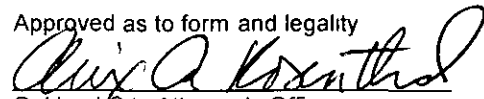


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Approved as to form and legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO 84789 C M S

RESOLUTION CONFIRMING THE ANNUAL REPORT OF THE MONTCLAIR BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD AND LEVYING THE ANNUAL ASSESSMENT FOR THE MONTCLAIR BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2014/15

WHEREAS, the State of California allows for the formation of business assessment districts under **Street and Highways Code Section 36500 et seq**, and

WHEREAS, the business license holders in the **Montclair** business district petitioned to form the **Montclair Business Improvement District** ("District") under said legislation to undertake the **Management Plan** for the District ("Plan") which is on file with the City Clerk, and

WHEREAS, the Plan provides for special benefit services such as enhanced security, beautification, sidewalk sweeping, and economic development, and marketing activities with the intent of creating a positive atmosphere in the District area (as more specifically identified in the Plan), and

WHEREAS, the **Montclair Business Improvement District** was established by the City Council on **November 27, 2001** pursuant to **Ordinance No 12378**, and

WHEREAS, pursuant to **Streets and Highways Code Section 36533**, the **Annual Report** (attached **Exhibit A**) has been prepared by the **Montclair Business Improvement District Advisory Board** and filed with the City Clerk, and the City Council desires to confirm the **Report**, and levy the annual assessment for the **Montclair Business Improvement District** for fiscal year **2014/15**, now therefore be it

RESOLVED: that the Council of the City of Oakland does hereby find and determine as follows

- 1 The **Montclair Business Improvement District** was established in the **Montclair** area of the City of Oakland, California as a parking and business improvement area

pursuant to Street and Highways Code section 36500 et seq with the boundanes as specified in the Plan on file with the City Clerk

- 2 Pursuant to Streets and Highways Code Section 36535, a Public Hearing was held on December 10, 2013, to hear all public comments, protests, and take final action as to the levying of the proposed assessments for the Distnct for the fiscal year 2014/15 The City Council finds that there was no majority protest as defined in the Street and Highways Code Section 36500 et seq
- 3 The Annual Assessment Report for the District is approved and confirmed
- 4 The City Council approves and adopts the assessments as provided for in the Plan and the Annual Report of the Advisory Board and does hereby levy and direct the collection of the assessments for the 2014/15 fiscal year as provided for in the Annual Report in accordance with the assessment formula as provided for in the Plan and Annual Report
- 5 The proposed method and basis of levying the assessments to be levied against each business in the District are those specified in the Plan and Annual Assessment Report on file with the City Clerk
- 6 The time and manner of collecting assessments shall be at the same time and in the same manner as for the annual business tax billings and may provide for the same penalties for delinquent payment The City may use the same process and procedures for the collection of delinquent assessments as it uses to collect delinquent business tax billings or such other processes and procedures as are convenient to complete such collection and may reimburse itself out of the proceeds collected for the costs of such collection The assessments shall be coordinated with the City of Oakland's annual business tax billing cycle, and shall be included along with the annual business tax notifications, or in a supplemental notice following thereafter if, for any reason, they are not ready or cannot be included along with the business tax notices Supplemental notices shall be permissible for new businesses or for correction or supplementation of pnor notices
- 7 The boundanes of the Distnct shall remain the same as specified in the Plan on file with the City Clerk and there are no changes to the boundaries or benefit zones
- 8 The types of the improvements and activities proposed to be funded by the levy of assessments on businesses in the area are those specified above in this Resolution and more specifically as descnbed in the Plan and the Annual Report on file with the City Clerk There are no substantial changes in the improvements or activities for the Distnct
- 9 Until disbursed, BID assessments will be held in a special trust fund established by the City on behalf of the Montclair Business Improvement Distnct in

Miscellaneous Trusts Fund (7999), Neighborhood Commercial Revitalization & Service Delivery System Organization (02981), Pass Thru Assessments Account (24224), Undetermined Project (0000000), Montclair Business Improvement Distinct Program (MBID)

- 10 The City Administrator is hereby authorized to enter into annual contracts and related amendments for the security, marketing, maintenance, or other activities and improvements for the Distinct, or to conduct or contract for such services and improvements as provided for in the State of California Streets and Highways Code Section 36500 *et seq*

JAN 07 2014

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE

AYES- BROOKS, GALLO, GIBSON McELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

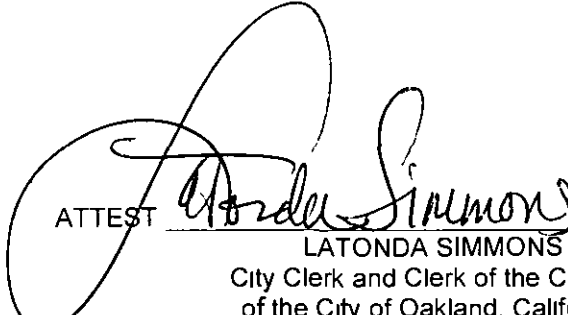
ATTEST  _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

EXHIBIT A

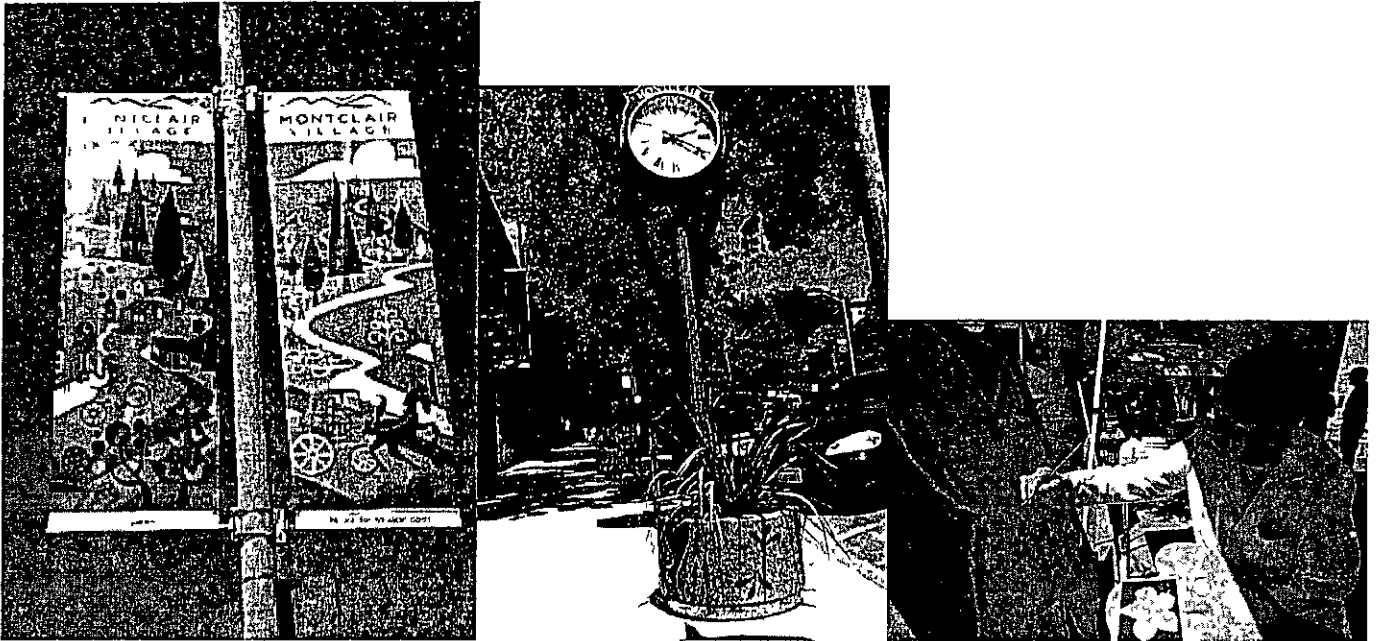
(To the Resolution to Levy the FY 2014/15 Montclair BID Assessment)



MONTCLAIR VILLAGE

The MVA's mission is to support our merchant members and help the Village thrive

Annual Report to the Oakland City Council Relating to the 2014-2015 Montclair Village Association Business Improvement District



1980 Mountain Blvd Suite 212 • Oakland, CA 94611
(510)339-1000 • (510)339-2368 fax • montclairvillage@sbcglobal.net
www.montclairvillage.com

(To the Resolution to Levy the FY 2014/15 Montclair BID Assessment)

Annual Report to the Oakland City Council Relating to the 2014-2015 Montclair BID

Pursuant to California Streets and Highways Code Part 6
Parking and Business Improvement Area Law of 1989
Chapter 4, Section 36533

- I. Proposed changes in boundaries of the parking and business improvement area or in any other benefit zones within the area.**
There are no proposed changes in the boundaries of the parking and business improvement area or any benefit zones in the area
- II. Improvements and activities to be provided for in upcoming fiscal year.**
See the attached budget which outlines the improvements and activities to be funded and provided in the year ending December 31, 2014
- III. Estimate of the cost of providing the improvements and activities for upcoming fiscal year.**
See attached budget
- IV. Method and basis of levying the assessment.**
The method and basis of levying the assessment has not changed from the adoption of the original ordinance.
- V. The amount of any surplus or deficit revenues to be carried over from the previous fiscal year.**
See attached budget
- VI. The amount of any contributions to be made from sources other than assessments levied.**
Other than assessments levied, funds have been generated from Pacific Fine Arts Festivals, and from management of the Montclair Village Parking Garage. Funds from Associate Member program, started in mid-2010, are also shown on the attached budget

Jeff Diamond
Co-President, Montclair Village Association

Howard Neal
Co-President, Montclair Village Association

Accomplishments 2013/2014

Beautification/Design/Land Use

- Maintained Village planters, re-planted with draught resistant plants, and Friends of Sausal Creek educational plantings
- Provided weekly sidewalk and gutter sweeping, 5-20 lbs of litter removal per week
- Provided sidewalk power washings and cleaning of City trash receptacles
- Provided input on C-27/CN-1 zoning issues
- Facilitated an ongoing public art mosaic project on the Village planters
- Continued to obtain City and public utility support to address pot holes, graffiti, infrastructure damage, signage and recycling issues in the Village
- Redesigned and installed new street pole banners
- Hosted (2) community workdays with 30+ volunteers, to address litter and vegetation overgrowth along Hwy 13 and in Montclair Park

Board of Directors

- Held monthly meetings where members could comment and ask questions
- Held annual merchant mixer to honor incoming and departing Board members, and to provide opportunities for merchants to share marketing ideas and network
- Expanded Board participation, and merchant participation in committees and working groups

Businesses

- Expanded the Associate Membership program to represent area businesses, enabling businesses neighboring the BID or in home offices to become involved in the Association and benefit from the collective marketing effort
- Maintained/updated database of Village merchants, property owners/managers
- Expanded the new MVA website and calendar function to include area events
- Produced Montclair Village electronic newsletter
- Worked closely with the Oakland Tax Division to collect assessments from severely delinquent BID members
- Initiated a district magazine for business promotion and to highlight the assets of the District
- Certified the MVA as a Bay Area Green Business
- Involved (3) college interns to learn about community organizing and business support

Promotions

- Hosted a street festival fundraiser with over 3,000 attendees
- Managed Farmers' Market activities, upgrading the cleanliness and presentation of the market
 - Expanded the use of a Farmers' Market booth by MVA businesses
- Working closely with the Lions Club to produce a Village Restaurant Walk in April, Easter Egg Hunt, and Halloween Parade through the Village
- Facilitated the Montclair Arts Fair in partnership with the Pacific Fine Arts Festivals to produce their two annual events
- Facilitated late night Thursday shopping during the holiday season
- Produced Village Annual Holiday Stroll event
- Produced a summer outdoor movie series in the commercial district

Safety/Security

- Revised security contract for more responsive coverage and improved connectivity with surrounding residential areas
- Initiated Block Ambassador program Phase 2
- Facilitated the installation of security cameras

Garage Management

- Maintained, Managed, and Promoted the City parking garage and parking lot, located in Montclair Village

**Montclair Village Association
Board Member Report**

	First	Last	Position	Title	Company	Term Expires
1	Mary	Avila	Director Vice-	Business Manager	Bank of the West	Jun-15
2	Vanessa	Bergmark	President	Business Manager	Red Oak Realty	Jun-14
3	Aaron	Brown	Director	Real Estate Agent	The Grubb Company	Jun-14
4	Jeff	Diamond	Co-President/ Secretary	Business Owner	Farmstead Cheeses & Wines	Jun-13
5	Larry	Ginsburg	Director	Business Owner	Ginsburg Financial Advisors	Jun-15
6	Hana	Levin	Director	Business Owner	Melt Massage	Jun-14
7	Steve	Montgomery	Director	Business Co-owner	Italian Colors	Jun-15
8	Howard	Neal	Co-President/ Secretary	Business Owner	Neal & Associates Attorneys	Jun-14
9	John	Porras	Director	Business Co-owner	Crown Wine & Spints	Jun-15
10	Tom	Revelli	Treasurer	Business Owner	Montclair Sports Montclair Vetennary	Jun-15
11	Lee	Richter	Director	Business Co-owner	Hospital	Jun-14
12	Wayne	Sweeney	Director	Business Owner	Gnille One Carvery	Jun-14
13	Mike	Williams	Director	Business Co-owner	Crogan's Montclair	Jun-14
14	Thomas	Wong	Director	Business Manager	Rite Aid	Jun-14

Number of Vacant Seats on Board 0

Length of Board Terms

- Officers - 1 year
- Directors - 2 years

Appointment Process

Annual Elections held in June, voted by all BID paid members

Summary of BID Functions

Private security, maintenance, beautification, design, land use, promotion activities

Committees

- Promotions/Farmers' Market
- Beautification/Design/Land Use/Safety
- Executive
- Nominations
- Block Ambassadors

