



City Attorney's Office

# OAKLAND CITY COUNCIL

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

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**RESOLUTION (1) APPROVING THE FISCAL YEAR 2019-20 ANNUAL REPORTS OF THE FRUITVALE PROPERTY BUSINESS IMPROVEMENT DISTRICT OF 2011, THE LAKESHORE/LAKE PARK BUSINESS IMPROVEMENT MANAGEMENT DISTRICT OF 2012, THE JACK LONDON IMPROVEMENT DISTRICT, THE TEMESCAL/TELEGRAPH BUSINESS IMPROVEMENT DISTRICT 2015, THE LAUREL BUSINESS IMPROVEMENT DISTRICT 2016, AND THE KOREATOWN/NORTHGATE COMMUNITY BENEFIT DISTRICT 2017, THE DOWNTOWN OAKLAND COMMUNITY BENEFIT DISTRICT 2018, AND THE LAKE MERRITT-UPTOWN COMMUNITY BENEFIT DISTRICT 2018 ADVISORY BOARDS; (2) CONFIRMING THE CONTINUING ANNUAL ASSESSMENT FOR EACH SAID DISTRICT FOR FISCAL YEAR 2020-21 AND LEVYING SAID ASSESSMENTS; (3) AUTHORIZING PAYMENT OF THE CITY'S CUMULATIVE FISCAL YEAR 2020-21 FAIR SHARE ASSESSMENT IN AN APPROXIMATE AMOUNT OF \$293,642.48 FOR CITY-OWNED PROPERTIES IN THE FRUITVALE DISTRICT, THE JACK LONDON DISTRICT, THE TEMESCAL DISTRICT, THE KOREATOWN DISTRICT, THE DOWNTOWN OAKLAND DISTRICT AND THE LAKE MERRITT-UPTOWN DISTRICT; AND (4) RENEWING THE AGREEMENTS WITH THE DISTRICTS FOR ADMINISTRATION AND DISBURSEMENT OF FUNDS**

**WHEREAS**, the City of Oakland Business Improvement Management District (BIMD) Ordinance allows for the formation of business improvement management districts (Oakland Municipal Code Chapter 4.48, Ordinance 12190, 1999); and

**WHEREAS**, pursuant to said legislation, affected property owners petitioned to form the Fruitvale Property Business Improvement District of 2011 ("Fruitvale BID"), the Lakeshore/Lake Park Business Improvement Management District of 2012 ("Lakeshore BID"), the Jack London Improvement District ("Jack London BID"), the Temescal/Telegraph Business Improvement District 2015 ("Temescal BID"), the Laurel Business Improvement District 2015 ("Laurel BID"), the Koreatown/Northgate Community Benefit District 2017 ("Koreatown CBD"), the Downtown Oakland Community Benefit District 2018 ("Downtown Oakland CBD"), and the Lake Merritt-Uptown Community Benefit District 2018 ("Lake Merritt CBD") (together, the "Districts") and to undertake the Management Plans for the Districts ("Plans") which are on file with the City Clerk; and

**WHEREAS**, the Plans provide for enhanced services such as new security, crime prevention, beautification, parking resolution, sidewalk sweeping, economic development, lighting, and marketing activities with the intent of creating a positive atmosphere in the District areas (as more specifically identified in their respective Plans); and

**WHEREAS**, the Plans were prepared in accordance with Oakland Municipal Code Chapter 4.48, and have been filed with the City; and

**WHEREAS**, pursuant to the requirements of the law the Districts were established as follows:

- o the Fruitvale BID on July 19, 2011 pursuant to Resolution No. 83500 C.M.S.;
- o the Lakeshore BID on July 17, 2012 pursuant to Resolution No. 84004 C.M.S.;
- o the Jack London BID on July 16, 2013, pursuant to Resolution No. 84534 C.M.S.;
- o the Temescal BID on July 29, 2014, pursuant to Resolution No. 85148 C.M.S.;
- o the Laurel BID, July 7, 2015, pursuant to Resolution No. 85682 C.M.S.;
- o the Koreatown CBD, July 18, 2017, pursuant to Resolution No. 86864 C.M.S.;
- o the Downtown Oakland CBD, July 24, 2018, pursuant to Resolution No. 87323 C.M.S.;
- o the Lake Merritt CBD, July 24, 2018, pursuant to Resolution No. 87324 ; and

**WHEREAS**, the FY 2019-20 Annual Reports (attached in **Exhibit A**) have been prepared by the Fruitvale BID, Lakeshore BID, Jack London BID, Temescal BID, Laurel BID, Koreatown CBD, Downtown Oakland CBD, and Lake Merritt CBD District Advisory Boards and filed with the City Clerk; and

**WHEREAS**, the FY 2019-20 Annual Report for the Lakeshore BID includes a determination and recommendation by the District Advisory Board for a 5% increase in the amount of the annual assessment beginning in fiscal year 2020-21 for the Lakeshore BID, which is within the maximum annual assessment increase set forth in the approved plan and the resolution establishing the BID; and

**WHEREAS**, the FY 2019-20 Annual Report for the Jack London BID includes a determination and recommendation by the District Advisory Board for a 5% increase in the amount of the annual assessment beginning in fiscal year 2020-21 for the Jack London BID, which is within the maximum annual assessment increase set forth in the approved plan and the resolution establishing the BID; and

**WHEREAS**, the FY 2019-20 Annual Report for the Temescal BID includes a determination and recommendation by the District Advisory Board for a 5% increase in the amount of the annual assessment beginning in fiscal year 2020-21 for the Temescal BID, which is within the maximum annual assessment increase set forth in the approved plan and the resolution establishing the BID; and

**WHEREAS**, the FY 2019-20 Annual Report for the Laurel BID includes a determination and recommendation by the District Advisory Board for a 5% increase in the amount of the annual assessment beginning in fiscal year 2020-21 for the Laurel BID, which is within the maximum annual assessment increase set forth in the approved plan and the resolution establishing the BID; and

**WHEREAS**, the FY 2019-20 Annual Report for the Koreatown CBD includes a determination and recommendation by the District Advisory Board for a 2.5% increase in the amount of the annual assessment beginning in fiscal year 2020-21 for the Koreatown CBD, which is within the maximum annual assessment increase set forth in the approved plan and the resolution establishing the CBD; and

**WHEREAS**, the FY 2019-20 Annual Report for the Downtown Oakland CBD includes a determination and recommendation by the District Advisory Board for a 5% increase in the amount of the annual assessment beginning in fiscal year 2020-21 for the Downtown Oakland CBD, which is within the maximum annual assessment increase set forth in the approved plan and the resolution establishing the CBD; and

**WHEREAS**, the FY 2019-20 Annual Report for the Lake Merritt CBD includes a determination and recommendation by the District Advisory Board for a 5% increase in the amount of the annual assessment beginning in fiscal year 2020-21 for the Lake Merritt CBD, which is within the maximum annual assessment increase set forth in the approved plan and the resolution establishing the CBD; and

**WHEREAS**, the City owes a cumulative fiscal year 2020-21 fair share assessment of \$297,945.48 for the City-owned properties shown in Table 1 below:

**Table 1: List of City properties subject to FY 2020-21 BID Assessment Levies**

<b>District</b>	<b>APN</b>	<b>Site Description</b>	<b>Annual Assessment</b>
Downtown	2-97-45	1327 Broadway	\$ 4,251.29
Downtown	3-65-9-2	250 Frank H. Ogawa Plz	\$26,748.38
Downtown	3-67-2	City Hall Plaza	\$11,311.29
Downtown	3-67-3	1 Frank H. Ogawa Plaza	\$18,815.85
Downtown	3-67-4	1414 Clay (Garage)	\$11,307.86
Downtown	8-619-8-1	150 Frank H. Ogawa Plaza	\$26,067.88
Downtown	8-620-9-3	524 16 <sup>th</sup> St	\$ 2,059.21
Downtown	8-641-8-5	540 17 <sup>th</sup> St (Ice Center)	\$26,742.03
Downtown	1-199-1	620 Washington (Police Admin Bldg)	\$31,733.21
Downtown	2-98-1	Clay St (Scotlan Convention Ctr)	\$31,619.19
Downtown	2-97-40	11 <sup>th</sup> St (T 5/6 Development Site)	\$ 3,184.60
Fruitvale	25-722-26	Josie de la Cruz Park	\$ 8,517.90

Fruitvale	33-2130-35-2	3510 International Blvd.	\$ 824.48
Fruitvale	33-2135-26-2	Foothill Blvd	\$ 5,025.69
Fruitvale	32-2084-51	3600 Foothill Blvd	\$ 1,084.85
Fruitvale	32-2115-37-1	3566 Foothill Blvd	\$ 667.85
Fruitvale	25-719-7-1	3050 International Blvd	\$ 3,320.07
Fruitvale	32-2084-50	3614 Foothill Blvd	\$ 510.30
Fruitvale	32-2115-38-1	3550 Foothill Blvd	\$ 1,214.30
Koreatown	8-648-16-3	2100 Telegraph	\$ 4,104.95
Koreatown	9-684-5-1	404 26 <sup>th</sup> Street	\$ 714.43
Koreatown	8-659-25	641 W. Grand Ave	\$ 466.84
Lake Merritt	8-623-6-1	1731 Franklin (Franklin St Garage)	\$ 18,977.63
Lake Merritt	8-635-1	274 19 <sup>th</sup> St (Snow Park)	\$ 22,412.39
Lake Merritt	8-649-5	2025 Broadway (Paramount Theater)	\$ 8,597.48
Lake Merritt	8-655-6	Grand Ave (foot of Valdez)	\$ 1,899.33
Lake Merritt	10-768-4	200 Grand Ave (Veterans Memorial Bldg)	\$ 10,628.14
Lake Merritt	8-673-1	2500 Broadway (Plaza)	\$ 1,272.14
Lake Merritt	8-716-58	1911 Telegraph Ave (Vacant)	\$ 8,398.07
Temescal	14-1219-3	5205 Telegraph Ave (Temescal Library)	\$ 2,004.61
Jack London	18-425-4-1	Embarcadero	\$ 160.24
		<b>CITY TOTAL</b>	<b>\$293,642.48</b>

; and

**WHEREAS**, it is possible that additional properties will be transferred to City of Oakland ownership during fiscal year 2020-21, thus increasing the City's fair share assessments; and

**WHEREAS**, funds to pay the assessments owed by the City will be budgeted as follows:

For assessor parcel numbers 3-65-9-2, 3-67-2, 3-67-3, 3-67-4, 8-619-8-1, 1-199-1, 2-98-1, 2-97-40, 25-722-26, 33-2130-35-2, 33-2135-26-2, 32-2084-51, 32-2115-37-1, 25-719-7-1, 8-648-16-3, 9-684-5-1, 8-659-25, 8-623-6-1, 8-635-1, 8-649-5, 8-655-6, 10-768-4, 8-673-1, 14-1219-3, , and 18-425-4-1 funds will be budgeted in General Purpose Fund (1010)/Citywide Activities Organization (90591)/Taxes and Assessments Account (53511)/Business Improvement District Project (1000147)/Citywide Activities Program (IP50).

For assessor parcel numbers 32-2084-50 and 32-2115-38-1 funds will be budgeted in Central City East TA Bonds Series 2006A-T (Taxable) Fund (5643)/Central City East Redevelopment Organization (85246)/Taxes and Assessments Account (53511)/CCE Land Acquisition Project (1000151)/Central City East Program (SC18).

For assessor parcel numbers 2-97-45, 8-620-9-3 and 8-716-58 funds will be budgeted in Central District Projects Fund (5610)/Central District Redevelopment Organization (85245)/Taxes and Assessments Account (53511)/Downtown Capital Project (1000169)/Downtown Program (SC13).

For assessor parcel number 8-641-8-5 funds will be budgeted in Central District Projects Fund (5610)/Central District Redevelopment Organization (85245)/Taxes and Assessments Account (53511)/Oakland Ice Center Project (1003244)/Downtown Program (SC13); and

**WHEREAS**, until disbursed, BID and CBD assessments will be held in a special trust fund established by the Finance Department on behalf of the Districts in Miscellaneous Trusts Fund (7999)/Treasury Operations Organization (08721)/Pass Thru Assessments Account (24224)/DP080 Administrative Project (1000007); now therefore be it

**RESOLVED:** That the City Council does hereby find that the Advisory Boards for the Fruitvale BID, the Lakeshore BID, the Jack London BID, the Temescal BID, the Laurel BID, the Koreatown CBD, the Downtown Oakland CBD, and the Lake Merritt CBD were duly appointed by Resolutions of the City Council and have filed their Annual Reports for the 2019-20 fiscal year as required by law; and be it

**FURTHER RESOLVED:** That the City Council hereby approves the FY 2019-20 Annual Report as filed by the Fruitvale BID Advisory Board and confirms the continuing annual assessments for the Fruitvale BID for the 2020-21 fiscal year, and does hereby levy and direct the collection of the assessments for the 2020-21 fiscal year in accordance with the assessment formulas as provided for in the Annual Report and the Plan on file with the City Clerk; and be it

**FURTHER RESOLVED:** That the City Council hereby approves the FY 2019-20 Annual Report as filed by the Lakeshore BID Advisory Board and confirms the continuing annual assessments for the Lakeshore BID for the 2020-21 fiscal year, including a 5% increase in the amount of annual assessments, and the City Council does hereby levy and direct the collection of the assessments for the 2020-21 fiscal year in accordance with the assessment formula as provided for in the Annual Report and the Plan on file with the City Clerk; and be it

**FURTHER RESOLVED:** That the City Council hereby approves the FY 2019-20 Annual Report as filed by the Jack London BID Advisory Board and confirms the continuing annual assessments for the Jack London BID for the 2020-21 fiscal year, including a 5% increase in the amount of annual assessments, and the City Council does hereby levy and direct the collection of the assessments for the 2020-21 fiscal year in accordance with the

assessment formula as provided for in the Annual Report and the Plan on file with the City Clerk; and be it

**FURTHER RESOLVED:** That the City Council hereby approves the FY 2019-20 Annual Report as filed by the Temescal BID Advisory Board and confirms the continuing annual assessments for the Temescal BID for the 2020-21 fiscal year, including a 5% increase in the amount of annual assessments, and the City Council does hereby levy and direct the collection of the assessments for the 2020-21 fiscal year in accordance with the assessment formula as provided for in the Annual Report and the Plan on file with the City Clerk; and be it

**FURTHER RESOLVED:** That the City Council hereby approves the FY 2019-20 Annual Report as filed by the Laurel BID Advisory Board and confirms the continuing annual assessments for the Laurel BID for the 2020-21 fiscal year, including a 5% increase in the amount of annual assessments, and the City Council does hereby levy and direct the collection of the assessments for the 2020-21 fiscal year in accordance with the assessment formula as provided for in the Annual Report and the Plan on file with the City Clerk; and be it

**FURTHER RESOLVED:** That the City Council hereby approves the FY 2019-20 Annual Report as filed by the Koreatown CBD Advisory Board and confirms the continuing annual assessments for the Koreatown CBD for the 2020-21 fiscal year, including a 2.5% increase in the amount of annual assessments, and the City Council does hereby levy and direct the collection of the assessments for the 2020-21 fiscal year in accordance with the assessment formula as provided for in the Annual Report and the Plan on file with the City Clerk; and be it

**FURTHER RESOLVED:** That the City Council hereby approves the FY 2019-20 Annual Report as filed by the Downtown Oakland CBD Advisory Board and confirms the continuing annual assessments for the Downtown Oakland CBD for the 2020-21 fiscal year, including a 5% increase in the amount of annual assessments, and the City Council does hereby levy and direct the collection of the assessments for the 2020-21 fiscal year in accordance with the assessment formula as provided for in the Annual Report and the Plan on file with the City Clerk; and be it

**FURTHER RESOLVED:** That the City Council hereby approves the FY 2019-20 Annual Report as filed by the Lake Merritt Advisory Board and confirms the continuing annual assessments for the Lake Merritt CBD for the 2020-21 fiscal year, including a 5% increase in the amount of annual assessments, and the City Council does hereby levy and direct the collection of the assessments for the 2020-21 fiscal year in accordance with the assessment formula as provided for in the Annual Report and the Plan on file with the City Clerk; and be it

**FURTHER RESOLVED:** That the proposed method and basis of levying the assessments to be levied against each property in the Districts have not been changed or modified and are those specified in the Annual Reports and the Plans on file with the City

Clerk which were previously adopted after holding the required public meetings and public hearings and protest procedures as provided for by law; and be it

**FURTHER RESOLVED:** That the assessments shall be attached to the property and collected with the annual county property taxes, and in certain cases, as specified in the Plans, through a special municipal billing; and be it

**FURTHER RESOLVED:** That the boundaries of the Districts shall remain the same as specified in the Plans 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 property in the BIDs are those described in the Plans and the Annual Reports on file with the City Clerk, and there are no substantial changes in the improvements or activities for the Districts; and be it

**FURTHER RESOLVED:** That the 2020-21 fiscal year assessments for the Districts are as follows (including the City's fair share assessment amounts):

- o Approximately \$472,275 for the Fruitvale BID; and
  - o Approximately \$180,935 for the Lakeshore BID, and
  - o Approximately \$1,104,027 for the Jack London BID, and
  - o Approximately \$632,006 for the Temescal BID, and
  - o Approximately \$218,338 for the Laurel BID, and
  - o Approximately \$618,152 for the Koreatown CBD, and
  - o Approximately \$2,066,680 for the Downtown Oakland CBD, and
  - o Approximately \$1,595,688 for the Lake Merritt-Uptown CBD
- ; and be it

**FURTHER RESOLVED:** That the amount chargeable to each parcel in each District shall be as determined by the Plans and Annual Reports on file in the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to and shall pay a cumulative fiscal year 2020-21 fair share assessment of an aggregate approximate amount of \$293,642.48 for City-owned property as more specifically described in the recitals above from the General Purpose Fund (1010)/Citywide Activities Organization (90591)/Taxes and Assessments Account (53511)/Business Improvement District Project (1000147)/Citywide Activities Program (IP50) and the Central City East TA Bonds Series 2006A-T (Taxable) Fund (5643)/Central City East Redevelopment Organization (85246)/Taxes and Assessments Account (53511)/CCE Land Acquisition Project (1000151)/Central City East Program (SC18) and the Central District Projects Fund (5610)/Central District Redevelopment Organization (85245)/Taxes and Assessments Account (53511)/Downtown Capital Project (1000169)/Downtown Program (SC13) and the Central District Projects Fund (5610)/Central District Redevelopment Organization (85245)/Taxes and Assessments Account (53511)/Oakland Ice Center Project (1003244)/Downtown Program (SC13); and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to pay the fair share assessments from the funds listed above for any additional properties located in any of the Districts that are transferred to City of Oakland ownership during fiscal year 2020-21; and be it

**FURTHER RESOLVED:** That the agreements between the City and the Districts for administration of the Districts and disbursement of funds are hereby renewed, and the City Administrator is hereby authorized to make amendments if necessary pursuant to the City of Oakland Business Improvement Management District Ordinance (Chapter 4.48, Ordinance 12190 C.M.S., 1999), as amended.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
ASHA REED  
Acting City Clerk and Clerk of the  
Council of the City of Oakland, California