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APPROVED AS TO FORM AND LEGALITY

FILED
OFFICE OF THE CITY CLERK
OAKLAND


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90023 C.M.S.

RESOLUTION: 1) CONFIRMING THE ANNUAL REPORT OF THE MONTCLAIR BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD; AND 2) LEVYING THE ANNUAL ASSESSMENT FOR THE MONTCLAIR BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2024-2025, INCLUDING A FIVE (5) PERCENT INCREASE IN THE ANNUAL ASSESSMENTS

WHEREAS, the State of California allows for the formation of business assessment districts under California Streets 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, 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, On November 27, 2001, the City of Oakland, California (City) established the District and approved the Plan by action of the City Council of the City (City Council) adopting Ordinance No. 12378 C.M.S.; and

WHEREAS, pursuant to California Streets and Highways Code Section 36533, the Montclair Business Improvement District Advisory Board has prepared and filed with the City Clerk, the Annual Assessment Report (Report) (attached hereto as *Exhibit A*), which contains the required particulars including a detailed description of the improvements and activities to be provided for the fiscal year (FY) 2024-2025, the boundaries of the area and any benefit zones within the area, and the proposed assessments to be levied upon the businesses within the area for the FY 2024-2025; and

WHEREAS, the FY 2023-2024 Annual Report for the District includes a determination and recommendation by the District Advisory Board for a 5% increase in the annual assessment rates beginning in FY 2024-2025 for the District, which is within the allowable maximum annual assessment increase set forth in the approved Plan; and

WHEREAS, on November 7, 2023, the City Council adopted a Resolution of Intention to levy the FY 2024-2025 assessment, approve the District's Report, and schedule a related public hearing for December 5, 2023, pursuant to California Streets and Highways Code section 36534; and

WHEREAS, written notice of the December 5, 2023 public hearing was published once in a newspaper of general circulation in the city not less than seven days before the public hearing in compliance with California Streets and Highways Code section 36534(b); and

WHEREAS, if the District's proposed assessments for FY 2024-2025 are approved and levied, they will be held (until disbursed) in a special trust fund established by the City and held on behalf of the District in Miscellaneous Trusts Fund (7999), Economic Development Organization (85411), Pass Thru Assessments Account (24224), DP850 Administrative Project (1000019), Montclair BID Program (MBID); and

WHEREAS, the Montclair Village Association of Oakland is the nonprofit corporation that administers the District and oversees the disbursement of funds, pursuant to the Plan and the Disbursement Agreement, between the City and Montclair Village Association of Oakland (Disbursement Agreement); and

WHEREAS, the funds that are levied and held by the City will be disbursed to the Montclair Village Association of Oakland pursuant to the Disbursement Agreement, which remains in effect contingent upon the annual review and approval of the District's Report and the levy of the annual assessments; now, therefore, be it

RESOLVED: that the foregoing recitals are true and correct; and be it

FURTHER RESOLVED: that the City Council does hereby find and determine that the boundaries of the District are as specified in the Plan on file with the City Clerk; and be it

FURTHER RESOLVED: That pursuant to California Streets and Highways Code Section 36535, a Public Hearing was held on December 5, 2023, to hear all public comments, protests, and take final action as to the levying of the proposed assessments for the District for the FY 2024-2025. The City Council finds that there was no majority protest as defined in the Street and Highways Code Section 36500 *et seq*; and be it

FURTHER RESOLVED: That the Report for the District is approved and confirmed; and be it

FURTHER RESOLVED: That the City Council approves and adopts the assessments as provided for in the Plan and the Report of the Advisory Board and does hereby levy and direct the collection of the assessments for the FY 2024-2025 as provided for in the Report, in accordance with the assessment formula as provided for in the Plan and Report, which includes a 5% increase in the FY 2024-2025 annual assessment rate as recommended by the District Advisory Board; and be it

FURTHER RESOLVED: That the proposed method and basis of calculating the assessments to be levied against each business in the District are those specified in the Plan and Report on file with the City Clerk; and be it

FURTHER RESOLVED: That 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. The City may, but is not obligated to, 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'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; and be it

FURTHER RESOLVED: That 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; and be it

FURTHER RESOLVED: That the types of the improvements and activities proposed to be funded by the levy of assessments on businesses in the area are those described in the Plan and the Report on file with the City Clerk. There are no substantial changes in the improvements or activities for the District; and be it

FURTHER RESOLVED: That 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), Economic Development Organization (85411), Pass Thru Assessments Account (24224), DP850 Administrative Project (1000019), Montclair BID Program (MBID); and be it

FURTHER RESOLVED: That the Disbursement Agreement is hereby renewed, and the City Administrator is hereby authorized to make amendments if necessary pursuant to State of California Streets and Highways Code Section 36500 *et seq.*

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **DEC 05 2023**

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, ~~RAMACHANDRAN~~, REID, AND
PRESIDENT FORTUNATO BAS - 7


NOES 4

ABSENT 4

ABSTENTION 4

1 Excused - Ramachandran

ATTEST: _____



ASHA REED

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



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

Montclair Village Association Business Improvement District

Annual Report 2023

Oakland, California



Annual Report to the Oakland City Council Relating to the 2023 Montclair BID

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

1. 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.

2. Improvements and activities provided [2022] - Budget Attached

Beautification/Design/Land Use [Economic Restructuring]

- Maintained rooftop outdoor class space at the Montclair Parking Garage for merchants to hold outdoor classes, no space use fee
- Direct infrastructure and permitting assistance for businesses to utilize Oakland's Flex Street initiative to activate safe outdoor spaces for dining and retail
- Maintained Village planters (32), tree wells (80), and median plantings
- Provided weekly sidewalk and gutter sweeping; 5–20 lbs. of litter removal per week
- Worked with City of Oakland Parking Department to advise their transition to a variable rate on street parking program
- Provided sidewalk steam cleaning of 10 city blocks and cleaning of 20 City trash receptacles
- Continues to obtain City and public utility support to address potholes, graffiti, infrastructure, damage, signage and recycling issues in the Village
- Earth Day 2022 — Community Work Day – Assisted Montclair Neighborhood Council and Friend of Montclair Park on park cleanup and held a service appreciation BBQ
- Murals and new art additions to the streetscape
- Progressed the Antioch Court safety improvement project to break ground in April, 2022; infrastructure components of the project completed in September 2022
- Launched Montclair Carers Club for future events and programmed activities
- Maintained and repaired the rooftop lighting program encompassing 9 blocks of the district; Creating an illuminated aesthetic and adding to the safety of the district at night
- Held monthly meetings where merchant members and members of the public could comment, share updates, and ask questions
- Held annual meeting (via Zoom) to honor incoming and departing Board Members
- Board participation and merchant participation in committees and working groups
- Continued 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
- Worked closely with the Oakland Tax Division to collect assessments from severely delinquent BID

members

- Involved six (6) high school and college interns to learn about community organizing and business support
- Farmer's Market — Supported a vibrant and active destination market, worked to foster health safety measures at the open air market
- Worked with City of Oakland and Oakland City Council to evaluate and enhance Flexible Parking Pilot (start date 8/18/2014) and Parking Assessment district; new signage installed in Q2 2022

Promotions [Promotions & Design Committees]

- Continued to promote County health and safety guidelines and encourage COVID-19 best practices among merchants and patrons
- Maintained OPEN For Business directory to inform the public of business activity — highlighting pick-up and delivery services, and amended hours, continue to maintain and promote the full Montclair merchant directory
- Managed weekly Farmers' Market activities, assisting with cleanliness and presentation of the market
- Website — Front facing promotion of businesses
- Produced the Montclair Beer, Wine & Music Festival (June 18) to raise approximately \$10,000 for community events
- Supported a Trick-or-Treat event on Halloween Weekend, supplying children with MVA-branded bags and merchants with candy to share
- Produced Holiday Stroll in the village that included live music in three venues, roaming entertainment, photos with Santa, a family fun zone for children, and more than 40 participating merchants
- Grow the new MVA website and calendar function to include area events
- Produced Montclair Village electronic newsletter
- Initiated a district marketing campaign for business promotion and to highlight the assets of the District
- District Marketing Campaign — Continued the Montclair Village Shopping & Dining Guide to promote all businesses and ask the public to strengthen their Shop Local ~ Shop Montclair value commitment
- Launched Montclair Cares Club, giving individuals the opportunity to demonstrate their support of the community by making a recurring annual donation
- Ribbon cutting event (September 24) brought together donors, supporters, and the community at-large to celebrate Antioch Court's transformation from a sharp blind corner to an open outdoor space
- A new roadway, sidewalks, decorative and functional lighting, and safety features were constructed and installed to create the Montclair Village Plaza
- The Montclair Village Parking Garage continues with the ParkMobile app that allows visitors to pay using a smartphone, this pilot program has paved the way for adoption at other City of Oakland garages and lots, MVA has provided guidance and advice to those other operators

Safety/Security [Economic Restructuring]

- Assured security contract has responsive coverage and improved connectivity with surrounding residential areas
- Installed a new high-definition camera system that covers three intersections in the district and incorporates LPR (License Plate Recognition) technology
- Maintained existing system of security cameras at the parking garage and at key locations in the district
- Implemented an LED upgrade to the Montclair Parking Garage for Q1 2022 installation was finalized, improving the safety of the facility along with significant energy savings
- Partnered with OPD walking officer and merchant watch to educate merchants and utilize

CEPTD tactics for crime deterrence

- Partnered with Montclair Neighborhood Council (MNC) (beat 13Z NCPC) to address district issues
 - Obtained \$10,000 in funding from the City of Oakland to provide a professional and visible security presence in the commercial district for an inviting and safe holiday shopping season.
- Accomplishments 2022 (Section II)

3. Improvements and activities to be provided in the upcoming year [2023] - Budget Attached

Beautification/Design/Land Use [Economic Restructuring]

- Maintain rooftop outdoor class space at the Montclair Parking Garage for merchants to hold outdoor classes
- Direct infrastructure and permitting assistance for businesses to utilize Oakland's Flex Street initiative to activate safe outdoor spaces for dining and retail, assist with new parklet design guidelines
- Maintain Village planters (32), tree wells (80), and median plantings
- Provide weekly sidewalk and gutter sweeping; approx. 5–20 lbs. of litter removal per week
- Work with City of Oakland Parking Department to advise their implementation of the variable rate on street parking program
- Provide sidewalk steam cleaning of 10 city blocks and cleaning of 20 City trash receptacles
- Continue to obtain City and public utility support to address potholes, graffiti, infrastructure, damage, signage and recycling issues in the Village
- Earth Day 2023 — Community Work Day – Assisted Montclair Neighborhood Council and Friend of Montclair Park on park cleanup
- Murals and new art additions to the streetscape - help artists fundraise for public art installations
- Finalize the Antioch Court safety improvement project open infrastructure components of the project
- Advance Montclair Carers Club for future events and programmed activities
- Maintain and repair the rooftop lighting program encompassing 9 blocks of the district; Creating an illuminated aesthetic and adding to the safety of the district at night
- Hold monthly meetings where merchant members and members of the public could comment, share updates, and ask questions
- Hold annual meeting (via Zoom) to honor incoming and departing Board Members
- Board participation and merchant participation in committees and working groups
- Continue 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
- Maintain/update database of Village merchants, property owners/managers
- Work closely with the Oakland Tax Division to collect assessments from severely delinquent BID members
- Involve high school and college interns to learn about community organizing and business support
- Farmer's Market — Support a vibrant and active destination market, worked to foster health safety measures at the open air market
- Work with City of Oakland and Oakland City Council to evaluate and enhance Flexible Parking Pilot (start date 8/18/2014) and Parking Assessment district

Promotions [Promotions & Design Committees]

- Promote County health and safety guidelines and encourage COVID-19 best practices among merchants and patrons
- Maintain OPEN For Business directory to inform the public of business activity — highlighting pick-up and delivery services, and amended hours, continue to maintain and promote the full Montclair merchant directory
- Manage weekly Farmers' Market activities, assisting with cleanliness and presentation of the market
- Website — Front facing promotion of businesses
- Produce the Montclair Beer, Wine & Music Festival to raise approximately funds for community events
- Support a Trick-or-Treat event on Halloween Weekend, supplying children with MVA-branded bags and merchants with candy to share
- Produce the Annual Holiday Stroll in the village that included live music in three venues, roaming entertainment, photos with Santa, a family fun zone for children, and more than 40 participating merchants
- Grow the new MVA website and calendar function to include area events
- Produce Montclair Village electronic newsletter
- Initiate a district marketing campaign for business promotion and to highlight the assets of the District Marketing Campaign — Continued the Montclair Village Shopping & Dining Guide to promote all businesses and ask the public to strengthen their Shop Local ~ Shop Montclair value commitment
- Enhance Montclair Cares Club, giving individuals the opportunity to demonstrate their support of the community by making a recurring annual donation, and engage in community volunteerism
- Maintain new roadway, sidewalks, decorative and functional lighting, and safety features that were constructed and installed to create the Montclair Village Plaza
- The Montclair Village Parking Garage continues with the ParkMobile app that allows visitors to pay using a smartphone, this pilot program has paved the way for adoption at other City of Oakland garages and lots, MVA has provided guidance and advice to those other operators

Safety/Security [Economic Restructuring]

- Assure security contract has responsive coverage and improved connectivity with surrounding residential areas
- Add a new high-definition camera system at the intersection of Medau Pl. and Morage Ave. and incorporates LPR (License Plate Recognition) technology
- Maintain existing system of security cameras at the parking garage and at key locations in the district
- Maintain an LED upgrade to the Montclair Parking Garage
- Partner with OPD walking officer and merchant watch to educate merchants and utilize CEPTD tactics for crime deterrence
- Partner with Montclair Neighborhood Council (MNC) (beat 13Z NCPC) to address district issues

4. **Estimate of the cost of providing the improvements and activities for upcoming fiscal year.**
See attached budget

5. **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; however, the Montclair Village Association (MVA) Board is recommending a 5% increase across all categories beginning January 1, 2024 (unanimously approved at the January 18, 2023, MVA Board meeting). Increases to the assessment of up to 5% per year are allowable per the "Annual Assessment Adjustments" section (page 7) of the "Final Management District Plan For Montclair Business Improvement District" dated August 1, 2001 as follows:

"Since Montclair Village is, for all intents and purposes, built out, there will probably not be any significant commercial expansion in the village, Therefore, the only way to have the district keep up with the cost of inflation is to make such a provision with the plan. Only the Management Corporation Board of Directors shall have the option to exercise and recommend an increase in assessments annually, not to exceed 5% of the previous year's assessments."

Extra funds are necessary to keep up with rising costs and inflation; costs of expenses, paid labor and contracted work have increased. The funds will be used to pay market rate contractors. Therefore the Montclair Village Association (MVA) Board has approved a 5% increase across all categories beginning January 1, 2024. Please refer to the updated Assessment Table dated 2024 for rates (attached).

Budget categories below reflect the original terminology of the Montclair Business Improvement District Final Management District Plan Exhibit C to read: Economic Restructuring, Promotions & Design Committees, Organization/Administration Committee

6. Surplus or Deficit for 2023 to be carried over from previous calendar year

There is no projected carryover.

See attached budget.

7. The amount of any contributions to be made from sources other than assessments levied.

Other than assessments levied, funds will be generated from fundraiser events, Pacific Fine Arts Festivals, and from management of the Montclair Village Parking Garage, fundraiser events like the Montclair Beer, Wine & Music festival, and funds from the Associate Member program, started in mid-2010, and are estimated to be approximately \$55,000

David Petlin

President, Montclair Village Association

MONTCLAIR VILLAGE ASSOCIATION
WORKING BUDGET

Sources	2022 Budget	2022 Actual	2023 Budget	2024 Budget	Notes
BID Assessments	\$ 88,830	\$ 88,830	\$ 92,830	\$ 93,700	
Total Non-BID Sources of Funds	\$ 185,000	\$ 205,000	\$ 55,000	\$ 55,000	\$96,600 (2022 + 5% increase on assessments) less 3% for COO processing fees
Fundraising Events	\$ 163,000	\$ 183,000	\$ 25,000	\$ 25,000	
Individual Charitable Contributions / Associate Member Fees	\$ 12,000	\$ 12,000	\$ 20,000	\$ 20,000	
Grants / Parking Garage Management Revenue	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	
Total Sources of Funds	\$ 273,830	\$ 293,830	\$ 147,830	\$ 148,700	
30% BID Assessments					
30% BID Assessments	\$ 26,649	\$ 26,649	\$ 27,849	\$ 28,110	
Non-BID Funds Allocated to PROW	\$ 150,000	\$ 160,000	\$ 9,000	\$ 10,000	
Total Economic Restructuring/PROW Income	\$ 176,649	\$ 186,649	\$ 36,849	\$ 38,110	
Project Management					
Area & Planter Maintenance	\$ 12,000	\$ 11,566	\$ 12,000	\$ 12,000	
Security	\$ 12,900	\$ 23,250	\$ 19,000	\$ 20,500	
Security Camera Program	\$ 1,000	\$ 1,000	\$ 4,000	\$ 5,000	
Public Improvement Design Services	\$ 150,000	\$ 150,000			Antioch Ct/ Village Plaza
Equipment Rentals	\$ 1,000	\$ 833	\$ 1,000	\$ 1,000	
Total Economic Restructuring/PROW Expenses	\$ 176,900	\$ 186,649	\$ 36,000	\$ 38,500	
Economic Restructuring/PROW Income - Expenses	\$ (251)	\$ -	\$ 849	\$ (390)	
40% BID Assessments					
40% BID Assessments	\$ 35,532	\$ 35,532	\$ 37,132	\$ 37,480	
Non-BID Funds Allocated to District Identity	\$ 25,000	\$ 35,000	\$ 37,000	\$ 35,000	
Total Promotions and Design (District Identity) Income	\$ 60,532	\$ 70,532	\$ 74,132	\$ 72,480	
Project Management/PR					
Pedestrian Lighting/ Holiday Décor	\$ 10,000	\$ 20,000	\$ 20,000	\$ 21,000	
Events and Event Marketing	\$ 10,000	\$ 19,820	\$ 18,000	\$ 18,000	
Restaurant Walk	\$ 4,000	\$ 2,300	\$ 3,500	\$ 4,500	Revenue neutral or positive
Art Walk	\$ 1,500	\$ 700	\$ 500	\$ 500	Revenue neutral or positive
Beer, Wine and Music Festival	\$ 19,500	\$ 22,000	\$ 18,000	\$ 18,000	Revenue neutral or positive
Montclair Outdoor Movie Nights	\$ -	\$ -	\$ 500	\$ 500	Revenue neutral or positive
Farmer's Market	\$ 500	\$ 500	\$ 500	\$ 500	returning in 2023
Halloween - Trick-or-Treat	\$ 500	\$ 500	\$ 500	\$ 500	
Holiday Stroll	\$ 8,000	\$ 8,000	\$ 4,000	\$ 5,000	
Advertising & Design Services - Ads, Website	\$ 5,000	\$ 5,000	\$ 3,000	\$ 4,000	
Social Media Marketing (inc above)					
Marketing Booth Fees/Staffing					
Banners	\$ 1,400	\$ 1,340	\$ 5,500	\$ -	new banner set needed 2023
Total Promotions and Design (District Identity) Expenses	\$ 60,400	\$ 80,160	\$ 74,000	\$ 72,500	
Promotions and Design (District Identity) Income -	\$ 132	\$ (9,628)	\$ 132	\$ (20)	
30% BID Assessments					
30% BID Assessments	\$ 26,649	\$ 26,649	\$ 27,849	\$ 28,110	
Non-BID Funds Allocated to Organization/Administration	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	

Total Organization/Administration Income	\$	36,649	\$	36,649	\$	37,849	\$	38,110
District Management/Assistants	\$	27,000	\$	27,400	\$	28,250	\$	28,400
Office Rent & Storage	\$	5,096	\$	5,096	\$	5,096	\$	5,096
Office Supplies	\$	300	\$	300	\$	300	\$	300
Bank Fees Minus Interest	\$	-	\$	-	\$	-	\$	-
Postage/Box Rental	\$	200	\$	161	\$	200	\$	200
Accounting/Filing Fees/Licenses	\$	1,200	\$	1,200	\$	1,200	\$	1,200
Meeting Supplies Expenses	\$	300	\$	235	\$	300	\$	300
Insurance	\$	1,255	\$	1,255	\$	1,255	\$	1,255
Dues/Subscriptions/Memberships	\$	100	\$	25	\$		\$	
Utilities/Phone/Internet Service	\$	1,000	\$	1,012	\$	1,050	\$	1,050
Computer/Software - Upgrades	\$	200	\$	-	\$	200	\$	300
Total Organization/Administration Expenses	\$	36,651	\$	36,684	\$	37,951	\$	38,101
Total Income	\$	273,830	\$	293,830	\$	147,830	\$	148,700
Total Expenses	\$	(273,951)	\$	(303,493)	\$	(147,851)	\$	(149,101)
Carryforward/Reserve	\$	-	\$	-	\$	-	\$	-
Net	\$	(121)	\$	(9,663)	\$	(21)	\$	(401)

