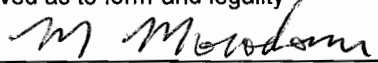


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2012 DEC -6 PM 1:10

Approved as to form and legality  
  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION No. 84157 C.M.S.

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**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 2013/14**

**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 tax certificate 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 2013/14; 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 boundaries 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 18, 2012, to hear all public comments, protests, and take final action as to the levying of the proposed assessments for the District for the fiscal year 2013/2014. 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 2013/14 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 prior notices.
7. The boundaries of the District 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 described 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 District.
9. Until disbursed, BID assessments will be held in a special trust fund established by the City on behalf of the Montclair Business Improvement District in:

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

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 18 2012, 2012

**PASSED BY THE FOLLOWING VOTE:**

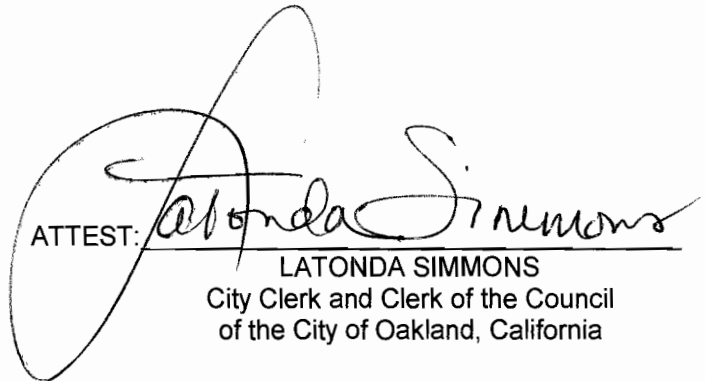
AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



LATONDA SIMMONS

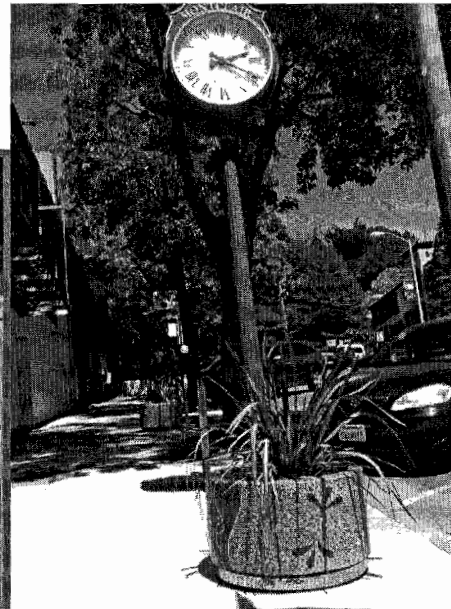
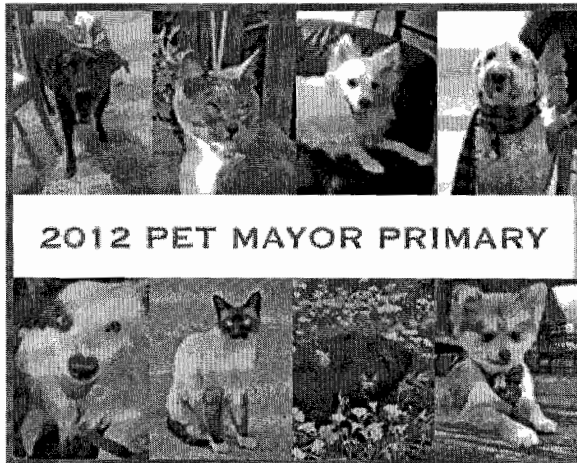
City Clerk and Clerk of the Council  
of the City of Oakland, California

Exhibit A  
(to the Resolution to Levy the FY 13/14 Montclair BID Assessment)



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 2012-2013  
Montclair Village Association Business Improvement District**



# Annual Report to the Oakland City Council Relating to the 2012-2013 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, 2013.
- 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.

Linda Foss  
President, Montclair Village Association

	2011 Approved Budget	2011 Actual	2012 Approved Budget	2012 Actual 8/31/2012	2013 Approved Budget	Notes
<b>INCOME</b>						
BID Revenues	\$ 75,000.00	\$ 74,739.78	\$ 71,250.00	\$ 73,705.35	\$ 72,000.00	
Associate Memberships	\$ 1,000.00	\$ 180.00	\$ 310.00	\$ 720.00	\$ 800.00	
Pacific Fine Art Festivals	\$ 8,500.00	\$ 8,500.00	\$ 8,500.00	\$ 5,000.00	\$ 8,500.00	
Garage Management	\$ 10,800.00	\$ 11,700.00	\$ 10,800.00	\$ 5,400.00	\$ 11,700.00	2
<b>Total</b>	<b>\$ 95,300.00</b>	<b>\$ 95,119.78</b>	<b>\$ 90,860.00</b>	<b>\$ 84,825.35</b>	<b>\$ 93,000.00</b>	
<b>EXPENSES</b>						
<b>Beautification</b>						
Banners	\$ 6,200.00	\$ 1,220.00	\$ 4,000.00	\$ 180.00	\$ 4,000.00	3
Landscaping	\$ 10,000.00	\$ 5,900.00	\$ 12,000.00	\$ 6,365.61	\$ 6,000.00	
Maintenance	\$ 17,000.00	\$ 14,440.00	\$ 16,000.00	\$ 5,400.00	\$ 12,000.00	
Land Use	\$ 3,000.00	\$ -	\$ 1,500.00	\$ -	\$ -	
Streetscape	\$ -	\$ 15,467.91	\$ 2,000.00	\$ -	\$ -	
<i>Subtotal</i>	<i>\$ 36,200.00</i>	<i>\$ 37,027.91</i>	<i>\$ 35,500.00</i>	<i>\$ 11,945.61</i>	<i>\$ 22,000.00</i>	
<b>Security</b>						
Safety	-	-	\$ 5,000.00	\$ -	\$ -	
Security	\$ 12,000.00	\$ 12,000.00	-	\$ 4,474.50	\$ 12,000.00	
<i>Subtotal</i>	<i>\$ 12,000.00</i>	<i>\$ 12,000.00</i>	<i>\$ 5,000.00</i>	<i>\$ 4,474.50</i>	<i>\$ 12,000.00</i>	
<b>Organization</b>						
Accountant	\$ 500.00	\$ 400.00	\$ 500.00	\$ 500.00	\$ 500.00	
Board	\$ -	\$ -	\$ -	\$ -	\$ -	
Insurance	\$ 1,500.00	\$ 1,354.00	\$ 2,000.00	\$ 1,395.00	\$ 1,400.00	
Meetings/Mixers	\$ -	\$ 716.32	-	-	\$ 1,000.00	
Postage	\$ 200.00	\$ 1.22	\$ 100.00	\$ -	\$ 100.00	
Rent	\$ 5,000.00	\$ 4,923.44	\$ 5,000.00	\$ 2,466.72	\$ 5,000.00	
Administrator	\$ 28,000.00	\$ 25,341.64	\$ 25,000.00	\$ 18,678.37	\$ 28,000.00	
Supplies/Equipment	\$ 1,800.00	\$ 1,180.09	\$ 600.00	\$ 2,083.01	\$ 1,800.00	
Taxes	\$ 100.00	\$ 60.00	\$ 100.00	\$ 153.00	\$ 200.00	
Utilities	\$ 1,000.00	\$ 790.27	\$ 1,000.00	\$ 292.34	\$ 1,000.00	
<i>Subtotal</i>	<i>\$ 38,100.00</i>	<i>\$ 34,766.98</i>	<i>\$ 34,300.00</i>	<i>\$ 25,568.44</i>	<i>\$ 39,000.00</i>	
<b>City</b>						
<i>City Collection</i>	<i>\$ 2,750.00</i>	<i>\$ -</i>	<i>\$ 2,750.00</i>	<i>\$ 2,750.00</i>	<i>\$ 2,750.00</i>	<i>1</i>
<i>City Loan Payment</i>	<i>\$ 3,250.00</i>	<i>\$ -</i>	<i>\$ 3,250.00</i>	<i>\$ 3,250.00</i>	<i>\$ 3,250.00</i>	<i>1</i>
<i>Subtotal</i>	<i>\$ 6,000.00</i>	<i>\$ -</i>	<i>\$ 6,000.00</i>	<i>\$ 6,000.00</i>	<i>\$ 6,000.00</i>	<i>1</i>
<b>Promotions</b>						
Marketing / Advertising	\$ 500.00	\$ 1,688.04	\$ 2,000.00	\$ 392.66	\$ 2,000.00	
Directory / Brochures	\$ 3,000.00	\$ 506.69	\$ 2,000.00	\$ 3,123.55	\$ 2,000.00	
Farmer's Market	\$ -	\$ (300.00)	-	\$ (600.00)	\$ (600.00)	
Events	\$ 3,000.00	\$ 1,182.08	\$ 3,000.00	\$ -	\$ 2,000.00	
Maps / Signage	\$ 1,300.00	\$ -	\$ 1,300.00	\$ 2,678.40	\$ 1,000.00	
Web Site / Social Media	\$ 1,000.00	\$ 90.00	\$ 5,000.00	\$ 1,795.00	\$ 5,000.00	
<i>Subtotal</i>	<i>\$ 8,800.00</i>	<i>\$ 3,166.81</i>	<i>\$ 13,300.00</i>	<i>\$ 7,389.61</i>	<i>\$ 11,400.00</i>	
10% Reserves	\$ -	\$ -	\$ 2,725.00	\$ 2,725.00	\$ 8,600.00	
<b>Total</b>	<b>\$ 95,100.00</b>	<b>\$ 86,961.70</b>	<b>\$ 90,825.00</b>	<b>\$ 52,103.16</b>	<b>\$ 93,000.00</b>	
<b>Net</b>	<b>\$ 200.00</b>	<b>\$ 8,158.08</b>	<b>\$ 35.00</b>	<b>\$ 32,722.19</b>	<b>\$ -</b>	

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 Q1 2013

3 Banner upgrades were postponed from 2012 to 2013

## Accomplishments 2012/2013

### 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 three sidewalk power washings during summer months
- Provided input on C-27/CN-1 zoning issues, including change of use at a 2+ year vacancy property for occupancy by Red Oak Reality
- Facilitated a 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 kiosk directories

### 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 participation in committees and working groups

### Businesses

- Expanded the Associate Membership program to include 15 area businesses, enabling businesses neighboring the BID to become involved in the Association and benefit from the collective marketing effort
- Maintained/updated database of Village merchants, property owners/managers
- Redesigned and launched a new MVA website
- Produced Montclair Village electronic newsletter
- Addressed issues of concern including creating a policy for solicitors on streets
- Worked closely with the Oakland Tax Division to collect assessments from severely delinquent BID members

### Promotions

- Created a new Village Directory and business map
- Redesigned and launched a new MVA website, including a new calendar and merchant profiles, and community/City resources
- 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

### Safety/Security

- Revised security contract for more responsive coverage and improved connectivity with surrounding residential areas.
- Initiated Block Ambassador program Phase 1

### Garage Management

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

**Montclair Village Association  
Board Member Report**

	<b>First</b>	<b>Last</b>	<b>Position</b>	<b>Title</b>	<b>Company</b>	<b>Term Expires</b>
1	Vanessa	Bergmark	Director	Business Manager	Red Oak Realty	Jun-14
2	Aaron	Brown	Director	Real Estate Agent	The Grubb Company	Jun-14
3	Jeff	Diamond	Vice-President	Business Owner	Farmstead Cheeses & Wines	Jun-13
4	Linda	Foss	President	Business Manager	US Bank	Jun-13
5	Gayle	Langston	Director	Real Estate Agent	Coldwell Banker	Jun-13
6	Hana	Levin	Director	Business Owner	Melt Massage	Jun-14
7	Steve	Montgomery	Director	Business Co-owner	Italian Colors Neal & Associates	Jun-13
8	Howard	Neal	Director	Business Owner	Attorneys	Jun-14
9	John	Porras	Director	Business Co-owner	Crown Wine & Spirits	Jun-13
10	Tom	Revelli	Treasurer	Business Owner	Montclair Sports Montclair Veterinary Hospital	Jun-13
11	Lee	Richter	Director	Business Co-owner	Hospital	Jun-14
12	Wayne	Sweeney	Director	Business Owner	Grille 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