

RESOLUTION NO. 10-43

A RESOLUTION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING THE BLVD ASSOCIATION 2009-2010 YEAR-END REPORT AND LEVYING THE ASSESSMENT FOR THE LANCASTER DOWNTOWN PARKING AND BUSINESS IMPROVEMENT DISTRICT FOR THE 2010-2011 FISCAL YEAR AT THE CURRENT LEVEL

WHEREAS, on June 8, 2010, the City of Lancaster (The "City") adopted Resolution No. 10- (the "Resolution"), declaring its intention to continue a Parking and Business Improvement Area (herein referred to as the "District") and to levy a benefit assessment on all businesses, trades, and professions within said District, the proceeds of which shall be used for the public purposes therein described, pursuant to the Parking and Business Improvement Area Law described in Part 6 (commencing with Section 36500) of Division 18 of the California Streets and Highways Code (the "Act"); and

WHEREAS, pursuant to the Act and the Resolution, the City called and held a public hearing, after having given due notice thereof, on June 22, 2010 at 5:00 p.m.; and

WHEREAS, said public hearing has been held and the City Council has heard and considered all oral and written protests or other comments regarding such proposed action, and protests in writing from businesses in the proposed area paying a majority of the proposed assessment have been received; and

WHEREAS, this City Council has now determined to continue the established Parking and Business Improvement District within the BLVD Association boundary area to provide for the imposition of a benefit assessment and to adopt a resolution to such effect; and

WHEREAS, in the opinion of this City Council, the businesses within the District will benefit from the expenditure of the funds raised by the assessments proposed to be levied; and

WHEREAS, this City Council may, for each of the purposes set forth in Section 36521 of the Act, establish and modify one or more separate benefit zones based upon the degree of benefit derived from the purpose and may impose a different assessment or charge within each of the benefit zones; and

WHEREAS, for the purposes of the assessments or charges to be imposed pursuant to this Resolution, this City Council may make a reasonable classification of business, giving consideration to various factors, including, but not limited to, general benefit to businesses and the degree of benefit received from parking programs; and

WHEREAS, the assessments or charges imposed for the purpose of acquisition, construction, or maintenance of parking for the benefit of the District are imposed on the basis of benefit as determined by this City Council after giving consideration to (a) the total cost to be recovered from the businesses upon which the assessment or charge is to be imposed, (b) the total area within the boundaries of the District, (c) the assessed value of the land and improvements within the District, (d) the total business volume generated within the District, and (e) other factors as this City Council has found and determined to be a reasonable measure of benefit from the construction or maintenance of parking facilities.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, STATE OF CALIFORNIA, THAT:

Section 1. Public Hearing and Findings. The recitals, hereof, which set forth facts regarding the adoption of the Resolution, the conduct of a public hearing and certain findings of this City Council, are true and correct and incorporated herein by reference.

Section 2. Approval of the Report. The 2009-2010 Year-End Report prepared by the BLVD Association presented at this meeting is hereby approved.

Section 3. Benefit Assessment. All businesses, trades, and professions located within the boundaries described in Section 6 hereof (illustrated in Exhibit A) shall, commencing July 1, 2010, pay a benefit assessment in the following amounts:

	Benefit Zone A	Benefit Zone B
<u>Retail</u>		
Type 1 (1-2 employees)	\$150	\$75
Type 2 (3+ employees)	\$300	\$150
<u>Non-Retail</u>		
Type 1 (1-2 employees)	\$120	\$60
Type 2 (3+ employees)	\$240	\$120

The benefit assessment shall be payable annually during each fiscal year, as provided in Section 8 hereof.

Section 4. Residential Exclusion. No one shall be required to pay an assessment based on a residential use within the District.

Section 5. New Business Exemption. Any new business established within the District shall not be required to pay an assessment hereunder for the fiscal year during which it commenced business; however, the initial assessment payable by said business shall commence with the next succeeding fiscal year. This shall not be deemed to apply to an existing business that has changed ownership or location within the District.

Section 6. Definitions. For the purpose of calculating the amount of assessment owed, the following definitions shall apply:

a. Retail Businesses. Retail businesses include all businesses not covered by other definitions set out in this Section at least fifty percent (50%) of whose gross income is derived from “retail sales” as that term is defined in the California Sales and Use Tax Law. The fact that a substantial part of its business consists of other than retail sales does not exclude the businesses from this classification so long as such other business component does not account for more than fifty percent (50%) of such business’s gross income;

b. Non-Retail Businesses. Non-retail businesses means professions and service businesses, as herein defined, not meeting the definition of retail businesses and would include financial and lending institutions, hotels, and motels;

c. Professional and Service. “Professional” and “Service” businesses include general office, attorneys, architects, physicians and others in a medical/health service field , news and advertising media, printers, photographers, real estate brokers, builders, service stations, repair and service businesses, rental and leasing businesses, laboratories (including dental and optical), hearing aid services, utilities, artists and designers, vending machine businesses, and other businesses not included in the “retail” category, as defined in paragraph “a.” above;

d. District Boundaries. The District boundaries are illustrated in Exhibit A and described in Exhibit B. The District Benefit Zones are as follows:

1) Zone A. All businesses located within the District having a Lancaster Boulevard frontage and lying between the westerly side of the Union Pacific Railroad right-of-way and 10th Street West shall be considered a part of Zone A (as illustrated in Exhibit A) and subject to the assessment formula for Zone A as described above under “Benefit Assessment”; and

2) Zone B. All other businesses located within the District, not located in Zone A, as described above, shall be considered a part of Zone B (as illustrated in Exhibit A) and subject to the assessment formula for Zone B as described above under “Benefit Assessment.”

Section 7. Purposes. The purposes for which the funds raised by said benefit assessment shall be devoted to the statutory purposes set forth in Section 36500 et. seq. of the Act as more fully described in the Report, or one or more of said purposes, which are as follows:

- a. Acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, parking facilities, benches, trash receptacles, street lighting, decorations, parks, and fountains for the benefit of the District;
- b. Promotion of public events which are to take place on or in public places in the District;
- c. Decoration of any public place in the District;
- d. Furnishing of music in any public place in the District;
- e. Promotion of tourism within the District; and
- f. The general promotion of business activities in the District.

Section 8. Collection of Benefit Assessment. The benefit assessment authorized by this Resolution shall be billed by the City as of July 1 of each fiscal year along with the annual business license fee as outlined in Ordinance 566 and shall be paid within 30 days thereafter. Each billing shall represent one hundred percent (100%) of the annual assessment. To the extent any business has previously obtained a business license, which expires after July 1 but prior to July 30 of the following year, the business license fee shall be prorated for the period following the expiration thereof.

Section 9. Effective Date. This Resolution shall take effect on July 1, 2010.

Section 10. Administrative Report. The District's Administrative Report, prepared by the Lancaster Old Town Site Committee, consisting of an outline of expenditures for Fiscal Year 2009-2010 is herewith accepted and approved.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST :

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS,
Mayor
City of Lancaster

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF RESOLUTION
CITY COUNCIL

I, _____, _____ City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original Resolution No. 10-43, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this ____ day of _____, _____.

(seal)

EXHIBIT A

LANCASTER BUSINESS IMPROVEMENT AREA

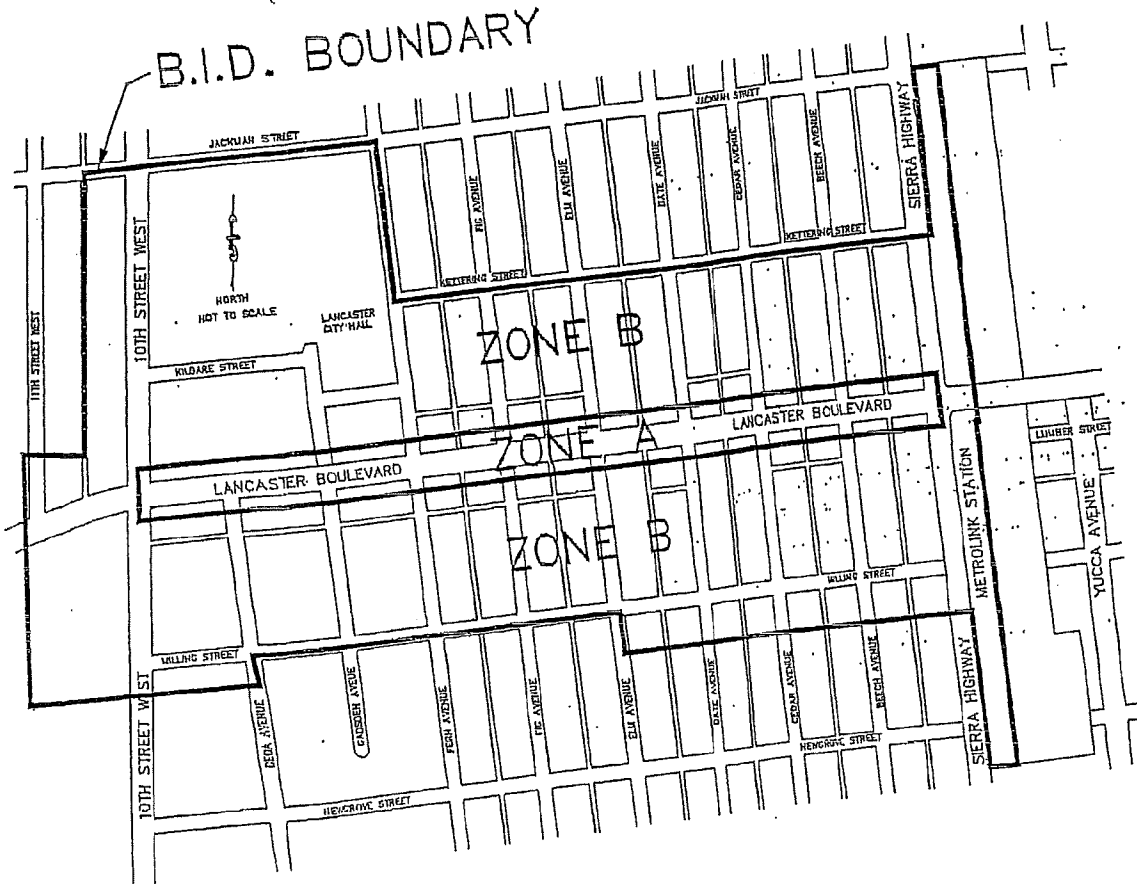


EXHIBIT B

DESCRIPTION OF THE LANCASTER BUSINESS IMPROVEMENT AREA

Beginning at a point in the center of the intersection of Jackman Street and Fern Avenue, thence southerly along the centerline of Fern Avenue to a point in the center of the intersection of Fern Avenue and Kettering Street, thence easterly along the centerline of Kettering Street to a point in the center of the intersection of Kettering Street and Sierra Highway, thence northerly along the centerline of Sierra Highway approximately 680 feet to a point where the northerly right-of-way line of Jackman Street intersects the centerline of Sierra Highway, thence easterly along the northerly right-of-way line of Jackman Street for a distance of 160 feet to the westerly boundary of the Union Pacific Railroad right-of-way, thence southerly along the western boundary of the Union Pacific Railroad right-of-way a distance of approximately 1,456 feet, thence westerly 6 feet, thence southerly along the easterly boundary of the Metrolink Station facility approximately 949 feet, thence westerly along the southerly boundary of the Metrolink Station facility extending said line approximately 154 feet to the intersection of the centerline of Sierra Highway, thence westerly along the property line occurring between Lots 8 and 9, Block 1, a distance of approximately 210 feet to a point in the center of an alley, thence southerly along the centerline of the alley a distance of approximately 59 feet, thence westerly along a property line occurring between Lots 13 and 14 of Block 1, a distance of approximately 190 feet to a point in the centerline of Beech Avenue, thence northerly along the centerline of Beech Avenue a distance of approximately 59 feet, then westerly (along property lines) a distance of approximately 1,140 feet to a point in the centerline of Elm Avenue, thence northerly along the centerline of Elm Avenue, a distance of approximately 138 feet to a point in the center of the intersection of Elm Avenue and Milling Street, thence westerly approximately 1,508 feet along the centerline of Milling Street to a point in the center of the intersection of Milling Street and Genoa Avenue, thence southerly a distance of approximately 105 feet to a point in the centerline of Genoa Avenue, thence westerly a distance of approximately 446 feet (along a property line) to a point in the centerline of 10th Street West, thence continuing westerly a distance of approximately 390 feet to the centerline of 11th Street West, thence northerly along the centerline of 11th Street West a distance of approximately 830 feet to a point in the centerline of 11th Street West and an alleyway lying to the east, thence easterly along the centerline of said alleyway a distance of approximately 190 feet, thence northerly, along an alleyway, a distance of approximately 1,268 feet to a point in the centerline of Jackman Street, thence easterly along the centerline of Jackman Street a distance of approximately 1,110 feet at the point of the beginning.

