

**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**, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council finds that the Traffic Impact Fee Fund currently contains \$1,805 in unexpended traffic fee that was collected over five years ago from a developer (“Unexpended Fee”).
3. In accordance with Government Code section 66001(d)(1), the City Council finds as follows:
  - (A) The Unexpended Fee will be used to provide a fourth through lane in each direction on Montague Expressway at Great Mall Parkway.
  - (B) There exists a reasonable relationship between the Fee and the purpose for which it was charged because the widening of Montague Expressway at Great Mall Parkway will mitigate the traffic caused by the development and provide additional access.
  - (C) Additional sources of funding for the project will include cost sharing with the County, the City’s Street Fund and Redevelopment Agency Fund to supplement the \$1,805 collected, and the total cost of the project is estimated to be \$4,000,000.
  - (D) The additional funding identified in section 3(C), above, is expected to be collected such that construction of the improvement may be completed in Fiscal Year 2013.
4. In accordance with Government Code Section 66006(b), 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 \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Robert Livengood, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney

City Of Milpitas  
Traffic Impact Fee Fund  
Statements of Revenue, Expenditures, and Changes in Fund Balances  
Fiscal Year 1999-2000 through Fiscal Year 2008-09

	99/00 Actual	00/01 Actual	01/02 Actual	02/03 Actual	03/04 Actual	04/05 Actual	05/06 Actual	06/07 Actual	07/08 Actual	08/09 Actual
Revenues:										
Traffic Fees	\$ 394,485	\$ 1,337,678	\$ 366,026	\$ 148,137	\$ 73,660	\$ 75,185	\$ 2,038,969	\$ 139,271	\$ 98,051	\$ 3,080
Interest								950	22,244	47,543
<b>Total Revenues</b>	<b>394,485</b>	<b>1,337,678</b>	<b>366,026</b>	<b>148,137</b>	<b>73,660</b>	<b>75,185</b>	<b>2,038,969</b>	<b>140,221</b>	<b>120,295</b>	<b>50,622</b>
Expenditures:										
Funding of Capital Projects	(1,491,225)	(312,652)	(60,000)	(10,000)	(1,256,861)	0	(1,400,000)	0	(75,000)	0
Excess (deficiency) of revenues over (under) expenditures	(1,096,740)	1,025,026	306,026	138,137	(1,183,201)	75,185	638,969	140,221	45,295	50,622
Fund Balance, beginning 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	1,324,682
<b>Fund Balance, end of year</b>	<b>\$ 139,024</b>	<b>\$ 1,164,050</b>	<b>\$ 1,470,076</b>	<b>\$ 1,608,213</b>	<b>\$ 425,012</b>	<b>\$ 500,197</b>	<b>\$ 1,139,166</b>	<b>\$ 1,279,387</b>	<b>\$ 1,324,682</b>	<b>\$ 1,375,304</b>

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

4177 - Alder widening	40%	\$ 594,052								
4178 - Great Mall and Tasman-880 capacity	100%						\$ 100,000.00			
4179 - Montague Expy Widening at Great Mall Parkway	21%	281,633	\$ 399,244							
4180 - Montague Expy Widening at Milpitas Blvd	45%	365,839	386,039							
4186 - Abel/Calaveras Right Turn Lane	92%		14,000				1,000,000			
4191 - Bellow Drive Widening	84%	172,228	242,772							
4193 - Dixon Landing Widening Study	61%		60,000	10,000						
4206 - Coyote Creek Trail Reach 1	8%	17,380								
4212 - Traffic Signal at Barber Lane/Ballew Drive	36%	52,500								
4218 - TSI @ McCarthy Ranch & Sideralk	100%	77,474								
4231 - Main/Montague Traffic Signal Modification	100%		412,676						75,000	
8185-Midtown EIR Amendment	100%									
Paid to VTA for Calaveras Blvd widening	N/A						200,000			

**Total Transfers-out**

	\$ 1,491,225	\$ 312,652	\$ 60,000	\$ 10,000	\$ 1,256,861	\$ -	\$ 1,400,000	\$ -	\$ 75,000	\$ -
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**City Of Milpitas**  
**Storm Drain Development Fund**  
**Statement of Revenue, Expenditures, and Changes in Fund Balances**  
**Fiscal Year 2003-04 through Fiscal Year 2008-09**

	03/04 Actual	04/05 Actual	05/06 Actual	06/07 Actual	07/08 Actual	08/09 Actual
Revenues:						
Storm Drain Fees	\$ 38,600	\$ -	\$ 381,616	\$ 726,261	\$ 159,868	\$ 156,407
Interest	182	1,205	2,781	17,490	41,393	30,905
<b>Total Revenues</b>	<b>38,782</b>	<b>1,205</b>	<b>384,397</b>	<b>743,751</b>	<b>201,261</b>	<b>187,312</b>
Other Financing Uses:						
Funding of Capital Projects	0	0	(400,000)	0	0	(1,000,000)
Excess ( deficiency ) of revenues over (under) other financing sources	38,782	1,205	(15,603)	743,751	201,261	(812,688)
Fund Balance, beginning of year	0	38,782	39,987	24,384	768,135	969,395
<b>Fund Balance, end of year</b>	<b>\$ 38,782</b>	<b>\$ 39,987</b>	<b>\$ 24,384</b>	<b>\$ 768,135</b>	<b>\$ 969,395</b>	<b>\$ 156,707</b>

**Recap of Capital Project Description and  
% funded by development fees**

8153 - N Main St. Utility Improvements	7%	\$ -	\$ -	\$ 400,000	\$ -	\$ -	
8106 - Storm Water Pump Station	31%						\$ 150,000
8188 - Storm Pump Station Improvement	67%						100,000
3700 - Storm Drain System Deficiency	100%						300,000
3701 - Storm Drain Master Plan Update	100%						350,000
3702 - Minor Storm Drain Projects 2009	100%						100,000
<b>Total Capital Project Funding</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ 400,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,000,000</b>