



Council Meeting: April 9, 2013

SUBJECT: Discussion and Possible Action Regarding Approval of the Downtown Sunnyvale Business Improvement District (BID) Annual Report for Fiscal Year 2012/2013; Adoption of Resolution of Intention to Reauthorize the BID for Fiscal Year 2013/2014; Public Meeting Regarding Proposed Expansion of Zone C of the BID; Resolution of Intention Setting Public Hearing to Consider Proposed Expansion

BACKGROUND

A BID is a funding tool for specific activities that must be reauthorized yearly by the City Council at the request of the BID Board. Businesses pay into the BID based on the benefit they receive as members of the district. A BID boundary can be amended if businesses paying more than 50% of the assessment within the expanded area do not file a written protest opposing the amendment. The funds collected can only be used for projects within the BID boundaries.

Per Sunnyvale Municipal Code Section 3.60.050, Establishment of benefit assessments, the formula for calculating the BID assessment amount is determined by the BID Board and enacted by the City. Assessments are levied on businesses on the basis of relative benefit from the activities to be funded. The City collects the assessment fee and forwards the collected funds to the BID. The City charges the BID a fee for administrative costs associated with this service. The cost is reviewed and adjusted annually as needed.

The BID Board has requested that the BID be reauthorized for Fiscal Year 2013/2014. The Board has also requested the expansion of the Zone C boundaries as a separate action.

Downtown Sunnyvale BID

There are approximately 160 businesses located in the existing BID area, which is divided into three zones: Zone A, Zone B, and Zone C. The proposed expansion of Zone C would add an additional 30 businesses. The current BID boundaries are Sunnyvale, Iowa, Mathilda and Evelyn Avenues (Attachment B).

The current Board members are:

- Joe Antuzzi, Il Postale Restaurant
- Gary Hurd, French Quarter
- Johnny Sevey, Rok Bistro
- Kathy Johnson, Broadcom
- Leigh Odum, Leigh's Favorite Books
- Gary Gold, Dr. Gold's Eyes
- Joel Wyrick, SDA/BID Executive Director (non-voting member)

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. Also, the BID Board continues to work to promote the downtown by maintaining an active website as well as other promotions through its downtown events. BID members continue to volunteer their time in pursuing the success of the Downtown Sunnyvale BID.

BID Board members were approached by Wells Fargo and other business representatives requesting BID membership information. Since there were several businesses interested in participating and becoming part of the BID, the Board submitted a request to amend the Zone C boundaries to include the west side of Mathilda Avenue and the south side of Iowa Avenue (Attachment D, Exhibit A). BID representatives continued contact with businesses located within the proposed Zone C expansion. Informational letters were mailed and two outreach meetings were held to inform businesses regarding the BID (Attachment C).

EXISTING POLICY

Municipal Code Sections – Downtown Sunnyvale Business Improvement District:

- 3.60.050. Establishment of benefit assessments.
- 3.60.060. Purpose and use of benefit assessments.
- 3.60.110. Annual Budget Process.
- 3.60.120. Decisions regarding expenditure of funds.

DISCUSSION

The Board is requesting that the BID's Zone C be amended to add approximately 30 additional businesses. The Board is also requesting reauthorization for Fiscal Year 2013/2014. As of February 7, 2013, the BID collected a total of \$27,430 of the \$27,500 approved assessments for Fiscal Year 2012/2013.

The Fiscal Year 2013/2014 proposed BID budget, as approved by the BID Board, is \$150,530. This proposed budget includes \$29,380 from existing BID member business assessments; \$4,150 from proposed Zone C expansion businesses and \$117,000 from special events, such as the Summer Music Series and possible sponsorships (Attachment A).

The BID continues to produce events to draw visitors to Downtown Sunnyvale. For Fiscal Year 2012/2013 the events included the Summer Music Series, the Jazz & Beyond Series and the Holiday Tree Lighting. These events attracted visitors and continue to provide close to 70% of the BID's annual revenue. The BID also promotes the businesses on their website that includes a BID business member directory.

The Sunnyvale 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 Successor Agency to the City of Sunnyvale's Redevelopment Agency and Wells Fargo Bank requires the developer to support a BID in Downtown Sunnyvale.

In order for the BID boundaries to be amended, the Council must hold a public meeting to consider any testimony from interested persons, which it is doing at tonight's meeting. The Council must then adopt an ROI that describes proposed boundaries and sets the time and place for the public hearing, scheduled for May 21, 2013 (Attachment D). In addition, the Council must adopt a separate ROI (Attachment E) setting the time and place for the public hearing to reauthorize the entire BID, which is also scheduled for May 21. Notice of the public hearings on the BID will be published in a local newspaper such as the *Sunnyvale Sun* or *The Mercury News* and mailed to all affected businesses within the proposed Zone C boundaries. The City Council must hold the public hearings on each action on May 21, 2013 to consider all oral and written protests received on or before that date regarding the BID Zone C expansion and reauthorization for Fiscal Year 2013/2014.

FISCAL IMPACT

There is no impact to the General Fund. The City charges the BID for any costs associated with collecting the assessments. Finance staff has estimated a cost of \$2,500 annually.

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 email communications to their members.

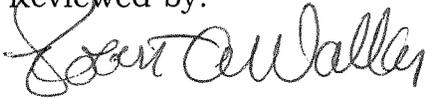
ALTERNATIVES

1. Approve the BID's request to process an amendment to the BID boundaries, adopt the Resolution of Intention, and schedule a public hearing for May 21, 2013.
2. Approve the Fiscal Year 2012/2013 BID Annual Report, adopt the Resolution of Intention, and schedule a public hearing for May 21, 2013 to reauthorize the Business Improvement District for Fiscal Year 2013/2014.
3. Do not approve the BID's request to amend the boundaries.
4. Do not approve the BID Annual Report for Fiscal Year 2012/2013 or the Resolution of Intention for BID reauthorization.

RECOMMENDATION

Staff recommends approval of Alternatives #1 and #2.

Reviewed by:



Robert Walker, Assistant City Manager

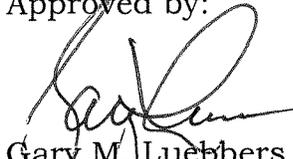
Prepared by: Connie Verceles, Economic Development Manager

Reviewed by:



Grace Leung, Finance Director

Approved by:



Gary M. Luebbers
City Manager

Attachments

- A. BID Annual Report and Budget
- B. BID Benefit Zones and Boundaries Map
- C. Business Letter for Zone C Expansion
- D. Resolution of Intention to Expand BID Boundaries
- E. Resolution of Intention to Reauthorize the Downtown Sunnyvale Business Improvement District for Fiscal Year 2013/2014

ATTACHMENT A



March 6, 2013

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,

On February 6, 2013 the Board of Director's approved the renewal of the BID. Attached (Exhibit A) is a copy of the SDA's expense & revenue report for July 1, 2012 through June 30, 2013 along with projections for the 2013/14 fiscal year.

Past

Our start-up funding comes from the BID, which amounted to approximately \$28,197. For our 2013/14 fiscal year the SDA staff and Board decided to use the monies to produce The Magic of Sunnyvale Wine Stroll, Summer Series Music + Market, The Jazz & Beyond Series and the Holiday & Christmas Tree Lighting. The production of last year's events grossed 106k from the sales, sponsorships and grants.

Present/For the Year

The Board approved the Executive Director's annual budget and his recommendations for the upcoming 2013 year.

Event Revenue & Overview

All events stayed within budget. 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. The Magic of Sunnyvale Downtown Wine & Food Stroll took a little dip due to lack of promotion as we didn't hoist a banner on El Camino nor advertise in the Sun and Santa Clara Weekly's as years' past.

Event Sponsorships

Staff were able to secure strong sponsorships for last year's events. Continual support has come from Broadcom, BRE, Carmel Properties, and Palo Alto Medical Foundation.

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.

As we know, the BID is a self-imposed tax of the downtown businesses. Outside of paying their standard fees, taxes and licenses associated with owning and operating a business these businesses have been and continue to reach into their pockets and come up with additional monies to: promote, market and create events for the City of Sunnyvale and our community.

Once again, we ask that the City Council consider matching the contribution made by the businesses. There are two fundamental reasons why. One, most of our events should be City partnered events. We are one of the few cities who doesn't partner or produce large community events for their downtown community. This has been our intent for a few years now, but past council members felt we needed to show that our organization was capable of marketing Sunnyvale. The last three years has proven that the SDA can create new events, market and produce events at a fraction of the cost of what the City would have to pay and still provide a safe quality event. Of course, the City would have direct input and final approval on where or what their contribution will be used for. Secondly, these matching dollars will enable us to compete with the other communities by producing yearlong quality events, retain quality staff and market our city/downtown through our website and visitors guide. As a downtown our initial marketing budget is \$28,000 (twenty-eight thousand). We as a city have to become more proactive when marketing ourselves. Our events and efforts bring new people to our downtown. Our visitors may come with intent on attending a certain event as advertised, but they soon discover the great amenities that set Sunnyvale apart from all of the other south bay cities. A real downtown that features great restaurants, retail stores and housing - a new place they can call home.

All of the marketing, events and activities produced by the SDA is a direct reflection of our City. SDA would like the city of Sunnyvale to be a fiscal partner. We are not asking for a hand-out; we are asking for a hand. We recognize this as a true partnership, should the businesses decide to no longer pay into the BID the city shouldn't either. Our partnership becomes even more critical as were are the closest city with a downtown to the new 49er stadium. If done correctly we will be the downtown to go to before and after any event that comes to the stadium. We should be looking to create some kind of 49er celebration event during pre-season or at season opener in hopes of establishing downtown Sunnyvale as the downtown of the 49ers!

The last remaining piece to the BID would be the expansion of the BID footprint to include the west side of Mathilda Avenue and the south side of Iowa Ave. We feel this would be a logical move to include both sides of the street similar to what we include for Evelyn Avenue and Sunnyvale Avenue. We have done extensive outreach to the new businesses and have received no objections to becoming part of the BID. We have visited and mailed notices to those businesses. In addition, we hosted two public outreach meetings for those within the new boundaries to answer any questions regarding the expansion. It was explained to them that their benefits will include being listed both in the online and printed downtown directories.

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

Overview

I am proud to say we are arguably one of the most productive downtown associations in the bay area, considering the seed money we start with. Other associations are quite impressed 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 and give the patrons even more reasons to visit our downtown so that our existing businesses survive these competitive economic times.

We look forward to working with the new developer (of the former Town Center site) and hope that the City includes the SDA in its dialogue. The SDA strongly believes that mitigation fees should be part of this dialogue 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 2013. 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.

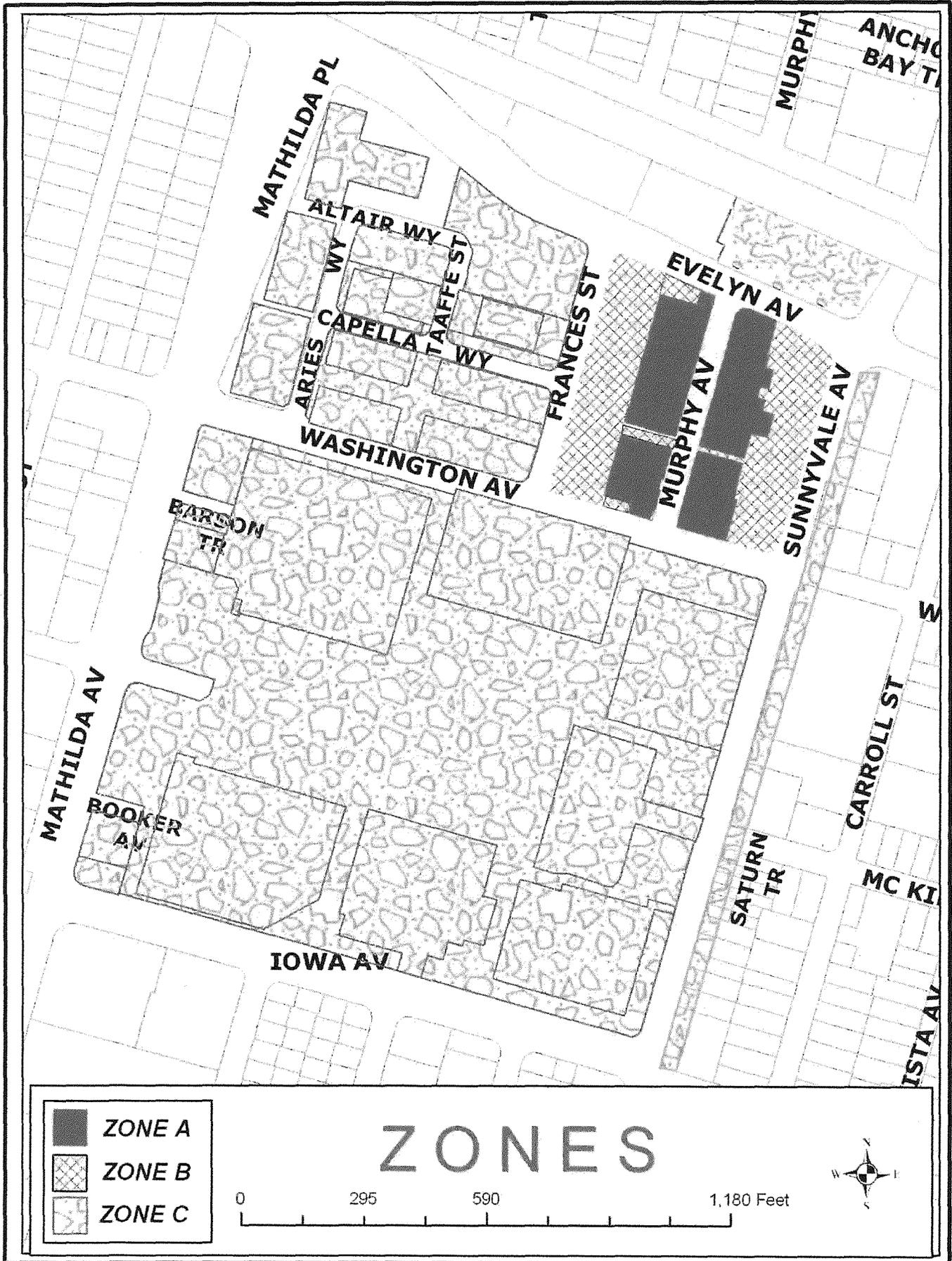
If you have any questions please do not hesitate to call the SDA at 408-516-7217.

SDA ORGANIZATION EXPENSE & REVENUE		2012-13	2013-14	Notes & Comments
		Budget	Projected	Projected
EXPENSES				
Advertising, Promotion & Marketing		\$ -	\$ 3,500.00	Visitor's Guide
Commissions & Fees (memberships, etc.)		\$ -	\$ -	
Conferences, meetings & seminars (attended)		\$ -	\$ -	
Contract Labor		\$ 39,600.00	\$ 39,600.00	
Dues/Subscriptions/Contributions		\$ -	\$ -	
Employee Health Benefits		\$ -	\$ -	
Events (costs directly associated with the event)				
Magic of Sunnyvale Wine & Food Stroll		\$ 9,900.00	\$ 11,000.00	
Summer Series Music + Market		\$ 51,000.00	\$ 48,000.00	
Jazz & Beyond		\$ 25,225.00	\$ 26,000.00	
Holiday Christmas Tree Lighting		\$ 4,300.00	\$ 5,000.00	
Sunnyvale Downtown Cinema				subject to funding
Finance Services Charges		\$ -	\$ -	
Insurance				
General		\$ 3,500.00	\$ 3,500.00	
Directors & Officers		\$ -	\$ -	
Workman's Compensation		\$ -	\$ -	
Janitorial & Cleaning		\$ -	\$ -	
Legal & Accounting		\$ 753.00	\$ 800.00	
Audit		\$ -	\$ -	
Legal		\$ -	\$ -	
Maintenance, Beautification & Repair		\$ -	\$ 1,250.00	
Office Supplies		\$ 450.00	\$ 450.00	
Payroll Taxes		\$ -	\$ -	
Postage		\$ -	\$ -	billed to individual projects
Printing & Reproduction		\$ -	\$ -	billed to individual projects
Purchases		\$ -	\$ -	
Rent		\$ 2,500.00	\$ 3,000.00	(no office 2012 - PO box & Pod)
Staff Salaries		\$ -	\$ -	none we subcontract everything
Supplies (non office)		\$ 1,800.00	\$ 1,800.00	
Taxes, Licenses & permits		\$ 291.00	\$ 300.00	
Telephone/ Internet/Website		\$ 1,040.00	\$ 1,040.00	
Travel & Entertainment		\$ -	\$ -	
Utilities		\$ -	\$ -	
TOTAL EXPENSES		\$ 140,359.00	\$ 145,240.00	

SDA ORGANIZATION EXPENSE & REVENUE		2012-13	2013-14	Notes & Comments
		Budget	Projected	Projected
REVENUE				
CONTRIBUTED & SPONSORSHIP INCOME				
Grants				
	City/Government			
	Community Events Grant	\$ 7,500.00	\$ 7,500.00	
	Community Development Block Grant	\$ -	\$ -	
	Matching BID or Sponsorship	\$ 10,000.00	\$ 10,000.00	
	Corporate/Foundations			
	Mitigation	\$ -	\$ -	
	Other			
	SUBTOTAL - GRANTS	\$ 17,500.00	\$ 17,500.00	
	Projects & Events Sales (incl. vendors & sponsors)			
	Magic of Sunnyvale Wine Stroll	\$ 14,000.00	\$ 17,500.00	
	Summer Series Music + Market	\$ 66,000.00	\$ 55,000.00	
	Jazz & Beyond	\$ 21,000.00	\$ 22,000.00	
	Howl'oween Pet Parade & Faire	\$ -	\$ -	
	Holiday Tree Lighting Celebration	\$ 5,000.00	\$ 5,000.00	
	SUBTOTAL - PROJECTS & EVENTS	\$ 106,000.00	\$ 99,500.00	revenue includes sponsorships
	SDA Memberships			
	BID Fees	\$ 27,500.00	\$ 29,380.00	
	Proposed Zone C Businesses - BID Fees		\$ 4,150.00	
	SUBTOTAL - SDA MEMBERSHIPS	\$ 27,500.00	\$ 33,530.00	
	TOTAL REVENUE	\$ 151,000.00	\$ 150,530.00	
	NET PROFIT/LOSS	\$ 10,641.00	\$ 5,290.00	

ATTACHMENT B

SUNNYVALE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT



Proposed Improvements and Activities:

1) Income

Zone A: 42 businesses paying an average annual benefit fee of \$458.	\$17,800
Zone B: 22 businesses paying an average of \$200.	\$ 4,300
Zone C: 96 businesses paying an average of \$124. (Total of Zone C includes \$4,150 from new businesses within proposed Zone C expanded boundaries)	\$11,430
<hr/> Total potential BID annual collections	\$33,530
<hr/> Revenues from SDA special events and fund-raisers	\$99,500
<hr/> Grants, Event Sponsorships and other misc. revenue	\$17,500
<hr/> Total BID Program annual budget	\$150,530

2) Expenditures

<u>Program</u>	<u>Amount</u>	<u>Percent</u>
1) Commercial Marketing Program	\$118,919	79%
a) Advertising and promotion		
b) Theme development		
c) Special events and activities		
d) Visitor attraction		
2) Civic Beautification and Signage Program	\$1,505	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	\$30,106	20%
<hr/> Totals	\$150,530	100%

(Figures rounded to nearest whole number)

Method and Basis for Levying 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.

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
- 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 2012/2013 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
- "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:

- Sunnyvale Summer Series - Music and Market
- Sunnyvale Downtown Wine & Food Stroll

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.

- Programs of Seasonal Decorations
- Additional cleaning of Murphy Avenue

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 C



December 16, 2012

Dear Downtown Business Owner,

In 2007, the City of Sunnyvale decided to create a business improvement district (BID) for downtown Sunnyvale. The definition of "downtown" included all businesses located between Iowa, Evelyn, Mathilda and Sunnyvale Avenues. Both sides of Evelyn and Sunnyvale are included in the BID however only the east side of Mathilda Avenue and the north side of Iowa are included, thus you are not considered to be a part of the downtown business district. We are asking the City of Sunnyvale to extend the BID footprint (see map) to include the west side of Mathilda Avenue and the south side of Iowa. In order for this to happen we need your support.

Sunnyvale Downtown Association (SDA) is a non-profit membership based organization whose mission is to promote, advocate and enhance the vitality of downtown Sunnyvale. The SDA is funded by business improvement district (BID) fees, city funds, sponsorships and revenue producing events. The SDA serves as "the voice" of downtown Sunnyvale.

The Sunnyvale Downtown Association (SDA) serves as the voice of downtown Sunnyvale by:

- Advocating for policies, programs and events that support the economic growth of the downtown core
- Acting as the downtown marketing arm and ambassador for the City of Sunnyvale
- Producing attractive events for the community
- Promoting downtown as a premier venue for other groups to produce events
- Working with other Community Based Organization's that share in the growth, beautification and continual vitality of downtown Sunnyvale
- Serving as the primary information portal to all events, attractions and programs stemming from the downtown core (**SunnyvaleDowntown.com**)

If you choose to be included in the BID you will be located in Zone C. If you have any questions or concerns please do not hesitate to call the SDA at 408 516-7217.

Yours in community spirit,

A handwritten signature in black ink, appearing to read "Joel Wyrick".

Joel Wyrick
Executive Director
Sunnyvale Downtown Association



February 13, 2013

Dear Downtown Business Owner,

We are asking the City of Sunnyvale to extend the business improvement district (BID) footprint to include the west side of Mathilda Avenue and the south side of Iowa. In order for this this happen, we need your support.

This week, a meeting was held especially for you to learn more about the BID for downtown Sunnyvale. For those of you who were not able to attend, another meeting has been scheduled so that you will have an opportunity to learn about the advantages of being a part of the BID, and to have any questions answered.

WHAT: BID Expansion Meeting
DATE: Tuesday, February 19, 2013
TIME: 10:00 AM
WHERE: Wells Fargo Bank
 295 S. Mathilda

Sunnyvale Downtown Association (SDA) is a non-profit membership based organization whose mission is to promote, advocate and enhance the vitality of downtown Sunnyvale. The SDA is funded by business improvement district (BID) fees, city funds, sponsorships and revenue producing events. The SDA serves as "the voice" of downtown Sunnyvale.

If you have any questions or concerns, please do not hesitate to call the SDA at 408- 516-7217, or you can email us at sda94086@yahoo.com.

Yours in community spirit,

A handwritten signature in black ink, appearing to read "Joel Wyrick".

Joel Wyrick
Executive Director
Sunnyvale Downtown Association

What does a Business Improvement District (BID) Do?

- A BID unifies all businesses to work towards the common goal of an economically vitalized Business District.
- A BID mitigates retail sales leakage by allowing our area to compete more effectively for regional business through the generation of greater marketing resources and strengths.
- A BID supports in the area through commercial recruitment, retention and promotion.
- A BID creates a strong unified voice to present business interests to local governmental agencies.
- A BID helps fund other projects as suggested by business owners including: special events clean-up programs, beautification and decoration projects.

What are the cost that are Associated with the BID?

Your current business location is located in Zone C. (see map). BID fees are per anum.

	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

5 Quick Reasons to join The Business Improvement District (BID) and become a member of the Sunnyvale Downtown Association(SDA)!

1. Become a Member of an Organized Voice Advocating for policies, programs and events that support the economic growth of the downtown core.
2. Exposure for Your Business Through our website www.SunnyvaleDowntown.com and printed Downtown Visitors Guide.
3. Exclusive SDA newsfeeds to Inform You on any/all News That May Affect Your Downtown Business.
4. Opportunity to Participate on our Board/Committees and Make a Difference in our Community.
5. Free 10x10 space at all Summer Series Music & Market to promote your business.

Priceless: Sunnyvale Downtown Association credibility, looking out for the best interest of downtown business and free enterprise, continual contact with City of Sunnyvale elected officials and staff. With minimal participation BID/SDA members receive cost effective advertising and a large network of business to business networking.

What Is Your Membership Worth?

Even If You Don't Actively Participate in any Programs or Events it will have you seeing GREEN

As a SDA Member you automatically receive all the following benefits:	Value
Business Listing in the SunnyvaleDowntown.com website	\$ 75
Business Listing in the Official Downtown Sunnyvale Visitors Guide	\$ 100
Downtown related News reports	\$ 100
Tax Deduction for your SDA membership investment (consult your tax professional)	\$ 100/500
Exclusive Customer Referral Service	priceless
Collective Business Voice through the SDA's legislative advocacy leadership	priceless

For simply being a member your return on investment more than covers your membership. Remember, this is only the benefits of membership if you do not participate in/on any committees, programs or events.

This what your business can receive for doing absolutely nothing but being a member.

ATTACHMENT D

RESOLUTION NO. _____

**RESOLUTION OF INTENTION OF THE CITY COUNCIL
OF THE CITY OF SUNNYVALE TO EXPAND EXISTING
BOUNDARIES OF THE DOWNTOWN SUNNYVALE BUSINESS
IMPROVEMENT DISTRICT, TO ADD ADDITIONAL
PROPERTIES TO ZONE C 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 establish improvement districts, to expand the boundaries of any such district, and to act as the legislative body for an improvement district; and

WHEREAS, pursuant to its authority under the Streets and Highways Code, the City Council established the Downtown Sunnyvale Business Improvement District (“the District”) in 2007; and

WHEREAS, the District Board has requested that City Council consider expanding the boundaries of Zone C of the District, and the City Council now desires to proceed with the proposed expansion of Zone C (“Expanded Zone C”) of the District, and to set a date and place of hearing to conduct a protest hearing by the businesses affected by their inclusion in Expanded Zone C.

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 add certain properties to an existing improvement district pursuant to California Streets and Highways Code Section 36541, *et seq.* as shown on the attached Exhibit “A”.

2. Name. The expanded improvement district remains "Downtown Sunnyvale Business Improvement District" (the "District").

3. Boundaries. The improvement district comprises three benefit zones, Zone A, Zone B, and Zone C. The properties proposed to be added to the District are located in Expanded Zone C as shown on 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. Improvements. The types of improvements and activities proposed to be funded by the levy of assessments on businesses in the District are in Exhibit “B” attached hereto and incorporated by reference. A Report with a detailed description of the improvements and activities is on file in the office of the City Clerk and is included in the Report to Council No. 13-____.

5. 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 the businesses in the Expanded Zone C 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 are set forth in Exhibit "C", attached hereto and incorporated herein by reference.

6. Exemption. New businesses shall be exempt from payment of the fee until the next billing period following their establishment occurs.

7. Public Hearing. A public hearing to expand the boundaries of the District is hereby set for May 21, 2013, at 7:00 p.m., or as soon as possible thereafter, before the City Council of the City of Sunnyvale, at Council Chambers, City Hall, 456 West Olive Avenue, Sunnyvale, California.

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

(b) Protest(s). A protest by a business owner within the Expanded Zone C area against the addition of the Expanded Zone C area to the District, or any aspect of it, may be made orally or in writing. Any oral protest shall be made at the public hearing. Any protest as to the regularity or sufficiency of the proceedings shall be in writing and clearly state the irregularity or defect to which objection is made. To count in the majority protest against the expansion, 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 description of the business in which the person signing the protest is interested sufficient to identify the business and, if a person signing is not shown on the official records of the City of Sunnyvale as the owner of the business, the protest shall contain or be accompanied by written evidence that the person signing is the owner of the business. A written protest which does not comply with this section shall not be counted in determining a majority protest.

If, at the conclusion of the public hearing, there are of record, written protests by the owners of the businesses within the Expanded Zone C area that will pay fifty percent (50%) or more of the total assessments of the Expanded Zone C, no further proceedings to add the Expanded Zone C to the District shall occur. New proceedings to expand Zone C to the 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.

Also, at the public hearing, the City Council will conduct a protest hearing concerning the reauthorization of the business improvement district. If at the conclusion of the public hearing, the City Council does not receive written protests by the owners of the businesses within the entire District that will pay fifty percent (50%) or more of the total assessments of the entire District, the report will be adopted which will constitute a levy of the assessment in accordance with Streets and Highways code section 36535.

8. Joint Notice of Public Meeting and Public Hearing. The City Clerk has given joint notice of the public meeting to be held on April 9, 2013, and the public hearing to be held on May 21, 2013, by mailing copies of the Joint Notice to every business owner in the proposed Expanded Zone C at least ten (10) days prior to the public meeting of April 9, 2013, as required by Streets and Highways Code 36541 (b) and Government Code section 54954.6. Pursuant to

Streets and Highways Code Section 36523, subdivisions (a) and (b), further Notice shall be given by publication of this Resolution in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, once at least seven (7) days before the public hearing, and a copy of the Resolution of Intention shall be mailed by first class mail to business owners within proposed Expanded Zone C area within seven (7) days of its passage.

Adopted by the City Council at a regular meeting held on _____, 2013, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

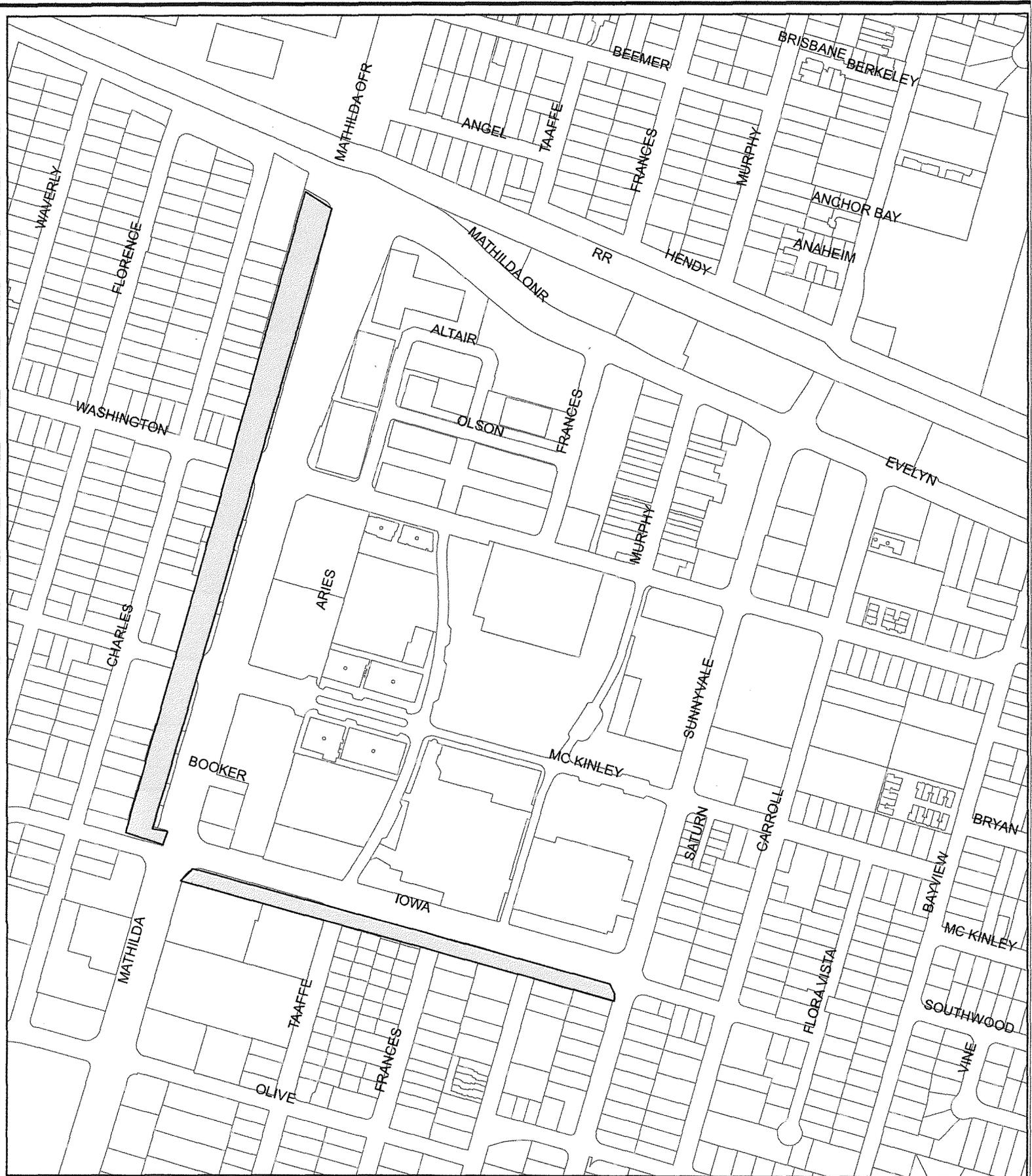
City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

Joan A. Borger, City Attorney

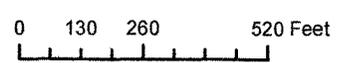
- Exhibit "A" – Map of Proposed Expanded Zone C
- Exhibit "B" - Proposed Improvements and Activities
- Exhibit "C" - Method and Basis for Levying Benefit Fee



ATTACHMENT D, EXHIBIT A
Proposed Zone C -
Expanded Boundaries-Business Improvement District



 **Proposed Zone C**



Proposed Improvements and Activities

1) Income

Zone C: 29 businesses – Assessment Total	\$ 4,150
<hr/>	
Revenues from SDA special events and fund-raisers	\$99,500
<hr/>	
Grants, Event Sponsorships and other misc. revenue	\$17,500
<hr/>	
Total BID Program annual budget	\$121,150

2) Expenditures

Program	Amount	Percent
1) Commercial Marketing Program	\$ 95,709	79%
a) Advertising and promotion		
b) Theme development		
c) Special events and activities		
d) Visitor attraction		
2) Civic Beautification and Signage Program	\$1,211	1%
a) Streetscape beautification, lighting		
b) Public-private directional signage		
3) Programs Administration and BID Management	\$24,230	20%
<hr/>		
Totals	\$121,150	100%

(Figures rounded to nearest whole number)

Method and Basis for Levying 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.

ATTACHMENT E

RESOLUTION NO. ____-13

**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 review the annual report and 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 including the boundaries of the Proposed Zone C, if added to 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 attached hereto as Exhibit "B" is on file in the office of the City Clerk and is included in the Report to Council No. 13-____.
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.
6. Benefit Fee. 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 are set forth in Exhibit "C".
7. Exemption. New businesses shall be exempt from payment of the fee until the next period following the commencement of operations of the business.

8. Public Hearing. A public hearing to reauthorize the assessment is hereby set for May 21, 2013, 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 for a period of one year.

If the majority of the protest is only against the furnishing of a specified type or types of improvement or activity within the area, those types of improvements or activities shall be eliminated, pursuant to Streets and Highways Code 36525.

