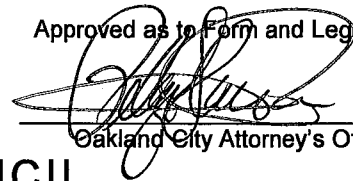


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality

  
Oakland City Attorney's Office

2017 NOV 2 10 10 AM '17 OAKLAND CITY COUNCIL

80978

RESOLUTION No. \_\_\_\_\_ C.M.S.

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**RESOLUTION OF INTENTION TO LEVY AN ANNUAL ASSESSMENT  
FOR FISCAL YEAR 2018-2019 FOR THE MONTCLAIR BUSINESS  
IMPROVEMENT DISTRICT, APPROVING THE ANNUAL REPORT OF  
THE MONTCLAIR BUSINESS IMPROVEMENT DISTRICT ADVISORY  
BOARD, AND SCHEDULING A PUBLIC HEARING FOR  
DECEMBER 12, 2017**

**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 new 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**, the Montclair Business Improvement District was established by the City Council on November 27, 2001, pursuant to Ordinance 12378 C.M.S.; and

**WHEREAS**, Streets and Highways Code Section 36533 requires that before the next annual assessment for the Montclair Business Improvement District is levied, the City Council must: (1) approve the Report, (2) approve a Resolution of Intention that declares the City's intention to collect the assessments, and (3) schedule a public hearing to be held about the levy of the proposed assessment; and

**WHEREAS**, pursuant to said law, the Montclair Business Improvement District Advisory Board has prepared and filed with the City Clerk, the Annual Assessment Report (attached hereto as **Exhibit A**) ("Report"), which contains the required particulars including a detailed description of the improvements and activities to be provided for the 2018-2019 fiscal year (January 1, 2018 through December 31, 2018), 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 2018-2019 fiscal year; and

**WHEREAS**, the FY 2017-2018 Annual Report for the Montclair Business Improvement District includes a determination and recommendation by the District Advisory Board for a 5% increase in the amount of the annual assessment in fiscal

year 2018-2019 for the Montclair BID, which is within the allowable maximum annual assessment increase set forth in the approved Plan; and

**WHEREAS**, if the District's proposed assessments for FY 2018-2019 are approved and levied, they will be held (until disbursed) in a special trust fund established by the Finance Management Bureau on behalf of the District in Miscellaneous Trusts Fund (7999)/NCR & SDS Org (85411)/Pass Thru Assessments Account (24224)/ Administrative Project (1000019)/Montclair BID Program (MBID); now therefore be it

**RESOLVED**: that the Council of the City of Oakland does find and state its intention as follows:

1. The Fiscal Year 2018-2019 Annual Assessment Report for the District is hereby approved, and pursuant to Streets and Highways Code Section 36534, the City Council declares its intention to levy and collect the assessments for FY 2018-2019 as provided for in the said Annual Assessment Report and pursuant to the assessment formula as provided for in the Plan, which includes a 5% increase in the 2018-2019 annual assessment recommended by the Montclair Business Improvement District Advisory Board compared to the 2017-2018 assessment, if the requested assessments are approved by the City Council after the Public Hearing scheduled by this Resolution of Intention.
2. The location and 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.
3. The types of the improvements and activities proposed to be funded by the levy of FY 2018-2019 assessments on businesses in the area are those specified in the Plan and the Annual Assessment Report on file with the City Clerk. No substantial changes in the improvements or activities for the District are proposed to be made.
4. 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 Annual Assessment Report on file with the City Clerk, which includes a 5% increase in the 2018-2019 annual assessment recommended by the Montclair Business Improvement District Advisory Board compared to the 2017-2018 assessment.
5. **A Public Hearing is set for December 12, 2017, at 6:00 pm in Oakland City Hall** to hear all public comments, protests, and to take final action as to the levying of the proposed assessments for the District for the fiscal year 2018-2019.
6. The City Clerk is directed to give notice of the Public Hearing by causing the Resolution of Intention to be published once in a newspaper of general circulation in the City of Oakland not less than seven days before the Public Hearing.

7. At the Public Hearing the testimony of all interested persons for or against the proposed assessments will be heard and written and oral protests may be made. The form and manner of protests shall comply with Sections 36524 and 36525 of the Streets and Highways Code.
8. A protest may be made orally or in writing by any interested person. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made.
9. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing.
10. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the City as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business.
11. A written protest which does not comply with the requirements stated above shall not be counted in determining a majority protest.
12. If written protests are received from the owners of businesses in the District who will pay 50 percent or more of the assessments proposed to be levied, and protests are not withdrawn so as to reduce the protests to less than that 50 percent, the proposed assessment shall not be levied.

NOV 28 2017

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, \_\_\_\_\_.

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON McELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID *-8*

NOES- *0*

ABSENT- *0*

ABSTENTION- *0*

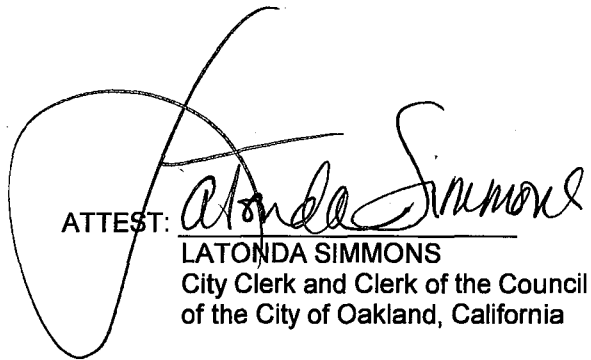
ATTEST:   
 LATONDA SIMMONS  
 City Clerk and Clerk of the Council  
 of the City of Oakland, California

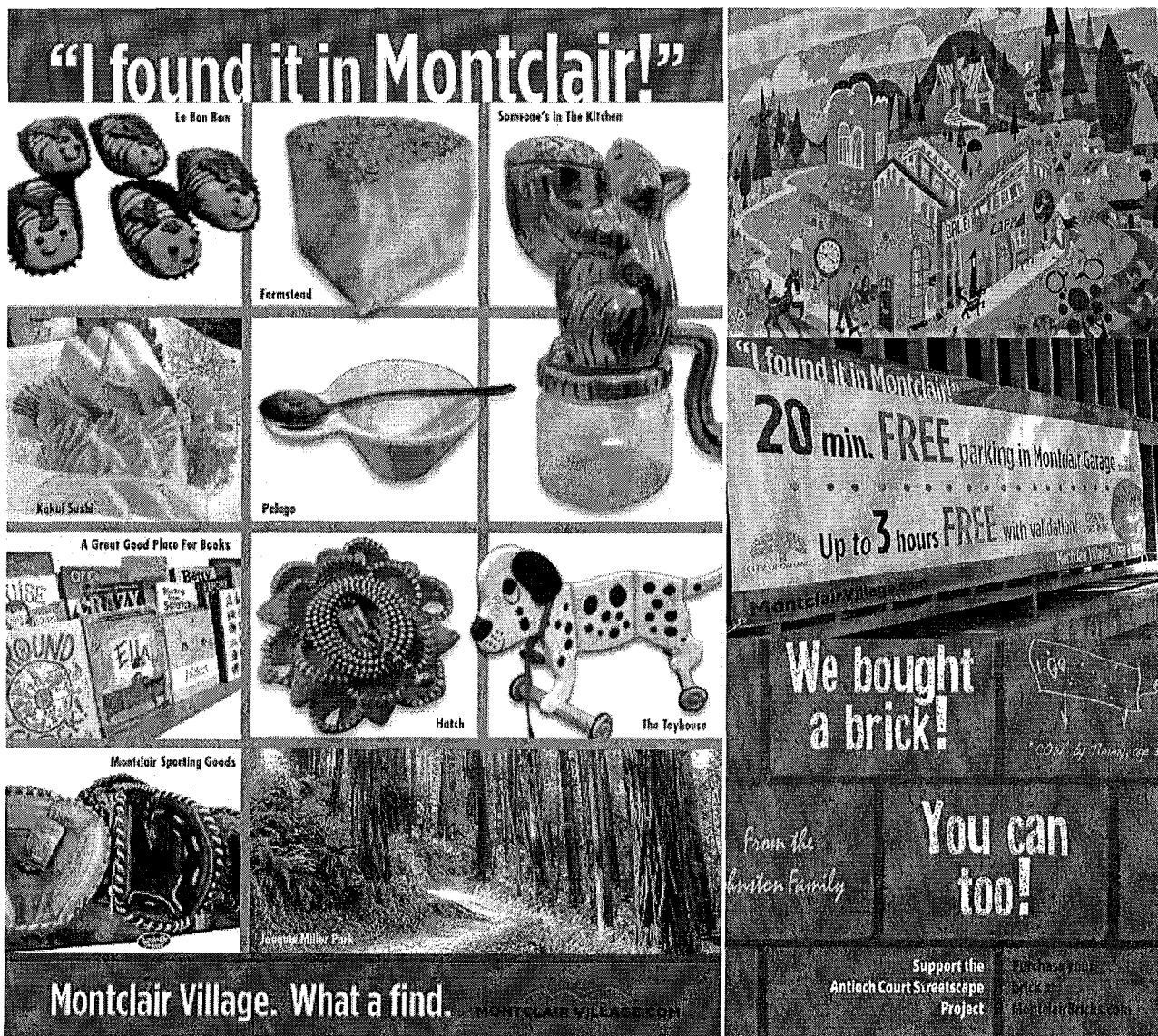
Exhibit A

(to the Resolution of Intention to Levy the FY 2018-2019 Montclair BID Assessment)



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

**Annual Report Relating to the 2018-2019  
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

## Exhibit A

(to the Resolution of Intention to Levy the FY 2018-2019 Montclair BID Assessment)

# Annual Report to the Oakland City Council Relating to the 2018-2019 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, 2017.

**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; however, the Montclair Village Association (MVA) Board is recommending a 5% increase across all categories beginning January 1, 2018 for fiscal year 2018-2019 (see attached May 31, 2017, MVA Board meeting minutes). 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, 2018 for fiscal year 2018-2019.

**Exhibit A**

(to the Resolution of Intention to Levy the FY 2018-2019 Montclair BID Assessment)

**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

President, Montclair Village Association

## Exhibit A

(to the Resolution of Intention to Levy the FY 2018-2019 Montclair BID Assessment)

# Accomplishments 2017

### Beautification/Design/Land Use

- Maintained Village planters, tree wells, and median plantings
  - Planted (9) new trees in partnership with the Sierra Club
- Provided weekly sidewalk and gutter sweeping; 5-20 lbs. of litter removal per week
- Completed final phase Gateway Mural, beautifying a high traffic gateway to the commercial district
- Provided sidewalk steam cleaning and cleaning of City trash receptacles
- Continued to obtain City and public utility support to address pot holes, graffiti, infrastructure damage, signage and recycling issues in the Village
- Hosted (1) community workdays with 40+ volunteers; to address litter and vegetation overgrowth along Hwy 13 and in Montclair Park and a service appreciation BBQ
  - April 2017 Community Work Day – cleaned 1000+ linear feet along sidewalk along Moraga
- Murals, Planters and New Art raised over \$10,000 in private investment.
- Progressed the Antioch Court safety improvement project to the 100% construction design phase
- Initiated phase 2 of the rooftop lighting program encompassing 9 blocks of the district; creating an illumined aesthetic and adding to the safety of the district at night
- Initiated re-planting of sidewalk planter for an improved streetscape aesthetic.

### Board of Directors

- Held monthly meetings where merchant members and members of the public could comment, share partner opportunities 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

- 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
- Grow 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 marketing campaign for business promotion and to highlight the assets of the District
- Involved (10) high school and college interns to learn about community organizing and business support
- Farmer's Market – Supported a vibrant and active destination market
- Website – Front facing promotion of businesses
- 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

## Exhibit A

(to the Resolution of Intention to Levy the FY 2018-2019 Montclair BID Assessment)

### Promotions

- Hosted a street festival fundraiser with over 2,000 attendees - Facilitated the Montclair Beer and Wine Celebration in partnership with the Pacific Fine Arts Festivals to produce their two annual events; raised approximately \$14,000 for the Village.
- 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 and Halloween Parade through the Village.
- Facilitated late night Thursday shopping during the holiday season
- Produced Village Annual Holiday Stroll event – 2,000+ attendees
- Co - Produced a summer outdoor movie series in the commercial district that draws over 150 attendees to each show
- District Marketing Campaign
  - ' 7 different publications (print and online)
  - ' Bay Area wide reach
  - ' "I Found it in Montclair. Montclair Village. What a Find."

### Safety/Security

- Assured security contract has responsive coverage and improved connectivity with surrounding residential areas.
- Facilitated the installation of security cameras at the parking garage and at key locations in the district
- Partnered with OPD walking officer and merchant watch to educate merchants and utilize CEPTD tactics for crime deterrence
- Partnered with MSIC (beat 13Z NCPC) to address district issues



**Exhibit A**

(to the Resolution of Intention to Levy the FY 2018-2019 Montclair BID Assessment)

**2017 - 2018 Board of Directors**

	<b>First</b>	<b>Last</b>	<b>Position</b>
1	Jeff	Diamond	President
2	Pat	Benson	Vice President
3	Susan	Scott	Secretary
4	Tom	Revelli	Treasurer
5	Howard	Neal	Director

Summary of BID Functions

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

Committees

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

**Montclair BID 2018 Proposed Budget**

<b>Revenue</b>	
	<b>Estimated Amount</b>
Assessment Revenue 100% Collection	\$92,290
Projected Prior Year Carry Forward	0
Assessment Revenue Collection	94%
<b>Total Income</b>	<b>\$86,752</b>

<b>Expenses</b>		
<b>Category of Special Benefit Service</b>	<b>Estimated Percentage</b>	<b>Estimated Amount</b>
PROW (Public Right of Way/Economic Restructuring)	30%	\$26,026
DISI (District Identity & Streetscape Improvements/Promotions & Designs Committees)	35%	\$30,363
Organization (Organization Committee)	30%	\$26,026
Reserve	5%	\$4,337
<b>Total Expenses</b>	<b>100%</b>	<b>\$86,752</b>



**MVA BOARD MEETING Minutes**  
US Bank – Conference Rm  
1991 Mountain Blvd.  
Wednesday, May 31, 2017, 9:15 - 10:20AM



***The Mission of the MVA is to  
Support and enhance the Montclair Village business district to be a vibrant destination for  
MVA members, residents, and visitors***

MVA Board meeting 9:15-10:20AM

Board Members Present: Pat Benson, Jeff Diamond, Susan Scott, Tom Revelli  
Absent: Howard Neal  
Executive Director: Daniel Swafford

### **Agenda**

- 9:15 Call to Order – Vice-President Pat Benson
- Welcome & Introductions
  - Review of Agenda; Minutes Approval : Susan motion; Second Tom; all in favor
- 9:20 Montclair Village Association Committee Updates
- Financial Report - Treasurer Tom Revelli
  - Executive Committee – President Jeff Diamond
    - Board Election – Officer Slate: Jeff motion; Second Tom ; all in favor
    - BID Assessment increase of 5% to all categories for 2018: Jeff motion, Second Tom; all in favor
    - MVA Strategic Plan/ Survey sharing with membership
  - Promotions; Beautification/Safety; Land Use
    - LCB Women's Club sold to pre-school
    - MOVE update – Karen
      - 6/14 meet with ACW; Restaurant use on NextDoor 116 responses
- 9:40 Planter Plant assessment and initial recommendation – Presenter Will Rogers:
- 26 Mosaic complete; Volunteer Work Day as possible program to replant; reviewed current conditions
  - Motion to allocate \$5,000 to replant all 39 planters
- 10:00 Annual Member Mixer (location: Italian Colors)
- Sponsor
  - Date/ Time preference – 2<sup>nd</sup> Wednesday
- 10:05 Beer & Wine Celebration – June 17, 2017; 12-6pm
- 10:15 MVA Summer Intern Program
- 10:20 Open Forum/ Adjourn

Thank you US Bank for hosting

### **Upcoming Meetings**

- **MVA Association Meeting: Annual Mixer – at Italian Colors**
- **MVA Board Meeting: Last Wednesdays of the Month, 9:15 AM @ US Bank – NEXT June 28th**
- Montclair Safety and Improvement Council – General Meeting/ Election – June 1st, 7PM @ Montclair Presbyterian
- Montclair Beer and Wine Celebration – June 17<sup>th</sup>, 12-6PM

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Updated 5/26/2017

Bay Alarm Security Service, contact (800) 470-1000 mention Montclair Village Assoc.