



## Legislation Text

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**File #:** 12-0889, **Version:** 1

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Recommendation to receive supporting documentation into the record, conclude the hearing, adopt 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; authorize 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 (SR 132) in the Department of Public Works (PW) by \$15,170. (Districts 3,4)

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.

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.

It is expected that the EASPBIA 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.

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

Approve recommendation.

MICHAEL P. CONWAY  
DIRECTOR OF PUBLIC WORKS

APPROVED:

PATRICK H. WEST  
CITY MANAGER