RESOLUTION NO. RES-14-0084

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH CONFIRMING, FOLLOWING  
5 HEARING, THE ANNUAL ASSESSMENT REPORT OF THE  
6 FOURTH STREET PARKING BUSINESS IMPROVEMENT  
7 ASSOCIATION, CONTINUING THE LEVY OF ANNUAL  
8 ASSESSMENT AS SET FORTH IN SAID REPORT AND  
9 SETTING FORTH OTHER RELATED MATTERS  
10

11 WHEREAS, pursuant to Section 36533 of the California Streets and  
12 Highways Code, the Fourth Street Business Improvement Association has caused a  
13 Report to be prepared for October 1, 2014 through September 30, 2015 relating to the  
14 Fourth Street Parking and Business Improvement Area ("FSPBIA"); and

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

17 WHEREAS, on September 16, 2014 at 5:00 p.m., the City Council  
18 conducted a public hearing relating to that Report in accordance with its Resolution of  
19 Intention No. RES-14-0070, adopted August 19, 2014, at which public hearing all  
20 interested persons were afforded a full opportunity to appear and be heard on all matters  
21 relating to the Report; and

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

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

27 Section 1. A public hearing having been conducted on September 16,  
28 2014 at 5:00 p.m., and all persons having been afforded an opportunity to appear and be

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1 heard, the City Council hereby confirms the Report of the Fourth Street Business  
2 Improvement Association, previously filed and approved by Resolution No. RES-14-0070,  
3 adopted August 19, 2014, as originally filed, and declares that this resolution shall  
4 constitute the levy of the Assessment referred to in the Report for October 1, 2014  
5 through September 30, 2015, as more specifically set forth in Exhibit "A".

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

8 I hereby certify that the foregoing resolution was adopted by the City  
9 Council of the City of Long Beach at its meeting of September 16, 2014,  
10 by the following vote:

11 Ayes: Councilmembers: Gonzalez, Price, O'Donnell,  
12 Mungo, Andrews, Uranga, Austin,  
13 Richardson.

14  
15 Noes: Councilmembers: None.

16  
17 Absent: Councilmembers: Lowenthal.

18  
19  
20   
21 City Clerk

22  
23  
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28

# EXHIBIT "A"



**Fourth Street Parking and Business Improvement Area**

**Fiscal Year 2014/15 Assessment  
Report and Service Plan**

*For the period*

October 1, 2014 to September 30, 2015

July 2014



## Fourth Street Parking and Business Improvement Area 2014/15 Assessment Report and Service Plan

City of Long Beach, California

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## I. DISTRICT OVERVIEW

Conceived by a coalition of Fourth Street business owners, the Fourth Street Parking and 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.

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 Temple Avenue East. 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 2015 fiscal year revenue from business assessments is \$15,800.

