

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 \$75,185 in unexpended traffic fees that were 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 from Interstate 680 to Centre Point.
 - (B) There exists a reasonable relationship between the Fee and the purpose for which it was charged because the widening of Montague Expressway 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 Santa Clara County, the Valley Transportation Authority, the City’s Street Fund and Redevelopment Agency Fund to supplement the City’s share of approximately \$5.9 Million with the \$75,185 collected from Western Pacific Housing Development Project (the City has collected approximately \$2 Million of these traffic impact fees) of the total project cost of approximately \$15 Million.
 - (D) The additional funding identified in section 3(C), above, is expected to be collected such that the design will be completed by 2013, and construction of the improvement may be constructed by Fiscal Year 2016.

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 presented to the City Council 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 2000-01 through Fiscal Year 2009-10

	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
Revenues:										
Traffic Fees	\$1,337,678	\$366,026	\$148,137	\$73,660	\$75,185	\$2,038,969	\$139,271	\$98,051	\$3,080	\$3,158,205
Interest	0	0	0	0	0	0	950	22,244	47,543	50,151
Total Revenues	1,337,678	366,026	148,137	73,660	75,185	2,038,969	140,221	120,295	50,622	3,208,355
Expenditures:										
Funding of Capital Projects	(312,652)	(60,000)	(10,000)	(1,256,861)	0	(1,400,000)	0	(75,000)	0	0
Excess (deficiency) of revenues over (under) expenditures	1,025,026	306,026	138,137	(1,183,201)	75,185	638,969	140,221	45,295	50,622	3,208,355
Fund Balance, beginning of year	139,024	1,164,050	1,470,076	1,608,213	425,012	500,197	1,139,166	1,279,387	1,324,682	1,375,304
Fund Balance, end of year	<u>\$1,164,050</u>	<u>\$1,470,076</u>	<u>\$1,608,213</u>	<u>\$425,012</u>	<u>\$500,197</u>	<u>\$1,139,166</u>	<u>\$1,279,387</u>	<u>\$1,324,682</u>	<u>\$1,375,304</u>	<u>\$4,583,660</u>
Recap of Capital Project Funding and % funded by development fees:										
4177 - Alder widening										40%
4178 - Great Mall and Tasman/I-880 capacity						\$100,000				100%
4179 - Montague Expwy Widening at Great Mall Parkwe				\$399,244						21%
4180 - Montague Expwy Widening at Milpitas Blvd				386,039						45%
4186 - Abel/Calaveras Right Turn Lane				14,000		1,000,000				92%
4191 - Bellew Drive Widening	\$242,772			72,010						84%
4192 - Traffic Signal @Milpitas Blvd./Sunnyhills										40%
4193 - Dixon Landing Widening Study		\$60,000	\$10,000	(27,134)						61%
4206 - Coyote Creek Trail Reach 1	17,380									8%
4212 - Traffic Signal at Barber Lane/Bellew Drive	52,500			26						36%
4218 - TSI @ McCarthy Ranch & Sidewalk				412,676						100%
4231 - Main/Montague Traffic Signal Modification						100,000				100%
8185 - Midtown EIR Amendment								\$75,000		100%
Santa Clara County Fee										N/A
Paid to VTA for Calaveras BLvd widening						200,000				N/A
Total Capital Project Funding	\$312,652	\$60,000	\$10,000	\$1,256,861	\$0	\$1,400,000	\$0	\$75,000	\$0	\$0

City Of Milpitas
Storm Drain Development Fund
Statement of Revenue, Expenditures, and Changes in Fund Balances
Fiscal Year 2003-04 through Fiscal Year 2009-10

	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
Revenues:							
Storm Drain Fees	\$38,600	\$0	\$381,616	\$726,261	\$159,868	\$156,407	\$256,189
Interest	182	1,205	2,781	17,490	41,393	30,905	21,998
Total Revenues	38,782	1,205	384,397	743,751	201,261	187,312	278,187
Expenditures							
Funding of Capital Projects	0	0	(400,000)	0	0	(1,000,000)	(133,368)
Excess (deficiency) of revenues over (under) expenditures	38,782	1,205	(15,603)	743,751	201,261	(812,688)	144,819
Fund Balance, beginning of year	0	38,782	39,987	24,384	768,135	969,395	156,707
Fund Balance, end of year	<u>\$38,782</u>	<u>\$39,987</u>	<u>\$24,384</u>	<u>\$768,135</u>	<u>\$969,395</u>	<u>\$156,707</u>	<u>\$301,526</u>

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

8153 - N Main St. Utility Improvements	7%		\$400,000				
8106 - Storm Water Pump Station	31%					\$150,000	(\$150,000)
8188 - Storm Pump Station Improvement	67%					100,000	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	75,000
3703 - Emergency Pump Station	100%						100,000
General Fund							8,368
Total Capital Project Funding			<u>\$400,000</u>	<u>\$0</u>	<u>\$0</u>	<u>\$1,000,000</u>	<u>\$133,368</u>