

RESOLUTION NO. 12-34

A RESOLUTION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING THE BLVD ASSOCIATION 2011-2012 YEAR-END REPORT AND LEVYING THE ASSESSMENT FOR THE LANCASTER DOWNTOWN PARKING AND BUSINESS IMPROVEMENT DISTRICT FOR THE 2012-2013 FISCAL YEAR AT THE CURRENT LEVEL

WHEREAS, on June 12, 2012, the City of Lancaster (The "City") adopted Resolution No. 12-25 (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 26, 2012 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 2011-2012 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, 2012, 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, 2012.

Section 10. Administrative Report. The District's Administrative Report, prepared by The BLVD Association, consisting of an outline of expenditures for Fiscal Year 2011-2012 is herewith accepted and approved.

PASSED, APPROVED, and ADOPTED this _____ day of _____ 2012, 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. 12-34, 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 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 |



May 9, 2012

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

Erica Allbee
Vice President, Zone A

Valerie Orcutt
Vice President, Zone B

Julie Sutton
Secretary

Monica Grado
Treasurer

Chenin Dow
Director

Karen Eskew
Director

Sharon Giannini
Director

Roger Hemme
Director

Myrle McLernon
Director

Rena Patel
Director

April Ray
Director

Andy Ward
Director

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 2012-2013.

For more than twenty years, the BLVD Association has remained committed to its mission to "promote, coordinate and influence the continuing vitality of Downtown Lancaster as a safe and friendly center for the business community and cultural life in the Antelope Valley." With this mission in mind, we would like to request your continued support of the BID assessment process.

As demonstrated in the attached year-end report and financial information, the BLVD Association has played an integral role in the development and continuation of a variety of programs, events and partnerships that are essential to fully realizing the City's vision for the BLVD.

Throughout the past year, the BLVD Association Board of Directors and active members have worked with the Lancaster Economic Development/Redevelopment Department and the City Manager's Office to implement a number of activities that are key elements to our ongoing revitalization efforts. These activities include serving as partners with the City in the ongoing revitalization of our new downtown, marketing the new BLVD as a major destination, and launching new events and activities to promote The BLVD.

In the coming year, we will continue to work hand-in-hand with the City in business attraction and retention efforts, provide our member businesses with the tools they need to thrive in this challenging economy, and continue to sponsor events and activities that attract people downtown from throughout the Antelope Valley and beyond. We are deeply committed to our partnership with the City of Lancaster and to the ongoing effort to revitalize the downtown area. Together, we can realize the dream of making the BLVD the cultural, commercial and civic center of the Antelope Valley.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Jill Cooper', is written over a large, sweeping horizontal line. Below the signature, the text 'S. Jill Cooper' and 'President' is printed in a small, sans-serif font.



2011–2012 Year–End Report

The 2011-2012 fiscal year has been a period of ongoing adaptation and innovation for the BLVD Association. Throughout the year, the Association has worked to capitalize on the momentum created by the City's \$10 million revitalization efforts to promote the BLVD and attract ever-increasing crowds to the downtown area. The Association and its members have launched or participated in an array of events and activities throughout the past fiscal year.

Celebrate America on The BLVD – September 10, 2011

The downtown special events season kicked off with Celebrate America on The BLVD, a USO-themed street festival which offered a blast to our nation's 1940s past as well as a moving tribute to the ten-year anniversary of the 9/11 tragedy. The BLVD Association worked with the City to enhance this event in a variety of ways. Member businesses kept their businesses open late and had their staff dress in period costumes, donated costumes for use by the City and fellow businesses, and more.

Streets of Lancaster Grand Prix – October 14–16, 2011

The BLVD Association was proud to participate as a sponsor of the third annual Streets of Lancaster Grand Prix. A number of member businesses served as hospitality venues during the weekend, hosting racers and City officials for race-related activities, and many more participated as vendors in the street festival.

BooLVD – Halloween and Harvest Festival – October 29, 2011

The wildly successful BooLVD event attracted an estimated 35,000 people to the streets of downtown to enjoy Halloween festivities. The Association and its member businesses hosted the trick-or-treat portion of this event, passing out candy from their storefronts up and down the BLVD. Several businesses also got in on the fun and enhanced the festivities by dressing in costume, competing in a window decorating contest, and even hosting a haunted house.

Shop with the Mayor – November 18, 2011

With over 40 new businesses, the 2011 holiday season marked the first since The BLVD's heyday in which holiday shoppers could find a wide variety of retail options available downtown. Longtime Antelope Valley residents commented that now, they could find a gift for everyone on their wish list on The BLVD. To mark this momentous occasion and encourage area residents to shop local, the BLVD Association partnered with the City to host the first "Shop with the Mayor" event. The event featured a press conference which emphasized shopping local, then invited attendees to kick off the holiday shopping season by shopping with the Mayor and City Council Members.

Holiday Marketing Campaign – November and December 2011

To further build on The BLVD's retail momentum, The BLVD Association launched its first-ever holiday marketing campaign. This effort encompassed a radio campaign, direct-mail marketing, and several special promotions. These promotions included "BLVD Gifts of Health & Beauty," featuring specials at a variety of downtown spas, salons and health-related businesses, as well as "The BLVD Wrap Party," during which volunteers from the Lancaster High School Interact Club offered free gift-wrapping for BLVD patrons.

Christmas Parade – December 3, 2011

The BLVD Association supported the annual Christmas Parade hosted by the Antelope Valley and Rosamond Chambers of Commerce with a hospitality tent for event VIPs and dignitaries. Attendees were treated to an array of continental breakfast items supplied by the Lemon Leaf Café.

A Magical BLVD Christmas – December 10, 2011

Members of the BLVD Association participated in the City's second annual "A Magical BLVD Christmas" by extending their opening hours and engaging in a holiday-themed window decorating contest to further enhance the downtown atmosphere. A number of businesses also took part in the Christkindlmarkt, or street festival, as vendors.

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 boxes 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 garments were then cleaned free of charge by George's Cleaners before being donated to local women's and children's charities.

Museum of Art & History Gala – May 4, 2012

As part of our commitment to supporting The BLVD's cultural amenities, the BLVD Association was a sponsor of the Lancaster Museum of Art & History's first-ever fundraising gala in its new facility on The BLVD.

12:48 AM
6/1/2011
Cash Basis

BLVD ASSOCIATION
Balance Sheet
As of March 31,2011

Income		
Assessment Fees		\$ 25,460.00
Programs & Events		
Hospitality Walk (tree sponsorship)		\$ 370.00
Streets of Lancaster		\$ 307.00
Interest Income		\$ 54.13
Gross Income		<u>\$ 26,191.13</u>
Expenses		
Advertising		\$ 3,132.50
Programs & Events		
LMAG		\$ 2,500.00
Hospitality Walk		\$ 2,977.00
Valentine's Day Promotion		\$ 800.00
Website		\$ 135.00
Landing Page		\$ 1,200.00
Streets of Lancaster		\$ 107.00
Insurance Expense		
General Liability		\$ 689.00
Dues, Subscriptions & Fees		
California Downtown Association		\$ 200.00
Franchise Tax Board		\$ 10.00
L.A County Clerk		
Secretary of State		\$ 20.00
AV Chamber of Commerce		\$ 135.00
Professional Fees		
Tax Preparation		\$ 300.00
PO Box Fee		\$ 98.00
Adminstration		
AVCOC Foundation		\$ 3,000.00
Total Expense		<u>\$ 15,303.50</u>
Net Income		\$ 10,887.63

UNAUDITED MATERIALS-DO NOT DISTRIBUTE

1:30 PM
 6/1/2011
 CASH BASIS

BLVD ASSOCIATION
 Balance Sheet
 As of March 31,2011

	March-11	March-10	March-09	March-08
Current Assets				
General Operating Account	\$ 25,986.46	\$ 18,320.49	\$ 27,498.40	\$ 31,471.39
Savings Account	\$ 11,685.10	\$ 11,609.48	\$ 11,471.98	\$ 11,196.99
Total Assets	\$ 37,671.56	\$ 29,929.97	\$ 38,970.38	\$ 42,668.38

Note: Balance Sheet includes totals for 2008, 2009, 2010, & 2011 for comparison purposes.
 In addition, no liabilities are listed as the BLVD Association does not carry any debt.

Assessments	2010-2011	2009-2010	2008-2009	2007-2008
Annual Income from BID Assessment	\$ 25,460.00	\$ 23,805.00	\$ 25,642.00	\$ 27,758.75

CASH BASIS

BLVD ASSOCIATION
 Balance Sheet
 As of March 31,2012

	March-12	March-11	March-10	March-09
General Operating Account	\$ 23,902.46	\$ 25,986.46	\$ 18,320.49	\$ 27,498.40
Savings Account	\$ 11,712.80	\$ 11,685.10	\$ 11,609.48	\$ 11,471.98
Total Assets	\$ 35,615.26	\$ 37,671.56	\$ 29,929.97	\$ 38,970.38

Note: Balance Sheet includes totals for 2009, 2010, 2011 & 2012 for comparison purposes.
 In addition, no liabilities are listed as the BLVD Association does not carry any debt.

Assessments	2011-2012	2010-2011	2009-2010	2008-2009
Annual Income from BID Assessment	\$ 26,090.00	\$ 25,460.00	\$ 23,805.00	\$ 25,642.00

UNAUDITED MATERIALS-DO NOT DISTRIBUTE

UNAUDITED MATERIALS-DO NOT DISTRIBUTE

	Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Totals
Advertising													
Antelope Valley Press	\$0	\$250	\$0	\$0	\$250	\$0	\$0	\$250	\$0	\$0	\$0	\$500	\$1,250
AV Web Design	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$1,200
Publications/Printing	\$0	\$0	\$0	\$0	\$2,500	\$0	\$0	\$0	\$0	\$2,500	\$0	\$0	\$5,000
Radio Broadcasting	\$0	\$0	\$0	\$0	\$0	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
PBID Consulting	\$0	\$0	\$0	\$0	\$0	\$5,000	\$0	\$0	\$0	\$0	\$0	\$0	\$5,000
													\$0
													\$0
Association Dues													
Antelope Valley Chamber	\$0	\$0	\$0	\$0	\$160	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$160
California Downtown Assoc	\$0	\$0	\$0	\$300	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$300
													\$0
Improvements													
Mural Painting	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000	\$0	\$0	\$0	\$0	\$1,000
													\$0
BLVD Events													
LMAG Association	\$0	\$0	\$0	\$2,500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,500
SBA Training Costs	\$0	\$0	\$0	\$0	\$0	\$750	\$0	\$0	\$0	\$0	\$0	\$0	\$750
BLVD Events	\$0	\$0	\$2,500	\$0	\$0	\$2,500	\$0	\$0	\$2,500	\$0	\$0	\$2,500	\$10,000
													\$0
Operating Expense/Misc													
Post Office Box	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Stamps	\$0	\$100	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$100
Office Supplies	\$0	\$0	\$0	\$220	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$220
Accountant Fees	\$0	\$0	\$0	\$0	\$50	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$50
Constant Contact	\$0	\$0	\$0	\$0	\$0	\$500	\$0	\$0	\$0	\$0	\$0	\$0	\$500
AV Trophy	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$75	\$0	\$0	\$0	\$0	\$75
Philadelphia Insurance	\$0	\$0	\$0	\$0	\$0	\$0	\$100	\$0	\$0	\$0	\$0	\$0	\$100
NWC Insurance	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,550	\$0	\$1,550
										\$500	\$0	\$0	\$500
													\$0
													\$0
Total Expenses	(\$100)	(\$450)	(\$2,600)	(\$3,120)	(\$3,060)	(\$9,850)	(\$200)	(\$1,425)	(\$2,600)	(\$3,100)	(\$1,650)	(\$3,100)	(\$31,255)

Antelope Valley Press
AV Web Design
Publications/Printing
Radio Broadcasting
PBID Consulting

Association Dues
Antelope Valley Chamber
California Downtown Assoc

Improvements
Mural Painting

BLVD Events
LMAG Association
SBA Training Costs
BLVD Events

Operating Expense/Misc
Post Office Box
Stamps
Office Supplies
Accountant Fees
Constant Contact
AV Trophy
Philadelphia Insurance
NWC Insurance

Total Expenses