

DRAFT

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION:

1. APPROVING THE FISCAL YEAR 2020-21 ANNUAL REPORTS OF THE FRUITVALE PROPERTY BUSINESS IMPROVEMENT DISTRICT OF 2011 (FRUITVALE DISTRICT), THE LAKESHORE/LAKE PARK BUSINESS IMPROVEMENT MANAGEMENT DISTRICT OF 2012 (LAKESHORE DISTRICT), THE JACK LONDON IMPROVEMENT DISTRICT (JACK LONDON DISTRICT), THE TEMESCAL/TELEGRAPH BUSINESS IMPROVEMENT DISTRICT 2015 (TEMESCAL DISTRICT), THE LAUREL BUSINESS IMPROVEMENT DISTRICT 2016 (LAUREL DISTRICT), THE KOREATOWN/NORTHGATE COMMUNITY BENEFIT DISTRICT 2017 (KOREATOWN DISTRICT), THE DOWNTOWN OAKLAND COMMUNITY BENEFIT DISTRICT 2018 (DOWNTOWN OAKLAND DISTRICT), AND THE LAKE MERRITT-UPTOWN COMMUNITY BENEFIT DISTRICT 2018 (LAKE MERRITT-UPTOWN DISTRICT) ADVISORY BOARDS;
2. CONFIRMING THE CONTINUING ANNUAL ASSESSMENT FOR EACH SAID DISTRICT, WITH THE EXCEPTION OF THE FRUITVALE DISTRICT THAT IS EXPIRING, FOR FISCAL YEAR 2021-22 AND LEVYING SAID ASSESSMENTS;
3. INCREASING THE LAKESHORE/LAKE PARK BUSINESS IMPROVEMENT MANAGEMENT DISTRICT OF 2012 BY FIVE (5) PERCENT FOR THE 2021-2022 ASSESSMENT;
4. AUTHORIZING PAYMENT OF THE CITY'S CUMULATIVE FISCAL YEAR 2021-22 FAIR SHARE ASSESSMENT IN AN APPROXIMATE AMOUNT OF TWO HUNDRED SEVENTY-TWO THOUSAND FOUR HUNDRED SEVENTY-SEVEN DOLLARS AND FOUR CENTS (\$272,477.04) FOR CITY-OWNED PROPERTIES IN THE JACK LONDON DISTRICT, THE TEMESCAL DISTRICT, THE KOREATOWN DISTRICT, THE DOWNTOWN OAKLAND DISTRICT AND THE LAKE MERRITT-UPTOWN DISTRICT; AND
5. RENEWING THE AGREEMENTS WITH THE DISTRICTS FOR ADMINISTRATION AND DISBURSEMENT OF FUNDS

WHEREAS, Section 4.48 of the Oakland Municipal Code (OMC), the City of Oakland Business Improvement Management District (BIMD) Ordinance, allows for the formation of business improvement management districts; and

WHEREAS, pursuant to OMC Section 4.48, affected property owners petitioned to form the Fruitvale Property Business Improvement District of 2011 ("Fruitvale BID"), the Lakeshore/Lake Park Business Improvement Management District of 2012 ("Lakeshore BID"), the Jack London Improvement District ("Jack London BID"), the Temescal/Telegraph Business Improvement District 2015 ("Temescal BID"), the Laurel Business Improvement District 2015 ("Laurel BID"), the Koreatown/Northgate Community Benefit District 2017 ("Koreatown CBD"), the Downtown Oakland Community Benefit District 2018 ("Downtown Oakland CBD"), and the Lake Merritt-Uptown Community Benefit District 2018 ("Lake Merritt CBD") (together, the "Districts") and 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 accordance with Oakland Municipal Code Chapter 4.48, and have been filed with the City; and

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

- the Fruitvale BID on July 19, 2011 pursuant to Resolution No. 83500 C.M.S.;
- the Lakeshore BID on July 17, 2012 pursuant to Resolution No. 84004 C.M.S.;
- the Jack London BID on July 16, 2013, pursuant to Resolution No. 84534 C.M.S.;
- the Temescal BID on July 29, 2014, pursuant to Resolution No. 85148 C.M.S.;
- the Laurel BID, July 7, 2015, pursuant to Resolution No. 85682 C.M.S.;
- the Koreatown CBD, July 18, 2017, pursuant to Resolution No. 86864 C.M.S.;
- the Downtown Oakland CBD, July 24, 2018, pursuant to Resolution No. 87323 C.M.S.;
- the Lake Merritt CBD, July 24, 2018, pursuant to Resolution No. 87324

; and

WHEREAS, the FY 2020-21 Annual Reports (attached in **Exhibit A**) have been prepared by the Fruitvale BID, Lakeshore BID, Jack London BID, Temescal BID, Laurel BID, Koreatown CBD, Downtown Oakland CBD, and Lake Merritt CBD District Advisory Boards and filed with the City Clerk; and

WHEREAS, the FY 2020-21 Annual Report for the Lakeshore BID includes a determination and recommendation by the District Advisory Board for a 5% increase in the amount of the annual assessment beginning in fiscal year 2021-22 for the Lakeshore BID, which is within the maximum annual assessment increase set forth in the approved plan and the resolution establishing the BID; and

WHEREAS, the City owes a cumulative fiscal year 2021-22 fair share assessment of \$272,477.04 for the City-owned properties shown in Table 1 below:

Table 1: List of City properties subject to FY 2021-22 BID Assessment Levies

District	APN	Site Description	Annual Assessment
Downtown Oakland	2-97-45	1327 Broadway	\$ 4,251.29
Downtown Oakland	3-65-9-2	250 Frank H. Ogawa Plz	\$ 26,748.38
Downtown Oakland	3-67-2	City Hall Plz	\$ 11,311.29
Downtown Oakland	3-67-3	1 Frank H Ogawa Plz	\$ 18,815.85
Downtown Oakland	3-67-4	1414 Clay (Garage)	\$ 11,307.86
Downtown Oakland	8-619-8-1	150 Frank H Ogawa Plz	\$ 26,067.88
Downtown Oakland	8-620-9-3	524 16 th St	\$ 2,059.21
Downtown Oakland	8-641-8-5	540 17 th St (Oakland Ice Center)	\$ 26,742.03
Downtown Oakland	1-199-1	620 Washington (Police Admin Bldg)	\$ 31,733.21
Downtown Oakland	2-98-1	Clay St (Scotlan Convention Ctr)	\$ 31,619.19
Downtown Oakland	2-97-40	11 th St (T 5/6 Development Site)	\$ 3,184.60
Koreatown	8-648-16-3	2100 Telegraph	\$ 4,104.95
Koreatown	9-684-5-1	404 26 th Street	\$ 714.43
Koreatown	8—659-25	641 W. Grand Ave	\$ 466.84
Lake Merritt	8-623-6-1	1731 Franklin (Franklin St Garage)	\$ 18,977.63
Lake Merritt	8-635-1	274 19 th St (Snow Park)	\$ 21,412.39
Lake Merritt	8-649-5	2025 Broadway (Paramount Theater)	\$ 8,597.48
Lake Merritt	8-655-6	Grand Ave (foot of Valdez)	\$ 1,899.33

Lake Merritt	10-768-4	200 Grand Ave (Veterans Memorial Bldg)	\$ 10,628.14
Lake Merritt	8-673-1	2500 Broadway (Plaza)	\$ 1,272.14
Lake Merritt	8-716-58	1911 Telegraph (Vacant)	\$ 8,398.07
Temescal	14-1219-3	5205 Telegraph Ave (Temescal Library)	\$ 2,004.61
Jack London	18-425-4-1	Embarcadero	\$ 160.24
		CITY TOTAL	\$272,477.04

; and

WHEREAS, it is possible that additional properties will be transferred to City of Oakland ownership during fiscal year 2021-22, thus increasing the City’s fair share assessments; and

WHEREAS, funds to pay the assessments owed by the City will be budgeted as follows:

For assessor parcel numbers 3-65-9-2, 3-67-2, 3-67-3, 3-67-4, 8-619-8-1, 1-199-1, 2-98-1, 2-97-40, 8-648-16-3, 9-684-5-1, 8-659-25, 8-623-6-1, 8-635-1, 8-649-5, 8-655-6, 10-768-4, 8-673-1, 14-1219-3, and 18-425-4-1, funds will be budgeted in General Purpose Fund (1010)/Economic Development Organization (85411)/Taxes and Assessments Account (53511)/Business Improvement District Project (1000147)/Citywide Activities Program (IP50).

For assessor parcel numbers 2-97-45, 8-620-9-3 and 8-716-58 funds will be budgeted in Central District Projects Fund (5610)/Central District Redevelopment Organization (85245)/Taxes and Assessments Account (53511)/Downtown Capital Project (1000169)/Downtown Program (SC13). For assessor parcel number 8-641-8-5 funds will be budgeted in Central District Projects Fund (5610)/Central District Redevelopment Organization (85245)/Taxes and Assessments Account (53511)/Oakland Ice Center Project (1003244)/Downtown Program (SC13); and

WHEREAS, until disbursed, BID and CBD assessments will be held in a special trust fund established by the Finance Department on behalf of the Districts in Miscellaneous Trusts Fund (7999)/Treasury Operations Organization (08721)/Pass Thru Assessments Account (24224)/DP080 Administrative Project (1000007), as well as Economic Development Organization (85411)/DP850 Administrative Project (1000019); now, therefore, be it

RESOLVED: That the City Council does hereby find that the Advisory Boards for the Fruitvale BID, the Lakeshore BID, the Jack London BID, the Temescal BID, the Laurel BID, the Koreatown CBD, the Downtown Oakland CBD, and the Lake Merritt CBD were duly appointed by Resolutions of the City Council and have filed their Annual Reports for the 2020-21 fiscal year as required by law; and be it

