

RESOLUTION NO.

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE FINDING THAT THE SAN JOSE WILLOW GLEN BUSINESS ASSOCIATION REMAINS UNIQUELY SITUATED TO MANAGE AND OVERSEE THE DELIVERY OF SERVICES SPECIFIED IN THE COMMUNITY BENEFIT IMPROVEMENT DISTRICT MANAGEMENT PLAN AND ENGINEER'S REPORT PURSUANT TO SAN JOSE MUNICIPAL CODE SECTION 4.12.235, AND AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH THE WILLOW GLEN BUSINESS ASSOCIATION TO PROVIDE MANAGEMENT OF THE EXPANDED AND RENEWED WILLOW GLEN COMMUNITY BENEFIT IMPROVEMENT DISTRICT, IF APPROVED BY THE PROPERTY OWNERS**

**WHEREAS**, in December 2008, City of San José ("City") City Council formed the Willow Glen Community Benefit Improvement District ("CBID") for an initial 15-year term pursuant to Chapter 14.31 of the San José Municipal Code which incorporates and modifies the Property and Business Improvement District Law of 1994 in the California Streets and Highways Code, and provisions of Article XIID of the State Constitution (collectively, "CBID Law"); and

**WHEREAS**, the current CBID is scheduled to expire on December 31, 2024 and must be renewed if the property assessments and the services are to continue; and

**WHEREAS**, in connection with the City's intent to expand and renew the CBID, City staff have recommended that the City continue to contract with the Willow Glen Business Association ("WGBA") to provide enhanced services within the expanded and renewed CBID; and

**WHEREAS**, San José Municipal Code Section 4.12.235 provides authorization to enter into agreements without a competitive process when the service being sought is of such a unique nature that a competitive process would be contrary to the public interest; and

**WHEREAS**, requiring a competitive process to retain a new organization to manage the CBID would be contrary to the public interest because, as the current manager of CBID services over the last fourteen and one-half (14.5) years that has served the community since the 1920's as the Willow Glen Merchants Association, as the Willow Glen Business and Professional Association and eventually as the WGBA, retaining WGBA to manage the expanded and renewed CBID would prevent duplication of efforts, take advantage of their existing connections with business and property owners, utilize the entity created specifically to unify the local business community in Willow Glen, and make use of the WGBA staff located within the district boundary for immediate service and availability to perform the services outlined in the CBID Management Plan and Engineer's Report; and

**WHEREAS**, the City and WGBA are negotiating an agreement for the CBID management services, subject to the on-going oversight of the City;

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

- A. The foregoing recitals are true and correct and are incorporated into this Resolution by reference;
- B. The City Council, in accordance with San José Municipal Code Section 4.12.235, finds the WGBA remains uniquely situated to manage and oversee the delivery of CBID services and that a competitive process to procure a new service provider for the CBID is contrary to the public interest;

- C. The City Manager is authorized to negotiate and execute an agreement with WGBA for the management and delivery of services for the expanded and renewed CBID, if approved by the property owners and established by City Council, with a term from January 1, 2025 through December 31, 2039 and with terms and conditions that are consistent with the current CBID management agreement between the parties effective March 23, 2010.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

VACANT:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk