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OFFICE OF THE CITY CLERK
OAKLAND

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Approved as to Form and Legality

Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. 85921 C.M.S.

**RESOLUTION OF INTENTION TO LEVY AN ANNUAL ASSESSMENT
FOR FISCAL YEAR 2016-2017 FOR THE MONTCLAIR BUSINESS
IMPROVEMENT DISTRICT, APPROVING THE ANNUAL REPORT OF
THE MONTCLAIR BUSINESS IMPROVEMENT DISTRICT ADVISORY
BOARD, AND SCHEDULING A PUBLIC HEARING FOR
JANUARY 5, 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 on 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 as **Exhibit A**) ("Report"), which contains the required particulars including a detailed description of the improvements and activities to be provided for the 2016-2017 fiscal year (March 1, 2016 through February 28, 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 2016-2017 fiscal year; and

WHEREAS, if the District's proposed assessments for FY 2016-2017 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 2016-2017 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 2016-2017 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 2016-2017 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 January 5, 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 2016-2017.
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 by the owners of businesses in the proposed area which 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, DEC - 8 2015

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and
PRESIDENT GIBSON McELHANEY - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:

Latonda Simmons for
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

EXHIBIT A

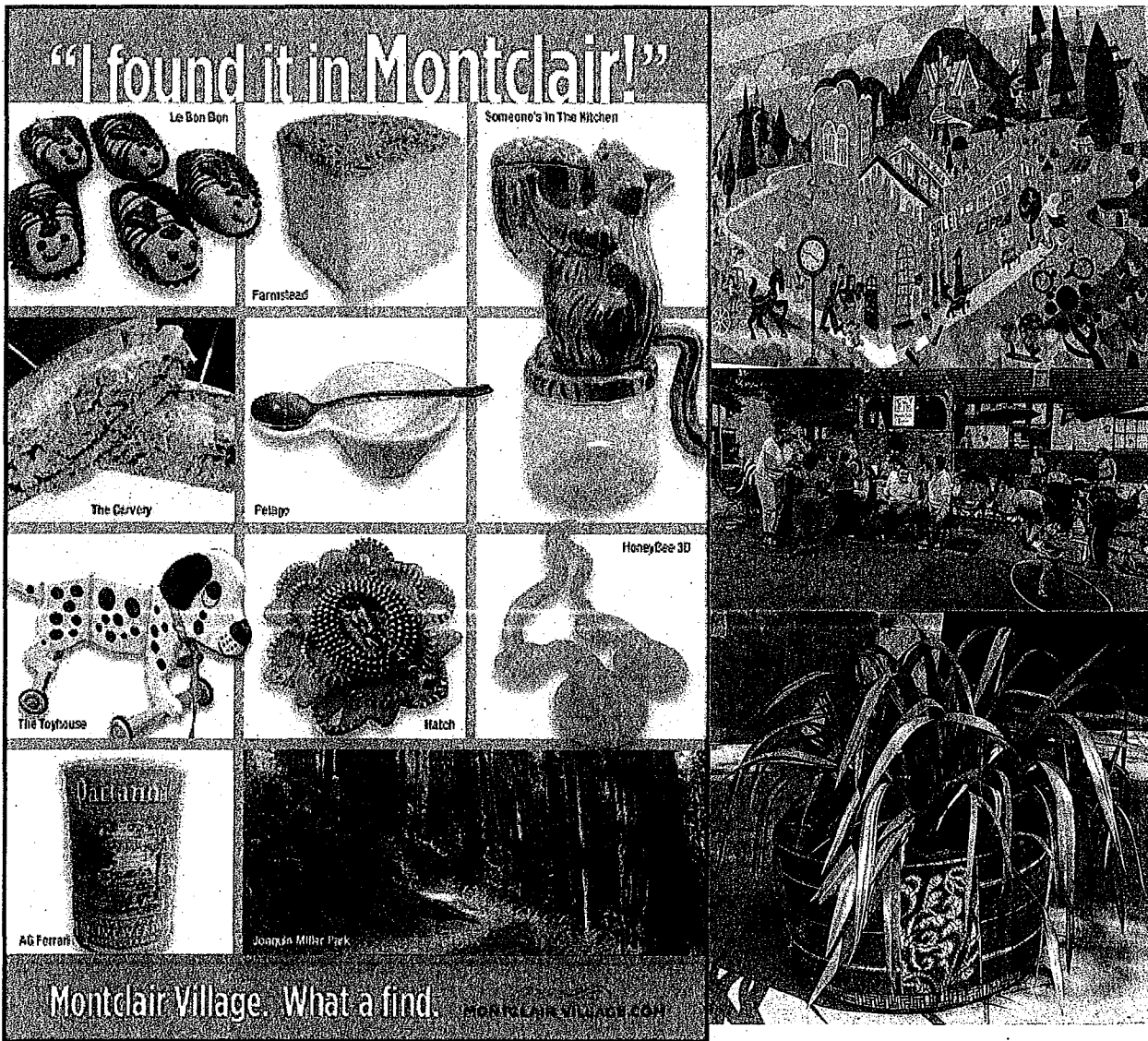
(To the Resolution of Intention to Levy the FY 2016-2017 Montclair BID Assessment)



MONTCLAIR
VILLAGE

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

Annual Report Relating to the 2016-2017
Montclair Village Association Business Improvement District



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

EXHIBIT A

(To the Resolution of Intention to Levy the FY 2016/17 Montclair BID Assessment)

Annual Report to the Oakland City Council Relating to the 2016-2017 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, 2016.
- 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

Accomplishments 2015

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
- 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 2015 Work Day – Montclair Park Improvements & clean-up
 - April 2015 Community Work Day – cleaned 1000+ linear feet along sidewalk along Moraga
- Murals, Planters and New Art raised over \$10,000 in private investment.
- Progressed into the Antioch Court safety improvement construction 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 (10) 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 \$5,000 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

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- 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
- 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

- 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
2015 - 2016 Board of Directors**

	First	Last	Position
1	Pat	Benson	Director
2	Jeff	Diamond	President
3	Theresa	Henrekin	Director
4	Barbara	Mooney	Director
5	Lydia	Nayo	Director
6	Howard	Neal	Secretary
7	John	Porras	Vice President
8	Tom	Revelli	Treasurer

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

Montclair BID 2016 Proposed Budget:

Income

BID Revenues	\$	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
<u>Village Events</u>	<u>\$</u>	<u>10,000.00</u>
Total Income	\$	144,835.00

Expenses

Beautification

Banners	\$	3,000.00
Landscaping	\$	8,000.00
Land Use	\$	-
Maintenance	\$	12,000.00
Streetscape	\$	<u>15,000.00</u>
Subtotal	\$	38,000.00

Economic

Restructuring

Safety	\$	-
Security	\$	<u>14,000.00</u>
Subtotal	\$	14,000.00

Organization

Accountant	\$	835.00
City Collections Costs	\$	2,000.00
City Loan Repayment	\$	-
Insurance	\$	1,400.00
Meetings	\$	1,000.00

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	\$	<u>1,000.00</u>
Subtotal	\$	59,835.00

Promotions		
Advertising	\$	11,000.00
Art Festivals	\$	-
Directory	\$	2,000.00
Design/ Graphics	\$	4,500.00
Farmer's Market	\$	1,000.00
Village Events	\$	10,000.00
Map Signage	\$	1,000.00
Web site	\$	<u>3,500.00</u>
Subtotal	\$	33,000.00

Total Expenses \$ 144,835.00