FURTHER RESOLVED: That the City Council hereby approves the FY 2020-21 Annual Report as filed by the Fruitvale BID Advisory Board; and be it

FURTHER RESOLVED: That the City Council hereby approves the FY 2020-21 Annual Report as filed by the Lakeshore BID Advisory Board and confirms the continuing annual assessments for the Lakeshore BID for the 2021-22 fiscal year, including a 5% increase in the amount of annual assessments, and the City Council does hereby levy and direct the collection of the assessments for the 2021-22 fiscal year in accordance with the assessment formula as provided for in the Annual Report and the Plan on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Council hereby approves the FY 2020-21 Annual Report as filed by the Jack London BID Advisory Board and confirms the continuing annual assessments for the Jack London BID for the 2021-22 fiscal year, and the City Council does hereby levy and direct the collection of the assessments for the 2021-22 fiscal year in accordance with the assessment formula as provided for in the Annual Report and the Plan on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Council hereby approves the FY 2020-21 Annual Report as filed by the Temescal BID Advisory Board and confirms the continuing annual assessments for the Temescal BID for the 2021-22 fiscal year, and the City Council does hereby levy and direct the collection of the assessments for the 2021-22 fiscal year in accordance with the assessment formula as provided for in the Annual Report and the Plan on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Council hereby approves the FY 2020-21 Annual Report as filed by the Laurel BID Advisory Board and confirms the continuing annual assessments for the Laurel BID for the 2021-22 fiscal year, and the City Council does hereby levy and direct the collection of the assessments for the 2021-22 fiscal year in accordance with the assessment formula as provided for in the Annual Report and the Plan on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Council hereby approves the FY 2020-21 Annual Report as filed by the Koreatown CBD Advisory Board and confirms the continuing annual assessments for the Koreatown CBD for the 2021-22 fiscal year, and the City Council does hereby levy and direct the collection of the assessments for the 2021-22 fiscal year in accordance with the assessment formula as provided for in the Annual Report and the Plan on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Council hereby approves the FY 2020-21 Annual Report as filed by the Downtown Oakland CBD Advisory Board and confirms the continuing annual assessments for the Downtown Oakland CBD for the 2021-22 fiscal year, and the City Council does hereby levy and direct the collection of the assessments for the 2021-22 fiscal year in accordance with the assessment formula as provided for in the Annual Report and the Plan on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Council hereby approves the FY 2020-21 Annual Report as filed by the Lake Merritt Advisory Board and confirms the continuing annual assessments for the Lake Merritt CBD for the 2021-22 fiscal year, and the City Council does hereby levy and direct the collection of the assessments for the 2021-22 fiscal year in accordance with the assessment formula as provided for in the Annual Report and the Plan 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 or modified and are those specified in the Annual Reports and the Plans 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, and there are no substantial changes in the improvements or activities for the Districts; and be it

FURTHER RESOLVED: That the 2021-22 fiscal year assessments for the Districts are as follows (including the City's fair share assessment amounts):

- Approximately \$180,935 for the Lakeshore BID, and
 - Approximately \$1,103,682 for the Jack London BID, and
 - Approximately \$697,612 for the Temescal BID, and
 - Approximately \$218,594 for the Laurel BID, and
 - Approximately \$623,181 for the Koreatown CBD, and
 - Approximately \$2,229,273 for the Downtown Oakland CBD, and
 - Approximately \$1,721,853 for the Lake Merritt-Uptown CBD
- ; 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 Administrator is authorized to and shall pay a cumulative fiscal year 2021-22 fair share assessment of an aggregate approximate amount of \$272,477.04 for City-owned property as more specifically described in the recitals above from the General Purpose Fund (1010)/Economic Development Organization (85411)/Taxes and Assessments Account (53511)/Business Improvement District Project (1000147)/Citywide Activities Program (IP50) and the Central City East TA Bonds Series 2006A-T (Taxable) Fund (5643)/Central City East Redevelopment Organization (85246)/Taxes and Assessments Account (53511)/CCE Land Acquisition Project (1000151)/Central City East Program (SC18) and the Central District Projects Fund (5610)/Central District Redevelopment Organization (85245)/Taxes and Assessments Account (53511)/Downtown Capital Project (1000169)/Downtown Program (SC13) and the Central District Projects Fund (5610)/Central District Redevelopment Organization (85245)/Taxes and Assessments Account (53511)/Oakland Ice Center Project (1003244)/Downtown Program (SC13); and be it

FURTHER RESOLVED: That the City Administrator is authorized to pay the fair share assessments from the funds listed above for any additional properties located in any of the Districts that are transferred to City of Oakland ownership during fiscal year 2021-22; and be it

FURTHER RESOLVED: That the agreements between the City and the Districts for administration of the Districts and disbursement of funds are hereby renewed, and the City Administrator is hereby authorized to make amendments if necessary pursuant to the City of Oakland Business Improvement Management District Ordinance (Chapter 4.48, Ordinance 12190 C.M.S., 1999), as amended.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California