EXHIBIT C

BUSINESS IMPROVEMENT DISTRICT ANNUAL ASSESSMENT FEE

ZONE A

Retail Business

- | | | |
|----|---------------------|-------|
| a) | 1-2 Employees | \$150 |
| b) | 3 or more Employees | \$300 |

Non-Retail Business

- | | | |
|----|---------------------|-------|
| a) | 1-2 Employees | \$120 |
| b) | 3 or more Employees | \$240 |

ZONE B

Retail Business

- | | | |
|----|---------------------|-------|
| a) | 1-2 Employees | \$75 |
| b) | 3 or more Employees | \$150 |

Non-Retail Business

- | | | |
|----|---------------------|-------|
| a) | 1-2 Employees | \$60 |
| b) | 3 or more Employees | \$120 |



Destination for Your Senses

BOARD OF DIRECTORS

JOSHUA E. MANN
A.V. BOARD OF TRADE
PRESIDENT

MICHELE WILCOX
CALIFORNIA SOUNDWORKS
VICE PRESIDENT, ZONE A

VALERIE ORCUTT
BELLA WEST SPA & SALON
VICE PRESIDENT, ZONE B

JILL COOPER
ANTELOPE VALLEY BANK
SECRETARY

MONICA GRADO
GEORGE'S CLEANERS
TREASURER

ERICA ALLBEE
ANYTIME FITNESS

ROGER HEMME
BOHN'S PRINTING

HEATHER KENNEDY
CITY OF LANCASTER

MYRLE D. MCLERNON
MDM ARCHITECTS

CHERYL PULOS
GEORGE'S CLEANERS

DIANE REEVES
PERK PLACE COFFEE HOUSE

Mayor R. Rex Parris and City Council
City of Lancaster
44933 Fern Avenue
Lancaster, CA 93534

May 27, 2010

Dear Mayor Parris and Council Members,

As an organization committed to the revitalization of Downtown Lancaster, the BLVD Association Board of Directors once again requests the City of Lancaster's assistance in processing and collecting the annual Business Improvement District (BID) assessment for fiscal year 2010-2011.

For over twenty years the BLVD Association (formerly known as Lancaster Old Town Site) has been committed to its mission to *"promote, coordinate and influence the continuing vitality of Downtown Lancaster as a safe and friendly center for business community and cultural life on the Antelope Valley."* It is with this mission in mind that we ask for your continued support of the BID assessment process. As you will note in the attached financials and year-end report, the BLVD Association has developed an array of programs, events and partnerships that are essential to fully realizing the City of Lancaster's vision for Downtown Lancaster.

In addition, the BLVD Association Board of Directors is currently working with the Lancaster Economic Development / Redevelopment Department and City Manager's Office to begin the process of implementing many key revitalization elements. These include: serving as points of contact during the ongoing streetscape construction, marketing the recently unveiled brand for "The BLVD", developing a business attraction/retention program and restructuring the BLVD Association to serve as the district's management organization.

As a committed partner of the City of Lancaster, the BLVD Association stands prepared to support the continued effort to revitalize downtown Lancaster. Together we can fulfill the dream of making downtown Lancaster the cultural, commercial and civic center for future generations of Antelope Valley residents and visitors.

Respectfully,

A handwritten signature in black ink, appearing to read 'Joshua Mann', is written over a circular stamp. The stamp contains the text 'Joshua Mann President' in a serif font.

Joshua Mann
President



2009/2010 YEAR-END REPORT

The BLVD Association (formerly Lancaster Old Town Site) has remained an active organization during the streetscape design and construction phase. In the past year the following activities were undertaken to promote "The BLVD."

CELEBRATE DOWNTOWN LANCASTER

The BLVD Association once again participated as a sponsor and co-presenter of the Celebrate Downtown Lancaster event on July 17, 2009. In doing so, the BLVD Association covered the rental costs associated with the community stage located at Date Avenue. In addition the Association's Board of Directors solicited the donation of raffle items from member businesses. These prizes were given out over the course of the evening to community members who visited the City of Lancaster's booth showcasing the streetscape design and completed a survey.

LANCASTER MUSEUM/ART GALLERY "METAMORPHOSIS" GALA

As part of our commitment to supporting The BLVD's cultural amenities, the BLVD Association was an Equinox (\$2,500) sponsor of the Lancaster Museum Art Gallery's inaugural gala event held on October 3, 2010. In addition, several of our directors and members attended the event and supported the live and silent auction benefiting the museum.

STREETS OF LANCASTER GRAND PRIX

The BLVD Association was proud to participate as a sponsor of the new Street of Lancaster Grand Prix event on October 10 and 11, 2009. As part of our participation, the BLVD Association operated the event's gift shop, selling logo merchandise and apparel. In addition several of our member businesses served as hospitality venues during the weekend, hosting racers and dignitaries for race-related activities.

COATS FOR KIDS

As part of our Christmas holiday programming, the BLVD Association held its annual clothing drive, Coats for Kids. With the support of the Antelope Valley Jaycees, collection boxers were placed at approximately 20 business and civic locations in the downtown area. During the two months of the program over 250 new and gently used coats, jackets and sweaters were collected. These donated garments were then cleaned free of charge by George's Cleaners before being donated to local women's and children's charities.

"CHRISTMAS ON THE BOULEVARD" HOLIDAY HOSPITALITY WALK

On December 4, 2009 the BLVD Association held its 20th annual Hospitality Walk on Lancaster Boulevard. This free, festive evening event featured a Christmas tree lighting ceremony, carolers, storytellers, a face painter, a puppet show, an outdoor movie at the Lancaster Museum/Art Gallery, a trolley, a snow park and pictures with Santa Claus.

As a part of the event, businesses within the district purchased 50 Christmas trees that were decorated by local preschool and elementary school children. The trees were displayed along Lancaster Boulevard during the event and were later donated to Grace Resource Center families.

In addition many businesses stayed open late and offered free refreshments to attendees. Also the City of Lancaster's Western Hotel Museum hosted an open house and interactive art workshop.

LANCASTER CHRISTMAS PARADE HOSPITALITY TENT

To support the Christmas Parade held by the Lancaster & Rosamond Chambers of Commerce on December 5, 2010, the BLVD Association hosted VIPs and dignitaries at a hospitality tent placed at Date Avenue. Attendees were treated to an array of continental breakfast items supplied by the Lemon Leaf Café. Following the completion of the streetscape construction on Lancaster Boulevard, the Association is looking to further enhance the activities for parade attendees during the annual Christmas and Antelope Valley Fair parades.

"THE BLVD" BRAND DEVELOPMENT & MARKETING

As part of the City of Lancaster's downtown revitalization efforts and implementation of the Downtown Specific Plan, the Board of Directors of the BLVD Association is undertaking a rebranding process for the organization and the district. This process included changing the organization's name, through the use of a dba, from Lancaster Old Town Site to the BLVD Association in August of 2009.

In October of 2009, Vice Mayor Ron Smith brought together a group of stakeholder to conduct a formal branding exercise for the downtown area, now referred to as "The BLVD." Working with graphic design students from Antelope Valley College, the group was able to generate several brand elements including a logo, color palette, font sets (including the custom BLVD Gothic Deco) and style guide. These elements have already been the foundation for a brochure, flyer and television show and will be used for a forthcoming website.

11:23 AM
5/28/2010
Cash Basis

BLVD ASSOCIATION
Profit Loss Actual
July 2009 through March 2010

Income		
Assessment Fees	\$	23,805.00
Programs & Events		
Hospitality Walk (Tree Sponsorships)	\$	646.00
Streets of Lancaster (Merchandise Sales)	\$	990.00
Interest Income	\$	51.19
Gross Income		<u>\$ 25,492.19</u>
Expenses		
Advertising	\$	550.00
Programs & Events		
Celebrate Downtown Lancaster (Staging)	\$	4,156.49
LMAG Metamorphosis (Sponsorship)	\$	2,500.00
Hospitality Walk	\$	5,464.08
Christmas Parade (Hospitality Tent)	\$	1,162.50
Coats for Kids	\$	31.57
BLVD Groundbreaking Celebration	\$	1,716.00
Website Design	\$	1,597.08
Brand Design (Scholarships)	\$	900.00
Streets of Lancaster (Promo Items)	\$	3,678.41
Insurance Expenses		
General Liability	\$	2,013.25
Dues, Subscriptions & Fees		
California Downtown Assoc	\$	200.00
Franchise Tax Board	\$	10.00
L.A. County Clerk	\$	16.50
Legal Desk (DBA Filing Fee)	\$	121.00
Professional Fees		
Tax Preparation	\$	300.00
Website Maintenance	\$	315.00
Adminstration		
AVCOC Foundation	\$	9,283.95
Office Supplies	\$	48.50
Total Expenses		<u>\$ 34,064.33</u>
Net Income		<u>\$ (8,572.14)</u>

11:20 AM
 5/28/2010
 Cash Basis

BLVD ASSOCIATION
 Balance Sheet
 As of March 31, 2010

	March-10	March-09	March-08	March-07
Current Assets				
General Operating Account	\$ 18,320.49	\$ 27,498.40	31471.39	26633.16
Saving Account	\$ 11,609.48	\$ 11,471.98	11196.99	10803.38
Total Assets	\$ 29,929.97	\$ 38,970.38	\$ 42,668.38	\$ 37,436.54
Capital				
Fund Balance	\$ 38,502.11			
Net Income	\$ (8,572.14)			
Total Capital	\$ 29,929.97			

Note: Balance Sheet includes totals for 2007, 2008 & 2009 for comparison purposes. In addition, no liabilities are listed as the BLVD Association LOTS does not carry any debt.

Assesments	2009-2010	2008-2009	2007-2008	2006-2007
Annual Income from BID Assessment	\$ 23,805.00	\$ 25,642.00	\$ 27,758.75	\$ 30,570.00

Note: The decline in assesment revenues reflects the continued changes to the district as a result of implementing the Downtown Specific Plan (DSP). It is anticipated that this decline to continue in the short-term as the district continues to transition.

BLVD ASSOCIATION
2010-2011 PROPOSED BUDGET

5/28/2010 11:18 AM

Month/Item	July	August	September	October	November	December	January	February	March	April	May	Jun	Totals
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INCOME

General Income							\$ 20,000.00						\$ 20,000.00
BID Assessments	\$ 5.00	\$ 5.00	\$ 5.00	\$ 5.00	\$ 5.00	\$ 5.00	\$ 5.00	\$ 5.00	\$ 5.00	\$ 5.00	\$ 5.00	\$ 5.00	\$ 60.00
Interest Income													
Program Income													
Hospitality Walk				\$ 1,200.00			\$ 500.00						\$ 500.00
Streets of Lancaster													
Monthly Income	\$ 5.00	\$ 5.00	\$ 5.00	\$ 1,205.00	\$ 5.00	\$ 505.00	\$ 20,005.00	\$ 5.00	\$ 5.00	\$ 5.00	\$ 5.00	\$ 5.00	\$ 20,560.00

EXPENSES

General Expenses							\$ 8,000.00						\$ 8,000.00
Admin - AVCOC							\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 9,500.00
Advertising	\$ 500.00												\$ 500.00
Dues & Subscrip.							\$ 200.00						\$ 200.00
Insurance							\$ 2,300.00						\$ 2,300.00
Office Supplies	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ 10.00	\$ 120.00
Printing	\$ 250.00			\$ 250.00			\$ 250.00			\$ 250.00			\$ 1,000.00
Tax Preparation							\$ 300.00						\$ 300.00
Taxes							\$ 10.00						\$ 10.00
Website	\$ 45.00	\$ 45.00											\$ 90.00
Event Sponsorships													
Museum Gala		\$ 2,500.00											\$ 2,500.00
Streets of Lancaster				\$ 2,500.00									\$ 2,500.00
Oktoberfest				\$ 2,500.00									\$ 2,500.00
Programs													
Aerospace Murals			\$ 2,500.00										\$ 2,500.00
Hospitality Walk						\$ 2,500.00							\$ 5,000.00
Monthly Expenses	\$ 805.00	\$ 55.00	\$ 5,010.00	\$ 6,260.00	\$ 6,320.00	\$ 3,510.00	\$ 9,260.00	\$ 1,010.00	\$ 1,010.00	\$ 1,250.00	\$ 1,010.00	\$ 1,010.00	\$ 36,520.00

Monthly Income/Loss	\$ (800.00)	\$ (50.00)	\$ (5,005.00)	\$ (5,055.00)	\$ (6,315.00)	\$ (3,005.00)	\$ 10,745.00	\$ (1,005.00)	\$ (1,005.00)	\$ (1,255.00)	\$ (1,005.00)	\$ (1,005.00)	\$ (15,960.00)
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