

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS MAKING FINDINGS FOR UNEXPENDED DEVELOPMENT FEES, IN ACCORDANCE WITH GOVERNMENT CODE SECTION 66001

WHEREAS, the Mitigation Fee Act, Government Code section 6600, et seq., authorizes the City to impose, collect, and expend mitigation fees to offset the impacts of development within the City; and

WHEREAS, among the procedural requirements mandated by the Mitigation Fee Act, is a requirement that beginning with the fifth fiscal year following deposit of development fees into a designated account, and each fifth fiscal year thereafter, the City make specified findings regarding any portion of the fees that remain unexpended; and

WHEREAS, a portion of the fees currently deposited in the City's Traffic Impact Fee Fund were collected over five years ago.

NOW, THEREFORE, BE IT RESOLVED that the foregoing Recitals are true and correct and made a part of this Resolution.

BE IT FURTHER RESOLVED that the City Council of the City of Milpitas does hereby find as follows:

1. The City Council finds that the Traffic Impact Fee Fund currently contains \$169,100 in unexpended traffic fees that were collected over five years ago from two developers ("Unexpended Fees").
2. In accordance with Government Code section 66001(d)(1), the City Council finds as follows:
 - (A) The Unexpended Fees will be used for the purpose of mitigating traffic impacts resulting from each of the developments from which they were collected, as follows:
 - i. Approximately \$75,600 of the Unexpended Fees will be used to build a future traffic signal at the intersection of North Main Street and Carlo Street ("Main Street Signal").
 - ii. The remaining \$93,500 of the Unexpended Funds will be used to build a future traffic signal on McCarthy Boulevard, mid-block between Ranch Drive North and Ranch Drive South ("McCarthy Boulevard Signal").
 - (B) For each traffic signal to be constructed using the Unexpended Fees, there exists a reasonable relationship between the Fee and purpose for which it was charged, because in each case, the traffic signal will serve to mitigate traffic impacts, such as intersection delays, caused by an increase in traffic accessing the development from which the Fees were collected.
 - (C) Additional sources of funding for the two traffic signals include the following:
 - i. Redevelopment Bond proceeds and the City's Street Fund will supplement the \$75,600 collected for Main Street Signal, the total cost of which is estimated to be approximately \$320,000.

- ii. Additional funding will be identified and collected from future development to supplement the \$93,500 collected for the McCarthy Boulevard Signal, the total cost of which is estimated to be approximately \$320,000.

(D) The additional funding identified in section 2(C), above, is expected to be collected as follows:

- i. Additional funding required for the Main Street Signal is expected to be collected such that construction of the improvement may be completed in Fiscal Year 2009.
- ii. Additional funding required for the McCarthy Boulevard Signal is expected to be collected such that construction of the improvement may begin in Fiscal Year 2010.

PASSED AND ADOPTED this _____ day of _____ 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

City of Milpitas
Traffic Impact Fee Fund
Statements of Revenues, Expenditures and Changes in Fund Balances
Fiscal Year 1997-98 through Fiscal Year 2006-07

	97/98 Actual	98/99 Actual	99/00 Actual	00/01 Actual	01/02 Actual
Revenues:					
Traffic Fees	1,372,603	\$ 1,286,191	\$ 394,485	\$ 1,337,678	\$ 366,026
Interest					
Total Revenues	1,372,603	1,286,191	394,485	1,337,678	366,026
Expenditures:					
Funding of Capital Projects	(517,587)	(905,442)	(1,491,225)	(312,652)	(60,000)
Excess (deficiency) of revenues over (under) expenditures	855,016	380,749	(1,096,740)	1,025,026	306,026
Fund Balance, beginning of year		855,016	1,235,765	139,024	1,164,050
Fund Balance, end of year	855,016	\$ 1,235,765	\$ 139,024	\$ 1,164,050	\$ 1,470,076

**Recap of Capital Project Funding and %
funded by development fees:**

4177- Alder widening	40%	517,587	\$	341,552	\$	594,052	
4178 - Great Mall and Tasman/I-880 capacity	100%						
4179 - Montague Expwy Widening at Great Mall Parkway	21%			303,368		281,633	
4180 - Montague Expwy Widening at Milpitas Blvd	45%			101,123		365,839	
4186 - Abel/Calaveras Right Turn Lane	92%						
4191 - Bellew Drive Widening	84%					172,228	\$ 242,772
4192- Traffic Signal @ Milpitas Blvd./Sunnyhills	40%			100,000			
4193- Dixon Landing Widening Study	61%						
4206- Coyote Creek Trail Reach 1	8%					17,380	\$ 60,000
4212 - Traffic Signal at Barber Lane/Bellew Drive	36%					77,474	
4218 - TSI @ McCarthy Ranch & Sidewalk	100%					52,500	
4231 - Main/Montague Traffic Signal Modification	100%						
Sharing agreement - Montague/McCarthy/O'Toole intersection improvements	N/A					59,400	
Paid to VTA for Calaveras BLvd widening	N/A						
Total Capital Project Funding		517,587	\$	905,442	\$	1,491,225	\$ 312,652
							\$ 60,000

City of Milpitas
Traffic Impact Fee Fund
Statements of Revenues, Expenditures and Changes in Fund Balances
Fiscal Year 1997-98 through Fiscal Year 2006-07

	02/03 Actual	03/04 Actual	04/05 Actual	05/06 Actual	06/07 Actual
Revenues:					
Traffic Fees	\$ 148,137	\$ 73,660	\$ 75,185	\$ 2,038,969	\$ 139,271
Interest					950
Total Revenues	148,137	73,660	75,185	2,038,969	140,221
Expenditures:					
Funding of Capital Projects	(10,000)	(1,256,861)	0	(1,400,000)	0
Excess (deficiency) of revenues over (under) expenditures	138,137	(1,183,201)	75,185	638,969	140,221
Fund Balance, beginning of year	1,470,076	1,608,213	425,012	500,197	1,139,166
Fund Balance, end of year	\$ 1,608,213	\$ 425,012	\$ 500,197	\$ 1,139,166	\$ 1,279,387

**Recap of Capital Project Funding and %
funded by development fees:**

4177- Alder widening	40%				
4178 - Great Mall and Tasman/I-880 capacity	100%			\$ 100,000	
4179 - Montague Expwy Widening at Great Mall Parkway	21%	\$ 399,244		-	
4180 - Montague Expwy Widening at Milpitas Blvd	45%	386,039		-	
4186 - Abel/Calaveras Right Turn Lane	92%	14,000		1,000,000	
4191 - Bellew Drive Widening	84%	72,010		-	
4192- Traffic Signal @Milpitas Blvd./Sunnyhills	40%	(27,134)			
4193- Dixon Landing Widening Study	61%	10,000			
4206- Coyote Creek Trail Reach 1	8%				
4212 - Traffic Signal at Barber Lane/Bellew Drive	36%	26			
4218 - TSI @ McCarthy Ranch & Sidewalk	100%	412,676			
4231 - Main/Montague Traffic Signal Modification	100%			100,000	
Sharing agreement - Montague/McCarthy/OToole intersection improvements	N/A				
Paid to VTA for Calaveras Blvd widening	N/A			200,000	
Total Capital Project Funding		\$ 10,000	\$ 1,256,861	\$ -	\$ 1,400,000

City Of Milpitas
Storm Drain Development Fund
Statements of Revenue, Expenditures, and Changes in Fund Balance
Fiscal Year 2003-04 through Fiscal Year 2006-07

	<u>03/04</u> <u>Actual</u>	<u>04/05</u> <u>Actual</u>	<u>05/06</u> <u>Actual</u>	<u>06/07</u> <u>Actual</u>
Revenues:				
Storm Drain Fees	\$ 38,600	\$ -	\$ 381,616	\$ 726,261
Interest	182	1,205	2,781	17,490
Total Revenues	38,782	1,205	384,397	743,751
Other Financing Uses:				
Funding of Capital Projects	0	0	(400,000)	0
Excess (deficiency) of revenues over (under) other financing sources	38,782	1,205	(15,603)	743,751
Fund Balance, beginning of year	0	38,782	39,987	24,384
Fund Balance, end of year	\$ 38,782	\$ 39,987	\$ 24,384	\$ 768,135
Recap of Capital Project Fund and % funded by development fees:				
8153 - N Main St. Utility Improvements	7%	\$ -	\$ -	\$ 400,000
Total Capital Project Funding		\$ -	\$ -	\$ 400,000