

OAKLAND CITY COUNCIL

RESOLUTION No. 83484 C.M.S.

RESOLUTION APPROVING THE ANNUAL REPORTS OF THE LAKESHORE/LAKE PARK BUSINESS IMPROVEMENT MANAGEMENT DISTRICT, THE TEMESCAL/TELEGRAPH AVENUE PROPERTY BUSINESS IMPROVEMENT DISTRICT OF 2005, THE LAUREL PROPERTY BUSINESS IMPROVEMENT DISTRICT OF 2005, THE FRUITVALE PROPERTY BUSINESS IMPROVEMENT DISTRICT OF 2006, THE KOREATOWN/NORTHGATE COMMUNITY BENEFIT DISTRICT OF 2007, THE DOWNTOWN OAKLAND COMMUNITY BENEFIT DISTRICT OF 2008, AND THE LAKE MERRITT/UPTOWN COMMUNITY BENEFIT DISTRICT OF 2008 ADVISORY BOARDS; CONFIRMING THE CONTINUING ANNUAL ASSESSMENT FOR EACH APPLICABLE DISTRICT FOR FISCAL YEARS 2010/11 AND 2011/12; AND AUTHORIZING PAYMENT OF THE CITY'S CUMULATIVE FISCAL YEAR 2011/12 FAIR SHARE ASSESSMENT IN AN AMOUNT NOT TO EXCEED \$148,165.47 FOR CITY-OWNED PROPERTIES IN THE TEMESCAL/TELEGRAPH AVENUE DISTRICT, KOREATOWN/NORTHGATE DISTRICT, THE DOWNTOWN OAKLAND DISTRICT, AND THE LAKE MERRITT/UPTOWN DISTRICT.

WHEREAS, the City of Oakland Business Improvement Management District (BIMD) Ordinance allows for the formation of business improvement management districts (Chapter 4.48, Ordinance 12190. 1999); and

WHEREAS, affected property owners petitioned to form the Lakeshore/Lake Park Business Improvement Management District, the Temescal/Telegraph Avenue Property Business Improvement District of 2005, the Laurel Property Business Improvement District of 2005, the Fruitvale Property Business Improvement District (PBID) of 2006, the Koreatown/Northgate Community Benefit District (CBD) of 2007, the Downtown Oakland Community Benefit District of 2008, and the Lake Merritt/Uptown Community Benefit District of 2008 ("Districts") under said legislation to undertake the Management Plans for the Districts ("Plans") which are on file with the City Clerk; and

WHEREAS, the Plans provide for enhanced services such as new security, crime prevention, beautification, parking resolution, sidewalk sweeping, economic development, lighting, and marketing activities with the intent of creating a positive atmosphere in the District areas (as more specifically identified in their respective Plans); and

WHEREAS, the Plans were prepared in accord with the provisions of the law overseeing the formation of the Districts as referenced above, and have been filed with the City; and

WHEREAS, pursuant to the requirements of the law the Districts were established as follows:

- the Lakeshore/Lake Park Business Improvement Management District on July 16, 2002 pursuant to Resolution No. 77280 C.M.S.,
- the Temescal/Telegraph Avenue Property Business Improvement District of 2005 on July 20, 2004 pursuant to Resolution No. 78730 C.M.S.,
- the Laurel Property Business Improvement District of 2005 on July 19, 2005 pursuant to Resolution No. 79380 C.M.S.;
- the Fruitvale Property Business Improvement District of 2006 on July 18, 2006 pursuant to Resolution No. 80059 C.M.S.;
- the Koreatown/Northgate Community Benefit District of 2007 on July 17, 2007 pursuant to Resolution No. 80788 C.M.S.;
- the Downtown Oakland Community Benefit District of 2008 on July 15, 2008 pursuant to Resolution No. 81479 C.M.S.,
- the Lake Merritt/Uptown Community Benefit District of 2008 on July 15, 2008 pursuant to Resolution No. 81478 C.M.S.; and

WHEREAS, the Annual Reports (attached in Exhibit A) have been prepared by the District Advisory Boards and filed with the City Clerk; and

WHEREAS, the Annual Report for the Lakeshore/Lake Park Business Improvement Management District includes a determination and recommendation by the District Advisory Board for a permitted 5% increase in the amount of the annual assessment beginning in fiscal year 2011/12; and

WHEREAS, the Annual Report for the Temescal/Telegraph Avenue Property Business Improvement Management District includes a determination and recommendation by the District Advisory Board for a permitted 5% increase in the amount of the annual assessment beginning in fiscal year 2011/12; and

WHEREAS, the Annual Report for the Laurel Property Business Improvement Management District includes a determination and recommendation by the District Advisory Board for a permitted 2.5% increase in the amount of the annual assessment beginning in fiscal year 2011/12; and

WHEREAS, the City Council desires to approve and confirm the Reports, and the continuing annual assessments for the Districts for fiscal years 2010/11 and 2011/12; and

WHEREAS, the City owes a cumulative fiscal year 2011/12 fair share assessment of \$148,165.47 for the following City-owned properties:

District	APN	Site Description	Annual Assessment
Temescal/ Telegraph Avenue	014 1219 003 00	Temescal Library at 5205 Telegraph Avenue	\$ 2,112.41
Koreatown/ Northgate	008 0648 016 03	A parking lot at 2100 Telegraph Avenue	\$ 9,500.00
Downtown Oakland	003 0065 009 02	551 16th Street (250 Frank Ogawa Plaza Building area)	\$ 24,667.20
Downtown Oakland	003 0067 001 00	1 Frank H Ogawa Plz. (City Hall)	\$ 28,719.48
Downtown Oakland	003 0067 002 00	1414 Clay Street (Clay Street Garage)	\$ 10,891.20
Downtown Oakland	008 0619 008 01	150 Frank H Ogawa Plz (L. Wilson Building)	\$ 27,296.71
Lake Merritt/ Uptown	088 0623 006 01	1731 Franklin St. (Franklin St. Garage)	\$ 6,963.48
Lake Merritt/ Uptown	008 0655 006 00	Grand Avenue	\$ 2,040.60
Lake Merritt/ Uptown	010 0768 004 00	200 Grand Avenue (Veteran's Memorial Bldg.)	\$ 8,206.46
Lake Merritt/ Uptown	008 0649 005 00	2025 Broadway (Paramount Theatre)	\$ 4,444.88
Lake Merritt/ Uptown	008 0635 001 00	274 19 th Street (Snow Park)	\$ 23,323.05
		TOTAL	\$148,165.47

and

WHEREAS, funds to pay the assessments owed by the City have been budgeted in General Purpose Fund (1010)/Business Development Organization (88559)/Taxes and Assessments Account (53511)/Business Improvement District Project (C138410) and General Purpose Fund (1010)/Citywide Activities (90591)/Taxes and Assessments Account (53511)/Undetermined Project (0000000); and

WHEREAS, until disbursed, BID assessments will be held in a special trust fund established by the Finance and Management Agency on behalf of the Districts in Miscellaneous Trusts Fund (7999)/Neighborhood Commercial Revitalization & Service Delivery System Organization (08721)/Pass Thru Assessments Account (24224)/Undetermined Project (0000000); **now therefore be it**

RESOLVED that the City of Oakland does hereby find that the Advisory Boards for the Lakeshore/Lake Park Business Improvement Management District, the Temescal/Telegraph Avenue Property Business Improvement District of 2005, the Laurel Property Business

Improvement District of 2005, the Fruitvale Property Business Improvement District of 2006, the Koreatown/Northgate Community Benefit District of 2007, the Downtown Oakland Community Benefit District of 2008, and the Lake Merritt/Uptown Community Benefit District of 2008 were duly appointed by Resolutions of the City Council and have filed their Annual Reports for the 2010/11 fiscal year as required by law; and be it

FURTHER RESOLVED that the Annual Reports and the continuing annual assessments for the 2010/11 and 2011/12 fiscal years are hereby approved, adopted, and confirmed including a 5% increase in the amount of annual assessments recommended by the Lakeshore/Lake Park Business Improvement Management District Advisory Board beginning in fiscal year 2011/12, a 5% increase in the amount of annual assessments recommended by the Temescal/Telegraph Avenue Property Business Improvement District Advisory Board beginning in fiscal year 2011/12 and a 2.5% increase in the amount of annual assessment recommended by the Laurel Property Business Improvement District Advisory Board beginning in fiscal year 2011/12 and the City Council does hereby levy and direct the collection of the assessments for the 2010/11 and 2011/12 fiscal years in accordance with the assessment formulas as provided for in the Annual Reports and the Plans on file with the City Clerk; and be it

FURTHER RESOLVED that the proposed method and basis of levying the assessments to be levied against each property in the Districts have not been changed, increased, or modified and are those specified in the Plans and Annual Reports on file with the City Clerk which were previously adopted after holding the required public meetings and public hearings and protest procedures as provided for by law; and be it

FURTHER RESOLVED that the assessments shall be attached to the property and collected with the annual county property taxes, and in certain cases, as specified in the Plans, through a special municipal billing; and be it

FURTHER RESOLVED that the boundaries of the Districts shall remain the same as specified in the Plans on file with the City Clerk and there are no changes to the boundaries or benefit zones; and be it

FURTHER RESOLVED that the types of the improvements and activities proposed to be funded by the levy of assessments on property in the BIDs are those described in the Plans and the Annual Reports on file with the City Clerk. There are no substantial changes in the improvements or activities for the Districts; and be it

FURTHER RESOLVED that the 2010/11 and 2011/12 fiscal years assessments for the Districts are as follows:

- Approximately \$153,321 for the Lakeshore/LakePark Business Improvement Management District; and
- Approximately \$245,700 for the Temescal/Telegraph Avenue Property Business Improvement District of 2005; and
- Approximately \$145,738 for the Laurel Property Business Improvement District of 2005; and

- Approximately \$301,983 for the Fruitvale Property Business Improvement District of 2006; and
- Approximately \$278,460 for the Koreatown/Northgate Community Benefit District of 2007; and
- Approximately \$934,411 for the Downtown Oakland Community Benefit District of 2008; and
- Approximately \$1,107,999 for the Lake Merritt/Uptown Community Benefit District of 2008; and be it

FURTHER RESOLVED that the amount chargeable to each parcel in each District shall be as determined by the Plans and Annual Reports on file in the Office of the City Clerk; and be it

FURTHER RESOLVED that the City shall pay a cumulative fiscal year 2011/12 fair share assessment of an amount not to exceed \$148,165.47 for City-owned property as more specifically described in the recitals above; and be it

FURTHER RESOLVED that the City Administrator is hereby authorized to enter into annual contracts and related amendments with any nonprofit corporation comprised of the assessee themselves designated by the owners through the Advisory Board for the District for the security, marketing, maintenance, or other activities and improvements for the District, or at the request of the owners through the Advisory Board to conduct or contract for such services and improvements as provided for in the BIMD Ordinance.

JUL 19 2011

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

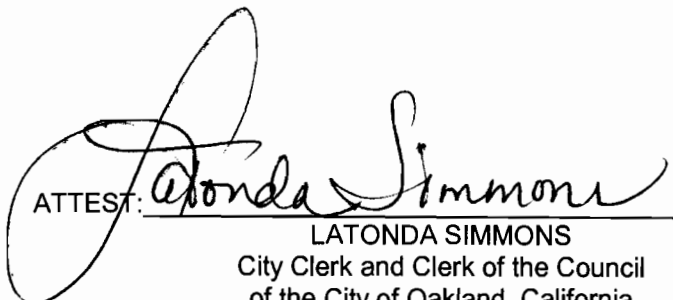
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and
PRESIDENT REID — 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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