

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS REVIEWING AND ACCEPTING ANNUAL DEVELOPMENT IMPACT FEE DISCLOSURE INFORMATION IN ACCORDANCE WITH CALIFORNIA 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 five 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 _____, 2013, 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, 2013

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 Milpitas Municipal Code Chapter, VIII-4. The amount of the fees as of June 30, 2013 were as follows:

Area Covered	Type of Dwelling	Amount
Mid-Town		\$128 per PM peak trip
S. Main Street		\$317 per average daily trip
Transit Area Specific Plan (TASP)	Residential	\$29,012 per unit
	Retail	\$20.70 per square foot
	Office	\$30.00 per square foot
	Hotel	\$10,754 per hotel room
Citywide except TASP to widen Montague Expressway		\$1,024 per PM peak trip
Citywide except TASP to widen Calaveras Boulevard	Residential 5 or more units	\$266 per dwelling unit
	Retail Development of 1,000 or more square fee	\$803 per thousand square feet
	Office Development of 1,000 or more square feet	\$685 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 2012-2013

Revenues:

Traffic Fees	\$ 500,183
Interest	<u>26,568</u>
Total Revenues	<u>526,751</u>

Expenditures:

Total Expenditures	<u>0</u>
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Excess (deficiency) of revenues over (under) expenditures	526,751
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Fund Balance, beginning of year	<u>3,300,650</u>
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Fund Balance, end of year	<u>\$3,827,401</u>
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Exhibit 2 – Storm Drain Connection 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 (Milpitas Municipal Code Chapter XI-16). The amount of the fee as of June 30, 2013 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 acre 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 2012-2013

Revenues:

Connection Fees	\$ 630,941
Interest	<u>9,747</u>
 Total Revenues	 <u>640,688</u>

Expenditures:

CIP 3700-Storm Drain System Deficiency	<u>400,000</u>
 Total Expenditures	 <u>400,000</u>

Excess (deficiency) of revenues over (under) expenditures	240,688
 Fund Balance, beginning of year	 <u>272,989</u>
 Fund Balance, end of year	 <u>\$ 513,677</u>

CIP Number	Project Description	% of the project funded with development fees
3700	This project involves the design and construction of storm drain pipeline at various locations, primarily due to insufficient capacity and aging infrastructure. The areas include but are not limited to: Wrigley and Vista Way, Rocky Mountain Avenue, Watson Court, South Park Victoria Drive, Jacklin Road, Traugher Street, Park Hill Drive, Prada Drive, Abbott Avenue, Coyote Street, UPRR near Jurgens, and Sycamore Drive. In some locations, the existing storm drain pipe will be removed and replaced with larger pipe. In other locations, a second parallel pipe will be installed depending conditions of the existing pipe and space constraints with other utilities. Work scope also includes pump station rehabilitation work to electrical and mechanical systems.	100%