

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH
DECLARING THE CITY'S INTENTION TO CREATE AND ESTABLISH THE
"HUNTINGTON BEACH DOWNTOWN BUSINESS IMPROVEMENT DISTRICT" FOR THE
BENEFIT OF ALL BUSINESSES LOCATED WITHIN THE DOWNTOWN BUSINESS
DISTRICT, AND SETTING A PUBLIC HEARING DATE OF AUGUST 16, 2004, TO
FORMALLY ESTABLISH SAID BUSINESS IMPROVEMENT DISTRICT AND LEVY
ASSESSMENTS

WHEREAS, the California Legislature, in adopting the Parking and Business Improvement Area Law of 1989 (*Streets and Highways Code* §36500 et seq.) found that cities are authorized to levy assessments on businesses in order to promote economic revitalization and tourism, create jobs, attract new businesses and prevent erosion of business districts; and

WHEREAS, the California Legislature found that cities are authorized to levy assessments on businesses which benefit from those improvements and activities; and

WHEREAS, the purpose of the business improvement district proposed by this resolution of intention is to fund activities to promote activities that benefit business located and operating in the Downtown Business District within the City of Huntington Beach; and

WHEREAS, a sizeable majority of the businesses within the Downtown Business District have requested that the City Council commence proceedings under the Parking and Business Improvement Area Law of 1989 to establish an improvement benefit area within the City of Huntington Beach and to levy a special assessment to promote all downtown businesses; and

WHEREAS, this resolution of intention will commence proceedings under the Parking and Business Improvement Area Law of 1989,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH DOES HEREBY RESOLVE AS FOLLOWS:

SECTION I.

- (a) The Huntington Beach Downtown Business Improvement Area is proposed to be established pursuant to *Streets and Highways Code* §36500 et seq. with the boundaries of the proposed district and the boundaries of the benefit zone to be as depicted in **Exhibit "A"**, attached hereto and incorporated herein by this reference.
- (b) The name of the business improvement area proposed to be established is the "Huntington Beach Downtown Business Improvement District."
- (c) The type or types of improvements and activities proposed to be funded by the levy of assessments on businesses within the business improvement area are specified in **Exhibit "B"**, attached hereto and incorporated herein by this reference. Further, the

improvements, if any, to be acquired for the proposed business improvement area are specified in **Exhibit "B"**.

- (d) The proposed assessment will be levied annually to pay for all improvements and activities within the business improvement area, except where funds are otherwise available.
- (e) The proposed method and basis of levying the assessment to allow each business owner to estimate the amount of the assessment to be levied against his, her or its business is set forth in **Exhibit "C"**.
- (f) New businesses within the business improvement area commencing operations after the effective date of the ordinance levying the assessment will not be exempt from the levy of assessment as provided in **Exhibit "C"**.
- (f) The assessment will be collected on an annual basis concurrent with payment of the City's business license fees.
- (g) The time and place for the public hearing on the establishment of the business improvement area and the levy of the assessment shall be 7:00 p.m., or as soon thereafter as the matter can be heard, on August 16, 2004, at the Huntington Beach City Hall, City Council Chambers, 2000 Main Street, Huntington Beach, California.
- (h) At the public hearing set forth above, the testimony of all interested persons for or against the establishment of the business improvement area, the extent of the area, or the furnishing of specific types of improvements or activities, will be heard by the City Council. A protest may be made orally or in writing by any interested person. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made.
- (i) Every written protest shall be filed with the City Clerk's office, Huntington Beach City Hall, Second Floor, 2000 Main Street, Post Office Box 190, Huntington Beach, California 92648, at or before the time fixed for the public hearing set forth above. The City Council may waive any irregularity in the form or content of any written protest, and at the public hearing, may correct minor defects in the proceedings. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing set forth above.
- (j) Each written protest shall contain a description of the business in which the person subscribing the protest is interested, sufficient to identify the business, and if a person subscribing is not shown on the official records of the City of Huntington Beach as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business. A written protest which does not comply with this subparagraph shall not be counted in determining a majority protest.

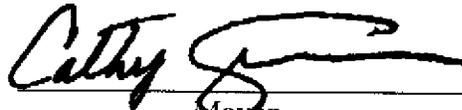
- (k) If written protests are received from the owners of businesses in the proposed business improvement area which will pay fifty percent (50%) or more of the assessments to be levied and protests are not withdrawn so as to reduce the protests to less than fifty percent (50%), no further proceedings to create the proposed business improvement area or to levy the proposed assessment, as specified by this resolution of intention, shall be taken by the City Council for a period of one year from the date of the filing of a majority protest. If a majority protest is only against the furnishing of a specified type or types of improvements or activities within the business improvement area, those types of improvements or activities shall be eliminated.

SECTION 2. The City Clerk is hereby directed to provide notice of the public hearing by causing the this resolution of intention to be published once in a newspaper of general circulation at least seven days before the public hearing.

SECTION 3. The City Clerk shall mail a complete copy of this resolution of intention by first-class mail to each business owner in the District area within seven days after the Council's adoption of this resolution.

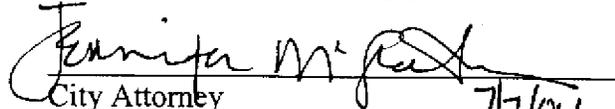
SECTION 4. Further information regarding the proposed business improvement district may be obtained at the Huntington Beach City Hall, 2000 Main Street, Huntington Beach, California 92648; telephone (714) 536-5542.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 19th day of July, 2004.



 Mayor

APPROVED AS TO FORM:

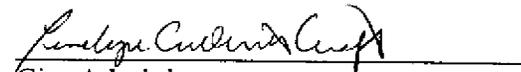


 City Attorney 7/7/04



 City Clerk

REVIEWED AND APPROVED:

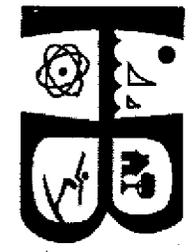
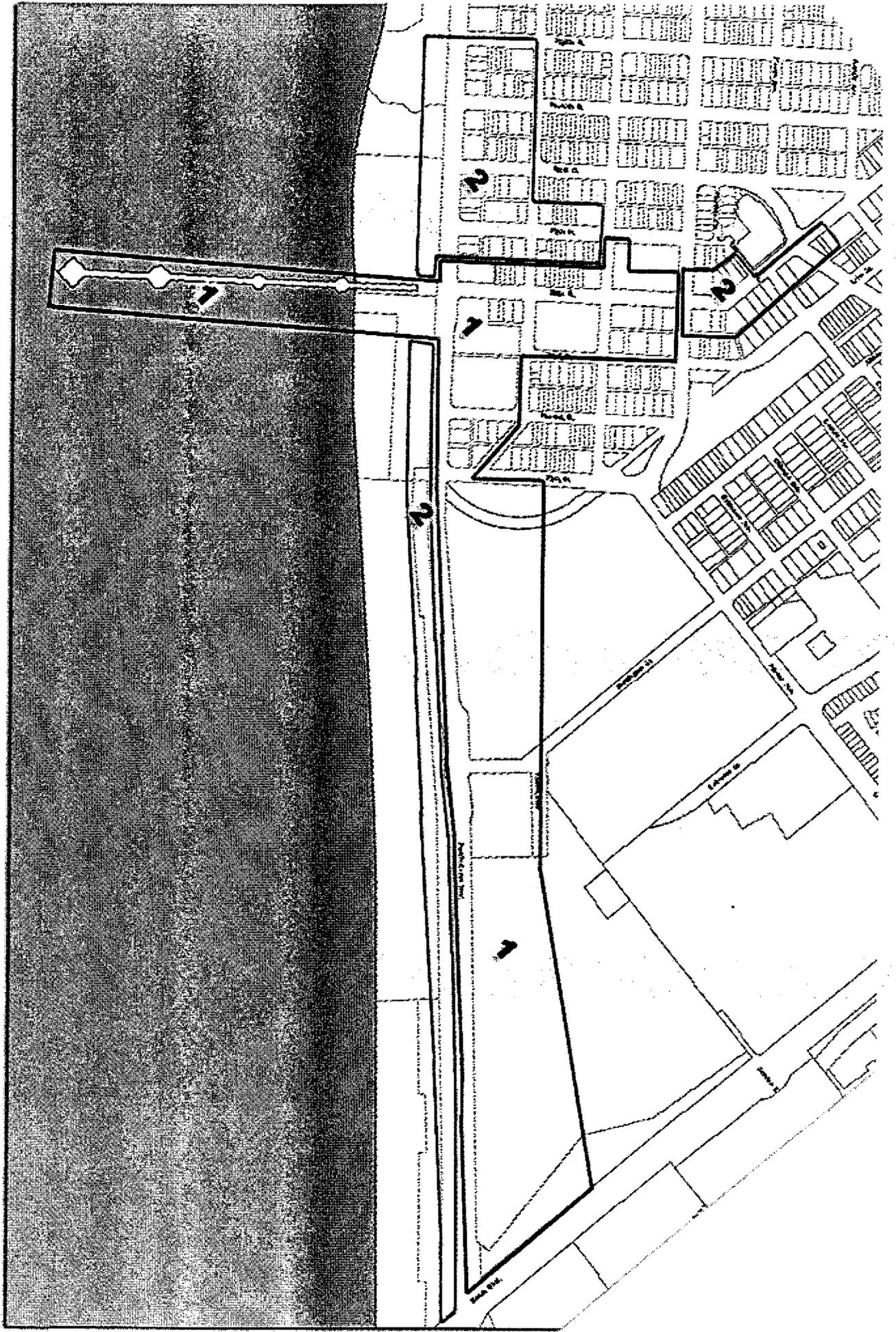


 City Administrator

INITIATED AND APPROVED:



 Director of Economic Development



**Downtown
Business Improvement District
Boundaries**

EXHIBIT B

**HUNTINGTON BEACH DOWNTOWN BUSINESS IMPROVEMENT DISTRICT
Annual Budget
Fiscal Year 2004-2005**

BID assessments will be used to establish the Huntington Beach Downtown Business Improvement District budget. The Huntington Beach Downtown Business Improvement District will actively fund activities to promote Huntington Beach Downtown businesses. The BID fiscal year will be from October 1st to September 30th.

EXPENDITURES

MARKETING/ADVERTISING	\$20,000
<ul style="list-style-type: none"> • Downtown Maps • Publicity Efforts • Visitors Guide Advertising • Signage/Brochures 	
SPECIAL EVENTS	\$40,000
<ul style="list-style-type: none"> • July 4th • Halloween • Surf Promotions • Spring/Fall Promotions 	
LANDSCAPING	\$15,000
ADMINISTRATION	\$10,000
LEGAL/ACCOUNTING	\$3,000
MISCELLANEOUS	\$2,000
ANTICIPATED EXPENDITURES	<u>\$90,000</u>
ANTICIPATED REVENUES	<u>\$90,000</u>

Exhibit C**Downtown Business Improvement District
Assessment Formulas****Benefit Zone 1**

Retail Businesses	\$500	Less than 5,000 sq. ft.
	\$1000	5,000 sq. ft. or more

Restaurants	\$500	Less than 5,000 sq. ft.
	\$1,000	5,000 sq. ft. or more

Hotels	\$500	
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Services/Office	\$200/\$100 if on 2 nd floor or higher	
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Real estate salesperson	\$50	
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Nail/Hair/Skin Stylist	\$50	
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Banks	\$500	
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Benefit Zone 2

Retail Businesses	\$250	
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Restaurants	\$250	
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Hotels	\$500	
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Service/Office	\$100/\$50 if on 2 nd floor or higher	
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Real estate salesperson	\$50	
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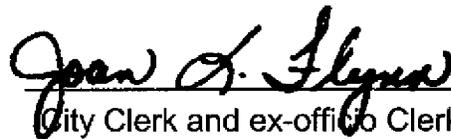
Nail/Hair/Skin Stylist	\$25	
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Banks	\$500	
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STATE OF CALIFORNIA
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, JOAN FLYNN, the duly appointed, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at an **regular** meeting thereof held on the **19th day of July, 2004** by the following vote:

AYES: Sullivan, Coerper, Hardy, Green, Boardman, Cook, Houchen
NOES: None
ABSENT: None
ABSTAIN: None



City Clerk and ex-officio Clerk of the
City Council of the City of
Huntington Beach, California