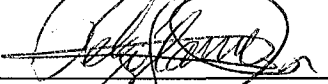


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Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 87424 C.M.S.

**RESOLUTION OF INTENTION TO LEVY AN ANNUAL ASSESSMENT
FOR FISCAL YEAR 2019-2020 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 11, 2018**

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 2019-2020 fiscal year (January 1, 2019 through December 31, 2019), 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 2019-2020 fiscal year; and

WHEREAS, the FY 2018-2019 Annual Report for the Montclair Business Improvement District includes a determination and recommendation by the District Advisory Board for a 3% increase in the amount of the annual assessment in fiscal

year 2019-2020 for the Montclair BID, which is within the allowable maximum annual assessment increase set forth in the approved Plan; and

WHEREAS, if the District's proposed assessments for FY 2019-2020 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)/ Administrative Project (1000019)/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 2019-2020 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 2019-2020 as provided for in the said Annual Assessment Report and pursuant to the assessment formula as provided for in the Plan, which includes a 3% increase in the 2019-2020 annual assessment recommended by the Montclair Business Improvement District Advisory Board compared to the 2018-2019 assessment, 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 2019-2020 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, which includes a 3% increase in the 2019-2020 annual assessment recommended by the Montclair Business Improvement District Advisory Board compared to the 2018-2019 assessment.
5. **A Public Hearing is set for December 11, 2018, at 6:00 pm in Oakland City Hall, or as soon thereafter as the matter may be heard,** 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 2019-2020.
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, NOV 27 2018

PASSED BY THE FOLLOWING VOTE:

AYES- ~~WASHINGTON~~, CAMPBELL WASHINGTON, GALLO, GIBSON McELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID - 7

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused - 1 Brooks

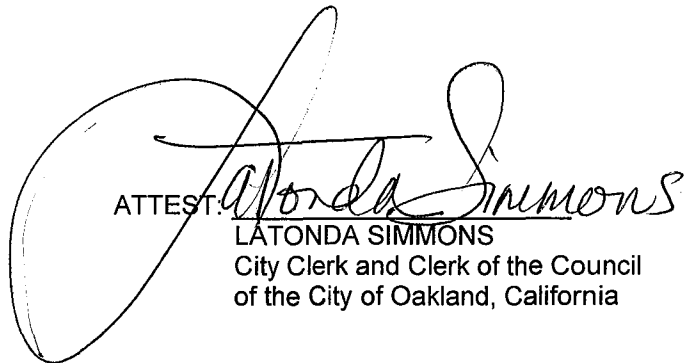
ATTEST: 
 LATONDA SIMMONS
 City Clerk and Clerk of the Council
 of the City of Oakland, California

EXHIBIT A

(To the Resolution of Intention to Levy the FY 2019-2020 Montclair BID Assessment)



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

Annual Report Relating to the 2019-2020
Montclair Village Association Business Improvement District

"I found it in Montclair!"

Le Bon Bon

Forestood

Someone's In The Kitchen

Kabob Fresh

Palage

A Great Good Place For Books

Pete

Montclair Sporting Goods

Jesse's Wild Park

20 min. FREE parking in Montclair Garage

Up to **3 hours FREE** with validation

We bought a brick!

You can too!

From the
Luston Family

Support the
Antioch Court Streetscape
Project

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

Annual Report to the Oakland City Council Relating to the 2019-2020 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, 2019.

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; however, the Montclair Village Association (MVA) Board is recommending a 3% increase across all categories beginning January 1, 2019 for fiscal year 2019-2020 (see attached March 28, 2018, MVA Board meeting minutes).

Increases to the assessment of up to 5% per year are allowable per the "Annual Assessment Adjustments" section (page 7) of the "Final Management District Plan For Montclair Business Improvement District" dated August 1, 2001 as follows:

"Since Montclair Village is, for all intents and purposes, built out, there will probably not be any significant commercial expansion in the village, Therefore, the only way to have the district keep up with the cost of inflation is to make such a provision with the plan. Only the Management Corporation Board of Directors shall have the option to exercise and recommend an increase in assessments annually, not to exceed 5% of the previous year's assessments."

Extra funds are necessary to keep up with rising costs and inflation; costs of expenses, paid labor and contracted work have increased. The funds will be used to pay market rate contractors. Therefore the Montclair Village Association (MVA) Board has approved a 3% increase across all categories beginning January 1, 2019 for fiscal year 2019-2020

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

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

Accomplishments 2018

Beautification/Design/Land Use [Economic Restructuring]

- Maintained Village planters, tree wells, and median plantings
 - Replanted all 38 streetscape planters with new landscaping
- Provided weekly sidewalk and gutter sweeping; 5-20 lbs. of litter removal per week
- Partnered with the City of Oakland Parking & Mobility Department to install (4) Electric Vehicle Charging stations in the Montclair Parking Garage
- 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
- Purchased heavy duty plastic liners for city trash receptacles eliminating leakage that stains sidewalks
- Hosted (1) community workday with 50+ volunteers; to address litter and vegetation overgrowth along Hwy 13 and in Montclair Park and a service appreciation BBQ
 - April 2018 Community Work Day – cleaned 1000+ linear feet along sidewalk along Moraga and Mountain
- Murals, Planters and New Art - raised over \$10,000 in private investment.
- Progressed the Antioch Court safety improvement project to raise 50% of construction funding
- Maintained rooftop lighting program encompassing 9 blocks of the district; creating an illuminated aesthetic and adding to the safety of the district at night

Board of Directors [Organization/Administration Committee]

- 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
- Board participation, and merchant participation in committees and working groups

Businesses [Organization/Administration Committee]

- 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 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 and enhance Flexible Parking Pilot (start date 8/18/2014) and Parking Assessment district
- Worked with the City of Oakland Department of Finance to troubleshoot and debug new software to support BID collections and business tax registration

Promotions [Promotions & Design Committees]

- Hosted a street festival fundraiser with over 2,000 attendees - Facilitated the Montclair Beer, Wine, & Music Festival in partnership with the Pacific Fine Arts Festivals to produce their two annual events; raised approximately \$16,000 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 in October.
- Facilitated late night shopping during the holiday season and holiday marketing of commercial district
- 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 [Economic Restructuring]

- Assured security contract has responsive coverage to Montclair Village businesses and improved connectivity with surrounding residential areas.
- Facilitated the installation of security cameras at the parking garage and at key locations in the district, phase 2
- Partnered with OPD walking officer and merchant watch to educate merchants and utilize CEPTD tactics for crime deterrence
- Partnered with MNC (beat 13Z NCPC) to address district issues

2018 - 2019 Board of Directors

	First	Last	Position
1	Jeff	Diamond	President
2	Pat	Benson	Vice President
3	Tom	Revelli	Treasurer
4	Howard	Neal	Director

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 2019 Proposed Budget

Revenue	
	Estimated Amount
Assessment Revenue 100% Collection	\$91,000
Projected Prior Year Carry Forward	0
Assessment Revenue Collection (94%)	\$85,540
Funds from Outside Sources (5%)	\$4550
Total Income	\$90,090

Expenses		
Category of Special Benefit Service	Estimated Percentage	Estimated Amount
Economic Restructuring (PROW)	30%	\$27,027.00
Promotions & Design Committees (DISI)	38%	\$34,234.20
Organization/Administration Committee (Organization)	29%	\$26,126.10
Reserve from Non-Bid Fundraising Sources	3%	\$2,702.70
Total Expenses	100%	\$90,090.00



MVA BOARD MEETING MINUTES
US Bank – Conference Rm
1991 Mountain Blvd.
Wednesday, March 28, 2018, 9:15 - 10:15AM

***The Mission of the MVA is to
Support and enhance the Montclair Village business district to be a vibrant destination for
MVA members, residents, and visitors***

MVA Board meeting 9:15-10:15AM

Board Members Present: Pat Benson, Jeff Diamond, Howard Neal, Tom Revelli

Absent: N/A

Executive Director: Daniel Swafford

Agenda

- 9:15 Call to Order – President Jeff Diamond
- Welcome & Introductions
 - Review of Agenda
 - February 28 Minutes Approval – Motion Howard; 2nd Tom; All in favor, Pat Abstain
- 9:20 Montclair Village Association Committee Updates
- Financial Report - Treasurer Tom Revelli - \$31,541 & \$21,471
 - Executive Committee – President Jeff Diamond
 - Nominating Committee Confirmation – motion All members become nomination committee motion - Motion Jeff; 2nd Pat; All in favor
 - Promotions; Beautification/Safety; Land Use
 - New Website Live
 - Business Updates – get address to DD for A Little Piece of Heaven
 - Meeting with Lucky, responsiveness to community - report
 - Montclair Cleaning and Greening
 - Service project with Amyris – week of 4/16 - MSIC/MNC (Thurs@ 7pm @ Montclair Preb)
 - Earth Day and BBQ SUNDAY, April 22
 - Montclair Restaurant Walk (April 24) Tickets on sale
 - Sunday Easter Egg Hunt
- 9:40 District 4 Council Update – Daryel Dunston
- Flexible Parking staff meeting report
 - Antioch Court Improvement Plan construction funding – Friday (2pm) – Wlad, Ryan, Joe Wang – DOT & Worst street fund (\$150K pledged from D4 council)
- 9:50 District Security Camera program – Funding/Crowd Sourcing – Pattie Evans ask for support
- 9:55 BID Assessment adjustment 2019 Motion Jeff increase 3% for next fiscal year, 2nd Howard; All in favor Jeff/Howard/Pat; Tom absent
- 10:05 Open Forum/ Adjourn [Jin Sieu – outside preserved; inside ok
- Woodminster Theater stage left concession banner open for sale, MVA will sponsor
 - Motion Howard, 2nd Jeff ; All in favor
 - Banner art needed, include – shop Montclair; Antioch Court Bricks flier up for bricks

Thank you US Bank for hosting

Upcoming Meetings- MVA Board Meeting: Last Wednesdays of the Month, 9:15 AM @ US Bank, Next Meeting April 25

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

Updated 3/26/2018

Bay Alarm Security Service, contact (800) 470-1000 mention Montclair Village Assoc.