2014 MVA Approved Budget

	2012 Approved Budget	2012 Actual	2013 Approved Budget	2013 Actual	2014 Proposed Budget	Notes
INCOME						
BID Revenues	\$ 71,250 00	\$ 90,845 68	\$ 72,000 00	\$ 89,213 96	\$ 85,000 00	
Associate Memberships	\$ 310 00	\$ 2,165 00	\$ 800 00	\$ 1,470 00	\$ 1,500 00	
Farmers Market				\$ 1,200 00	\$ 8,000 00	
Mosaic Program				\$ 5,500 00	\$ 7,500 00	
Pacific Fine Art Festivals	\$ 8,500 00	\$ 8,500 00	\$ 8,500 00	\$ 8,500 00	\$ 8,500 00	
Village Events				\$ 5,842 61	\$ 6,000 00	
Garage Management	\$ 10,800 00	\$ 10,800 00	\$ 11,700 00	\$ 10,800 00	\$ 10,800 00	2
Total Income	\$ 90,860 00	\$ 112,310 68	\$ 93,000 00	\$ 122,526 57	\$ 127,300 00	
EXPENSES						
Beautification						
Banners	\$ 4,000 00	\$ 3,000 00	\$ 4,000 00	\$ 8,735 00	\$ 3,000 00	3
Landscaping	\$ 12,000 00	\$ 10,235 61	\$ 6,000 00	\$ 9,939 23	\$ 8,000 00	
Maintenance	\$ 16,000 00	\$ 13,007 22	\$ 12,000 00	\$ 12,000 00	\$ 12,000 00	
Land Use	\$ 1,500 00	\$ -	\$ -	\$ -	\$ -	
Streetscape	\$ 2,000 00	\$ 8,000 00	\$ -	\$ 9,655 53	\$ 6,000 00	
Subtotal/ Beautification	\$ 35,500 00	\$ 34,242 83	\$ 22,000 00	\$ 40,329 76	\$ 29,000 00	
Security						
Safety	\$ 5,000 00	\$ -	\$ -	\$ -	\$ -	
Security	-	\$ 9,307 50	\$ 12,000 00	\$ 12,000 00	\$ 14,000 00	
Subtotal/ Security	\$ 5,000 00	\$ 9,307 50	\$ 12,000 00	\$ 12,000 00	\$ 14,000 00	
Organization						
Accountant	\$ 500 00	\$ 500 00	\$ 500 00	\$ 595 00	\$ 1,200 00	
Board	\$ -	\$ -	\$ -	\$ -	\$ -	
Insurance	\$ 2,000 00	\$ 1,395 00	\$ 1,400 00	\$ 1,395 00	\$ 1,400 00	
Meetings/Mixers	-	\$ 889 74	\$ 1,000 00	\$ 750 00	\$ 1,000 00	
Postage	\$ 100 00	\$ 117 60	\$ 100 00	\$ 95 00	\$ 100 00	
Rent	\$ 5,000 00	\$ 4,923 44	\$ 5,000 00	\$ 4,923 44	\$ 5,000 00	
Administrator/ Staff	\$ 25,000 00	\$ 34,678 37	\$ 28,000 00	\$ 29,000 00	\$ 38,000 00	4
Supplies/Equipment	\$ 600 00	\$ 2,765 55	\$ 1,800 00	\$ 1,780 99	\$ 1,800 00	
Taxes	\$ 100 00	\$ 208 00	\$ 200 00	\$ 200 00	\$ 200 00	
Utilities	\$ 1,000 00	\$ 698 16	\$ 1,000 00	\$ 1,000 00	\$ 1,000 00	
Subtotal/ Organization	\$ 34,300 00	\$ 46,175 86	\$ 39,000 00	\$ 39,739 43	\$ 49,700 00	
City						
City Collection	\$ 2,750 00	\$ 2,750 00	\$ 2,750 00	\$ 2,750 00	\$ 2,750 00	1
City Loan Payment	\$ 3,250 00	\$ 3,250 00	\$ 3,250 00	\$ 3,250 00	\$ 3,250 00	1
Subtotal	\$ 6,000 00	\$ 6,000 00	\$ 6,000 00	\$ 6,000 00	\$ 6,000 00	1
Promotions						
Marketing / Advertising	\$ 2,000 00	\$ 642 66	\$ 2,000 00	\$ 1,995 85	\$ 6,000 00	
Directory / Brochures	\$ 2,000 00	\$ 3,123 55	\$ 2,000 00	\$ 2,000 00	\$ 1,000 00	
Design/ Graphics		\$ 2,450 00		\$ 4,800 00	\$ 4,000 00	
Farmer's Market	-	\$ (700 00)	\$ (600 00)	\$ 340 00	\$ 500 00	
Events	\$ 3,000 00	\$ 2,420 31	\$ 2,000 00	\$ 5,131 47	\$ 7,000 00	
Maps / Signage	\$ 1,300 00	\$ 3,154 52	\$ 1,000 00	\$ 1,000 00	\$ 1,000 00	
Web Site / Social Media	\$ 5,000 00	\$ 2,995 00	\$ 5,000 00	\$ 5,285 12	\$ 5,000 00	
Subtotal/ Promotions	\$ 13,300 00	\$ 14,086 04	\$ 11,400 00	\$ 20,552 44	\$ 24,500 00	
Total Expenses		\$ 103,812 23		\$ 112,621 63	\$ 117,200 00	

8% Reserves	\$ 2,725 00	\$ 2,725 00	\$ 8,600 00	\$ 8,600 00	\$ 10,100 00
Total	\$ 90,825 00	\$ 106,537 23	\$ 93,000 00	\$ 121,221 63	\$ 127,300 00
Net	\$ 35 00	\$ 5,773 45	\$ -	\$ 1,304 94	\$ 0 00

1 These figures are deducted by the City from our BID payments and are not included in the calculations

2 Garage revenue will be contingent of the pending contract with the City to be determined in Q4 2013

3 Banner upgrades were postponed from 2012 to 2013

4 Bonus compensation, Interns, and extra ED projects included