

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE (1) APPROVING THE WILLOW GLEN COMMUNITY BENEFIT IMPROVEMENT DISTRICT MANAGEMENT PLAN AND ENGINEER'S REPORT; (2) IMPOSING THE RESPECTIVE ASSESSMENTS; AND (3) DIRECTING THE DIRECTOR OF PUBLIC WORKS TO DELIVER THE ASSESSMENT ROLL TO THE COUNTY FOR COLLECTION WITH THE PROPERTY TAXES

WHEREAS, under and pursuant to the provisions of Chapter 14.31 of the San José Municipal Code, which incorporates and modifies the Property and Business Improvement District Law of 1994, Section 36600 et. seq. of the California Streets and Highways Code and provisions of Article XIID of the State Constitution (collectively, "CBID Law"), the City Council of the City of San José ("City Council"), on April 9, 2024, adopted Resolution No. RES2024-94, stating the City's intention to expand and renew the Willow Glen Community Benefit Improvement District ("CBID") in the Willow Glen area of San José for an additional 15-year term; approving the Willow Glen CBID Management Plan and Engineer's Report; and setting a public hearing for establishment of the CBID for June 4, 2024 at 1:30 P.M.; and

WHEREAS, Resolution No. RES2024-94 was duly published; and

WHEREAS, the current CBID district boundary encompasses parcels along Lincoln Avenue roughly from Minnesota Avenue to Lester Avenue, with expansion to occur along Lincoln Avenue from Lester Avenue to Coe Avenue; and

WHEREAS, no bonds or other bonded debt will be issued to finance activities or improvements envisioned in the Willow Glen CBID Management Plan or Engineer's Report; and

WHEREAS, the expanded and renewed Willow Glen CBID will continue to provide revenues for services beyond what the City traditionally provides, specifically enhanced maintenance and cleaning of sidewalk areas, information and safety services, beautification activities, and business retention and growth programs; and

WHEREAS, the assessments will be levied on property in the Willow Glen CBID, as set forth below; and

LAND USE	LOT SQ. FT.	BLD SQ. FT.	LINEAR SQ. FT.
Commercial/Multi-Family	\$0.09469	\$0.26762	\$14.88888
Residential/Nonprofit	\$0.07102	\$0.20071	\$11.16666

WHEREAS, non-commercial and traditional government properties do not receive the benefit of the Economic Activities services so will not be assessed for it; and

WHEREAS, on or before April 19, 2024, mailing of the ballots about the Willow Glen CBID was completed, meeting the legal requirement of forty-five (45) days prior to the public hearing; and

WHEREAS, as specified in Resolution No. RES2024-94, a public hearing concerning the expansion and renewal of the Willow Glen CBID was held before the City Council on June 4, 2024, 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 José, 200 East Santa Clara Street, San José, California, and public testimony was heard; and

WHEREAS, as specified in Resolution No. RES2024-94, an election for tabulation of the Willow Glen CBID ballots was held on June 4, 2024; and

WHEREAS, the ballots received from affected property owners were over fifty percent (50%) in support of the proposed assessment, and the City Council determined that there was no major protest within the meaning of Section 36625 of the Property and Business Improvement District Law of 1994;

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

1. The purpose for expanding and renewing the Willow Glen CBID is to continue to provide revenues for services beyond what the City traditionally provides, specifically through enhanced maintenance and cleaning of sidewalk areas, information and safety services, beautification activities, and business retention and growth programs. The improvements and activities to be provided in the Willow Glen CBID 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 Willow Glen CBID or for any purpose other than the purposes specified in the Engineer's Report and Resolution No. RES2024-94.
2. The City Council finds that there is no majority protest against the expansion and renewal of the Willow Glen CBID within the meaning of Section 36625 of the Property and Business Improvement District Law of 1994 and that the property within the Willow Glen CBID will be benefitted by the improvements and activities funded by the assessments levied.
3. The Willow Glen CBID Management Plan and Engineer's Report is approved.
4. The imposition of the assessments for the Willow Glen CBID is approved.

5. All of the property owners in the Willow Glen CBID expanded and renewed area by this Resolution shall be subject to any amendments to the provisions of the CBID law.

ADOPTED this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk