



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Fahey and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Bruce Moe, Finance Director

DATE: May 17, 2005

SUBJECT: Consideration of Resolution of Intention to Provide for Annual Levy and Collection of Assessments for the Downtown Business Improvement District and Setting June 7, 2005 for a Public Hearing

RECOMMENDATION:

The Downtown Business Improvement District Advisory Board and City staff recommend that the City Council adopt Resolution No. 5979 announcing the City's intention to set assessments for the Downtown Business Improvement District (BID) for fiscal year 2005-2006, and setting the public hearing for June 7, 2005.

FISCAL IMPLICATION:

There is no budgetary or other financial implication associated with the adoption of the Resolution of Intention.

BACKGROUND:

In 1998, the City Council, at the request of the downtown business owners, dissolved an existing parking district and created a new Business Improvement District (BID) for the downtown area. The new district was created under the Parking and Business Improvement Area Law of 1989, which provides flexibility with respect to the use of funds. The previously existing parking district restricted the use of the funds to the acquisition and construction of parking facilities.

The Parking and Business Improvement Area Law of 1989 requires that the district and the associated assessments be renewed annually. Therefore, at its meeting of June 7, 2005, the City Council will hold a public hearing to consider the request from the Downtown Business Improvement District Advisory Board to renew the district for fiscal year 2005-2006 and levy the associated assessments (80% surcharge on business license fees to a maximum of \$600).

DISCUSSION:

The purpose of the Resolution is to announce the City's intention to renew the BID, establish the method of assessment, outline the activities and services to be funded by the assessment, and to set the date for a formal public hearing (June 7, 2005). The funding for the BID is an 80% surcharge on the business license tax, not-to-exceed \$600.00 for any individual business (the cap was increased from \$500 to \$600 in March 2001).

On May 4, 2005 the Downtown Manhattan Beach Business Improvement Advisory Board met to discuss the proposed service program and associated budget for fiscal year 2005-2006 (meeting minutes are provided as Exhibit "A"). At that time, the Board unanimously approved the FY 2005-2006 program (Exhibit "B") and subsequently the Chairperson of the Advisory Board (Ron Koch) submitted the attached letter (Exhibit "C") requesting the City Council consider adopting the Resolution of Intention (Exhibit "D").

If adopted by the City Council, this Resolution of Intention will be circulated to all business owners within the BID, as notification of the public hearing on June 7, 2005. In addition, a notice advertising the public hearing will be placed in *The Beach Reporter*. At the public hearing, all proponents and opponents of the proposed BID will have an opportunity to present information to the City Council.

Exhibits:

- A. BID Advisory Board Meeting Minutes
- B. Fiscal year 2005-2006 Downtown Manhattan Beach Property & Business Improvement District Plan
- C. Letter from Ron Koch, Chair, BID Advisory Board
- D. Resolution No. 5979

cc: Carol Rowe, Executive Director - Downtown MB Business & Professional Association
Ron Koch, BID Advisory Board Chair



Business Improvement District

Downtown Manhattan Beach

May 4, 2005

**Advisory Board Meeting Minutes
Good Stuff Restaurant • 8:30 AM**

ATTENDANCE

2005-2006 Board Members:

Ron Koch – Present
David Levin - Present
Dana McFarland – Absent
Meredith Zellweger – Present
Barbie Falconer – Present
Julie Hanzarides – Present
Scott McColgan - Absent
Carol Rowe, DBPA- Present

CALL TO ORDER

Chairman Koch called the meeting to order at 8:45 AM, with a quorum present.

DBPA EXECUTIVE DIRECTOR'S REPORT

Carol Rowe reviewed the current year Progress Report, Budget to Actual Report, Next Year Improvement Plan, and Next Year Preliminary Budget.

DISCUSSION

- The Board requested that **Ron Koch** be involved in discussions with the Street Slurry contractor regarding the upcoming street resurfacing project. The Board stressed the importance of notice to businesses.
- The Board discussed the use of BID funds being used for the benefit of all Downtown Businesses and not for the promotion of certain segments.
 - DBPA promotions & events should be funded out of DBPA funds.
 - The DBPA should retain a minimum reserve of \$15,000 of BID funds..
 - Reserves should be available for use in the event of special issues that effect the entire downtown.

- **Julie Hanzarides** asked for better communication on specific Downtown issues. It was suggested that the communication be in the form of fax, email &/or mail.
- **Julie Hanzarides** asked for an ongoing & continued awareness campaign on employee parking. Specifically discouraging parking in metered stalls. It was suggested that the Association communicate with MBPD to step up efforts to cite cars that are parking over the 2 hour time limit by wiping off the chalk marks.

The board commended the DBPA on a successful year and stated their satisfaction with the direction the DBPA is continuing.

ACTION ITEM

1. *On a motion duly made, seconded, and passed by unanimous vote*, the BID has approved the DBPA Activity Plan & Budget for the 2005-2006 Fiscal year.
2. The BID endorses the City's Resolution of Intent to Provide for Annual Levy and Collection of Assessments for the Downtown Business Improvement District.

ADJOURNMENT

The meeting was adjourned at 10:15.

Respectfully Submitted,
Carol Rowe
DBPA Executive Director

DOWNTOWN MANHATTAN BEACH BUSINESS IMPROVEMENT DISTRICT

Business Improvement & Activity Plan July 2005

*Prepared pursuant to the State of California
and The Parking and Business Improvement Area Law of 1989
to maintain the business improvement district for the
Downtown of Manhattan Beach, California.*

Prepared by

Downtown Manhattan Beach Business and Professional Association

**DOWNTOWN MANHATTAN BEACH
BUSINESS IMPROVEMENT DISTRICT
INFORMATION AT-A-GLANCE**

This Business Improvement District has been in existence since April of 1969 under the authority of the "Parking and Business Improvement Area Law of 1965". This law was restrictive with respect to the use of funds. In 1989 the State Legislature adopted Senate Bill 1424, "Parking and Business Improvement Area Law of 1989". In 1998 a group of concerned merchants and a growing coalition of downtown stakeholders, developed the proposal to establish a new Downtown Manhattan Beach Business Improvement District (BID) under the new legislation. In October 1998, that legislation was approved and adopted as City Ordinance No. 1989. In January 1999, the BID contracted with the Downtown Manhattan Beach Business & Professional Association (DBPA), a 501 (c) 6 not-for-profit corporation established in 1985, to provide specific benefits to the members of the BID.

- Location:** The Existing Business District of Downtown Manhattan Beach.
- Stakeholders:** Downtown Businesses - All business license holders in the Downtown area except commercial property owners.
- Improvements and Activities:**
- A. Parking, Transportation & Community Programs
 - B. Marketing & Advertising
 - C. Promotions & Special Events
 - D. Professional Management & Communications
- Method of Financing:** Benefit-based assessments on City Business License Tax.
- Assessment:** Based on the existing assessment. An 80% surcharge on the City Business License Tax not to exceed \$600.
- Collection of Assessment:** The fees are collected in March/April of each year and disbursed through contract, to the Downtown Manhattan Beach Business & Professional Association (DBPA).
- Governance:** **Advisory Board:** Annual recommendations on Downtown Manhattan Beach Business Improvement District (BID) budgets and assessments will be submitted to the Manhattan Beach City Council by a nine (7) member Advisory Board composed of business owners located within the boundaries of the BID. The Advisory Board will also monitor the delivery of improvements

and activities, which will be the day-to-day responsibility of the Downtown Manhattan Beach Business and Professional Association (DBPA).

Members of the Advisory Board can be nominated by business owners that are assessed within the BID, and, per State law, appointed by the Manhattan Beach City Council. To ensure appropriate representation and accountability, the following Advisory Board composition is recommended: A mix of large and small business owners spread geographically and by business types throughout the district.

Representation should consist of business on Manhattan Beach Boulevard, Manhattan Avenue and Highland Avenue. It should also contain a mix of retail, service and restaurants.

It is anticipated that the Advisory Board will meet at least once annually.

Downtown Association: The BID will contract with the DBPA to carry out improvements and activities described in the Plan, as well as the day-to-day operations.

In delivering BID improvements and activities, the DBPA will aim to meet the following objectives:

- Maximize coordination with the City and other civic organizations to leverage resources;
- Deliver programs through a cost-effective and non-bureaucratic organization that features one executive director that works for all Downtown Manhattan Beach stakeholders;
- Provide for accountability to business owners who pay assessments.

Maintaining the District:

The City Council can maintain the district by adopting a Resolution of Intention. A public hearing shall be held not less than 20 or more than 30 days after the adoption of the Resolution of Intention. If there is not written protest from owners representing over 50% of the assessments to be paid, the BID assessment will continue.

***Benefits
of the District:***

The BID costs no more than the prior assessment and allows the district's funds to be self-governed and to go beyond parking issues.

The BID allows for integrated marketing efforts such as valet parking, cooperative promotions, banners throughout the area, advertising and publishing downtown directories and calendars of events.

The DBPA provides key promotional and organizational support through a variety of functions that directly benefit its ratepayers as well as the City. Such as:

- Creating a public/private partnership to manage the Downtown environment to ensure high standards for signage, security, maintenance, parking and marketing;
- Increasing sales and revenues throughout the district as well as tax and parking revenue to the City;
- Advocating Downtown interests and for the City at large;
- Establishing and implementing a Downtown vision, an image of a thriving city center that reflects the good health and economic vitality of the entire city, making the city an attractive venue for businesses;
- Assisting the City in policy making, administration and implementation of City programs;
- Streamlining communications and saving time and energy, by providing the City with a single, unified Downtown entity.

BUSINESS IMPROVEMENT & ACTIVITY PLAN

As a result of the concerns identified through surveying business owners and the accomplishments of the DBPA since 1999, the DBPA Board of Directors proposes the following plan.

A. Parking, Transportation & Community Programs

- Work with the City to promote Downtown parking alternatives for both merchants and customers.
- Maintain the valet parking service.
- Continue to work in supporting the **Ocean Express Shuttle Service**.
- Initiate a "School Days Week" as a fundraiser to benefit the local MB schools.
- Continue work with the Public Works Department to support the CART Trash & Recycling Programs for Downtown businesses.
- Continue to support the Beach Litter Patrol, Fireworks Festival, Roundhouse Sea Lab and the Arts Festival through monetary and in-kind donations.
- Work with the Public Works Department to improve the Downtown curb appeal through signage, flowers, etc.
- Work to improve crosswalk identification and pedestrian safety.

B. Marketing & Advertising

- Continue & expand the Downtown marketing/advertising campaign to promote the Downtown as a whole both within our community and to the travel industry.
- Maintain and distribute map/listing of Downtown businesses to customers, visitors, neighborhood hotels and new residents.
- Continue to work with the City to update the permanent Way-Finding directories/maps.
- Maintain www.DowntownManhattanBeach.com, which currently offers a complete listing of all businesses by category, directions, parking information, and links to other prominent organizations.
- Continue advertising in neighboring hotels via touch screen kiosks.
- Maintain a Restaurant Guide to be given to local hotel concierges
- Continue to negotiate and make available discounted advertising opportunities
- Continue working with the Chamber of Commerce to promote commerce in Manhattan Beach .
- Continue work with the Chamber of Commerce to develop a Visitor's Bureau

C. Promotions & Special Events.

- Sponsor the "**Sidewalk Sales**" to promote Downtown merchants.
- Create a safe environment for parents to bring their children Downtown to Trick or Treat on "**Halloween**."
- Host the "**Holiday Open House**" to kick-off to the holiday shopping season.

- Continue working with the City on voicing policy and planning recommendations regarding other area events.
- Continue to work with the AVP to ensure the volleyball tournament understand the concerns of local businesses.

D. Professional Management & Communications

- Maintain professional management to ensure this cohesive Business Improvement and Activity Plan is implemented and continued.
- Produce a monthly member emailed newsletter.
- Give new businesses the comprehensive welcome packet in person.
- Maintain the Employee Parking Brochure, especially during construction years.
- Provide representation to help mitigate traffic, construction and parking issues.
- Host member socials/mixers.
- Continue informing members of important issues affecting their businesses.
- Increase public relations opportunities for promoting the Downtown.
- Recruit participation of local business on committees and the DBPA Board.

