

RESOLUTION NO. 73937

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT MANAGEMENT PLAN/ENGINEER'S REPORT; AND APPROVING AND IMPOSING THE RESPECTIVE ASSESSMENTS

WHEREAS, under and pursuant to the provisions of the Property and Business Improvement District Law of 1994, Section 36600 et seq. of the California Streets and Highways Code ("PBID Law"), this Council on June 12, 2007 adopted Resolution No. 73825, titled "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."; and

WHEREAS, Resolution No. 73825 was duly published; and

WHEREAS, the boundaries of the Downtown Property and Business Improvement District ("Downtown 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, no bonds or other bonded debt will be issued to finance activities or improvements envisioned in the Downtown PBID Management Plan; and

WHEREAS, the Downtown PBID will provide revenues for services beyond what the City traditionally provides, specifically enhanced clean and safe services and image enhancement; and

WHEREAS, the assessments will be levied on property in the Downtown 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, will 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, on June 15, 2007, mailing of the ballots and supplemental information about the Downtown PBID was completed, meeting the legal requirement of forty-five days prior to the public hearing; and

WHEREAS, as specified in Resolution No. 73825, a public meeting concerning the formation of the Downtown PBID was held before this Council on June 19, 2007 at the hour of 1:30 p.m. in the Council Chambers in City Hall located at 200 East Santa Clara Street in the City of San Jose, and no public comments were submitted nor public testimony offered; and

WHEREAS, as specified in Resolution No. 73825, a public hearing concerning the formation of the Downtown PBID was held before this Council on August 7, 2007 at the hour of 1:30 p.m. in the Council Chambers in City Hall located at 200 East Santa Clara Street in the City of San Jose, and public testimony was heard but no public comments were submitted; and

WHEREAS, as specified in Resolution No. 73825, an election for tabulation of the Downtown PBID ballots was held on August 7, 2007; and

WHEREAS, ballots received from affected property owners were over fifty percent (50%) in support of the proposed assessment, and this Council determined that there was no majority protest within the meaning of Section 36625 of the PBID Law.

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

1. The purpose for forming the Downtown PBID is to provide revenues for services beyond what the City traditionally provides, specifically enhanced clean and safe services and image enhancement. The improvements and activities to be provided in the Downtown PBID will be funded by the levy of assessments. The revenue from the levy of assessments shall not be used to provide improvements or activities outside the Downtown PBID or for any purpose other than the purposes specified in Council Resolution No. 73825.

2. The Council finds that there is no majority protest against the establishment of the Downtown PBID within the meaning of Section 36625 of PBID Law and that the property within the Downtown PBID will be benefited by the improvements and activities funded by the assessments levied.
3. The Downtown PBID Management Plan / Engineer's Report is approved.
4. The imposition of assessments for the Downtown Business Improvement District is approved.
5. All of the property owners in the Downtown PBID established by this Resolution shall be subject to any amendments to the provisions of the PBID Law.

ADOPTED this 7th day of August, 2007, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE,
LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS;
REED

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk