



# OAKLAND CITY COUNCIL

RESOLUTION NO. 88413 C.M.S.

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**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 2021-2022**

**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 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**, On November 27, 2001 the City Council adopted Ordinance No. 12378, which established the Montclair Business Improvement District and approved the District Plan; and

**WHEREAS**, pursuant to 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 (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 2021-2022 fiscal year, 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 2021-2022 fiscal year; and

**WHEREAS**, on November 10, 2020, the City Council Adopted a Resolution of Intention to levy the fiscal year 2021-2022 assessment, approve the district's annual report, and schedule a related public hearing for December 1, 2020, pursuant to Streets & Highways Code section 36534; and

**WHEREAS**, written notice of the December 1, 2020 public hearing was published in the newspaper in compliance with Streets and Highways Code section 36534(b); and

**WHEREAS**, if the District's proposed assessments for FY 2021-2022 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)/Economic Development Org (85411)/Pass Through Assessments Account (24224)/ Administrative Project (1000019)/Montclair BID Program (MBID); and

**WHEREAS**, the Montclair Village Association is the nonprofit corporation that administers the Montclair Business Improvement District and oversees the disbursement of funds, pursuant to the Plan and the disbursement agreement between the City and Montclair Village Association; and

**WHEREAS**, the funds that are levied and held by the City will be disbursed to the Montclair Village Association pursuant to the disbursement agreement, which renews annually contingent upon the annual review and approval of the District's Annual Report and the levy of the annual assessments; 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 1, 2020, 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 2021-2022. 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 Assessment Report of the Advisory Board and does hereby levy and direct the collection of the assessments for the 2021-2022 fiscal year as provided for in the Annual Assessment Report in accordance with the assessment formula as provided for in the Plan and Annual Assessment Report.
5. 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.
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, 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 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 described in the Plan and the Annual Assessment 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), Economic Development Organization (85411),  
Pass Through Assessments Account (24224), Administrative Project (1000019),  
Montclair Business Improvement District Program (MBID).

; and be it

**FURTHER RESOLVED:** That the agreement between City and Montclair Village Association for the administration of the District and disbursement of funds 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.*

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IN COUNCIL, OAKLAND, CALIFORNIA, DEC 01, 2020.

PASSED BY THE FOLLOWING VOTE:

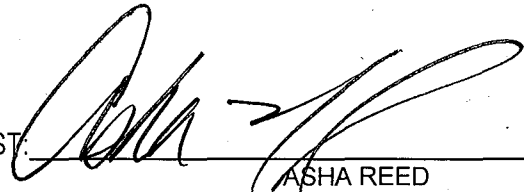
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN — 8

NOES - 0

ABSENT - 0

ABSTENTION 0

ATTEST:



ASHA REED

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

EXHIBIT A  
(To the Resolution Levying the FY 2021-2022 Montclair BID Assessment)



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

FY 2020-2021 Annual Report Relating to the FY 2021-2022  
Montclair Business Improvement District

**"I found it in Montclair!"**

Montclair Village. What a find.

We bought a brick!  
You can too!

Support the  
Antioch Court Streetscape  
Project

# **Annual Report to the Oakland City Council Relating to the 2021-2022 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 FY 2021-2022. Should the current COVID 19 pandemic  
significantly affect the amount of BID revenues received from the City in 2021,  
appropriate adjustments will be proportionally made to spending categories outlined  
in the attached budget.

**III. Estimate of the cost of providing the improvements and activities for upcoming  
fiscal year.**

See attached budget. 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. Should the current COVID 19 pandemic  
significantly affect the amount of BID revenues received from the City in 2021,  
appropriate adjustments will be proportionally made to spending categories outlined  
in the 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 fundraiser events,  
Pacific Fine Arts Festivals, and from management of the Montclair Village Parking  
Garage. Funds from Associate Member program, started in mid-2010, are included in  
the Non-BID income on the attached budget.

Howard Neal  
President, Montclair Village Association

## Accomplishments 2020

### Beautification/Design/Land Use [Economic Restructuring]

- Maintained Village planters (32), tree wells (80), and median plantings
- Provided weekly sidewalk and gutter sweeping; 5-20 lbs. of litter removal per week
- Mural maintenance, beautifying a high traffic areas of the commercial district
- Provided sidewalk steam cleaning and cleaning of City trash receptacles (20)
- Continues to obtain City and public utility support to address pot holes, graffiti, infrastructure, damage, signage and recycling issues in the Village
- Secured (10) donated street planters and provided technical assistance to build outdoor spaces for restaurant, and fitness use in response to COVID-19 restrictions on indoor business activity
- Facilitated volunteer and community workdays with volunteers; to address litter and vegetation overgrowth
- Murals, Planters and new art additions to the streetscape and Parking Garage
- Progressed the Antioch Court safety improvement project to secure over \$600,000 in construction funds, scheduled ground breaking Q2 2021
- Maintained and repaired the rooftop lighting program encompassing 10 blocks of the district; Creating an illumined aesthetic and adding to the safety of the district at night
- Updated sidewalk planter signage for an improved streetscape aesthetic
- Continued to fundraise for Antioch court Improvement Project Campaign and the creation of the Village Plan through Brick sales and various sponsorship levels
- Held monthly meetings where merchant members and members of the public could comment, share partner opportunities, and ask questions
- Held annual meeting to honor incoming and departing Board Members, and to provide the opportunity for merchants to share marketing ideas, engage OPD and merchant watch, and network
- Board participation and merchant participation in ad-hoc 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
- Grow the MVA website and calendar function to include the community response to COVID-19
- Worked closely with the Oakland Tax Division to collect assessments from severely delinquent BID members
- Involved (8) 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
- Secured renewal of Parking Garage management contract
- Facilitated conversion of gateless parking pilot program at the Parking Garage

### **Promotions [Promotions & Design Committees]**

- Initiated a district marketing campaign for business promotion to offset the negative impacts of COVID-19 and business activity restrictions, highlight business, Shop Montclair, and the assets of the District
- Created an OPEN Montclair merchant database of business re-opening after COVID-19
- Produced Montclair Village electronic newsletter
- Published weekly News Briefs article in partnership with Bay Area News Group to share business news in response to businesses struggling due to COVID-19
- Developed COVID-19 Impact Survey for small business community
- Creation of merchant communication channels for guidance and consultation on state, county, and local COVID-19 compliance and resources for small business assistance
- Expanded social media and local digital news outreach to highlight district businesses
- Managed weekly Farmers' Market activities, upgrading the cleanliness and presentation of the market
- Expanded the use of a Farmers' Market booth by MVA businesses
- Produced Village Annual Holiday Stroll marketing and shopping promotions
- Developed Guidebook for Board of Directors
- Developed New Merchant Welcome Packet
- 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 [Economic Restructuring]**

- Collaborated with Oakland Police to respond to and provide security camera evidence for crimes committed in the district
- Added (3) new License Plate Recognition security camera systems to the commercial district
- Adjusted private security response to address spike in looting and vandalism
- Actively participated in the Neighborhood Crime Prevention Council (beat 13Z NCPC) to facilitate a community response to crime and guide Oakland Police – Co-Hosted Safety Town Hall with 200+ attendees
- 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 Montclair Neighborhood Council (MNC) (beat 13Z NCPC) to address district issues



## 2020 - 2021 Board of Directors

	<b>First</b>	<b>Last</b>	<b>Position</b>
1	Howard	Neal	President
2	Pat	Benson	Vice President
3	Robin	Patin	Secretary
4	Tom	Revelli	Treasurer
5	Ann	Dyer Cervantes	Board Member
6	Jeff	Diamond	Board Member
7	Tyrone	Eugene	Board Member
8	Theresa	Henrekin	Board Member
9	Ryan	Misasi	Board Member
10	David	Petin	Board Member
11	John	Porras	Board Member
12	Winter	Williams	Board Member

### Summary of BID Functions:

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

### Committees:

Promotions/Design/Farmers' Market  
Beautification/Design/Land Use/Safety/Economic Restructuring  
Executive/Organization/Administration  
Nominations  
Finance

## Montclair BID 2021 Proposed Budget

<b>Revenue</b>	
	<b>Estimated Amount</b>
Assessment Revenue 100% Collection	\$88,000
Non-BID Income From donations to the 501ciii (5%)	\$4,400
Projected Prior Year Carry Forward	0
Assessment Revenue Collection	88%
<b>Total Income</b>	<b>\$81,840</b>

<b>Expenses</b>		
<b>Category of Special Benefit Service</b>	<b>Estimated Percentage</b>	<b>Estimated Amount</b>
Economic Restructuring (Public Rights of Way - PROW)	30%	\$24,552.00
Promotions & Design Committees (District Identity - DISI)	38%	\$31,099.20
Organization/Administration Committee (Organization)	29%	\$23,733.60
Reserve/ Contingency	3%	\$2,455.20
<b>Total Expenses</b>	<b>100%</b>	<b>\$81,840.00</b>