BUSINESS IMPROVEMENT & ACTIVITY PLAN BUDGETS

I. EXPENSES

A. 2005-2006 Operating Budget

The 2005-2006 operating budget breakdown of expenses for the Downtown Manhattan Beach BID is provided below. The total improvement and activity plan budget is projected at \$115,545 with the following components:

- **Parking, Transportation, Beautification & Community Programs:**
\$2,465 is provided which accounts for approximately 3% of the budget.

(This number is comprised of expenses under the Community Programs and Government Relations on the DBPA 2005-2006 Proposed Budget.)

- **Marketing & Advertising:**
\$34,300 is provided which accounts for 29% of the budget.

(This number is comprised of the expenses under the Marketing Programs and Advertising Programs heading on the DBPA 2005-2006 Proposed Budget.)

- **Promotions & Special Events:**
\$20,400 is provided which accounts for 18% of the budget.

(This number is solely comprised of the Events heading on the DBPA 2005-2006 Proposed Budget.)

- **Professional Mngt., Rent, Supplies, Insurance & Communications:**
\$58,380 is provided which accounts for 50% of the budget.

(This number is solely comprised of the Administration heading on the DBPA 2005-2006 Proposed Budget.)

II. INCOME

A. 2005-2006 Operating Budget

The 2005-2006 operating budget breakdown of income for the Downtown Manhattan Beach BID is provided in the following. The total improvement and activity plan budget is projected at approximately \$103,300 with the following components:

- **Assessments**
\$78,000 has been budgeted. The assessment methodology will remain the same, a surcharge on the City of Manhattan Beach Business License Tax. Calculation of individual assessments for one year is determined by one factor; an 80% surcharge on the business license tax, not to exceed \$600.00.

- **Interest Income**
\$500 in interest income has been budgeted.

- **DBPA Contribution**
\$4,800 will be generated from the DBPA through special events fees and various programs. These programs include valet parking, AVP water sales and special event fees.

III. SURPLUS FROM PREVIOUS FISCAL YEAR

The 2004-2005 year-end projections indicate a surplus of at least \$4,000 for the current fiscal year. Retained earnings at the end of fiscal year 2003-2004 were \$35,026.17. Projected retained earnings for 2005-2006 are \$39,000.

\$10,945 of the reserve has been included in the 2005-2006 forecast. The balance will remain in the accounts as a reserve balance. At no time will the reserve balance be allowed to fall below \$15,000.

xxx



Business Improvement District

Downtown Manhattan Beach

Post Office Box 3298
Manhattan Beach, CA 90266

May 11, 2005

Mayor Joyce Fahey
Members of City Council
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, California 90266

Re: BID Fund Renewal

Dear Members of City Council:

The Business Improvement District (BID) Advisory Board met on May 4, 2005 with a quorum present. Upon reviewing the 2004-2005 year end progress report and the 2005-2006 projected Business Improvement District Activity Plan and Budget, the Board is requesting the City Council to approve the enclosed Resolution of Intent.

Sincerely,

BID ADVISORY BOARD

Ronald Koch
BID Board Chairman

RESOLUTION NO. 5979

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA DECLARING ITS INTENTION TO PROVIDE FOR ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, PURSUANT TO SECTION 36500 OF THE STREETS & HIGHWAYS CODE OF THE STATE OF CALIFORNIA AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON

WHEREAS, this City Council has previously formed a Property and Business Improvement District in Downtown Manhattan Beach, pursuant to Streets and Highways Code Section 36500 et. seq. (SB 1424 - Parking & Business Improvement Law of 1989, Chapter 2); and

WHEREAS, the Downtown Manhattan Beach Business Improvement District Advisory Board met on May 4, 2005 and unanimously supported the proposed operating program and budget of the Downtown Business Improvement District for FY 2005-06; and

WHEREAS, this City Council is desirous of continuing the assessment on businesses within the Parking & Business Improvement District to allow the business owners within the District to utilize the funds for a range of services and activities that will promote and enhance Downtown Manhattan Beach.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY DECLARE, FIND, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The above recitals are true and correct.

SECTION 2. The Business Improvement District is known as the Downtown Manhattan Beach Business Improvement District (herein referred to as District).

