

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS MAKING FINDINGS FOR UNEXPENDED DEVELOPMENT FEES IN ACCORDANCE WITH GOVERNMENT CODE SECTION 66001, AND REVIEWING AND ACCEPTING ANNUAL DEVELOPMENT FEE DISCLOSURE INFORMATION

WHEREAS, the Mitigation Fee Act, Government Code Section 66000 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, and therefore the City wishes to make the findings required by Government Code Section 66001(d); and

WHEREAS, the City also wishes to memorialize that it has made public certain information, pursuant to the annual information disclosure requirements of Government Code Section 66006(b), including but not limited to the amount of the fee, the beginning and ending balance of the fee account or fund, and the interest earned thereon.

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 \$105,271 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 to widen the intersection at N. Milpitas Boulevard and Dixon Landing Road.
 - (B) There exists a reasonable relationship between the Fee and purpose for which it was charged, because in each case, the widening of the intersection at North Milpitas Boulevard and Dixon Landing Road will mitigate the traffic caused by the developments and provide additional access.
 - (C) Additional sources of funding for the project will include regional transportation grants and the City's Street Fund to supplement the \$105,271 collected, the total cost of the project is estimated to be approximately \$400,000.

- (D) The additional funding identified in section 2(C), above, is expected to be collected such that construction of the improvement may be completed in Fiscal Year 2013.

BE IT FURTHER RESOLVED, in accordance with Government Code Section 66006(b), that the City Council has reviewed and accepted the annual disclosure information made available to the public regarding City mitigation fees, which was attached to this resolution and/or the supporting staff report and also placed on file with the City Clerk.

PASSED AND ADOPTED this _____ day of _____ 2008, 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
Storm Drain Development Fund
Statements of Revenue, Expenditures, and Changes in Fund Balances
Fiscal Year 2003-04 through Fiscal Year 2007-08

	03/04 Actual	04/05 Actual	05/06 Actual	06/07 Actual	07/08 Actual
Revenues:					
Storm Drain Fees	\$ 38,600	\$ -	\$ 381,616	\$ 726,261	\$ 159,868
Interest	182	1,205	2,781	17,490	39,781
Total Revenues	38,782	1,205	384,397	743,751	199,649
Other Financing Uses:					
Funding of Capital Projects	0	0	(400,000)	0	0
Excess (deficiency) of revenues over (under) other financing sources	38,782	1,205	(15,603)	743,751	199,649
Fund Balance, beginning of year	0	38,782	39,987	24,384	768,135
Fund Balance, end of year	\$ 38,782	\$ 39,987	\$ 24,384	\$ 768,135	\$ 967,783
Recap of Capital Project Description and % funded by development fees					
8153 - N Main St. Utility Improvements	7% \$ -	\$ -	\$ 400,000	\$ -	-
				0	
Total Capital Project Funding	\$ -	\$ -	\$ 400,000	\$ -	\$ -

City Of Milpitas
Traffic Impact Fee Fund
Statements of Revenue, Expenditures, and Changes in Fund Balances
Fiscal Year 1998-99 through Fiscal Year 2007-08

	98/99	99/00	00/01	01/02	02/03	03/04	04/05	05/06	06/07	07/08
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual
Revenues:										
Traffic Fees	\$ 1,286,191	\$ 394,485	\$ 1,337,678	\$ 366,026	\$ 148,137	\$ 73,660	\$ 75,185	\$ 2,038,969	\$ 139,271	\$ 98,051
Interest					0	0	0	0	950	22,244
Total Revenues	1,286,191	394,485	1,337,678	366,026	148,137	73,660	75,185	2,038,969	140,221	120,295
Expenditures:										
Funding of Capital Projects	(905,442)	(1,491,225)	(312,652)	(60,000)	(10,000)	(1,256,861)	0	(1,400,000)	0	(150,000)
Excess (deficiency) of revenues over (under) expenditures	380,749	(1,096,740)	1,025,026	306,026	138,137	(1,183,201)	75,185	638,969	140,221	(28,705)
Fund Balance, beginning of year	855,016	1,235,765	139,024	1,164,050	1,470,076	1,608,213	425,012	500,197	1,139,166	1,279,387
Fund Balance, end of year	\$ 1,235,765	\$ 139,024	\$ 1,164,050	\$ 1,470,076	\$ 1,608,213	\$ 425,012	\$ 500,197	\$ 1,139,166	\$ 1,279,387	\$ 1,249,682

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

4177 - Alder widening	40%	\$ 341,552	\$ 594,052							
4178 - Great Mall and Tasman/880 capacity	100%							\$ 100,000.00		
4179 - Montague Expy Widening at Great Mall Parkway	21%	303,368	281,633		\$ 399,244					
4180 - Montague Expy Widening at Milpitas Blvd	45%	101,123	365,839		386,039			1,000,000		
4186 - Abel/Calaveras Right Turn Lane	32%				14,000					
4191 - Bellvue Drive Widening	84%				72,010					
4192 - Traffic Signal @ Milpitas Blvd/Sunnyhills	40%	100,000	172,228	242,772						
4193 - Dixon Landing Widening Study	61%				(27,134)					
4206 - Coyote Creek Trail Reach 1	8%			\$ 60,000	10,000					
4212 - Traffic Signal at Barber Lane/Bellew Drive	36%		77,474		26					
4218 - TSI @ McCarthy Ranch & Sidewalk	100%				412,676					
4231 - Main/Montague Traffic Signal Modification	100%							100,000		150,000
8185-Midtown EIR Amendment	100%									
Santa Clara County Fee	N/A	59,400								
Paid to VTA for Calaveras Blvd widening	N/A							200,000		
Total Transfers-out		\$ 905,442	\$ 1,491,225	\$ 312,652	\$ 60,000	\$ 10,000	\$ 1,256,861	\$ 1,400,000	\$ 150,000	\$ 150,000