

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS REVIEWING AND ACCEPTING ANNUAL DEVELOPMENT IMPACT FEE DISCLOSURE INFORMATION FOR THE CALAVERAS BOULEVARD WIDENING TRAFFIC IMPACT FEE, THE TRANSIT AREA SPECIFIC PLAN IMPACT FEE AND THE STORM DRAIN FEE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 66006 and 66013

WHEREAS, the Mitigation Fee Act, Government Code Section 66000 *et seq.*, authorizes the City of Milpitas (“City”) to impose, collect, and expend mitigation fees to offset the impacts of development within the City; and

WHEREAS, pursuant to its authority under the Mitigation Fee Act (Government Code §§ 66000 *et seq.*) the City Council established, adopted, and imposed a Calaveras Boulevard Traffic Impact Fee, a Transit Area Specific Plan (“TASP”) Impact Fee and a Storm Drain Fee (collectively, the “Fees”); and

WHEREAS, the City has deposited all Fees in separate non-commingled funds (“Funds”) established for such a purpose; and

WHEREAS, the City has made available to the public within one hundred eighty (180) days following the last day of the fiscal year the annual accounting information (“Annual Report”) required by the Mitigation Fee Act related to each of the Fees; and

WHEREAS, the City has mailed notice at least fifteen (15) days prior to this meeting to all interested parties who have requested notice of any meeting relative to the City’s imposition of the Fees and has held a duly noticed, regularly scheduled public meeting at which oral and written testimony was received regarding the Annual Reports at least fifteen (15) days after the City made this information publicly available.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. In accordance with Government Code Section 66006(b) and Section 66013, the City Council has reviewed and approves the Annual Reports for each of the Fees, which are attached to this Resolution as **Exhibits 1-3**, and are also placed on file with the City Clerk. The Council, based upon the information contained in the Annual Report and the remaining need for the unexpended funds, finds as follows:
 - a. That each of the Annual Reports describe the types of Fees contained in each of the Funds, including the amount of the fees, the beginning and ending balance of the Funds, as well as the amount of fees collected, and the interest earned thereon.
 - b. That each of the Annual Reports identifies each public improvement on which the Fees were expended, the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with the Fees.
 - c. That there were interfund transfers or loans made from the Funds, as noted.
 - d. That sufficient funds have not been collected to complete the financing of any incomplete public improvement, and that there were no refunds or allocations made of the Fees.
3. Pursuant to these findings, and at this time, there shall not be a refund of any unexpended Fees.

PASSED AND ADOPTED this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Wendy Wood, City Clerk

Rich Tran, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

City of Milpitas

Annual Report of Development Fees and Expenditures for the Fiscal Year ended June 30, 2021

Exhibit 1

Calaveras Boulevard Widening Traffic Impact Fee

Description:

In order to implement the goals and objectives of the City of Milpitas General Plan and to mitigate the traffic impacts caused by new development in the City of Milpitas, certain roadways such as Calaveras Boulevard must be widened.

Fee:

The amount of the fee as of June 30, 2021 was as follows:

Area Covered	Type of Dwelling	Amount
Citywide except TASP to widen Calaveras Boulevard	Residential 5 or more units	\$257 per dwelling unit
	Retail Development of 1,000 or more square feet	\$1,096 per thousand square feet
	Office Development of 1,000 or more square feet	\$544 per thousand square feet
	Other Uses	A focused nexus study will be required

Exhibit 1- continued

Calaveras Widening Impact Fee Fund
Statement of Revenues, Expenditures, and Changes in Fund Balances for

Fiscal Year 2020-2021

Fees collected and interest earned:

Revenues

Traffic Fees	\$ 120,460
Interest	<u>19,313</u>
Total Revenues	<u>139,773</u>

Fees expended on public improvement:

Expenditures	<u>0</u>
Total Expenditures	<u>0</u>

Excess/(deficiency) of revenues over/ (under) expenditures	139,773
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Beginning and ending balance:

Fund Balance, beginning of year (restated)	<u>1,532,187</u>
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Fund Balance, end of year	<u>\$1,671,960</u>
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Inter-fund transfer or loan made description:

None

Refunds made from surplus fees and amount of any allocations made:

None

Exhibit 2

Annual Report for the Transit Area Specific Plan (TASP) Impact Fee

Fiscal Year ended June 30, 2021

Description:

Based on Resolution No. 8344 Exhibit A Transit Area Development Impact Fee Update Report prepared by Economic & Planning Systems, Inc., dated February 2014, the purpose of the Transit Area Specific Plan Impact fee is to fund the planning and development (as described in the Report) of an approximately 437-acre area in the southern portion of the City near the Great Mall shopping center to support more residents and workers with appropriately scaled utilities, parks, community facilities, and roadways.