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 seven (7) 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 _____, 2013, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

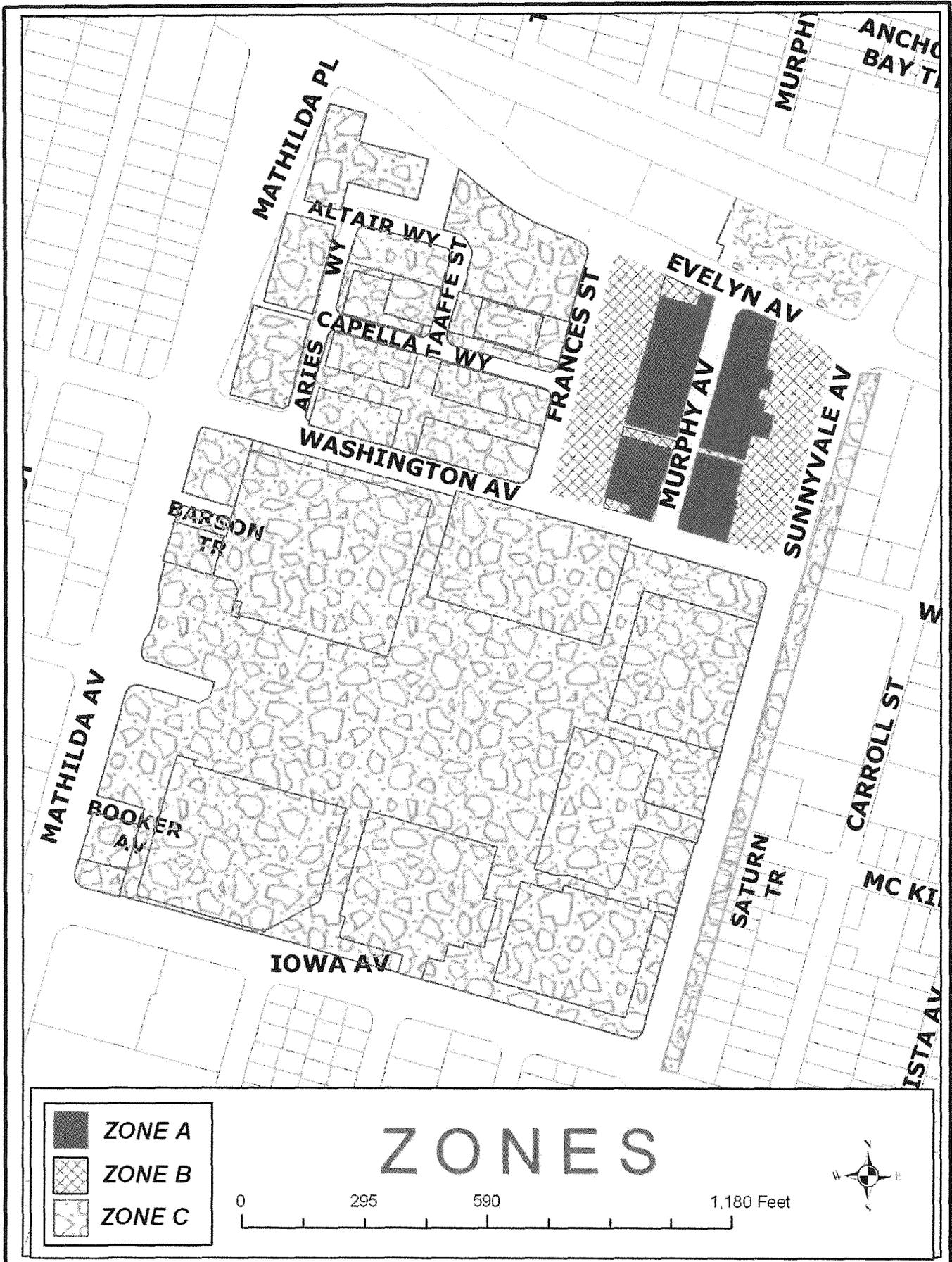
Mayor

APPROVED AS TO FORM:

Joan A. Borger, City Attorney

Exhibit "A" – Map of the Business Improvement District
Exhibit "B" - Proposed Improvements and Activities
Exhibit "C" - Method and Basis for Levying Benefit Fee

SUNNYVALE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT



Proposed Improvements and Activities:

1) Income

Zone A: 42 businesses paying an average annual benefit fee of \$458.	\$17,800
Zone B: 22 businesses paying an average of \$200.	\$ 4,300
Zone C: 96 businesses paying an average of \$124. (Total of Zone C includes \$4,150 from new businesses within proposed Zone C expanded boundaries)	\$11,430
<hr/>	
Total potential BID annual collections	\$33,530
<hr/>	
Revenues from SDA special events and fund-raisers	\$99,500
<hr/>	
Grants, Event Sponsorships and other misc. revenue	\$17,500
<hr/>	
Total BID Program annual budget	\$150,530

2) Expenditures

<u>Program</u>	<u>Amount</u>	<u>Percent</u>
1) Commercial Marketing Program	\$118,919	79%
a) Advertising and promotion		
b) Theme development		
c) Special events and activities		
d) Visitor attraction		
2) Civic Beautification and Signage Program	\$1,505	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	\$30,106	20%
<hr/>		
Totals	\$150,530	100%

(Figures rounded to nearest whole number)

Method and Basis for Levying 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.