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

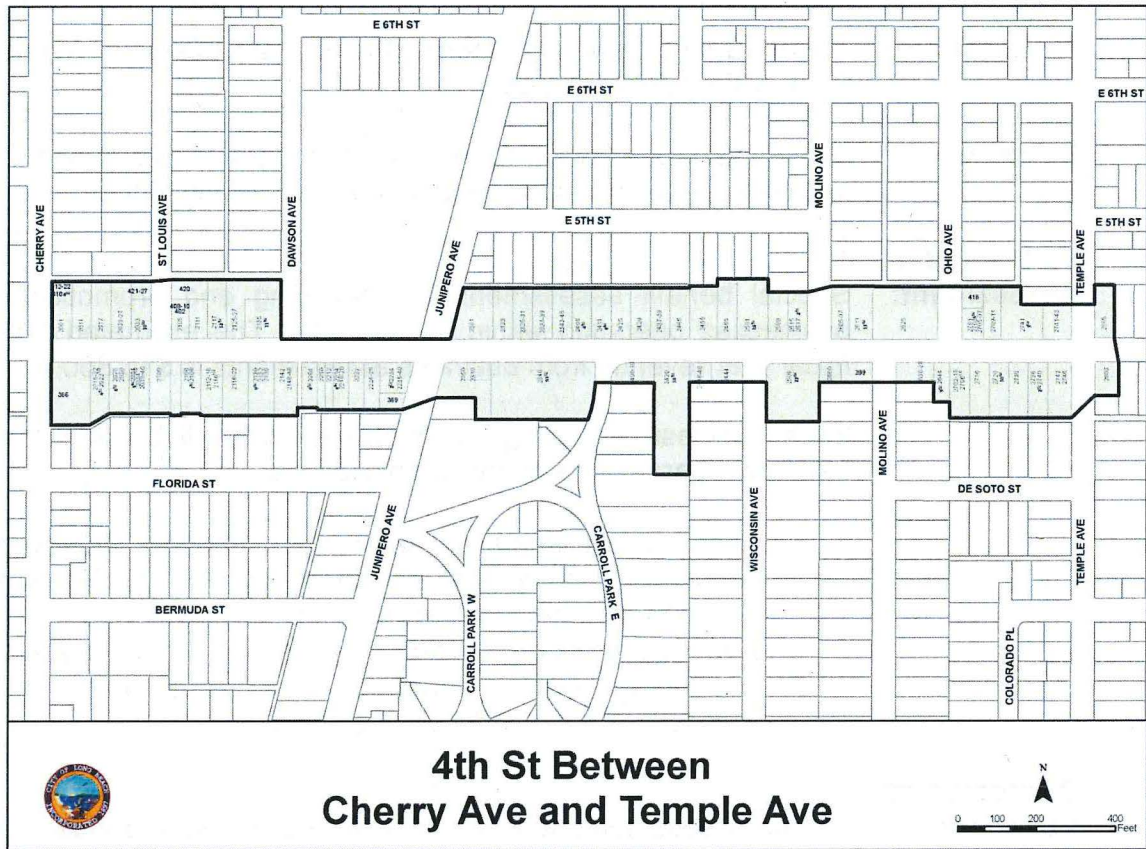
- Each miscellaneous, wholesale, mobile business, contractor, commercial space rental and professional services licensee is assessed \$100 per year
- Each non-profit organization is assessed \$100 per year
- Secondary service operator and residential rental licensees are exempt from the assessment

**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 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 – 4<sup>th</sup> Street: Cherry Avenue to Temple Avenue East.



—— Boundary Line

**B. General Description**

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

**D. Board of Directors**

**Officers**

President.....	Kerstin Kansteiner, Portfolio Coffeehouse
Vice President.....	Kathleen Schaaf, Meow
Secretary.....	Chris Giaco, Barbara Brunner
Treasurer.....	Kathleen Schaaf, Meow

**Directors**

Barbara Brunner  
 Kerstin Kansteiner, Portfolio Coffeehouse  
 Steven Sarinana, Trebor Nevets  
 Kathleen Schaaf, Meow  
 Sophia Sandoval, 4<sup>th</sup> Street Vine  
 David Eaton/Chris Giaco, Inretrospect  
 Luis Navarro, Lolos Mexican Cuisine  
 Chris Reece, The Pike Bar and Restaurant

**Monthly Board meetings**

1st Tuesday of the month at Kafe Neo at 2800 E 4<sup>th</sup> Street, Long Beach CA 90814

8:30am

**Monthly General Meetings**

2<sup>nd</sup> Thursday of the month at The Center at 2017 E 4<sup>th</sup> Street, Long Beach CA 90814

8:30am



### III. SERVICE PLAN AND BUDGET

#### A. The year in review – 2014 events

Known as “Retro Row,” the area along Fourth Street between Cherry Avenue and Temple Avenue offers a 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 eight year of the business improvement district, the FSIA has continued with regular meetings, expanded the district to Temple Ave, gained the participation of new additional affiliate member businesses and increased the scope and impact of marketing and promotional programs. Programs conducted during 2014 included:

- **Two Sidewalk Sales “Retro Ramble”(summer and fall event)**
  - The street held two sidewalk sales with different themes. 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 4<sup>th</sup> Street BIA attractive and safe. Clean-ups now include neighborhood groups, Burbank school and neighboring churches.
- **Maintenance of Sprinkler System in “Garden Walk” (Summer)**
  - The Garden Walk (along Burbank Elementary School at 4<sup>th</sup> and Junipero) was planted over 10 years ago with a NPP grant. The 4<sup>th</sup> Street BIA has maintained the planter beds and sprinkler system to this day. The recent re-greening of the area with native and drought tolerant plants 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. All events on 4<sup>th</sup> Street now include bike-friendly parking options.
- **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 its attention for this year.
- **Business Outreach Committee on for 4th Street Retro Row (ongoing)**
  - We have created an outreach committee to welcome new businesses and actively recruit businesses to locate to 4<sup>th</sup> Street.

- **Business Listing Brochure**
  - The marketing brochure received a full makeover and shines with a new design and updated content.

Planned FY 2014/15 activities will include:

- **2 Sidewalk Sales “Retro Rambles”**
- **Regular updates of 4th Street / Retro Row brochure**
- **Joint advertising**
- **Regular street cleaning**
- **Maintenance of a business outreach committee**
- **Maintenance of Parking Lot at 4<sup>th</sup> and Cherry**
- **Maintenance of a bike friendly business corridor**
- **Implementation of an electric car charging station**
- **2015 Shop local campaign**
- **“local” gift card for merchants**
- **Regular events to include a “Trolley”**

**B. Service Plan**

The FSPBIA Service Plan provides for funding for marketing, 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: \$8200**

These services will include a complete redo of the 4<sup>th</sup> 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 4<sup>th</sup> Street’s marketing efforts and we will continue to strengthen our efforts in this regard.

**2. Promotional Events Amount: \$4100**

This portion of the budget will go towards regular 4th Street events, such as Sidewalk Sales (Retro Ramble), Holiday Open House and other promotional events.

### **3. Streetscape and Cleanliness**

**Amount: \$2200**

In an ongoing effort to maintain the cleanliness of our street, we have earmarked funds for streets-scaping and cleanliness. A landscaping company has been hired to maintain not only the parking lot (at 4<sup>th</sup> and Cherry), but also the Garden Walk alongside Burbank Elementary School.

### **C. Services Budget**

Services will be provided based on the following estimated allocation of FSPBIA revenue totaling \$15,800 for FY 2014/15. No Consumer Price Index adjustment is applied to assessment fees for FY 2014/15.

- **2 Sidewalk Sales “Retro Rambles”**
- **Regular updates of 4th Street / Retro Row brochure**
- **Joint advertising**
- **Regular street cleaning**
- **Maintenance of a business outreach committee**
- **Maintenance of Parking Lot at 4<sup>th</sup> and Cherry**
- **Maintenance of a bike friendly business corridor**
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- **2015 Shop local campaign**
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- **Regular events to include a “Trolley”**



## Annual Programming

<b>Marketing</b>	
PR Services + Web design	4300
Marketing Collateral (Ongoing)	2500
Advertising	1400
<b>Sub Total</b>	<b>8200</b>
<b>Promo Events</b>	
Sidewalk Sales (2)	3600
Holiday Open House	500
<b>Sub Total</b>	<b>4100</b>
<b>Streetscape and Maintenance</b>	
Landscaping Supplies	200
Parking Lot Maintenance	1800
Garden Walk Maintenance	200
<b>Sub Total</b>	<b>2200</b>
<b>Total Programming</b>	<b>14,500</b>
<b>Administrative Expenses</b>	
Accounting	700
Insurance	500
Contingency	100
<b>Sub Total</b>	<b>1300</b>
<b>Grand Total</b>	<b>\$15,800</b>

## IV. ASSESSMENTS

### A. Methodology

Improvements and activities identified in the Service Plan are designed to improve the appearance of pedestrian areas and safety, thereby making the area more attractive to customers. All businesses in the District will benefit from these improvements, but although 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; therefore, these latter



businesses pay a reduced assessment. The proposed assessment rate for each business operating within the District is shown in the following table.

<b>Business License Category</b>	<b>Rate</b>
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

**Estimated FY 2014/2015 assessment revenue is \$15,800.**

**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 Counties. The annual increase shall not exceed three percent (3%) 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 Business 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 Business 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 assesseees 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 assesseees who pay 50% or more of the total assessments levied submit a written petition to disestablish the District, the City Council will do so.