SECTION 3. The exterior boundaries of said District are all operating businesses within the general area bounded by the Southwest corner of 15th Street and Ocean Drive, the Southwest corner of 8th Street and Ocean Drive, the Southeast corner of 8th Street and Valley Drive, and the Northeast corner of 15th Street and Valley Drive. The specific legal description is as follows:

Beginning at the intersection of the southerly line of 15th Street with the westerly line of Highland Avenue; thence southerly along said westerly line of Highland Avenue to the southerly line of 13th Place; thence easterly along the prolongation of said southerly line of 13th Place; which prolongation is the southerly line of Tract 2541, to the westerly line of Valley Drive; thence southerly along said westerly line of Valley Drive to the northerly line of 10th Place; thence westerly along said northerly line of 10th Place to the easterly line of Morningside Drive; thence northerly along said easterly line of Morningside Drive to the southerly line of 11th Place; thence westerly along said southerly line of 11th Place to the westerly line of Crest Drive thence southerly along said westerly line of Crest Drive to the northerly line of 11th Street; thence westerly along said northerly line of 11th Street to the westerly line of

Bayview Drive; thence southerly along said westerly line of Bayview Drive to the northerly line of 8th Street; thence westerly along said northerly line of 8th Street to the southwesterly corner of Lot 10, Block 9 Manhattan Beach Tract; thence northerly to the southwesterly corner of Lot 10, Block 12 Manhattan Beach Tract, said corner being on the northerly line of 11th Street; thence westerly along said northerly line of 11th Street to the easterly line of Ocean Drive; thence northerly along said easterly line of Ocean Drive to the northerly line of Center Place; thence easterly along said northerly line of Center Place to the southwesterly corner of Lot 15, Block 13 Manhattan Beach Division No. 2; thence northerly to the northerly line of 12th Street; thence easterly along said northerly line of 12th Street to the southwesterly corner of Lot 11, Block 14, Manhattan Beach Division No. 2; thence northerly to the southerly line of 13th Street; thence easterly along said southerly line of 13th Street to the easterly line of Manhattan Avenue; thence southerly along said easterly line of Manhattan Avenue to the northerly line of 12th Street; thence easterly along said northerly line of 12th Street to the southwesterly corner of Lot 10, Block 65, Manhattan Beach Division No. 2; thence northerly to the northwesterly corner of Lot 13, Block 65, Manhattan Beach Division No. 2; thence northerly to the southwesterly corner of Lot 10, Block 64, Manhattan Beach Division No. 2; thence northerly to the northwesterly corner of said Lot 10; thence northwesterly to the southwesterly corner of Lot 34, Verano Beach Tract; thence northerly to the northwesterly corner of Lot 2 Verano Beach Tract, said corner being on the southerly line of 15th Street; thence easterly along the southerly line of 15th Street to the point of beginning.

A map identifying the specific, legal boundary for the Manhattan Beach Downtown Business Improvement District is available for review in the Office of the City Clerk.

SECTION 4. All businesses within the boundaries of said District as described herein are subject to the provisions of the additional assessment which will be levied annually to pay for all improvements and activities within the District.

SECTION 5. The assessment methodology for funding the services and activities of the Manhattan Beach Downtown Business Improvement District shall be a surcharge of 80% on the business license tax, not to exceed \$600.00 per business license.

SECTION 6. The funds generated by the business license surcharge shall be use for the following purposes:

- Parking & Transportation
- Marketing and Promotions
- Special Events
- Management Services

SECTION 7. The City Council shall convene a Public Hearing regarding the levying of assessments by the Manhattan Beach Downtown Business Improvement District on June 7, 2005 at 6:30 p.m. in the City Council Chambers located at 1400 Highland Avenue in said City. At that time, the City Council will hear testimony of all interested parties for or against the levying of assessments by the District, the extent of the District, and/or the activities and services which shall be provided through the District.

SECTION 8. This Resolution shall be circulated to each business owner within seven (7) days of the date of adoption by the City Council.

SECTION 9. The City Clerk shall make this Resolution reasonably available for public inspection within thirty (30) days of the date this Resolution is adopted.

SECTION 10. The City Clerk shall certify to the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED and ADOPTED this 17th day of May 2005.

Ayes:
Noes:
Absent:
Abstain:

Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk