

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION: 1) APPROVING THE ANNUAL REPORT OF THE MONTCLAIR BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD; 2) DECLARING THE INTENTION TO LEVY AND COLLECT AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2023-2024 FOR THE MONTCLAIR BUSINESS IMPROVEMENT DISTRICT; AND 3) SCHEDULING A PUBLIC HEARING FOR DECEMBER 6, 2022**

**WHEREAS**, the State of California allows for the formation of business assessment districts under California Streets 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 District was established by the City Council on November 27, 2001, pursuant to Ordinance 12378 C.M.S.; and

**WHEREAS**, California Streets and Highways Code Sections 36533 and 36534 require that before the next annual assessment for the District is levied, the City Council must: (1) approve the District's annual report, and (2) approve a Resolution of Intention that declares the City's intention to collect the assessments, and schedules a public hearing to be held about the levy of the proposed assessment; and

**WHEREAS**, pursuant to said law, the District Advisory Board has prepared and filed with the City Clerk, the Annual Assessment Report (Report) (attached hereto as *Exhibit A*), which contains the required particulars, including a detailed description of the improvements and activities to be provided for fiscal year (FY) 2023-2024, 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 FY 2023-2024; and

**WHEREAS**, if the District’s proposed assessments for FY 2023-2024 are approved and levied, they will be held (until disbursed) in a special trust fund established by the Finance Department on behalf of the District in Miscellaneous Trusts Fund (7999), Economic Development Organization (85411), Pass Thru Assessments Account (24224), DP850 Administrative Project (1000019), Montclair BID Program (MBID); now, therefore, be it

**RESOLVED**: that the Council of the City of Oakland does hereby approve the FY 2022-2023 Report for the District; and be it

**FURTHER RESOLVED**: That the City Council does find and state its intention as follows:

1. Pursuant to California Streets and Highways Code Section 36534, the City Council declares its intention to levy and collect the assessments for FY 2023-2024 as provided for in the said 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 2023-2024 assessments on businesses in the area are those described in the Plan and the 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 Report on file with the City Clerk; and be it

**FURTHER RESOLVED**: That **a Public Hearing is hereby set for December 6, 2022,** 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 FY 2023-2024. Details regarding time, location and how to participate in the Public Hearing can be found at [www.oakland.legistar.com](http://www.oakland.legistar.com), or by emailing the Oakland City Clerk’s Office at [cityclerk@oaklandca.gov](mailto:cityclerk@oaklandca.gov) or by calling 510-238-3226; and be it

**FURTHER RESOLVED**: That pursuant to California Streets and Highways Code section 36534(b), 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; and be it

**FURTHER RESOLVED**: That 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 in the form and manner provided by Sections 36524 and 36525 of the California Streets and Highways Code as follows:

1. 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.
2. 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.
3. 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.
4. A written protest which does not comply with the requirements stated above shall not be counted in determining a majority protest.
5. 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.

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IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

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

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

**EXHIBIT A**

(To the Resolution of Intention to Levy the FY 2022–2023 Montclair BID Assessment)



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

**Annual Report Relating to the 2023–2024  
Montclair Village Association Business Improvement District**



# **Annual Report to the Oakland City Council Relating to the 2023–2024 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, 2023. Should the current COVID-19 pandemic significantly affect the amount of BID revenues received from the City in 2023, appropriate adjustments will be proportionally made to spending categories outlined in the attached budget.

**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;

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 fundraiser events, Pacific Fine Arts Festivals, and from management of the Montclair Village Parking Garage. Funds from the Associate Member program, started in mid-2010, are included in the Non-BID income on the attached budget.

David Petlin

President, Montclair Village Association

## Accomplishments 2022

### Beautification/Design/Land Use [Economic Restructuring]

- Maintained rooftop outdoor class space at the Montclair Parking Garage for merchants to hold outdoor classes, no space use fee
- Direct infrastructure and permitting assistance for businesses to utilize Oakland's Flex Street initiative to activate safe outdoor spaces for dining and retail
- Maintained Village planters (32), tree wells (80), and median plantings
- Provided weekly sidewalk and gutter sweeping; 5–20 lbs. of litter removal per week
- Worked with City of Oakland Parking Department to advise their transition to a variable rate on street parking program
- Provided sidewalk steam cleaning of 10 city blocks and cleaning of 20 City trash receptacles
- Continues to obtain City and public utility support to address potholes, graffiti, infrastructure, damage, signage and recycling issues in the Village
- Earth Day 2022 — Community Work Day – Assisted Montclair Neighborhood Council and Friend of Montclair Park on park cleanup and held a service appreciation BBQ
- Murals and new art additions to the streetscape
- Progressed the Antioch Court safety improvement project to break ground in April, 2022; infrastructure components of the project completed in September 2022
- Launched Montclair Carers Club for future events and programmed activities
- Maintained and repaired the rooftop lighting program encompassing 9 blocks of the district; Creating an illuminated aesthetic and adding to the safety of the district at night
- Held monthly meetings where merchant members and members of the public could comment, share updates, and ask questions
- Held annual meeting (via Zoom) to honor incoming and departing Board Members
- Board participation and merchant participation in committees and working groups
- 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
- Worked closely with the Oakland Tax Division to collect assessments from severely delinquent BID members
- Involved six (6) high school and college interns to learn about community organizing and business support
- Farmer's Market — Supported a vibrant and active destination market, worked to foster health safety measures at the open air market
- 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; new signage installed in Q2 2022

## **Promotions [Promotions & Design Committees]**

- Continued to promote County health and safety guidelines and encourage COVID-19 best practices among merchants and patrons
- Maintained OPEN For Business directory to inform the public of business activity — highlighting pick-up and delivery services, and amended hours, continue to maintain and promote the full Montclair merchant directory
- Branded and promoted “OPEN Montclair” campaign to both area residents and city wide
- Managed weekly Farmers’ Market activities, assisting with cleanliness and presentation of the market
- Website — Front facing promotion of businesses
- Produced the Montclair Beer, Wine & Music Festival (June 18) to raise approximately \$10,000 for community events
- Produced Village Holiday shopping event
- Grow the new MVA website and calendar function to include area events
- Produced Montclair Village electronic newsletter
- Initiated a district marketing campaign for business promotion and to highlight the assets of the District
- District Marketing Campaign — Continued the Montclair Village Shopping & Dining Guide to promote all businesses and ask the public to strengthen their Shop Local ~ Shop Montclair value commitment
- Launched Montclair Cares Club, giving individuals the opportunity to demonstrate their support of the community by making a recurring annual donation
- Ribbon cutting event (September 24) brought together donors, supporters, and the community at-large to celebrate Antioch Court’s transformation from a sharp blind corner to an open outdoor space
- A new roadway, sidewalks, decorative and functional lighting, and safety features were constructed and installed to create the Montclair Village Plaza
- The Montclair Village Parking Garage continues with the ParkMobile app that allows visitors to pay using a smartphone, this pilot program has paved the way for adoption at other City of Oakland garages and lots, MVA has provided guidance and advice to those other operators

## **Safety/Security [Economic Restructuring]**

- Assured security contract has responsive coverage and improved connectivity with surrounding residential areas
- Installed a new high-definition camera system that covers three intersections in the district and incorporates LPR (License Plate Recognition) technology
- Maintained existing system of security cameras at the parking garage and at key locations in the district
- Implemented an LED upgrade to the Montclair Parking Garage for Q1 2022 installation was finalized, improving the safety of the facility along with significant energy savings
- Partnered with OPD walking officer and merchant watch to educate merchants and utilize CEPTD tactics for crime deterrence
- Partnered with Montclair Neighborhood Council (MNC) (beat 13Z NCPC) to address district issues

## 2022 – 2023 Board Members

First Name	Last Name	Position
David	Petlin	President
Theresa	Henrekin	Vice President
Tom	Revelli	Treasurer
Pat	Benson	Board Member
Darla	Brezac	Board Member
Virginia	Davis	Board Member
Mia	Honoré	Board Member
Saliesh	Patel	Board Member
Winter	Williams	Board Member

### 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 2023 Proposed Budget

Revenue	
	Estimated Amount
Assessment Revenue 100% Collection	\$88,000
Non-BID Income to Cover District General Benefits — From donations to the 501ciii (5%)	\$4,268
Projected Prior Year Carry Forward	0
Assessment Revenue Collection	94%
<b>Total Income</b>	<b>\$86,988</b>

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<b>Expenses</b>		
<b>Category of Special Benefit Service</b>	<b>Estimated Percentage</b>	<b>Estimated Amount</b>
Economic Restructuring (Public Rights of Way — PROW)	30%	\$26,096
Promotions & Design Committees (District Identity - DISI)	40%	\$34,795
Organization/Administration Committee (Organization)	30%	\$26,096
Reserve	0%	\$0
<b>Total Expenses</b>	<b>100%</b>	<b>\$86,988</b>