

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS REVIEWING AND ACCEPTING ANNUAL DEVELOPMENT FEE DISCLOSURE INFORMATION IN ACCORDANCE WITH GOVERNMENT CODE SECTION 66006

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, all fees currently deposited in the City’s Traffic Impact Fee Fund and Storm Drain Development Fund were collected in the last four years, and therefore the City does not need to make the findings required by Government Code Section 66001(d); and

WHEREAS, the City also wishes to review and approve reports required by the Mitigation Fee Act under 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 all fees currently deposited in the City’s Traffic Impact Fee Fund and Storm Drain Development fund were collected in the last five years, and therefore the City does not need to make the findings required by Government Code Section 66001(d).
3. 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 in the staff report attached to this Resolution as Exhibits 1-2, and also placed on file with the City Clerk.

PASSED AND ADOPTED this _____ day of _____, 2012, 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

Annual Report of Development Fees and Expenditures for the
Fiscal Year ended June 30, 2012

Exhibit 1 - Traffic Impact Fee

In order to implement the goals and objectives of the city of Milpitas' General Plan and to mitigate the impacts caused by new development in the City of Milpitas, certain public facilities must be or had to be constructed. The City Council has determined that development impact fees are needed in order to finance these public improvements and to pay for the development's fair share of the construction costs of these improvements. In establishing the development impact fee described below, the City Council finds the fee to be consistent with its General Plan and, pursuant to Government Code Section 65913.2 (Municipal Code, VIII-4-1.01). The amount of the fee as of June 30, 2012 was as follows:

Area Covered	Type of Dwelling	Amount
Mid-Town		\$113 per PM peak trip
S. Main Street		\$280 per average daily trip
Transit Area Specific Plan (TASP)	Residential	\$24,280 per unit
	Retail	\$17.04 per square foot
	Office	\$25.51 per square foot
	Hotel	\$9,180 per hotel room
Citywide except TASP to widen Montague Expressway		\$903 per PM peak trip
Citywide except TASP to widen Calaveras Boulevard	Residential 5 or more units	\$235 per dwelling unit
	Retail development of 1,000 or more square feet	\$708 per thousand square feet
	Office Development of 1,000 or more square feet	\$604 per thousand square feet
	Other Uses	A focused nexus study will be required

Traffic Impact Fee Fund
Statement of Revenues, Expenditures, and Changes in Fund Balances for
Fiscal Year 2011-2012

Revenues:

Traffic Fees	\$ 268,354
Interest	<u>36,685</u>
 Total Revenues	 <u>305,039</u>

Expenditures:

CIP 4253-Dixon Landing Road Plan	115,191
CIP 4258-Calaveras Blvd. Widening	877
CIP 4260-Abel St Transit Connection	142,200
CIP 4261-Street Resurfacing 2012	42,000
CIP 4264-S Abel Street Resurfacing	<u>111,744</u>
 Total Expenditures	 <u>412,012</u>

Excess (deficiency) of revenues over (under) expenditures	(106,973)
 Fund Balance, beginning of year	 <u>3,407,623</u>
 Fund Balance, end of year	 <u>\$3,300,650</u>

CIP Number	Project Description	% of the project funded with development fees
4253	The project provides for the preparation of a Plan Line Study to evaluate the widening of Dixon Landing Road from N. Milpitas Boulevard to I-880 from 2 lanes to 3 lanes in each direction.	47%
4258	This project will replace the existing roadway bridges between Milpitas Boulevard and Abel Street. These bridge structures were constructed over 40 years ago are reaching their design life.	100%
4260	This project provides for the installation of streetscape improvements identified in the South Main Street Plan Line Study.	12%
4261	This project provides for a variety of pavement resurfacing treatments, from slurry seal to major rehabilitation and reconstruction.	2%
4264	This project provides for an asphalt concrete overlay of S. Abel Street from Great Mall Parkway to Capitol Avenue.	100%

Exhibit 2 – Storm Drain Fee

The purpose of the storm drain fee is to fund facilities necessary to provide storm drain services, and revenues derived from the fee imposed by the City shall be used solely for that purpose. Prior to connection or discharge to any storm drain facility from a new development project, developers shall pay City a fee for connection/discharge to the City’s storm drain system (Municipal Code XI-16). The developers may also be assessed with mitigation fee due to the impact to the storm drain system. The amount of the fee as of June 30, 2012 was as follows:

Type of Dwelling	Parcel Size	Per Parcel Fee
Connection Fees		
Single family medium density	Equal or smaller than 8,710 square feet	\$1,100
Single family low density	Between 8,711 and 43,560 square feet	\$1,916
Single family	Between 1 acre and 4 acres	\$3,594
Single family	Between 4 acres and 9 acres	\$4,792
Single family	Greater than 9 acres	\$6,469
Multiple family		\$16,771 per acre
Commercial, industrial, institutional, or mixed use sites		\$21,562 per acre
Schools with athletic fields		\$7,187 per acre
Parks		\$4,792 per park
Offsite Storm Mitigation Fee		Various depends on the agreed-upon impact assessment

Storm Drain Development Fund
Statement of Revenues, Expenditures, and Changes in Fund Balances for
Fiscal Year 2011-2012

Revenues:

Connection Fees	\$ 117,391
Interest	<u>10,303</u>
 Total Revenues	 <u>127,694</u>

Expenditures:

CIP 3704-Fuel Tank Improvement	113,000
CIP 3706-Minor Storm Drain 2012	<u>216,729</u>
 Total Expenditures	 <u>329,729</u>

Excess (deficiency) of revenues over (under) expenditures	(202,035)
 Fund Balance, beginning of year	 <u>375,025</u>
 Fund Balance, end of year	 <u>\$ 172,990</u>

CIP Number	Project Description	% of the project funded with development fees
3704	This project involves the removal of underground fuel tanks and installation of above ground double walled tanks at Wrigley Ford, Bellew, Penitencia, Berryessa, and Jurgens Storm Pump Stations. These are State mandated improvements intended to protect ground water from potential contamination.	53%
3706	This project involves the ongoing analysis and implementation of various minor modifications and improvements to the existing storm drain system. The scope also includes storm drain studies.	100%