

RESOLUTION NO. 74974

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ APPROVING THE DOWNTOWN SAN JOSÉ PROPERTY-BASED BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT FOR FISCAL YEAR 2009-2010 AS FILED OR MODIFIED BY THE CITY COUNCIL; CONFIRMING THE INDIVIDUAL ASSESSMENTS AS PROPOSED OR MODIFIED BY THE CITY COUNCIL, INCLUDING THE ASSESSMENT ON CITY OWNED PROPERTY OF APPROXIMATELY \$313,000 AND THE ASSESSMENT ON REDEVELOPMENT AGENCY PROPERTY OF APPROXIMATELY \$68,000; DIRECTING THAT THE CITY BASELINE SERVICES CONTRIBUTION IN THE AMOUNT OF \$356,726 AND ASSESSMENT PAYMENT BE MADE; AND DIRECTING THE DIRECTOR OF FINANCE TO DELIVER THE ASSESSMENT ROLL TO THE COUNTY OF SANTA CLARA FOR COLLECTION WITH THE PROPERTY TAXES

WHEREAS, the Downtown San José Property-Based Business Improvement District (“Downtown PBID”) was approved by property owners and adopted by City Council of the City of San José (“City Council”) on August 7, 2007 to raise funds for enhanced cleaning, ambassador and image enhancement services for the Downtown area; and

WHEREAS, pursuant to the California Streets and Highways Code “Property and Business Improvement District Law of 1994”, and the agreement between the City of San José (“City”) and the San José Downtown Property Owners’ Association, the *San José Downtown Property-Based Improvement District Report* (“Assessment District Report”) dated May 1, 2009 was submitted to the City Council; and

WHEREAS, the Assessment District Report recommends an increase in the assessments of five percent (5%) for Fiscal Year 2009-2010 to keep pace with increases in the consumer price index, to provide for enhanced program costs and

service levels, and to ensure that beautification projects have the desired impact in the Downtown PBID; and

WHEREAS, as a property owner within the Downtown PBID, the City's assessment will be approximately \$313,000 and the Redevelopment Agency's assessment will be approximately \$68,000, which funds are included in the proposed Fiscal Year 2009-2010 Budget; and

WHEREAS, the City's baseline cleaning contribution for services provided prior to the formation of the Downtown PBID will be adjusted by the applicable CPI in February 2009 with an estimated baseline funding contribution of approximately \$356,726 in Fiscal Year 2009-2010;

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

1. The Downtown San José Property-Based Business Improvement District Annual Report for Fiscal Year 2009-2010 as filed or modified by the City Council is approved.
2. The individual assessments as proposed or modified by the City Council, including the assessment on City-owned property of approximately \$313,000 and the assessment on Redevelopment Agency property of approximately \$68,000 is confirmed.
3. The City baseline services contribution in the amount of \$356,726 and assessment payment shall be made.
4. The Director of Finance is authorized to deliver the assessment roll to the County of Santa Clara for collection with the property taxes.

ADOPTED this 16th day of June, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NGUYEN.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk