

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DECLARING ITS INTENTION TO ESTABLISH THE TULLY ROAD EASTRIDGE BUSINESS IMPROVEMENT DISTRICT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989; FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND PUBLIC HEARING AND GIVING NOTICE THEREOF; AND APPOINTING AN ADVISORY BOARD TO ADVISE THE CITY COUNCIL ON ALL ISSUES RELATED TO THE TULLY ROAD EASTRIDGE BUSINESS IMPROVEMENT DISTRICT**

**WHEREAS**, the Parking and Business Improvement Area Law of 1989, Streets and Highways Code §36500 et seq. (“89 Law”), authorizes the City of San José (“City”) to establish business improvement areas allowing businesses to raise funds to support joint efforts within a specific geographic area; and

**WHEREAS**, in 2023, the Tully Road – Eastridge Business Association (“TREBA”) was established as a non-profit corporation, and in May 2024 the TREBA governing board voted in favor of establishing a business improvement district in the Tully Road – Eastridge business corridor; and

**WHEREAS**, the TREBA, business owners in the Tully Road – Eastridge corridor, and representatives from the City have met to consider the formation of the Tully Road Eastridge Business Improvement District (“TREBID”) for the purposes of physical maintenance, marketing, and promotion efforts to increase commercial activity in the Tully Road - Eastridge business corridor; and

**WHEREAS**, the governing board of the TREBA will serve as the TREBID’s advisory board to manage and operate the TREBID programs; and

**WHEREAS**, pursuant to the 89 Law, a public meeting must be held to provide information and an opportunity for comment on the proposed TREBID, and a public hearing must be held to establish the TREBID;

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

1. The City Council hereby declares its intention to establish a parking and business improvement area to be known as the “Tully Road Eastridge Business Improvement District” (“TREBID”) pursuant to the 89 Law.
2. The City Council hereby appoints the governing board of the Tully Road - Eastridge Business Association as the Advisory Board for the TREBID, pursuant to Section 36530 of the 89 Law.
3. The boundaries of the TREBID are described below, and are shown on the map attached hereto as Exhibit A and incorporated herein:

Street	Odd Side of the Street	Even Side of the Street
<b>Tully Road (101 to E Capitol Expressway)</b>	1575 Tully Road - 2255 Tully Road	1610 Tully Road - 2198 Tully Road
<b>E Capitol Expressway (Swift Lane to Quimby Road)</b>	None	2950 E Capitol Expressway - 3000 E Capitol Expressway
<b>Eastridge Loop</b>	2185 Eastridge Loop	2210 Eastridge Loop - 2230 Eastridge Loop
<b>Quimby Road (Tully Road to E Capitol Expressway)</b>	2217 Quimby Road - 2375 Quimby Road	2212 Quimby Road - 2380 Quimby Road
<b>King Road (Tully Road to Flanigan Drive)</b>	2415 S King Road - 2577 S King Road	None
<b>Flanigan Drive (S King Road to Alvin Avenue)</b>	1669 Flanigan Drive - 1693 Flanigan Drive	None

Street	Odd Side of the Street	Even Side of the Street
<b>Burdette Drive (S King Road to Alvin Avenue)</b>	1661 Burdette Drive - 1675 Burdette Drive	1654 Burdette Drive
<b>Alvin Avenue (Flanigan Drive to Tully Road)</b>	2415 Alvin Avenue - 2493 Alvin Avenue	2444 Alvin Avenue - 2580 Alvin Avenue
<b>Lanai Avenue</b>	2401 Lanai Avenue	None
<b>Fontaine Road</b>	2445 Fontaine Road	None

4. The proposed improvements and activities to be funded by the TREBID are, in general, cleaning and beautification, marketing and branding, administration, and contingency/reserve. A description of the types of activities proposed to be funded by the levy of assessments on businesses in the TREBID is set forth in Exhibit B attached hereto and incorporated herein.
5. The assessment rate for the business owner is based on business type. Except where funds are otherwise available, the assessments shall be levied and collected on an annual basis to pay for all improvements and activities within the area. The City shall collect the assessment. The chart below provides the annual assessment rate for each assessed business and a breakdown by classification of businesses. The business categories are as follows: financial institutions (including banks, mortgage brokers, and securities brokers); professional services (including contractors, insurance agents, medical offices, travel agents and real estate agents); retail / hospitality (including food and drink services, restaurants, gasoline stations, drug stores, and clothing stores); and non-retail (including industrial services, automotive, landscaping, personal care services and religious organizations, and clothing manufacturers).

Business Category	Annual Assessment Rate
Financial Institutions	\$450
Retail / Hospitality	\$385
Non-retail / Professional Services	\$300

7. New businesses will not be exempt from the levy of assessment, pursuant to Section 36531 of the 89 Law.
8. NOTICE IS HEREBY GIVEN that October 1, 2024, at 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 is fixed as the time and place for a public meeting on the establishment of the TREBID.
9. NOTICE IS HEREBY GIVEN that November 5, 2024, at 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 is fixed as the time and place for a public hearing on the establishment of the TREBID.
9. At the aforesaid public hearing, the testimony of any and all interested persons for or against the establishment of the TREBID, the extent of the TREBID, or the furnishing of specified types of improvements or activities in the TREBID shall be heard and considered by the City Council. Protests against the establishment of the TREBID, the extent of the area of the TREBID, or the furnishing of specified types of improvements or activities may be made orally or in writing by any interested person. Each written protest must be filed with the City Clerk, either by mail to City Clerk, City Hall, 200 East Santa Clara Street, San José, California, or by e-mail to [city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov), at or before the time fixed for the public hearing. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing.
10. As provided in Section 36525 of the 89 Law, if written protests against the establishment of the TREBID, the extent of the TREBID, or the furnishing of specified types of improvements or activities in the TREBID are received from the owners of businesses in the TREBID which would pay fifty percent (50%) or more

of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protest to less than fifty percent (50%), then no further proceedings to establish the TREBID or to levy the proposed assessment may be taken by the City Council for a period of one year from the date of the finding of a majority protest by City Council. If the majority protest is only against the furnishing of a specified type or types of improvement or activity within the TREBID, then those types of improvements or activities shall be eliminated. In order to be counted in determining a majority protest, a written protest must contain a description of the business in which the person submitting the protest is interested sufficient to identify the business as a business within the proposed TREBID and, if a person protesting is not shown on the official records as the owner of the business, the protest shall contain or be accompanied by written evidence that the person protesting is the owner of the business.

11. The City Clerk is hereby directed to give notice of the above-mentioned public meeting and public hearing pursuant to Section 36523 of the California Streets and Highway Code, by publication and mailing.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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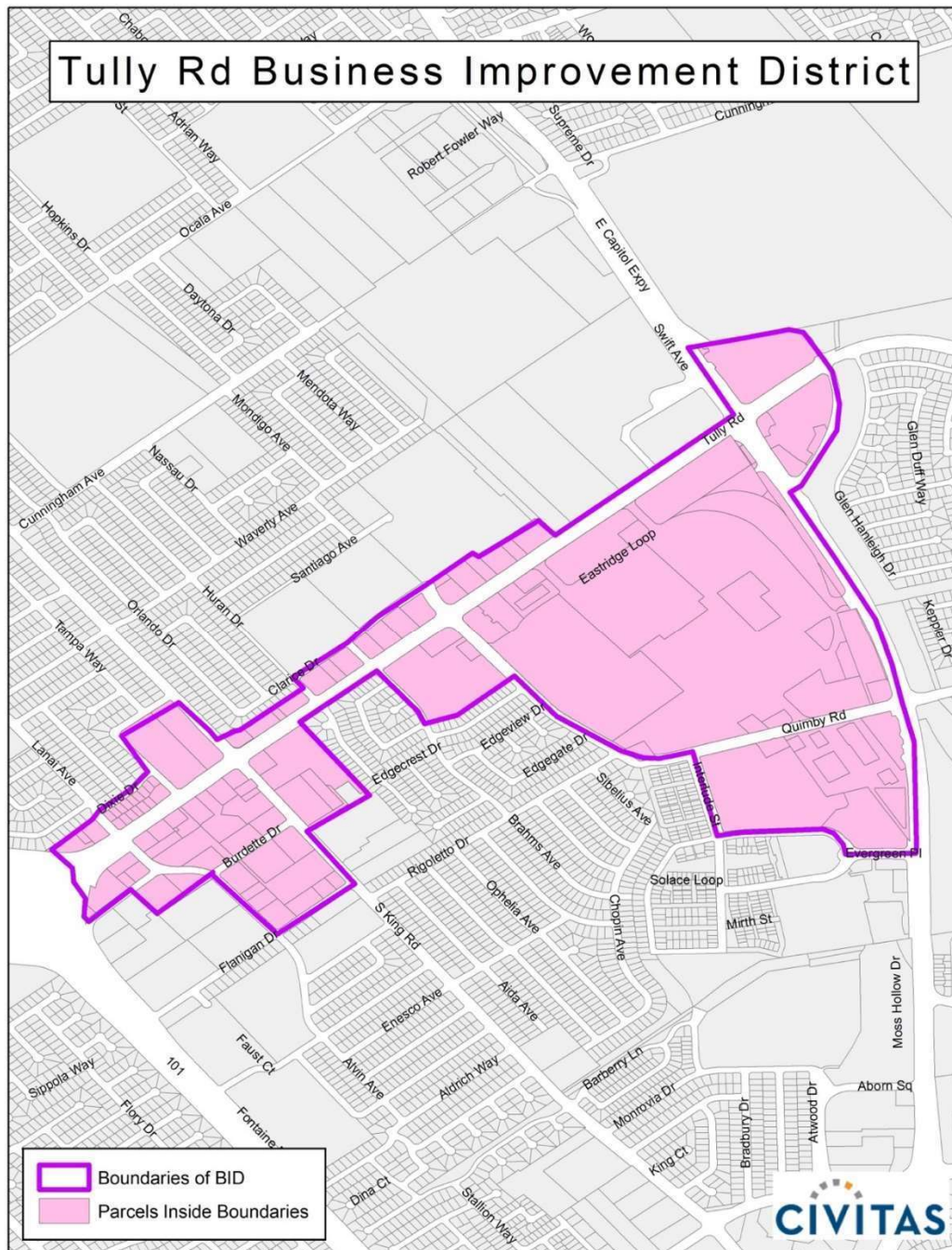
MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, MMC  
City Clerk

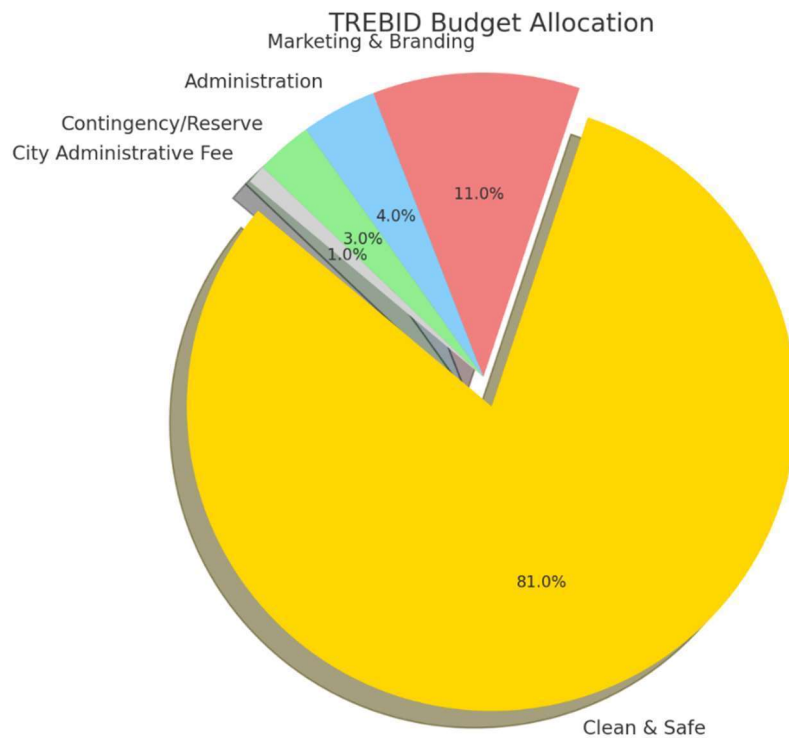
## EXHIBIT A DISTRICT BOUNDARIES



## EXHIBIT B PROPOSED BID SERVICES

### ***Initial Tully Road Eastridge Business Improvement District (TREBID) Budget***

The City forecasted that the BID would generate approximately \$120,733, based on estimates from the weighted average collection rate for existing BIDs in San José. However, the TREBA board uses a more conservative estimate in the proposed budget report, approximately \$108,000 in its first year.



Proposed 12-month Budget Based on Rev Projections	
<b>Revenues</b>	<b>\$108,000</b>
<b>Expenses</b>	
Clean & Safe	\$87,480
Marketing & Branding	\$11,880
Administration	\$4,320
Contingency/Reserve	\$3,240
City Administrative Fee	\$1,080
<b>Total Expenses</b>	<b>\$108,000</b>



## **Clean & Safe**

- Contracting with service providers for regular litter clean up, graffiti identification and removal, illegal dumping removal, abandoned shopping cart and car removal, or other bulky items, and related sanitation issues;
- Pressure washing sidewalks and street sweeping adjacent to assessed businesses as needed.
- Funding the purchase and installation of regular rotational displays of pole banners and other streetlight adornments throughout the TREBID, which serve to celebrate various shopping seasons while presenting a cohesive image of community personality and identity;
- Directional, wayfinding, and gateway signage that establishes a sense of place, promotes patronage and activity, and connects the businesses of the TREBID service area with the larger community;
- Landscape and façade improvement incentive programs to stimulate attention and encourage investment in cosmetic enhancements to the street-facing areas of private businesses, which support safety and encourage customer traffic while beautifying the TREBID and enhancing quality of life; and
- Encouraging a coordinated public art program on private property to enliven opportunity spaces and create interest and appreciation.
- Purchasing of trailer cameras to provide extra security measures.

## **Marketing & Branding**

- Conduct research to determine strategic fit for brand development and brand messaging to promote visitation to the TREBID best and increase assessed business's sales;
- Facilitate and execute strategic planning efforts to develop marketing programs and creative executions that reinforce the brand position and support marketing initiatives to promote assessed businesses;
- Engage with third-party brand development agency to develop brand platform and materials to assist with marketing assessed businesses;
- Identify and leverage consumer messaging that markets the TREBID as a premier, unique destination to attract customers to assessed businesses;
- Provide seasonally targeted marketing to attract visitors to the TREBID in anticipation of seasonal events;
- Offer a range of consumer programs that reach targeted consumers to promote visitation to assessed businesses;
- Develop and execute focused special events to attract customers to assessed businesses;
- Develop education events and programs targeted to consumers, media, and trade to grow awareness and visitation to assessed businesses;

- Advertising across any and all media channels to promote assessed businesses, including but not limited to digital, print, television, radio, and strategic brand partnerships;
- Targeted marketing to engage top consumers in key markets for market visits and private experiences to assessed businesses; and
- Maximize resources by leveraging partnerships with national brands to attract visitors to the TREBID and increase assessed business sale.

## **Administration**

The administration portion of the budget will be utilized for administrative costs associated with providing the services. Those costs may include rent and occupancy charges, telephone and internet charges, legal fees, accounting fees, postage, administrative staff, insurance, and other general office expenses.

## **Contingency/Reserve**

The budget includes a contingency/reserve line item to account for annual operating surplus or uncollected assessments, if any. If contingency funds are collected, they may be held in a reserve fund or utilized for other programs, administration, or renewal costs at the discretion of the City Council or advisory board. The city council or advisory board shall set policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of the monies from the reserve fund.

## **City Administrative Fee**

The City of San José shall be paid a fee equal to one percent (1%) of the amount of assessment collected to cover its costs of collection and administration.