

RESOLUTION NO. 17-8422

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA OF INTENTION TO ORDER THAT THE ALTERNATIVE METHOD FOR THE LEVY OF BENEFIT ASSESSMENT BE MADE APPLICABLE TO CITY OF SANTA CLARA PARKING MAINTENANCE DISTRICT NO. 122, PROVIDING FOR NOTICE OF HEARING THEREON, APPROVING THE DIRECTOR'S REPORT FOR DISTRIBUTION, AND PROVIDING FOR NOTICE OF HEARING ON DIRECTOR'S REPORT FOR FISCAL YEAR 2017/18

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, pursuant to Sections 10107 and 10108 of Chapter 2, Division 12 of the Streets and Highways Code of the State of California, and Chapter 26 of Part 3 of Division 7 of said Code, all as provided in Chapter 16.10 of the Code of the City of Santa Clara, on the 30th day of March, 1965, this Council adopted its Resolution No. 1581, a Resolution creating "City of Santa Clara Parking Maintenance District No. 122" ("Parking Maintenance District") in the City for the purpose of paying the costs and expenses of acquiring, constructing, reconstructing, installing, extending, enlarging, repairing, improving, maintaining and operating public automobile parking places, covered pedestrian lanes and walkways, fountains, and landscaping therein then existing or thereafter to be constructed in and for the Parking Maintenance District, and of benefit to said maintenance district, but not of benefit to the City of Santa Clara as a whole, including the cost of necessary repairs, replacements, water, fuel, power, gas, electric current, care, supervision and any and all other items necessary for the proper maintenance and operation thereof, and all additions, improvements and enlargements thereto which may thereafter be made;

WHEREAS, said proceedings provided that this Council shall, in addition to all other taxes, annually fix and levy a special assessment tax upon the real property (land and improvements) within the Parking Maintenance District as therein provided, sufficient to raise a determined amount of money to pay all or part of said costs of maintenance and operation;

WHEREAS, the Council shall decide whether or not the costs of maintenance and operation of

said public improvements shall be borne wholly or partially by the property owners within said Parking Maintenance District;

WHEREAS, on the 8th day of April, 1980, this Council adopted its Ordinance No. 1401 providing for an alternative method for annually fixing and levying a special benefit assessment within maintenance districts within the City for said purpose;

WHEREAS, on the 16th day of January, 1996, this Council adopted its Resolution No. 6105 ordering that seventy-five (75%) percent of the costs and expenses of maintaining and operating said public improvements beginning with fiscal year 1996-97, within the Parking Maintenance District, including the cost of necessary repairs, replacements, water, fuel, power, gas, electric current, care, supervision and any and all other items necessary for the proper maintenance and operation thereof shall annually be assessed either partly or wholly upon the lots and parcels of property within the Parking Maintenance District benefited thereby in accordance with the formula set forth, and that the City shall be responsible for the balance of the costs and expenses;

WHEREAS, on June 26, 1996, sufficient Ballots were received to approve the continuation of the Parking Maintenance District;

WHEREAS, on the 9th day of July, 2002, this Council, after a public hearing on the determination of the allocation of maintenance and operation costs and annual assessments, passed a motion wherein, due to the benefit to the public and the City of the improvements, the City assumed all future costs for operation and maintenance of Parking Maintenance District No. 122 and the property owners would contribute \$14,200 annually, less earned interest on the accumulating balance, to pay for capital repairs of the parking lots and associated walkways;

WHEREAS, procedures of approval require the preparation of a Report on how the assessments were prepared and based, notice of hearing, and public hearing on the annual assessments;

WHEREAS, this Council intends to order an alternative method by which annual assessment

levies for the payment of said costs and expenses will be apportioned according to special benefits among the several lots or parcels of property within the Parking Maintenance District pursuant to Sections 16.10.490 and 16.10.500 of the Code of the City of Santa Clara;

WHEREAS, the City's Director of Public Works/City Engineer, has made and filed with the City Clerk a written report ("Report") setting forth the budget, the formula for the annual assessment levy, a description of each lot or parcel of property to be assessed and the amount of the assessment to be levied against each lot or parcel of property in accordance with said formula; and

WHEREAS, said Council has duly considered said report and each and every part thereof, and finds that each and every part of said report is sufficient, and that neither said report, nor any part thereof requires or should be modified in any respect.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That this Council hereby determines that the costs and expenses of the maintenance and operation of the public automobile parking places, covered pedestrian lanes and walkways, fountains and landscaping within the City of Santa Clara Parking Maintenance District No. 122 cannot be appropriately financed pursuant to Sections 10107 and 10108 of Chapter 2, Division 12 of said Streets and Highways Code, and Chapter 26 of Part 3 of Division 7 of said Code, all as provided in Section 16.05.050 of the Code of the City of Santa Clara. This Resolution is therefore adopted and proceedings are being taken pursuant to Section 16.10.490 and Section 16.10.500 of said Code of the City of Santa Clara to provide for an alternative method for the levy of benefit assessments for said purposes.

2. That it is the intent of this Council to order that an amount of \$14,200 less any earned interest on accumulated balance, is needed annually to be assessed towards the costs of capital repairs of the parking lots and associated walkways and thereof shall annually be assessed either partly or wholly upon the lots and parcels of property within said maintenance district

benefited thereby in accordance with the formula set forth, and that the City shall be responsible for the costs and expenses of maintaining and operating said public improvements within the Parking Maintenance District, including the cost of necessary repairs, replacements, water, fuel, power, gas, electric current, care, supervision and any and all other items necessary for the proper maintenance and operation.

3. That a statement of the formula upon and by which annual assessment levies for the payment of said costs and expenses will be apportioned according to benefits among the several lots or parcels of property within said maintenance district is as follows:

Each assessment shall be determined on the basis of the gross floor area of the building located upon the lot or parcel of property assessed.

For the purposes of the formula herein, gross floor area shall mean that area computed from the outside dimensions of the building and not excluding corridors and other design features and aggregated for each additional story or mezzanine floor and any basement area.

4. That the City's Director of Public Works/City Engineer has caused to be prepared and filed with the City Clerk a written report, which provides the basis for the levy of benefit assessments for said capital repairs of the parking lots and associated walkways, and the cost of maintenance and operation on all lots or parcels or property within the Parking Maintenance District. Said report sets forth the amounts to be provided in the budget for maintenance and operation, a description of each lot or parcel of property in the maintenance district, by a legal description, assessor's parcel number or other description sufficient to identify the same, and the amount of assessment to be levied for the fiscal year 2016/17 against each lot or parcel of property. The City Council hereby directs the City Clerk to make the report open to public inspection.

5. NOTICE IS HEREBY GIVEN that Tuesday the 6th day of June, 2017 at the hour of 7:00 p.m. at the regular meeting place of the City Council in the Council Chambers at City Hall, 1500 Warburton Avenue, Santa Clara, California, be fixed as the time and place when and where this Council will hear any and all objections in relation to said alternative method for the

levy of benefit assessments and said formula and when and where this Council will examine said report and hear all persons' interest therein. Any interested owner objecting to said alternative method for the levy of benefit assessments or to said formula or to the amount of the assessment on any lot or parcel of property owned may file with the City Clerk at or before the hour fixed for hearing an objection, describing the lot or parcel of property owned so that it may be identified, and stating the grounds of objection, and may appear at said hearing and be heard with regard thereto.

6. NOTICE IS HEREBY GIVEN that Tuesday, the 15th day of May, 2017 at the hour of 4:00 p.m., in the Conference Room at Street Corporation Yard, 1700 Warburton Avenue, Santa Clara, California, City staff will present and discuss the Director's Report.

7. No written ballots are required to be completed and returned.

8. The City Clerk is hereby authorized and directed to a) post a copy of notice of hearing on or near the Council Chamber door or any bulletin board in or adjacent to the City Hall, and b) publish once in a newspaper of general circulation.

9. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

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10. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 18th DAY OF APRIL, 2017, BY THE FOLLOWING VOTE:

AYES: COUNCILORS: Caserta, Davis, Kolstad, Mahan, O'Neill, and Watanabe

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: Mayor Gillmor

ATTEST: _____



ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Director's Report

DIRECTOR'S REPORT
CITY OF SANTA CLARA
PARKING DISTRICT NO. 122 MAINTENANCE DISTRICT

FISCAL YEAR 2017/18

3/14/17

ASSESSMENT FORMULA

Fiscal Year 2017/18
City of Santa Clara, California

Parking District No. 122 Maintenance District

The formula upon which the annual assessment levy, for the payment of the costs and expenses of maintaining and operating the improvements, and providing funds for future parking lots and associated walkways, exceptional maintenance and improvements, within Parking District No. 122 Maintenance District, including the costs and expenses incidental thereto, will be apportioned according to benefits among the several lots or parcels of property within the Maintenance District for the Fiscal Year 2017/18 is as follows:

- Costs and expenses are to be shared between the City and property owners as below:
 - a. City and property owners shall share the operation and maintenance costs on a 100% / 0% basis.
 - b. Property owners shall pay \$14,200 annually, less interest from prior years' property owners operation and maintenance assessments as of June 30, 2002, to be kept in a fund to be used towards future exceptional maintenance and improvements of parking lots and associated walkways and appurtenances.

- Each assessment shall be determined on the basis of the gross floor area of the building located upon the lot or parcel of property assessed.

- For the purposes of the formula herein, gross floor area shall mean that area computed from the outside dimensions of the building and not excluding corridors and other design features and aggregated for each additional story or mezzanine floor and any basement area.

DIRECTOR'S REPORT

ASSESSMENT for Fiscal Year 2017/18 City of Santa Clara, California

Parking District No. 122 Maintenance District

The Director of Public Works/City Engineer for the City of Santa Clara, California, pursuant to the provisions of Section 16.10.490 of the Code of the City of Santa Clara, hereby makes this report and following benefit assessment to cover the costs and expenses of maintaining and operating the improvement within Parking District No. 122 Maintenance District of said City, including the costs and expenses incidental thereto, to be paid by said Maintenance District.

The amount to be paid therefor by said Maintenance District for the Fiscal Year 2017/18 is as follows:

<u>Expenditures</u>	As Preliminarily Approved	As Finally Approved
Routine Maintenance & Operation	\$163,599.00	
Exceptional Maintenance and Repairs	\$50,000.00	
TOTAL COST	\$213,599.00	\$
<u>Funding for FY 2017/18 Expenditures</u>		
Exceptional Maintenance & Improvement From Fund Balance Reserve	\$50,000.00	\$
Contribution from City General Fund (001)	\$163,599.00	\$
TOTAL	\$213,599.00	\$
<u>Property Owner Assessment</u>		
Owner's Annual Assessment	\$14,200.00	
Less Accrued Interest of Owner's Fund Balance	[\$1,683.00]	[\$]
TOTAL NET ASSESSMENT	\$12,517.00	\$
<i>(Goes to Fund Balance Reserve)</i>		

And I do hereby assess and apportion the amount said costs and expenses, including the costs and expenses incidental thereto, upon the several lots or parcels of property liable therefor and benefited thereby, in proportion to the benefits to be received by such lots or parcels of property, from the maintenance and operation thereof and more particularly set forth in the list hereto attached and by reference made a part hereof.

Each lot or parcel of land is described in the assessment list by reference to its parcel number as shown on the assessor's maps of the County of Santa Clara for the Fiscal Year 2017/18 to the right of the parcel numbers and include all of such parcel.

Dated: April 4, 2017



Director of Public Works/City Engineer
City of Santa Clara

BUDGET

Fiscal Year 2017/18
City of Santa Clara, California

Parking District No. 122 Maintenance District

<u>Expenditures</u>	<u>As Preliminarily Approved</u>	<u>As Finally Approved</u>
Maintenance & Operation:	\$163,599.00	Labor, materials, supplies, and equipment to maintain Parking Maintenance District No. 122 including, but not limited to water, sewer, and electrical costs, sweeping of parking lots and mall area, maintenance of pavement, striping, landscaping, mall fountains, City supervision (50% of labor and fringe benefits of Grounds Maintenance Worker II).
Exceptional Maintenance and Improvements of Parking Lots and Associated Walkways	\$50,000.00	Replacement of damaged interior walkways and updating of solid waste storage area in southern parking lot.
TOTAL COST	\$213,599.00	

Funding for FY 2017/18 Expenditure

Owner's Reserve for Exceptional Maintenance & Improvement Fund Balance:	[\$50,000.00]
Contribution from City General Fund (001):	[\$163,599.00]
Owner's Annual Assessment	\$14,200.00
Less Accrued Interest on Owners' Fund Balance:	[\$1,683.00]

ASSESSMENT

Fiscal Year 2017/18
City of Santa Clara, California

Parking District No. 122 Maintenance District

<i>Name & Address of Owner</i>	<i>Assessor's Parcel Number</i>	<i>(2) As Finally Confirmed</i>	<i>(1) As Preliminarily Approved</i>	<i>Gross Floor Area (sq. ft.)</i>	<i>% of Total Floor Area</i>
Santa Teresa Village LLC 777 N. First Street, Unit 500 San Jose, CA 95112	269-22-111	\$	\$ 2,616.93	13,305.22	20.907
Ramiro Herмосillo Trust 3121 Riddle Rd. San Jose, CA 95117	269-22-110	\$	\$ 1,383.50	7,034.13	11.053
John C. & Catherine E. De Martini, Trustee 1951 Golden Way Mountain View, CA 94040	269-22-108	\$	\$ 1,674.52	8,513.76	13.378
Joanne B. DeLozier, Trustee 796 N. Henry Ave. San Jose, CA 95117	269-22-098	\$	\$ 1,464.49	7,445.88	11.700
John K & Christine A Frey, Trustee 4221 Five Mile Drive Stockton, CA 95219	269-22-103	\$	\$ 272.87	1,387.35	2.180
Cheuk-Sang & May-Yee W. Chan, Trustee 3114 Provo Court San Jose, CA 95127	269-22-102	\$	\$ 157.46	800.59	1.258
Ross L. Peterson/Lorraine V. Freitas 875 Russet Drive Sunnyvale, CA 94087	269-22-105	\$	\$ 394.16	2,004.02	3.149

ASSESSMENT

Fiscal Year 2017/18
City of Santa Clara, California

Parking District No. 122 Maintenance District

<i>Name & Address of Owner</i>	<i>Assessor's Parcel Number</i>	<i>(2) As Finally Confirmed</i>	<i>(1) As Preliminarily Approved</i>	<i>Gross Floor Area (sq. ft.)</i>	<i>% of Total Floor Area</i>
Robert Freitas Et. Al. 255 Washington Street Milpitas, CA 95035	269-22-104	\$	\$ 327.45	1,664.82	2.616
Gillmor Properties LLC 1201 Franklin Mall Santa Clara, CA 95050	269-22-113	\$	\$ 423.20	2,151.67	3.381
Warren Mitchell Et. al 1275 Franklin Mall Santa Clara, CA 95050	269-22-106	\$	\$ 1,586.76	7,976.00	12.533
Giovanni & Raffaella Vitarelli, Trustee 925 Circle Drive Santa Clara, CA 95050	269-22-101	\$	\$ 433.71	2,205.13	3.465
Giovanni & Raffaella Vitarelli, Trustee 925 Circle Drive Santa Clara, CA 95050	269-22-100	\$	\$ 242.58	1,233.34	1.938
Gillmor Properties LLC 1201 Franklin Mall Santa Clara, CA 95050	269-22-115	\$	\$ 1,185.24	6,026.07	9.469
Gillmor Properties LLC 1201 Franklin Mall Santa Clara, CA 95050	269-22-114	\$	\$ 372.13	1,892.02	2.973
TOTAL		\$	\$12,517.00	63,640.00	100%

I, the City Clerk of the City of Santa Clara, hereby certify that the foregoing assessment in the amount set forth in Column (1) was filed with me on _____, 2017.

Rod Diridon, Jr., City Clerk
City of Santa Clara

I, the City Clerk of the City of Santa Clara, hereby certify that the foregoing assessment in the amounts set forth in Column (2) unless Column (2) is blank, in which event the amounts in Column (1) apply, was approved and confirmed by the City Council of said City on _____, 2017.

Rod Diridon, Jr., City Clerk
City of Santa Clara

I, the County Auditor of the County of Santa Clara, hereby certify that the foregoing assessment was filed in my office on _____, 2017.

County Auditor, County of Santa Clara