Fee:

The amount of the fee as of June 30, 2021 was as follows:

Type of Dwelling	Amount
Residential	\$42,657 per unit
Retail	\$27.91 per square foot
Office	\$47.96 per square foot

Exhibit 2- Continued

Transit Area Specific Plan (TASP) Impact Fee Fund Statement of Revenues, Expenditures, and Changes in Fund Balances for

Fiscal Year 2020-2021

Fees collected and interest earned:

Revenues:

TASP Impact Fees	\$ 13,065,471
Interest	<u>834,925</u>
Total Revenues	<u>13,900,396</u>

Fees expended on public improvement (See table for % of cost funded with fees):

Expenditures:

1. CP 2006 - Transit Area Specific Plan Update (DB44)	676,250
2. CP 2008 - Montague Ped. Overcrossing at Piper Dr. (DB7)	750,000
3. CP 2016 - S. Milpitas Blvd. Veh. Bridge at Penitencia	1,375,000
4. CP 2017 - TASP On-Street Parking Program	(192,319)*
5. CP 2019 - (Rmb) TASP Recycled Water Distribution	(599,609)*
6. CP 2023 - Trade Zone/Montague Park - Central	600,000
7. CP 4281 - TASP Underground Utility District (DB10)	(366,806)*
8. Tarob Land Purchase	11,094,141
9. Senior Lifestyles	702,251
10. TASP Plan Administration Expense	4,129
11. Interest on Inter fund Loan for Sewer System (DB15)	37,041
12. Loan to the Piper Montague Infrastructure Plan (PMIP) Fund	<u>1,813,329</u>
Total Expenditures	<u>15,893,407</u>

Excess (deficiency) of revenues over (under) expenditures	(1,993,011)
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Beginning and ending balance:

Fund Balance, beginning of year	<u>48,945,658**</u>
Fund Balance, end of year	<u>\$46,952,647</u>

*Capital Improvement Project returned funds back to the TASP fund.

**Restated beginning fund balance due to loan to the Piper Montague Infrastructure Plan (PMIP) Fund.

CIP/Item Number and Title	Project Description	% of the project funded with development fees	Construction Commencement Date
CP 2006 - Transit Area Specific Plan Update (DB44)	The Transit Area Specific Plan (TASP) was approved in 2008. There have been minor amendments to TASP focused primarily on individual properties, but no comprehensive evaluation of the plan and the effectiveness of its implementation has been made. Approximately 95% of the housing planned and cleared under CEQA for the area have been entitled or constructed. Approximately 50% of retail uses and none of the office have been developed. An evaluation of development projects proposed, entitled, or constructed; processes and regulations for development; changes to the land use diagram; and remaining development capacity should be undertaken. This project will include an update to the TASP EIR to provide environmental clearance for additional residential development.	100%	2012
CP 2008 - Montague Ped. Overcrossing at Piper Dr. (DB7)	This project provides for the construction of a pedestrian overcrossing (POC) over Montague Expressway at Piper Drive. The pedestrian overcrossing is part of the Transit Area Specific Plan (TASP) circulation infrastructure improvement that provides safe and convenient pedestrian circulation between the Milpitas BART station, Great Mall and surrounding residential developments.	100%	2016
CP 2016 - S. Milpitas Blvd. Veh. Bridge at Penitencia	This project provides for design and construction of a vehicular bridge over Penitencia Creek at the end of the new S. Milpitas Blvd. Extension. The vehicular bridge is part of the Transit Area Specific Plan (TASP) circulation infrastructure improvement to provide vehicular, bicycle and pedestrian connectivity between TASP developments, Milpitas BART station, Great Mall and surrounding residential developments.	100%	Design only. Construction has not yet started.
CP 2017 - TASP On-Street Parking Program	This project provides for a Transit Area Specific Plan (TASP) area on-street parking program including installation of time limited parking signage within 0.5 mile of Milpitas BART station. The goal of the project is to encourage on-street parking supply turnover around Milpitas BART station so that nearby residents and the public have parking opportunities to access nearby parks and retail destinations, and discourage BART commuters from occupying on-street parking for prolong periods of the day.	100%	2019
CP 2019 - (Rmb) TASP Recycled Water Distribution	The project provides reimbursement to developers for the construction of recycled water system extension in the Transit Area Specific Plan (TASP) area. This project is the City's effort to diversify the water supply system and offset the use of potable water with recycled water mainly for irrigation purposes. New mains will be installed along Great Mall Parkway, East Capitol Avenue, Montague Expressway, South Milpitas Boulevard, McCandless Drive, Sango Court, Tarob Court, and the Piper/Montague subdistrict.	100%	2019
CP 2023 – Trade Zone/Montague Park - Central	This project provides for the design and construction of a new 5-acre City park within the Trade Zone/Montague Subdistrict of the Transit Area Specific Plan area. The park will be adjacent to Expedition Lane, Sango Court, and Tarob Court. Park may include pedestrian paths, benches, trees,	100%	N/A

	sports fields, community center, and other passive recreation facilities.		
CP 4281 - TASP Underground Utility District (DB10)	This project provides for the creation of new Underground Utility District (UUD) #7 within the City's Transit Area Specific Plan redevelopment area. The purpose of the district is to allow Pacific Gas & Electric Company (PG&E) to underground existing overhead electric, PG&E, Cable TV, and communication utilities. The new district would be administered by the City with the undergrounding design and construction to be completed by PG&E using the City's Rule 20A funds. The City has approximately \$5.2M in available PG&E Rule 20A funds for use with this project.	100%	2020
8	Tarob property purchase	100%	N/A
9	Senior Lifestyles	100%	N/A
10	TASP Plan Administration Expense	100%	N/A
11	Interest on interfund loans advanced for the Sewer System (DB15) from General fund.	100%	2015

Inter-fund transfer or loan made description:

In FY'21, the TASP fund paid back the General Fund for \$5,000,000. In addition, there is a \$1,813,329 loan to the Piper Montague Infrastructure Plan (PMIP) Fund.

Refunds made from surplus fees and amount of any allocations made:

None

Exhibit 3

Annual Report Storm Drain Fee

Fiscal Year ended June 30, 2021

Description:

Prior to connection or discharge to any storm drain facility from a new development project, developers shall pay City a fee for connection/discharge to the City's storm drain system (Municipal Code XI-16-16). The purpose of the storm drain fee is to fund facilities necessary to provide storm drain services, and revenues derived from the fee imposed by the City shall be used solely for that purpose.

Fee:

The amount of the fee as of June 30, 2021 was as follows:

Type of Dwelling	Parcel Size	Per Parcel Fee
Connection Fees		
Single-family medium density	Equal or smaller than 8,710 square feet	\$1,100
Single-family low density	Between 8,711 and 43,560 square feet	\$1,916
Single-family	Between 1 acre and 4 acres	\$3,594
Single-family	Between 4 acre and 9 acres	\$4,792
Single-family	Greater than 9 acres	\$6,469
Multiple-family		\$16,771 per acre
Commercial, industrial, institutional, or mixed use sites		\$21,562 per acre
Schools with athletic fields		\$7,187 per acre
Parks		\$4,792 per park

Exhibit 3- continued

Storm Drain Development Fund
Statement of Revenues, Expenditures, and Changes in Fund Balances for

Fiscal Year 2020-2021

Fees collected and interest earned:

Revenues:

Connection Fees	\$664,673
Funding returned from closed project CP 3712	63,087
Storm drain funding returned from project CP 3714	75,000
Interest	<u>59,547</u>

Total Revenues	<u>862,307</u>
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Fees expended on public improvement (See table for % of cost funded with fees):

Expenditures:

CP 3715 – Storm Drain System Rehab 17-19	1,025,000
CP 3718 – Storm Supervisory Control & Data Acquisition	850,000
CP 3719 – On-Call Storm Maintenance & Repair Services	<u>145,000</u>

Total Expenditures	<u>2,020,000</u>
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Excess (deficiency) of revenues over (under) expenditures	(1,157,693)
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Beginning and ending balance:

Fund Balance, beginning of year	<u>1,677,976</u>
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Fund Balance, end of year	<u>\$ 520,283</u>
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CIP Number	Project Description	% of the project funded with development fees	Construction commencement Date	Status Of Project
CP 3712 – Minor Storm Drain Projects 2016	The Minor Storm Drain Project 2016 involves the ongoing analysis and implementation of various minor modifications and improvements to the existing storm drain systems.	100%	2016	Closed
CP 3714 - Flap Gate Replacement	This project provides assessment and replaces and/or installs check valve assemblies at creek outfalls.	100%	2017	In Process
CP 3715 - Storm Drain System Rehab 17-19	This project provides for the maintenance of the City's storm drain systems due to insufficient capacity and aging infrastructure. Work will include maintenance to pumps, electrical and mechanical systems at pump stations, and maintenance of City owned creeks and drainage ditches. Work will be programmed based on the	100%	2018	In Process

	new Storm Drain Master Plan and urban runoff program requirements.			
CP3718 – Storm Supervisory	This project provides a real-time data, such as wet well level and pump operational status to utility systems operators.	100%	2020	In Process
CP3719 – On-Call Storm Maintenance & Repair	This project provides for on-call repair and maintenance services at all City storm infrastructure, assets, and appurtenances. Work may include, but is not limited to, repair and replacement of electrical and mechanical systems (VFD & generators), motors and pumps, pipelines, aboveground/underground storage tanks, and other related improvements. All work will be performed on a priority and funding availability basis.	100%	Repair and maintenance services	In Process

Inter-fund transfer or loan made description:

None

Refunds made from surplus fees and amount of any allocations made:

None