

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2019 OCT 31 PM 12:59

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. 87931 - C.M.S.

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 2020-2021 FOR THE MONTCLAIR BUSINESS IMPROVEMENT DISTRICT; AND 3) SCHEDULING A PUBLIC HEARING FOR DECEMBER 10, 2019

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 Sections 36533 and 36534 require that before the next annual assessment for the Montclair Business Improvement District is levied, the City Council must: (1) approve the Business Improvement 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 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 2020-2021 fiscal year, 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 2020-2021 fiscal year; and

WHEREAS, if the District's proposed assessments for fiscal year (FY) 2020-2021 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 hereby approve the FY 2019-2020 Annual Assessment Report for the District attached hereto as Exhibit A; and be it

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

1. Pursuant to Streets and Highways Code Section 36534, the City Council declares its intention to levy and collect the assessments for FY 2020-2021 as provided for in the said Annual Assessment Report and pursuant to the assessment formula as provided for in the Plan.
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 2020-2021 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.

; and be it

FURTHER RESOLVED: That the City Council hereby sets a **Public Hearing for December 10, 2019, 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 2020-2021; and be it

FURTHER RESOLVED: That pursuant to 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 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

NOV 19 2013

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN — 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

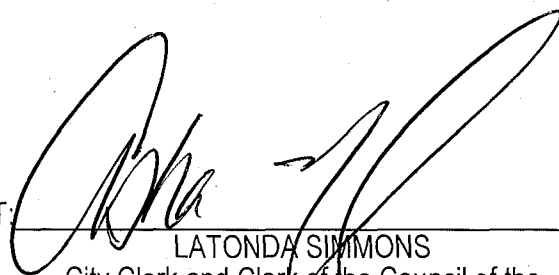

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California

EXHIBIT A

(To the Resolution of Intention to Levy the FY 2020-2021 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 2020-2021

Montclair Village Association Business Improvement District

"I found it in Montclair!"

Le Brea Bone
Furnished
Someone's in the Kitchen
Palapa
A Great Good Place For Books
Park
The Toyhouse
Montclair Sporting Goods
Issued: 2014 Park

We bought a brick!

You can too!

from the Antioch family

Support the Antioch Court Streetscape Project

Montclair Village. What a find.

EXHIBIT A

(To the Resolution of Intention to Levy the FY 2020-2021 Montclair BID Assessment)

FY 2019-2020 Annual Report to the Oakland City Council Relating to the FY 2020-2021 Montclair BID Assessment

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 fiscal year 2020-21.

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 Associate Member program, started in mid-2010, are included in the Non-BID income on the attached budget.

Howard Neal

President, Montclair Village Association

Accomplishments 2019-2020

Beautification/Design/Land Use [Economic Restructuring]

- Maintained Village planters (32), tree wells (80), and median plantings
- Planted (1) new tree in partnership with the Sierra Club
- Provided weekly sidewalk and gutter sweeping; 5-20 lbs. of litter removal per week
- Gateway Mural, beautifying a high traffic gateway to the commercial district
- Provided sidewalk steam cleaning and cleaning of City trash receptacles (20)
- Continues to obtain City and public utility support to address pot holes, graffiti, infrastructure, damage, signage and recycling issues in the Village
- Hosted (1) community workday with 40+ volunteers; to address litter and vegetation overgrowth along Hwy 13 and in Montclair Park and a service appreciation BBQ
- April 2019 Community Work Day - cleaned 1000+ linear feet along sidewalk along Moraga
- Murals, Planters and new art additions to the streetscape
- Progressed the Antioch Court safety improvement project to secure over \$600,000 in construction funds
- Maintained and repaired the rooftop lighting program encompassing 9 blocks of the district; Creating an illumined aesthetic and adding to the safety of the district at night
- Re-planting of sidewalk planters (10) for an improved streetscape aesthetic
- Continued to fundraise for Antioch court Improvement Project Campaign and the creation of the Village Plan through Brick sales and various sponsorship levels
- 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 the opportunity for merchants to share marketing ideas, engage OPD and merchant watch, and network
- 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
- 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 (8) 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

Promotions [Promotions & Design Committees]

- Hosted a street festival fundraiser with over 1,500 attendees - Facilitated the Montclair Artwalk; combined raised approximately \$18,000 for the Village.
- Managed weekly 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.
- 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 and improved connectivity with surrounding residential areas.
- Facilitated the installation of security cameras at the parking garage and at key locations in the district
- 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

2019 - 2020 Board of Directors

	First	Last	Position
1	Howard	Neal	President
2	Pat	Benson	Vice President
3	Robin	Patin	Secretary
4	Tom	Revelli	Treasurer
5	Ann	Dyer Cervantes	Board Member
6	Allison	O'Brien	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 2020-2021 Proposed Budget

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

Expenses		
Category of Special Benefit Service	Estimated Percentage	Estimated Amount
Economic Restructuring (Public Rights of Way - PROW)	30%	\$26,096
Promotions & Design Committees (District Identity - DISI)	38%	\$33,055
Organization/Administration Committee (Organization)	29%	\$25,227
Reserve	3%	\$2,610
Total Expenses	100%	\$86,988