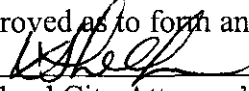


Approved as to form and legality


Oakland City Attorney's Office

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 DEC 28 PM 4:35

OAKLAND CITY COUNCIL

78713

RESOLUTION No. _____ C.M.S.

RESOLUTION APPROVING AND CONFIRMING THE ANNUAL REPORT OF THE TEMESCAL/TELEGRAPH AVENUE PROPERTY BUSINESS IMPROVEMENT DISTRICT OF 2005 ADVISORY BOARD AND THE CONTINUING ANNUAL ASSESSMENT FOR THE TEMESCAL/TELEGRAPH AVENUE PROPERTY BUSINESS IMPROVEMENT DISTRICT OF 2005 FOR FISCAL YEAR 2005/06

WHEREAS, the City of Oakland Business Improvement Management District Ordinance allows for the formation of Business Improvement Districts (Chapter 4.48, Ordinance 12190, 1999); and

WHEREAS, the City Council approved a Neighborhood Business Improvement District (“NBID”) Program pursuant to Oakland City Council Resolution No. 75323, dated November 9, 1999, to provide technical and financial assistance to stakeholder groups of business owners in the City to assist in the formation of such districts; and

WHEREAS, the property owners in the Temescal/Telegraph Avenue business district petitioned to form the Temescal/Telegraph Avenue Property Business Improvement District of 2005 (“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 beautification, sidewalk sweeping and steam cleaning, landscaping, 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 Plan was prepared in accord with the provisions of the law overseeing the formation of the District as referenced above, and has been filed with the City; and

WHEREAS, pursuant to the requirements of the law the Temescal/Telegraph Avenue Property Business Improvement District of 2005 was established by the City Council on July 20, 2004, pursuant to Resolution Number 78730; and

WHEREAS, the Annual Report (attached as EXHIBIT A) has been prepared by the Temescal/Telegraph Avenue Property Business Improvement District of 2005 Advisory Board and filed with the City Clerk, and the City Council desires to approve and confirm the Report, and the continuing annual assessment for the Temescal/Telegraph Avenue Property Business Improvement District of 2005 for fiscal year 2005/06; and

WHEREAS, until disbursed, BID assessments will be held in a special trust fund established by the Finance and Management Agency on behalf of the Temescal/Telegraph Avenue Property Business Improvement District of 2005 in trust fund number: Miscellaneous Trusts Fund (7999)/Treasury Operations Unit Organization (08721)/Pass Thru Assessments Account (24224)/Undetermined Project (0000000).

NOW, THEREFORE, the Council of the City of Oakland does hereby find and resolve as follows:

1. The Temescal/Telegraph Avenue Property Business Improvement District of 2005 was established in the Temescal/Telegraph Avenue area of the City of Oakland, California as a property business improvement district pursuant to the City of Oakland Business Improvement Management District Ordinance (Chapter 4.48, Ordinance 12190, 1999) with the boundaries as specified in the Plan on file with the City Clerk.
2. The Advisory Board for the District was duly appointed by Resolution of the City Council and has filed its Annual Report for the 2005/06 fiscal year as required by law.
3. The Annual Report and the continuing annual assessment for the District for the 2005/06 fiscal year is hereby approved, adopted, and confirmed.
4. The City Council confirms, adopts, and approves the continuing annual assessments as provided for in the Plan and the Annual Report of the Advisory Board and does hereby levy and direct the collection of the assessments for the 2005/06 fiscal year as provided for in the Annual Report and the Plan in accordance with the assessment formula as provided for in the Plan and Annual Report.
5. The proposed method and basis of levying the assessments to be levied against each property in the District have not been changed, increased, or modified and are those specified in the Plan and Annual Report on file with the City Clerk which were previously adopted after holding a public meeting and a public hearing and protest procedure as provided for by law.
6. The assessment shall be attached to the property and collected with the annual county property taxes, and in certain cases, as specified in the Plan, through a special municipal billing.
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 property in the area are those described in the Plan and the Annual Report on file with the City Clerk. There are no substantial changes in the improvements or activities for the District.
9. The assessments for the entire District total approximately \$240,619 for the 2005/06 fiscal year of the District, and the amount chargeable to each parcel shall be as determined by the Plan and Annual Report on file in the office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, ~~_____~~ **FEB 07 2006**

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID and
PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

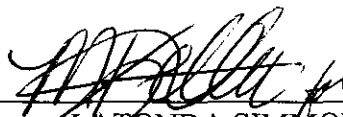
ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

EXHIBIT A

(to the resolution approving and confirming the FY05/06
annual report and continuing assessment)

**Temescal Telegraph Avenue Community Association
(TTCA)
Business Improvement District
1st Annual Report to City Council
2005**

**I. Proposed Changes in the Boundaries of the BID or in any Benefits Zones
Within the District:**

None

II. Improvements and Activities Provided During Calendar Year 2005

The following are the major improvements and activities provided:

- Hired an experienced part time coordinator to manage district's activities and to collaborate closely with CEDA, Public Works, and the Councilmember's office.
- Created and maintaining an accounting and database systems to manage district.
- Initiated a Neighborhood Cleanliness Crew in February to provide sidewalk sweeping and landscaping five days a week (Tuesday through Saturday to Zone 1 (Telegraph Avenue from 4501 to the freeway) (51st Street from the freeway to one block east of Telegraph Avenue) and Zone 3 (Frontage and lot size adjacent to Oakland Children's Hospital) (576 to 747-52nd Street which includes the freeway underpass on 52nd Street)
- Assessing any new needs for ongoing maintenance in order to revise accordingly in 2006.
- Provided these same services three days a week (Tuesday, Thursday and Saturday to Zone 2 (Telegraph Avenue from 400 to 4499 and from 5601 to 6699)(4501 to 5216 Shattuck Avenue, 5160-5263 Claremont Avenue and 5811 – 5964 Racine Street)
- Provided sidewalk steam cleaning and graffiti abatement as needed to the entire area.
- Provided a \$10,000 sponsorship to the 2nd annual Temescal Street Fair
- Advocated for the district through participation on the Oakland Merchants Leadership Forum and the Oakland Business Improvement Council.
- Conducted two letter campaigns to property owners to inform them of BID activities
- Submitted articles to the Temescal View and an idea for an Oakland Tribune article which featured Temescal in July 2005.
- Conducted an merchant outreach campaign via letter and in person
- Organized BID around the nationally recognized Main Street™ approach forming four committees (Design, Promotion, Economic Development, and Organization)

- Provided support to new businesses interested in enhancing the current business mix
- Producing neighborhood directory to be ready in December 2005
- Collaborating with City of Oakland's Marketing Dept to produce a Temescal Holiday Event
- Collaborating with Council Member's office to add 51 new trees to Telegraph Ave.
- Conducted a visual assessment of Telegraph Avenue in order to determine future improvements

III. Improvements and Activities being considered during 2006

- Continuation of Neighborhood Cleanliness Crew upon conducting a careful 2005 review to provide services as needed to the entire area.
- Continuation of sidewalk steam cleaning and graffiti abatement
- Provide a \$10,000 sponsorship to the 3rd annual Temescal Fest
- Create a pedestrian friendly, community-oriented Telegraph Avenue through the construction of a bulbout near 51st Street
- Provide sidewalk seating between 49th to 51st
- Create way finding and district signage to include updated street banners
- Create a website for TTCA
- Receive 501c3 status in order that organization can apply for grants
- Begin a Farmer's Market off 45th Street
- Advocate for the district through participation on the Oakland Merchants Leadership Forum and the Oakland Business Improvement Council
- Provide a quarterly newsletter
- Provide business retention support
- Provide assistance to new businesses interested in enhancing the current business mix
- Standardize news racks in 20 areas on Telegraph
- Conduct a Temescal Trick or Treat Event
- Conduct a safety needs assessment
- Hold a Holiday Event

IV. An Estimate of the Cost of Providing the Improvements and the Activities for 2005

Please see attached budget

V. Method and Basis of Levying the Assessment

<i>Property Variable</i>	<i>Benefit Zone 1</i>	<i>Benefit Zone 2</i>	<i>Benefit Zone 3</i>
Lot Size	\$0.078119	\$0.047216	\$0.009299
Building Size	\$0.060952	\$0.023468	---
Linear Frontage	\$6.815684	\$1.181375	\$11.045231

This method of financing the special services is based upon the levy of assessments on real property that benefits from proposed improvements and activities. There are at least

four basic factors that will be used in determining individual assessments. These factors include 1) linear frontage, 2) land area and 3) building floor space, 4) building use. The assessments for the Temescal/Telegraph are based upon these variables, which have been endorsed by the property owners as the most fair and equitable for apportionment of assessments to participating parcels. Linear frontage will only be assessed on one side, even if two sides of frontage exist. (Note: Benefit Zone 3/Children's Hospital is assessed on all sides of frontage due to the need for sidewalk sweeping on the full perimeter of the hospital).

The types of variables used in this assessment methodology are based upon gross lot size, linear frontage and gross building square footage. In addition, due to the special needs and size of the district, the district has been divided into three distinct Benefit Zones that determine how the special benefit services are to be apportioned and distributed.

Building square footage in the district is categorized and assessed based on use: retail, office and industrial. There are three benefit zones in the district.

VI. Surplus or Deficit for 2005

There is a currently a projected surplus of \$66,970 for 2005. This is the Temescal Telegraph BID's first year of operation having commenced in January 2005. It is in the process of assessing its multiples needs which includes an improved streetscape, district signage, branding, marketing, pedestrian safety, a Farmer's Market, a website, etc. The Board wants to carefully plan the disbursement of these funds for the future, studying the district and community needs. It plans to hold a planning retreat before the end of 2005.

VII. The budget reflecting projections under consideration for 2006

Please see attached budget

TEMESCAL/TELEGRAPH AVENUE BID	2006 Projected Budget	Projected Surplus
BID Assessments	\$240,619.88	
Contingency/Reserve		
County Costs (1.7% of total assessments)	3,847.25	
City Costs	500.00	
No-pays	10,463.76	
Misc/Balanc of Expenses	4,288.87	
Loan Amortization	<u>3,556.00</u>	
	22,655.88	
EXPECTED BID ASSESSMENTS	217,964.00	
PROWSO		
Equipment & Materials		
Sidewalk Operations		
Grafitti Removal	1,500.00	
Landscaping	11,460.00	
Sidewalk Sweeping	76,080.00	
Steam Cleaning	6,500.00	
Miscellaneous Equipment & Materials	<u>3,000.00</u>	
	98,540.00	49,424.00
MKTG/IDENTITY		
Special Event	10,000.00	
Website, Logo, Marketing Materials	7,000.00	
Other Events	<u>8,000.00</u>	
	25,000.00	0.00
ADMIN/CORP		
Staff	40,000.00	
Insurance	2,100.00	
Phone/E-mail Service	1,000.00	
Office Supplies	1,050.00	
Office Equipment	250.00	
Other-Rent	600.00	
Other-Administrative Fees		
	45,000.00	0.00
TOTAL	168,540.00	49,424.00