



**Council Meeting: April 5, 2011**

**SUBJECT:** Approval of Downtown Sunnyvale Business Improvement District Annual Report for FY 2010/2011 and Adoption of the Resolution of Intention to Reauthorize the Downtown Sunnyvale Business Improvement District for FY 2011/2012

**REPORT IN BRIEF**

As part of the annual Downtown Sunnyvale Business Improvement District (BID) reauthorization, the BID Board (Board) is presenting the BID Annual Report for FY 2010/2011 for Council approval (Attachment A).

The second part of the reauthorization is for Council to adopt the Resolution of Intention (ROI) (Attachment C). The ROI adoption begins the process for BID reauthorization for FY 2011/2012. Staff recommends that Council approve the BID Annual Report and adopt the Resolution of Intention to begin the process for reauthorization of the FY 2011/2012 Downtown Sunnyvale BID.

**BACKGROUND**

A BID is a private sector funding tool that provides funding for specific activities that must be reauthorized yearly by the City Council at the request of the businesses and/or the Board.

Businesses pay into the BID based on the benefit they receive as members of the district. The funds collected can only be used for projects within the BID boundaries. The BID maintains full control of all BID funds collected, which is a strong sales tool when asking for support from business owners at the time of BID annual approval.

The formula for determining the BID assessment amount is determined by the Board, not the City. Assessments are levied on businesses on the basis of relative benefit from the activities to be funded. The City collects the fee on an annual basis. All assessment funds collected by the City are returned to the BID through annual contract agreements. The City does collect a fee for administrative costs associated with this service. The cost is reviewed and adjusted annually as needed.

### Downtown Sunnyvale BID

Approximately 129 businesses are located in the BID area, bounded by Sunnyvale, Iowa, Mathilda and Evelyn Avenues. The current Board members are: Joe Antuzzi, Il Postale Restaurant; Gary Hurd, French Quarter; Steve Graham, Rok Bistro; Kathy Johnson, Broadcom, and Joel Wyrick, SDA/BID Executive Director (non-voting member). The Board has requested that the BID be reauthorized for FY 2011/2012.

### **EXISTING POLICY**

#### **Socio-Economic Element: Economy and Employment**

Policy 5.1B.2: Participate in partnerships with local industry/businesses in order to facilitate communication and address mutual concerns.

Policy 5.1C.1: Support efforts to establish Sunnyvale's downtown area as a strong commercial center for the City.

#### **Land Use and Transportation Element**

Policy N1.13: Promote an attractive and functional commercial environment.

Policy 2.5D2k: Continue to encourage pedestrian and commercial activity on the sidewalks of the historic 100 block of Murphy Avenue.

### **DISCUSSION**

The Board requests the BID be continued for FY 2011/2012. As of February 2011, the BID collected a total of \$28,197 in assessments for FY 2010/2011. The proposed BID budget, as approved by the BID Board, for FY 2011/2012 is \$140,630. This budget includes \$29,510 from assessments; \$90,000 from special events, such as the Summer Music Series, and grants in the amount of \$11,500. The balance is from other miscellaneous sources.

The BID continued to produce events within the BID area to promote and attract visitors to Downtown Sunnyvale. Some of the events include the Summer Music Series; The Jazz & Beyond Series and the Howl'oween Pet Parade. These events attract visitors and continue to provide about 70% of the BID's annual revenue. Additional marketing was done through print media in the Sunnyvale Chamber of Commerce's city map and continued enhancements to the BID's website. The website includes an online listing of BID member businesses and updates on downtown events and projects.

The BID Board holds monthly member meetings and continues to outreach to members through their email communications and by visiting business

owners. Since the creation of the BID, the Board has been a partner with the City and continues to provide a tool for staff to communicate with the businesses.

If Council adopts the ROI, a public hearing is required to receive input from affected businesses regarding their issues, concerns, and support of a BID. The BID cannot be reauthorized if businesses paying more than 50% or more of the assessment file a protest.

If authorized, the BID will use the same boundaries, benefit zones, and assessment methodology as in past years. They are:

- BID Boundaries (Attachment B, Exhibit A): The boundaries were established based on the area in Downtown Sunnyvale that would benefit from a BID.
- Benefit Zones: By law, the BID must show a relationship between the amount paid and the benefit received by each business. The same zones will be maintained with activities and events held to support all BID zones.
- Assessment Methodology (Attachment A, Exhibit B): The methodology was determined by business type and business location. The intent is to make the assessment equitable to all businesses within the BID.

The Sunnyvale Town Center area (Town Center) is included as a Zone C participant. Section 10.05 of the 2010 Amended Disposition and Development and Owner Participation Agreement (ADDOPA) between the Redevelopment Agency and Downtown Sunnyvale Mixed Use, LLC requires the developer to support a BID in Downtown Sunnyvale. Currently, there is only one business within Town Center that will be included on the invoice list. However, since the remainder of the project is on hold, the Board does not expect additional assessment funds from Town Center until the project is completed.

In order for the BID to be reauthorized for FY 2011/2012, Council must adopt the ROI. The ROI describes proposed boundaries (Attachment B, Exhibit A) as well as the time and place for the public hearing, scheduled for May 10, 2011. Notice of the public hearing on the BID will be published in a local newspaper such as the *Sunnyvale Sun* or *The Mercury News*.

The City Council must hold the public hearing on May 10, 2011 to consider all oral and written protests received on or before that date regarding the BID reauthorization for FY 2011/2012.

### **FISCAL IMPACT**

Staff time from the Department of Finance is provided at an estimated cost of \$2,500 annually, which is currently budgeted in the department's operations budget. Because these costs are reimbursed by the BID, there is no impact to the General Fund for providing this service.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Website. Additional outreach was done by the BID Board through their email communications to their members.

### **ALTERNATIVES**

1. Approve the BID Annual Report for FY 2010/2011 and adopt the Resolution of Intention and schedule a public hearing for May 10, 2011 to reauthorize the Business Improvement District for FY 2011/2012 for Downtown Sunnyvale.
2. Do not approve the BID Annual Report for FY 2010/2011 or the Resolution of Intention for BID reauthorization.
3. Continue items and modify public hearing schedule to adhere with legal requirements for scheduling of actions.

### **RECOMMENDATION**

Staff recommends approval of Alternative #1.

The BID Board communicates with businesses within the BID boundaries to keep them informed about current projects affecting downtown as well as other issues and programs. The BID offers businesses the means to pool their resources by assessing themselves to collectively pay for programs which would not be possible on an individual basis. The BID Board holds a monthly meeting to keep businesses informed about current and future BID activities and opportunities. Also, the Board has continued to work to promote the downtown by maintaining their website ([www.SunnyvaleDowntown.com](http://www.SunnyvaleDowntown.com)), as well

as other promotions through its downtown events. These events include the Summer Music Series, the Jazz and Beyond Series, the Holiday Tree Lighting, and other seasonal events. BID members continue to volunteer their time in pursuing the success of the Downtown Sunnyvale BID.

Reviewed by:

Connie Verceles, Economic Development Manager  
Prepared by: Maria Rodriguez, Economic Development Specialist

Reviewed by:

Robert Walker, Assistant City Manager

Reviewed by:

Grace Leung, Director, Finance

Approved by:

Gary M. Luebbers  
City Manager

**Attachments**

- A. BID Annual Report for FY 2011/2012
- B. BID Budget Report FY 2010/2011
- C. Resolution of Intention to Reauthorize the Downtown Sunnyvale Business Improvement District for FY 2011/2012

# **ATTACHMENT A**



March 1, 2011

TO: Mayor and City Council members  
City of Sunnyvale

FROM: Joel Wyrick & The BID Board  
Sunnyvale Downtown Association (SDA)

RE: State of the BID/SDA

Dear Sirs and Ma'am,

**Past**

Attached (Exhibit A) is a copy of the SDA's expense & revenue report for July 1, 2010 through June 30, 2011 along with projections for the 2011/12 fiscal year.

Our start-up funding comes from the BID, which amounted to approximately \$28,197. For our 2010/11 fiscal year the SDA staff and Board decided to use the monies to produce The Summer Series, The Jazz & Beyond Series, Holiday & Christmas Tree Lighting and the Sunnyvale Pet Parade. The production of these four events grossed 101k from the sales, sponsorships and grants. Once the expenses for the year were subtracted the SDA broke even despite the fact that we lost our mitigation fees from Sand Hill due to the foreclosure.

**Present/For the Year**

The Board approved the Executive Director's annual budget and his recommendation to continue the same events produced last year for the upcoming 2011 year.

**Event Revenue & Overview**

For 2010, Summer Series for the first time in years actually lost a little money. The Jazz & Beyond series lost money too although this was anticipated. Despite the continual loss we will continue the event because... simply put, there is nothing else out there like it. We feel in the long run that J&B will become a signature event. It also adds revenue generating properties to our "food based" BID members. The Howl'oween Pet Parade continues to be our community collaborative event between the Sunnyvale Chamber, Rotary, Kiwanis Club, businesses outside of the BID and neighborhood associations. Although the Howl'oween Pet Parade won't ever generate much income for the BID members, it falls into our mission statement, "...to promote, advocate and add vitality to downtown Sunnyvale." As in years past The Christmas Tree Lighting has no sales associated with the event but turns a profit due to very little City service fees attached to the event and good sponsorship support. We plan on adding a new event to our calendar, The Sunnyvale Downtown Wine & Food Stroll. This event has the capacity to involve BID members outside of Murphy Avenue including Block 18 when fully developed. We also plan to bring back St. Patty's Day on Murphy Avenue.

### Event Sponsorships

Once again, Despite the continued weakened economy the staff was able to secure strong sponsorships for last year's events. We hope to have an even year as we continually foster new business partnerships with the likes of Nokia, Broadcom and BRE.

### Staff Salaries

In 2010, the SDA cut staff from three to two part-time positions. The positions are: Executive Director (ED) and Event Coordinator. For 2011, we will maintain our staffing as it was in 2010.

### Future

The BID Board strongly recommends that we continue the BID assessment. The BID serves as the SDA's seed money. Without the BID, we couldn't provide the services and events to our community. The BID will continue with producing quality events and promoting downtown Sunnyvale as a good place to visit, shop and do business. These events are especially important to continue to attract patrons to downtown during these tough economic times as well as the continued construction of the Town Center and Town and Country Center.

Commercial marketing and promotion will continue. Resources for marketing will include local and regional publications. Maintenance of the SunnyvaleDowntown.com site will continue in order to maintain an internet presence.

For fiscal year 2011/12 we plan on re-introducing St. Patty's Day on Murphy Avenue and the Sunnyvale Downtown Wine & Food Stroll.

### Overview

During the course of the year I have spoken to many other downtown associations in the bay area. I am proud to say arguably we are the most productive downtown association of those I have talked to. Considering the seed money we start associations are quite surprised with our efficiency and the amount of events and services we provide our BID members. We continually seek out ways to create an even more attractive downtown for the community and its visitors; give the patron even more reasons to visit our downtown so that our existing businesses survive these harsh economic times. As always, we will be looking to partner with the City of Sunnyvale and other organizations to continue marketing downtown Sunnyvale.

We look forward to working with the new developer and hope that the City includes the SDA in its dialogue. The SDA strongly believes that mitigation fees should be part of this dialouge and be re-instituted as soon as a new developer takes over the project. Block 18 is paramount in the making a vibrant downtown Sunnyvale and allowing the SDA to be part of the process would only make it an even better place to live, work and play.

Proposed projects are based on the proposed budget for 2011. Projects/events will be modified based on budget actuals as assessments are made and sponsorships are received.

Thank you for your support and once again please support our request to continue the BID assessments.

If you have any questions please do not hesitate to call the SDA at 408-516-7217.

## ATTACHMENT A

SDA ORGANIZATION EXPENSE & REVENUE REPORT-FY 10/11 & 11/12		2010-11	2011-12	Notes & Comments
		Actual	Projected	
<b>EXPENSES</b>				
Advertising, Promotion & Marketing	\$ 5,159.55	\$ 5,000.00	brochures, posters, banners, etc.	
Commissions & Fees (memberships, etc.)	\$ -	\$ -		
Conferences, meetings & seminars (attended)	\$ -	\$ -		
Contract Labor	\$ 28,800.00	\$ 28,800.00		
Dues/Subscriptions/Contributions	\$ -	\$ 500.00		
Employee Health Benefits	\$ -	\$ -		
Events (costs directly associated with the event)				
Jazz & Beyond	\$ 30,538.71	\$ 33,000.00		
Murphy Ave Gumbo Fest			Shelved TFN	
St. Patrick's Day on Murphy Avenue			Planning stages	
Summer Music Series	\$ 49,727.05	\$ 52,000.00		
Sunnyvale Downtown Cinema			Subject to funding	
Sunnyvale Downtown Wine & Food Stroll			Planning stages	
Howl'oween Pet Parade & Faire	\$ 6,042.46	\$ 7,000.00		
Holiday Christmas Tree Lighting	\$ 4,520.38	\$ 5,000.00		
Finance Services Charges		\$ -		
Insurance				
General	\$ 3,287.00	\$ 3,300.00		
Directors & Officers	\$ -	\$ -		
Workman's Compensation	\$ -	\$ -		
Janitorial & Cleaning	\$ -	\$ -		
Legal & Accounting	\$ 452.00	\$ 500.00		
Audit	\$ -	\$ -		
Legal	\$ -	\$ -		
Maintenance, Beautification & Repair (incl murphy lights)	\$ -	\$ 1,250.00		
Office Supplies	\$ 173.76	\$ 400.00		
Payroll Taxes	\$ -	\$ -		
Postage	\$ -	\$ -	Billed to individual projects	
Printing & Reproduction	\$ -	\$ -	Billed to individual projects	
Purchases	\$ -	\$ -		
Rent	\$ 1,965.73	\$ 2,000.00	No office-PO Box & Pod	
Staff Salaries		\$ -	None-we subcontract everything	
Supplies (non office)	\$ 850.00	\$ 850.00		
Taxes, Licenses & permits)	\$ 110.00	\$ 110.00		
Telephone/ Internet/Communications	\$ 420.00	\$ 420.00		
Travel & Entertainment	\$ -	\$ 500.00		
Utilities	\$ -	\$ -		
<b>TOTAL EXPENSES</b>	<b>\$ 132,046.64</b>	<b>\$ 140,630.00</b>		

SDA ORGANIZATION EXPENSE & REVENUE REPORT-FY 10/11 & 11/12		2010-11	2011-12	Notes & Comments
		Actual	Projected	
<b>REVENUE</b>				
<b>CONTRIBUTED &amp; SPONSORSHIP INCOME</b>				
Grants				
City/Government				
	Community Events Grant	\$ 11,500.00	\$ 11,500.00	
	Community Development Block Grant	\$ -	\$ -	
	Office of Economic Development	\$ -	\$ -	
Corporate/Foundations				
	Mitigation	\$ -	\$ -	
	Other			
<b>SUBTOTAL - GRANTS</b>		<b>\$ 11,500.00</b>	<b>\$ 11,500.00</b>	
Projects & Events Sales (incl. vendors)				
	Jazz & Beyond	\$ 24,318.00	\$ 18,000.00	
	Murphy Ave Gumbo Fest	\$ -	\$ -	
	St. Patrick's Day on Murphy Avenue			
	Summer Series Music & Market	\$ 54,002.00	\$ 55,000.00	
	Sunnyvale Downtown Cinema			
	Sunnyvale Downtown Wine & Food Stroll			
	Howl'oween Pet Parade & Faire	\$ 8,194.00	\$ 12,000.00	
	Holiday Tree Lighting Celebration	\$ 5,235.00	\$ 5,000.00	
<b>SUBTOTAL - PROJECTS &amp; EVENTS</b>		<b>\$ 91,749.00</b>	<b>\$ 90,000.00</b>	Revenue includes sponsorships
SDA Memberships				
	BID Fees	\$ 28,197.86	\$ 29,510.00	
<b>SUBTOTAL - SDA MEMBERSHIPS</b>		<b>\$ 28,197.86</b>	<b>\$ 29,510.00</b>	
<b>TOTAL REVENUE</b>		<b>\$ 131,446.86</b>	<b>\$ 131,010.00</b>	
<b>NET PROFIT/LOSS</b>		<b>\$ (599.78)</b>	<b>\$ (9,620.00)</b>	

## **Proposed Annual BID Programs - Present and Future**

A) Current Programs: The best of the current downtown programs will be retained while being made bigger and better. Several of those are as follows:

- Sunnyvale Summer Series - Music and Market
- Jazz and Beyond
- Annual Holiday Tree Lighting
- Howl'oween Pet Parade
- Downtown Sunnyvale Website

B) Possible Future BID Programs: In addition to commercial marketing and special events, other member benefit programs will include Civic Beautification and Signage.

Several of these new and continued programs for Fiscal Year 2011/2012 are as follows:

### **Program 1) Commercial Marketing and Promotion**

This Commercial Marketing Program has been created to enable local businesses to compete more successfully and cost-effectively, for tenants and customers, with nearby commercial centers and malls, such as are found in San Jose and Palo Alto. This is to be accomplished by establishing a means of supporting the long-term and day-to-day needs of Sunnyvale's retailers while aggressively attracting visitors and shoppers into the traditional central business district.

The online business directory serves as a strong marketing tool for Downtown Sunnyvale. The directory serves several purposes including being used with the BID Website providing links to merchant Websites.

- Downtown Business Directory Of Goods and Services
- Consistent Advertising Pages in Local Publications
- "Shop Downtown Sunnyvale" Campaign

### **Program 2) Special Events and Activities**

The marketing program will work towards development of an annual series of special events, fairs and festivals that are not necessarily retail-oriented, and in fact, may serve as successful program fund-raisers. This program of special events and street fair activities are intended to focus public attention and patronage on the overall commercial district as well as on the overall community.

Examples of these activities would include parades, festivals, fairs, seasonal events, markets, concerts, holiday themes and celebrations. Added special events and activities that are suggested for the approval of the BID membership are as follows:

- St. Patty's Day on Murphy Avenue
- Sunnyvale Downtown Wine & Food Stroll
- Salsa Festival.

**Program 3) Civic Beautification and Signage**

It is recommended the BID play the lead role in the planning and implementation of a Downtown civic beautification program. The purpose of this program would be the development of various appropriate commercial marketing-oriented civic beautification special effects projects.

- Twinkle Lights on Murphy Street Trees as well as Holiday Street Lighting
- Programs of Seasonal Decorations
- Downtown Information Kiosks (TFN)

**Program 4) Member Services**

- Management - Administration of all downtown programs
- Links to Website for Downtown Merchant
- Featured Monthly Business on Website
- Serving as Liaison with City Regarding Downtown Issues Such As Parking and Enforcement and other Construction-related issues.

All listed programs are items of interest for the BID. Programs completed will be based on staff availability, schedules and actual BID budget.

**ATTACHMENT A - EXHIBIT B**

Proposed Annual BID Benefit Fee

	ZONE A	ZONE B	ZONE C
Retailers, Restaurants, Bars	\$500	\$300	\$150
Service Businesses	\$300	\$200	\$100
Lodging	\$10/rm.	\$10/rm.	\$10/rm.
Professional Services Businesses	\$100	\$100	\$100
Financial Institutions	\$500	\$500	\$500

**Business type definitions:**

Retail and Restaurant: Businesses that buy and resell goods, examples are clothing stores, shoe stores, office supplies as well as businesses that sell prepared foods and drinks.

Service Businesses: Businesses that sell services. Examples are beauty and barber shops, repair shops, most automotive-oriented businesses, entertainment businesses such as theaters, etc.

Lodging: Includes renting rooms by the day or week to community visitors.

Professional Services Businesses: Includes Architects, Engineers, Attorneys, Dentists, Doctors, Accountants, Optometrists, Realtors, Insurance Offices, Mortgage Brokers and most other businesses that require advanced and/or specialized licenses and/or advanced academic degrees.

Financial Institutions: Includes banking and savings and loan institutions as well as credit unions, etc.

**Possible Annual BID Budget:**

1) Income

Zone A: 38 businesses paying an average annual benefit fee of \$458.	\$17,400
Zone B: 11 businesses paying an average of \$200.	\$ 2,200
Zone C: 80 businesses paying an average of \$124.	\$ 9,910

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Total potential BID annual collections	\$29,510
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Revenues from SDA special events and fund-raisers	\$90,000
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Grants, Event Sponsorships and other misc. revenue	\$11,500
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Total BID Program annual budget	\$131,010
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ATTACHMENT A - EXHIBIT B

2) Expenditures

<u>Program</u>	<u>Amount</u>	<u>Percent</u>
1) Commercial Marketing Program	\$110,580	79%
a) Advertising and promotion		
b) Theme development		
c) Special events and activities		
d) Visitor attraction		
2) Civic Beautification and Signage Program	\$1,250	1%
a) Streetscape beautification, lighting		
b) Public-private directional signage		
<i>(About 4% of projected assessments to be collected)</i>		
3) Programs Administration and BID Management	\$28,800	20%
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Totals	\$140,630	100%

(Figures rounded to nearest whole number)

# **ATTACHMENT B**

SDA ORGANIZATION EXPENSE & REVENUE		1/1/2009&10	2010/11	Notes & Comments
		Actual	Projected	Projected
<b>EXPENSES</b>				
Advertising, Promotion & Marketing		\$ 20,615.00	\$ 5,000.00	
Contract Labor		\$ 37,349.00	\$ 28,800.00	
Events (costs directly associated with the event)				
Jazz & Beyond		\$ 31,420.00	\$ 25,500.00	
Murphy Ave Gumbo Fest				Tentative Event for FY 10/11
St. Patrick's Day on Murphy Avenue				Tentative Event for FY 10/11
Summer Music Series		\$ 55,921.00	\$ 56,000.00	
Sunnyvale Plaza Outdoor Cinema				Tentative Event for FY 10/11
Howl'oween Pet Parade & Faire		\$ 6,680.00	\$ 7,000.00	
Holiday Christmas Tree Lighting		\$ 2,644.00	\$ 5,000.00	
Insurance				
General		\$ 2,662.00	\$ 2,662.00	
Directors & Officers		\$ -	\$ -	
Workman's Compensation		\$ -	\$ -	
Legal & Accounting		\$ 1,956.00	\$ 1,956.00	
Maintenance & Repair (incl murphy lights)		\$ 5,650.00	\$ -	
Office Supplies		\$ 1,600.00	\$ 1,600.00	
Printing & Reproduction		\$ -	\$ -	Event promos-costs included in event costs
Rent (no location PO box)		\$ 112.00	\$ 112.00	
Supplies (non office)		\$ 818.00	\$ 818.00	
Taxes, Licenses & permits		\$ 30.00	\$ 30.00	Fees included in event costs
Telephone/ Internet/Communications		\$ 840.00	\$ 840.00	
<b>TOTAL EXPENSES</b>		<b>\$ 168,297.00</b>	<b>\$ 135,318.00</b>	
<b>REVENUE</b>				
<b>CONTRIBUTED &amp; SPONSORSHIP INCOME</b>				
Grants				
City/Government				
Community Events Grant		\$ 11,500.00	\$ 11,500.00	
Community Development Block Grant		\$ -	\$ -	
Office of Economic Development		\$ -	\$ -	
Corporate/Foundations				
Mitigation		\$ 16,000.00	\$ -	
Other		\$ -	\$ 10,000.00	council 10k for J&B
<b>SUBTOTAL - GRANTS</b>		<b>\$ 27,500.00</b>	<b>\$ 21,500.00</b>	
Projects & Events Sales (incl. vendors)				
Jazz & Beyond		\$ 8,303.00	\$ 12,000.00	15k sponsorship 10k from city 5k from other
Murphy Ave Gumbo Fest		\$ -	\$ -	Tentative Event for FY 10/11
St. Patrick's Day on Murphy Avenue				Tentative Event for FY 10/11
Summer Music Series		\$ 48,500.00	\$ 51,000.00	11k (5k from palo alto medical 1st national;
Sunnyvale Downtown Cinema				Tentative Event for FY 10/11
Howl'oween Pet Parade & Faire		\$ 2,000.00	\$ 6,000.00	5k from somebody + vendors
Holiday Tree Lighting Celebration		\$ -	\$ -	5k from yahoo
<b>SUBTOTAL - PROJECTS &amp; EVENTS</b>		<b>\$ 58,803.00</b>	<b>\$ 69,000.00</b>	
SDA Memberships				
BID Fees		\$ 25,873.00	\$ 29,610.00	
<b>SUBTOTAL - SDA MEMBERSHIPS</b>		<b>\$ 25,873.00</b>	<b>\$ 29,610.00</b>	
Additional Income				
Sponsorships		\$ 19,000.00	\$ 18,000.00	pet parade, holiday, summer series
<b>SUBTOTAL - ADDITIONAL INCOME</b>		<b>\$ 19,000.00</b>	<b>\$ 18,000.00</b>	
<b>TOTAL REVENUE</b>		<b>\$ 131,176.00</b>	<b>\$ 138,110.00</b>	
<b>NET PROFIT/LOSS</b>		<b>\$ (37,121.00)</b>	<b>\$ 2,792.00</b>	

# ATTACHMENT C

## RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF INTENTION OF THE CITY COUNCIL  
OF THE CITY OF SUNNYVALE TO REAUTHORIZE THE  
DOWNTOWN SUNNYVALE BUSINESS IMPROVEMENT  
DISTRICT AND HOLD A PUBLIC HEARING**

WHEREAS, under California Streets and Highways Code Section 36500, *et seq.*, the City Council of the City of Sunnyvale is authorized to reauthorize an improvement district and to act as the legislative body for an improvement district; and

WHEREAS, the City Council now desires to proceed with the reauthorization of an improvement district in order to finance improvements and/or activities necessary or incident to development in the City of Sunnyvale.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. Authority. The City Council proposes to conduct proceedings and declares its intention to reauthorize an improvement district pursuant to California Streets and Highways Code Section 36500, *et seq.*
2. Name. The name of the district will continue to be the "Downtown Sunnyvale Business Improvement District" (the "District").
3. Boundaries. The boundaries of the entire area included in the District, and the boundaries of each separate benefit zone within the District, are set forth in the map attached hereto as Exhibit "A" and incorporated herein by reference. A true and correct copy of the map is on file with the City Clerk of the City of Sunnyvale.
4. Annual Report. A Report with a detailed description of the improvements and activities is on file in the office of the City Clerk and is Attachment A, Exhibit A on the Report to Council 11-059. This Report is a two-year report for the years 2010-2011 and 2011-2012.
5. Improvements. A Report with the types of improvements and activities proposed to be funded by the levy of assessments on businesses in the District is on file in the office of the City Clerk as Attachment A, Exhibit A in Report to Council 11-059.
6. Benefit Fee. Except to the extent that funds are otherwise available to the District, the City Council intends to levy an annual benefit fee on businesses in the District to pay for selected improvements and activities of the District. All funds of the District shall be expended on improvements and activities within the District. The method and the basis for levying the benefit fee on all businesses within the District is on file in the office of the City Clerk as Attachment A, Exhibit B in Report to Council 11-059.
7. Exemption. New businesses shall be exempt from payment of the fee until the next billing period following their establishment occurs.
8. Public Hearing. A public hearing to establish the District is hereby set for May 10, 2011, at 7:00 p.m., before the City Council of the City of Sunnyvale, at Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale, CA.

(a) Testimony. At the public hearing the testimony of all interested persons, for or against the reauthorization of the District, interested in matters concerning the boundaries of the District, the areas of benefit within the District and the assessments to be levied, will be heard.

(b) Protest(s). A protest against the reauthorization of the District, or any aspect of it, may be made orally or in writing. Any oral protest shall be made at the said public hearing. To count in the majority protest against the District, a protest must be in writing. A written protest may be withdrawn from record at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person signing the protest is not shown on the official records of the City of Sunnyvale as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. Any written protest as to the regularity or sufficiency of the proceedings shall be in writing and clearly state the irregularity of defect to which objection is made.

If, at the conclusion of the public hearing, there are of record, written protests by the owners of the businesses within the District that will pay fifty percent (50%) or more of the total assessments of the entire District, no further proceedings to reauthorize the District shall occur. New proceedings to form a District shall not be undertaken again for a period of at least one (1) year from the date of the finding of the majority written protest by the City Council. If the majority of written protests are only as to an improvement or activity proposed, then that type of improvement or activity shall not be included in the District.

9. Notice of Public Hearing. The City Clerk is hereby directed to cause notice of the public hearing to be given by causing copies of this resolution to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of this Resolution in a newspaper of general circulation once, at least ten (10) days before the hearing, and a list of places where copies of this resolution are posted.

Adopted by the City Council at a regular meeting held on May 10, 2011, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

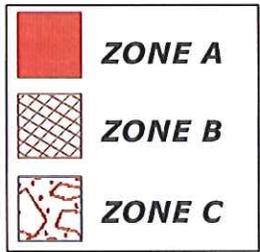
\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
David E. Kahn, City Attorney

EXHIBIT "A"



# ZONES

