

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

  
Oakland City Attorney's Office

2014 NOV 25 AM 10:56

OAKLAND CITY COUNCIL

RESOLUTION No. 85814 C.M.S.

**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 2015 -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 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 C.M.S.; and

**WHEREAS**, pursuant to Streets and Highways Code Section 36533, the Montclair Improvement District Advisory Board has prepared and filed with the City Clerk, the Annual Assessment Report (attached **Exhibit A**) ("Report"), which contains the required particulars including a detailed description of the improvements and activities to be provided for the 2015-2016 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 2015-2016 fiscal year; and

**WHEREAS**, the City Council desires to confirm the Report, and levy the annual assessment for the Montclair Business Improvement District for fiscal year 2015-2016; and

**WHEREAS**, on November 18, 2014, the City Council Adopted a Resolution of Intention to levy the fiscal year 2015-2016 assessment, approve the district's annual report, and schedule a related public hearing for December 9, 2014, as required by Government Code section 36534; 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 9, 2014, 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 2015-2016. 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 2015-2016 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 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 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.*

-DEC 09 2014

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

**PASSED BY THE FOLLOWING VOTE:**


AYES- BROOKS, GALLO, GIBSON McELHANEY, KALB, ~~KAPLAN~~, REID, SCHAAF and PRESIDENT KERNIGHAN -7

NOES- 0

ABSENT- Kaplan-1

ABSTENTION- 0

ATTEST: \_\_\_\_\_

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

(to the Resolution to Levy the FY 2015-2016 Montclair BID Assessment)

# MONTCLAIR VILLAGE

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

## Annual Report Relating to the 2015-2016

## Montclair Village Association Business Improvement District

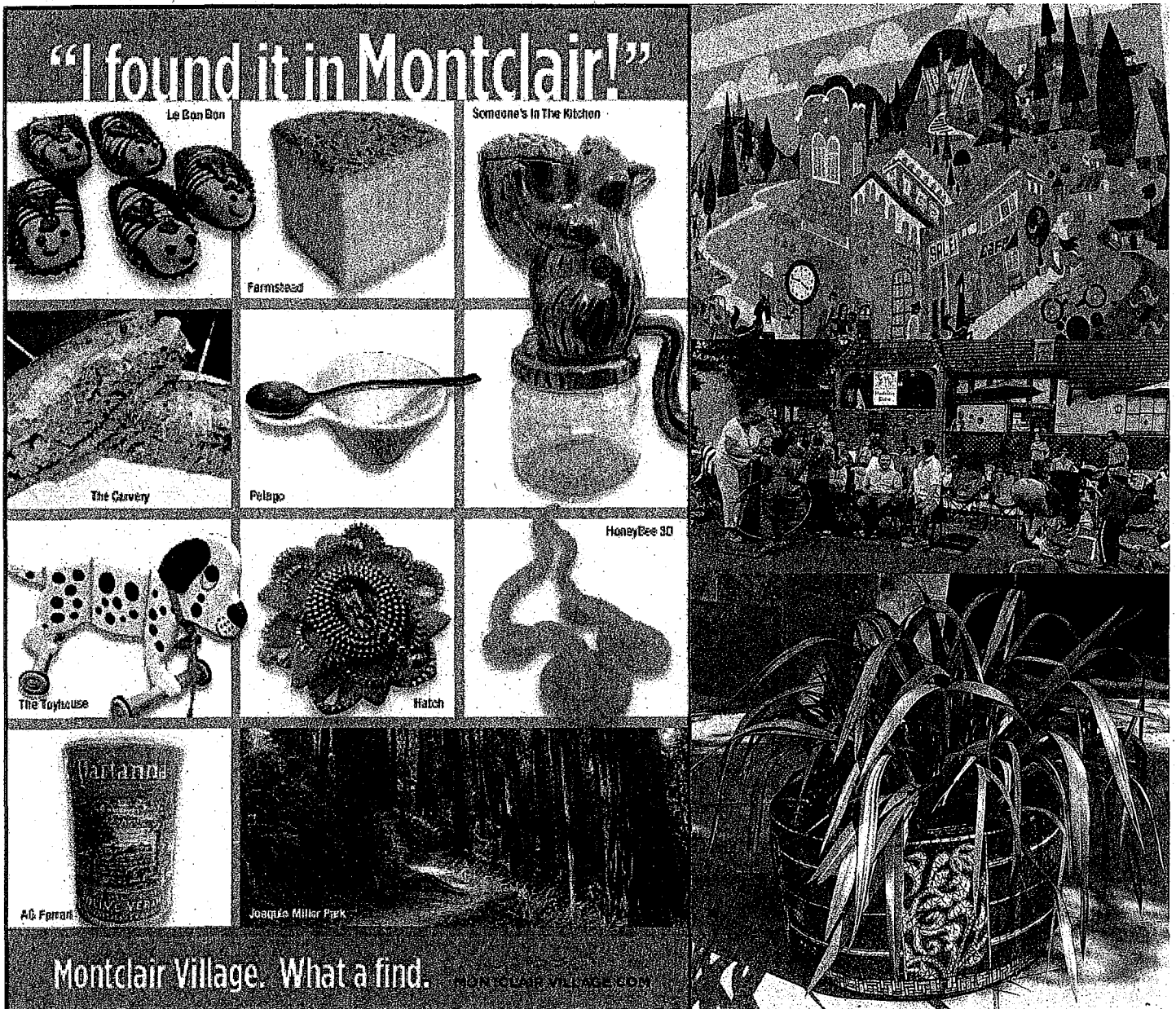


Exhibit A

(to the Resolution to Levy the FY 2015-2016 Montclair BID Assessment)

## Annual Report to the Oakland City Council Relating to the 2015-2016 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, 2015.
- 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 Business Improvement District Proposed 2015 Budget:

|                               |                      |
|-------------------------------|----------------------|
| <b>Income</b>                 |                      |
| BID Revenues                  | \$ 87,000.00         |
| Art Festivals                 | \$ 8,500.00          |
| Associate Memberships         | \$ 1,500.00          |
| Banner Placement              | \$ 480.00            |
| Farmer's Market               | \$ 10,000.00         |
| Fundraising and Promotions    | \$ 7,000.00          |
| Garage Management             | \$ 11,000.00         |
| Interest on Savings           | \$ 60.00             |
| Mosaic Program                | \$ 7,500.00          |
| Reserve Carry Forward         | \$ 10,000.00         |
| Village Events                | \$ 10,000.00         |
| <b>Total Income</b>           | <b>\$ 153,040.00</b> |
| <b>Expenses</b>               |                      |
| <b>Beautification</b>         |                      |
| Banners                       | \$ 3,000.00          |
| Landscaping                   | \$ 8,000.00          |
| Land Use                      | \$                   |
| Maintenance                   | \$ 12,000.00         |
| Streetscape                   | \$ 15,000.00         |
| <i>Subtotal</i>               | <i>\$ 38,000.00</i>  |
| <b>Economic Restructuring</b> |                      |
| Safety                        | \$                   |
| Security                      | \$ 14,000.00         |
| <i>Subtotal</i>               | <i>\$ 14,000.00</i>  |
| <b>Organization</b>           |                      |
| Accountant                    | \$ 1,200.00          |
| City Collections Costs        | \$ 2,000.00          |
| Insurance                     | \$ 1,400.00          |
| Meetings                      | \$ 1,000.00          |
| Operations                    |                      |
| 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                     | \$ 1,000.00          |
| <i>Subtotal</i>               | <i>\$ 60,200.00</i>  |
| <b>Promotions</b>             |                      |
| Advertising                   | \$ 11,000.00         |
| Art Festivals                 | \$                   |
| Directory                     | \$ 2,000.00          |
| Design/ Graphics              | \$ 4,000.00          |
| Farmer's Market               | \$ 1,000.00          |
| Village Events                | \$ 8,000.00          |
| Map Signage                   | \$ 1,000.00          |
| Web site                      | \$ 3,500.00          |
| <i>Subtotal</i>               | <i>\$ 30,500.00</i>  |
| <b>Total Expenses</b>         | <b>\$ 142,700.00</b> |
| Reserve Carry Forward         | \$ 10,340.00         |
| <b>Net</b>                    | <b>\$</b>            |

# Accomplishments 2014

## Beautification/Design/Land Use

- Maintained Village planters; Friends of Sausal Creek educational plantings
- Provided weekly sidewalk and gutter sweeping; 5-20 lbs. of litter removal per week
- Provided sidewalk power washings 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 30+ volunteers; to address litter and vegetation overgrowth along Hwy 13 and in Montclair Park
  - Aug 2013 Work Day – Montclair Park Improvements & clean-up
  - January 2014 Community Work Day – cleaned 1000+ linear feet along sidewalk along Moraga
- Murals, Planters and New Art raised over \$12,000 in private investment.
- Secured \$90,000 in funding for Antioch Court safety improvement design phase – Finalizing design for construction; partnering with Montclair Safety & Improvement Council

## 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 (8) college interns to learn about community organizing and business support
- Farmer's Market – New Contract contributing funds to the Village each year
- Website – Front facing promotion of businesses
- Worked with City of Oakland and Oakland City Council to initiate 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 \$4,000 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 100 attendees
- District Marketing Campaign
  - 7 different publications (print and online)
  - Bay Area wide reach
  - "I Found it in Montclair. Montclair Village. What a Find."

1980 Mountain Blvd. Suite 212 • Oakland, CA 94611  
(510)339-1000 • (510)339-2368 fax • montclairvillage@sbcglobal.net  
www.montclairvillage.com

## Safety/Security

- Revised security contract for more 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

## Garage Management

- Maintained, Managed, and Promoted the City parking garage and parking lot, located in Montclair Village.
- Parking Garage Management
  - Retained management contract delivering year-to-year revenue growth
  - Continued infrastructure improvements
    - Retaining wall, evasion control
    - Painting
    - Security Camera
    - Lighting Improvements
    - 20 minutes free; parking pilot program
    - Credit card processing
    - Expanded use of validation program
    - Broad based Marketing of facility and programs

## Montclair Village Association Board Member Report

|    | First   | Last       | Position          | Title             | Company                           | Term Expires |
|----|---------|------------|-------------------|-------------------|-----------------------------------|--------------|
| 1  | Vanessa | Bergmark   | Director          | Business Manager  | Red Oak Realty                    | Jun-15       |
| 2  | Jeff    | Diamond    | President         | Business Owner    | Farmstead Cheeses & Wines         | Jun-16       |
| 3  | Larry   | Ginsburg   | Director          | Business Owner    | Ginsburg Financial Advisors       | Jun-15       |
| 4  | Steve   | Montgomery | Director          | Business Co-owner | Italian Colors                    | Jun-15       |
| 5  | Lydia   | Nayo       | Director          | Business Manager  | Coldwell Banker Neal & Associates | Jun-15       |
| 6  | Howard  | Neal       | Secretary<br>Vice | Business Owner    | Attorneys                         | Jun-16       |
| 7  | John    | Porras     | President         | Business Co-owner | Crown Wine & Spirits              | Jun-16       |
| 8  | Tom     | Revelli    | Treasurer         | Business Owner    | Montclair Sports                  | Jun-16       |
| 9  | Mike    | Williams   | Director          | Business Co-owner | Crogan's Montclair                | Jun-15       |
| 10 | Thomas  | Wong       | Director          | Business Manager  | Rite Aid                          | Jun-15       |

## 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