

RESOLUTION NO. 73825

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE STATING ITS INTENTION TO FORM A PROPERTY AND BUSINESS IMPROVEMENT DISTRICT IN DOWNTOWN; PRELIMINARILY APPROVING THE DOWNTOWN PBID MANAGEMENT PLAN/ENGINEER'S REPORT; SETTING A PUBLIC MEETING TO BE HELD ON JUNE 19, 2007, AT 7:00 P.M. AND A PUBLIC HEARING ON AUGUST 7, 2007 AT 1:30 P.M.; AND CALLING AN ELECTION FOR TABULATION OF THE BALLOTS FOR AUGUST 7, 2007 AT 1:30 P.M.

WHEREAS, on February 14, 2006, the City Council approved the "Downtown Cleaning Actions and Strategies Plan" that directed staff to pursue short-term, mid-term and long-term strategies designed to keep Downtown cleaner and safer and make it more attractive to businesses, residents and visitors, and one of the primary long-term strategies was the formation of a Property and Business Improvement District ("PBID") in Downtown; and

WHEREAS, a Management District Plan/Engineer's Report ("Report") for the creation of the PBID was prepared, and a revised final draft, dated June 8, 2007, is attached to the Supplemental Memorandum from Les White and Harry S. Mavrogenes to the Mayor and City Council, dated June 8, 2007; and

WHEREAS, all property owners within the proposed boundary of the PBID were mailed a petition and a summary of a previous draft Management Plan/Engineer's Report, dated May 29, 2007; and

WHEREAS, the Report has since been revised to better align the benefits of the PBID services received by the properties with the assessments paid; and

WHEREAS, the proposed boundaries of the PBID will encompass the core of the Downtown area bounded by 4th Street, including the City Hall complex, to the East, St. James and Devine Streets to the North, Highway 87 and the Arena complex to the West, and Reed Street to the South; and

WHEREAS, the purpose of forming the PBID is to provide revenues for services beyond what the City traditionally provides, specifically enhanced clean and safe services and image enhancement; and

WHEREAS, the proposed assessments will be levied on property in the PBID, as set forth below, with premium and basic zones of benefit; and

Benefit Zone	Per Square Foot of Lot per Year	Per Square Foot of Building per Year
Basic Zone: Commercial and Enterprise Government	\$ 0.0436	\$ 0.0436
Premium Zone: Commercial and Enterprise Government	\$ 0.0753	\$ 0.0753
Basic Zone: Residential, Traditional Government and other Non-commercial	\$ 0.0317	\$ 0.0317
Premium Zone: Residential, Traditional Government and other Non-commercial	\$ 0.0635	\$ 0.0635

WHEREAS, the premium zone, encompassing the core of Downtown bounded roughly by St. John to the North, Almaden to the West, Reed Street to the South, and 4th Street to the East, would receive twice the frequency of service of the basic service zone; and

WHEREAS, the basic service zone includes the remainder of the Downtown area; and

WHEREAS, residential, non-commercial, and traditional government properties do not receive the image enhancement benefit so will not be assessed for it; and

WHEREAS, no bonds or other bonded debt will be issued to finance activities or improvements envisioned in the Management Plan; and

WHEREAS, the Council of the City of San Jose desires to form the PBID pursuant to the Property and Business Improvement District Law of 1994, Section 36600 *et.seq.* of the California Streets and Highways Code and Proposition 218;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The Council hereby declares its intention to form a property and business improvement area to be known as the Downtown Property & Business Improvement Area ("PBID"), pursuant to the Property and Business Improvement District Law of 1994 and Proposition 218, and preliminarily approves the Management Plan/Engineer's Report, dated June 8, 2007.
2. Notice is hereby given that June 19, 2007 at the hour of 7:00 p.m. or as soon thereafter as the matter may be heard, in the City Council Chambers of the City of San Jose, 200 East Santa Clara Street, San Jose, California, is fixed as the time and place for a public meeting on the establishment of the PBID.
3. Notice is hereby given that August 7, 2007 at the hour of 1:30 p.m. or as soon thereafter as the matter may be heard, in the City Council Chambers of the City of San Jose, 200 East Santa Clara Street, San Jose, California, is fixed as the time and place for a public hearing and tabulation of ballots for the establishment of the PBID.
4. At the public hearing, the testimony of any and all interested persons for or against the establishment of the PBID shall be heard and considered by the City Council. The City Council shall not establish the PBID if protests were received from

property owners in the PBID which would pay more than fifty percent (50%) of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protest to fifty percent (50%) or less.

5. The City Clerk is hereby directed to provide notice of the above-mentioned public meeting and public hearing by publication.

ADOPTED this 12th day of June, 2007, by the following vote:

AYES:	CAMPOS, CHIRCO, CONSTANT, CORTESE, NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED
NOES:	NONE
ABSENT:	LICCARDO
DISQUALIFIED:	NONE
VACANT:	DISTRICT 4

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk