

CITY OF OAKLAND

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OFFICE OF THE CITY CLERK
OAKLAND

2016 NOV -3 PM 4:47

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Mark Sawicki
Director

SUBJECT: Montclair BID Annual Report and
Resolution of Intention to Set FY
2017-2018 Assessment

DATE: September 23, 2016

City Administrator Approval

Date:

11/3/16

RECOMMENDATION

Staff recommends that the City Council adopt a Resolution of Intention To Levy An Annual Assessment For Fiscal Year 2017-2018 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 13, 2016.

EXECUTIVE SUMMARY

State enabling legislation requires that merchant-based business improvement districts (BIDs) receive City Council approval before levying each fiscal year's assessment. Therefore, to enable the Montclair BID to collect its Fiscal Year (FY) 2017-2018 assessment, City Council would need to adopt the attached Resolution of Intention to levy, and to schedule a related public hearing. The attached resolution also approves the district's annual report to the City.

If the proposed assessment is approved, the Montclair BID will generate an estimated \$87,895 of special assessment revenues in FY 2017-2018. Funds will be used to pay for special benefit services outlined in the Montclair BID District Management Plan (the "Plan") on file with the Office of the City Clerk and the attached annual report (attached as **Exhibit A** to the Resolution of Intention), prepared and submitted by the Montclair Village Association, the district's City Council-appointed advisory board. Key services include, but are not limited to, enhanced cleaning and public safety services, including private security services, district beautification, including installation and maintenance of decorative banners and benches; special seasonal events such as spring and summer Jazz & Wine Festivals, and the Montclair Village Holiday Stroll, and marketing and promotion activities such as internet advertising and maintenance of a district website.

BACKGROUND / LEGISLATIVE HISTORY

Sections 36500 *et seq* of California Streets and Highway Code provide for the formation of business and property-based assessment districts. Pursuant to this legislation, on November 9,

Item: _____
CED Committee
November 15, 2016

1999, the Oakland City Council approved Resolution No. 75323 C.M.S. which initiated a City of Oakland Neighborhood Business Improvement District (NBID) Program to provide technical assistance to qualified stakeholder groups to explore the feasibility of forming a Business Improvement District (BID) within their respective commercial neighborhood(s). Pursuant to these efforts Ordinance No. 12378 C.M.S. was passed by City Council November 27, 2001, to establish the Montclair BID.

Streets and Highways Code Division 18 (commencing with section 26500) also requires that merchant-based business improvement districts (BIDs) receive City Council approval before levying each fiscal year's assessment. Therefore, to enable the Montclair BID to collect its Fiscal Year (FY) 2017-2018 assessment, City Council would need to adopt the attached Resolution of Intention to levy, and to schedule a related public hearing. The public hearing must take place no less than 10 days and no more than 30 days after the adoption of the attached Resolution of Intention. Following the public input portion of the hearing City Council would then take final action on the proposed assessment. The attached resolution also approves the district's annual report to the City.

The billing period for the proposed assessment will be January 1, 2017 through December 31, 2017cx and services to be paid for by the above billing and collections will also occur on a January 1, 2017 through December 31, 2017 fiscal year basis, per the attached proposed budget (**Exhibit A** to the Resolution of Intention).

If the City Council approves the proposed FY 2017-2018 assessment, the Montclair BID will generate an estimated \$87,895 of special assessment revenues, which is the same as in FY 2016-2017. The assessment is based on two variables which include business gross receipts and business type. If approved, the assessments will be collected and expended in accordance with the District Management Plan (the "Plan") on file with the Office of the City Clerk and the attached annual report (**Exhibit A** to the Resolution of Intention) submitted by the Montclair Village Association, the district's City Council appointed advisory board.

The annual report does not propose any changes to the boundaries of the district or to the method and basis of levying the assessment approved by the City Council for FY 2016-2017.

Other BIDs (also known as Community Benefit Districts, or, CBDs) successfully formed within the City of Oakland include those located within the Rockridge (established 2000), Fruitvale (established 2001, renewed in 2006 and 2011), Lakeshore/Lake Park (established 2002, renewed in 2012), Temescal/Telegraph Avenue (established 2004, renewed in 2014), Laurel (established 2005, renewed in 2015), Koreatown/Northgate (established 2007), Lake Merritt/Uptown (established 2008), Downtown Oakland (established 2008) and Jack London (established 2013) commercial neighborhoods. BIDs are generally recognized as supporting the goals of comprehensive economic development strategies in various cities throughout the United States and designated foreign countries (e.g. Italy, South Africa, United Kingdom, etc.).

Revenues generated by BIDs are used to provide a variety of special benefit improvements and services beyond those already provided by the local municipality. Examples of BID-funded special benefits include, but are not limited to, enhanced maintenance, public safety, as well as marketing and promotion services within affected districts. Enhanced services of this type are intended to support increased sales and business tax revenues as well as increased job opportunities and economic vitality of affected commercial neighborhoods.

ANALYSIS AND POLICY ALTERNATIVES

There is no anticipated adverse impact associated with the approval of the proposed resolution. Adoption of the attached resolution will advance the approval process of the FY 2017-2018 special assessment for the Montclair BID. The special benefit services provided by the BID aim to support the economic vitality of the corresponding commercial neighborhood.

Since BIDs are self-initiated, self-funded, and self-administered entities, there are no anticipated fiscal impacts for the City associated with continuance of the above-referenced BID. Given the approximate \$87,895 of private funds that will be generated to support continued economic development within the affected district, the project merits consideration of City Council support.

The Montclair BID encompasses approximately 218 businesses located in and around the Montclair commercial area and estimates an upcoming annual budget of approximately \$147,035 which includes \$87,895 of projected assessments to be collected in FY 2017-2018, \$4,500 carryforward from the prior fiscal year, and \$54,640 of income generated from various other Montclair BID activities and events, as reported in **Exhibit A** to the attached resolution.

FISCAL IMPACT

No fiscal impact is anticipated to the City. The Montclair BID is a self-funded, self-administered entity. The proposed special assessment district will pay its own operating and administrative costs, including costs for assessment collections and disbursements. If the levy is approved, the City of Oakland will conduct a special billing to collect the assessment and will remit the amount collected (minus the City's costs of collection) to the Montclair Village Association, the district's designated non-profit administrator. Until disbursed, Montclair BID assessments will be held 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)/Undetermined Project (0000000)/Montclair BID Program (MBID).

PUBLIC OUTREACH / INTEREST

To adopt the attached resolution, enabling legislation does not require City staff to conduct public outreach other than the required posting on the City's website. District stakeholders, however, did perform outreach necessary to secure advisory board consensus sufficient to generate the attached annual report and proposed FY 2017-2018 district budget (attached as ***Exhibit A*** to the Resolution of Intention).

COORDINATION

The Controller's Bureau and Office of the City Attorney were consulted in the preparation of this report and/or its attachments and exhibits.

SUSTAINABLE OPPORTUNITIES

Economic: BID assessments will fund activities which are intended to support the eventual increase of sales and business tax revenues, as well as, increased job opportunities and on-going economic development of the affected commercial districts.

Environmental: No specific environmental opportunities have been identified.

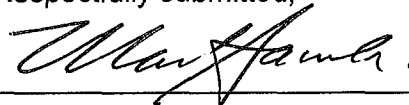
Social Equity: BIDs incorporate all members of an affected property owner community into a proactive entity with the financial resources to productively influence their shared environment which may be compatible with some aspects of various social equity models.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution of intention to levy an annual assessment for fiscal year 2017-2018 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 13, 2016.

For questions regarding this report, please contact Maria Rocha, BID Program Manager, at 510-238-6176.

Respectfully submitted,



Mark Sawicki, Director
Economic and Workforce Development Department

Prepared by:
Maria Rocha, BID Program Manager
Economic Development

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION OF INTENTION TO LEVY AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2017-2018 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 13, 2016

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 2017-2018 fiscal year (January 1, 2017 through December 31, 2017), 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 2017-2018 fiscal year; and

WHEREAS, if the District's proposed assessments for FY 2017-2018 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)/Undetermined Project (0000000)/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 2017-2018 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 2017-2018 as provided for in the said Annual Assessment Report and pursuant to the assessment formula as provided for in the Plan, 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 2017-2018 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.
5. **A Public Hearing is set for December 13, 2016, 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 2017-2018.
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.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, _____.

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

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 2017-2018 Montclair BID Assessment)



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

Annual Report Relating to the 2017-2018
Montclair Village Association Business Improvement District

"I found it in Montclair!"

Le Bon Bon

Farmstead

Someone's In The Kitchen

The Carvery

Polops

HoneyBee 3D

The Toyhouse

Hatch

AG Ferrari

Jordan Miller Park

We bought a brick!

You can too!

Support the Anloch Court Streetscape Project

Purchase your brick at MontclairBricks.com

Montclair Village. What a find. MONTCLAIRVILLAGE.COM

EXHIBIT A

(To the Resolution of Intention to Levy the FY 2017-2018 Montclair BID Assessment)

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

Montclair BID 2017 Proposed Budget

BID REVENUE	87,895.00
Art Festivals	8,500.00
Associate Memberships	1,500.00
Banner Placement	880.00
Farmer's Market	10,000.00
Fundraising and Promotions	7,000.00
Garage Management	10,000.00
Interest on Savings	60.00
Mosaic Program	4,500.00
Reserve Carry Forward	4,500.00
Village Events	12,200.00
Total REVENUE	147,035.00

EXPENDITURES

Beautification

Banners	3,000.00
Landscaping	8,000.00
Land Use	0.00
Maintenance	12,000.00
Streetscape	15,000.00
<i>Subtotal</i>	<i>38,000.00</i>

Economic Restructuring

Safety	0.00
Security	14,000.00
<i>Subtotal</i>	<i>14,000.00</i>

Organization

Accountant	835.00
City Collections Costs	2,000.00
Insurance	1,400.00
Meetings	1,000.00
Operations	0.00
Payroll Taxes and Expenses	1,500.00
Postage	100.00
Rent	5,000.00
Staff	45,000.00
Supplies/Equipment	1,800.00
Taxes	200.00
Utilities	1,200.00
<i>Subtotal</i>	<i>60,035.00</i>

Promotions	
Advertising	12,000.00
Art Festivals	0.00
Directory	2,000.00
Design/ Graphics	4,500.00
Farmer's Market	2,000.00
Village Events	10,000.00
Map Signage	1,000.00
Web site	3,500.00
<i>Subtotal</i>	<u>35,000.00</u>
Total EXPENDITURES	147,035.00
Reserve Carry Forward	0.00
Net	0.00

Accomplishments 2016

Beautification/Design/Land Use

- Maintained Village planters, tree wells, and median plantings
- Provided weekly sidewalk and gutter sweeping; 5-20 lbs. of litter removal per week
- Organized community effort to fundraise and plan a 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 (2) community workdays with 40+ volunteers; to address litter and vegetation overgrowth along Hwy 13 and in Montclair Park
 - January 2016 Work Day – Montclair Park Improvements & clean-up
 - April 2016 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 1 of the rooftop lighting program encompassing 5 blocks of the district; creating an illuminated aesthetic and adding to the safety of the district at night

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

- Expanded 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
- Expanded 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 Flexible Parking Pilot (start date 8/18/2014) and Parking Assessment district

Promotions

- Hosted a street festival fundraiser with over 3,000 attendees - Facilitated the Montclair Beer and Wine Celebration in partnership with the Pacific Fine Arts Festivals to produce their two annual events; raised approximately \$12,200 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
- Partnered with OPD PSO and merchant watch to educate merchants and utilize CEPTD tactics for crime deterrence
- Partnered with MSIC (beat 13Z NCPD) to address district issues

2016 - 2017 Board of Directors

	First	Last	Position
1	Jeff	Diamond	President
2	Pat	Benson	Vice President
3	Howard	Neal	Secretary
4	Tom	Revelli	Treasurer
5	Theresa	Henrekin	Director
6	Susan	Scott	Director
7	Barbara	Mooney	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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality

Oakland City Attorney's Office

OAKLAND CITY COUNCIL
NOV 3 PM 5:08

RESOLUTION NO. _____ C.M.S.

**RESOLUTION OF INTENTION TO LEVY AN ANNUAL ASSESSMENT
FOR FISCAL YEAR 2017-2018 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 13, 2016**

WHEREAS, the State of California allows for the formation of business assessment districts under Street and Highways Code Section 36500 *et seq.*; and

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PRESIDENT GIBSON McELHANEY

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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