



Subject: SETTING THE APPROVAL PROCESS FOR PROPOSED MAINTENANCE DISTRICT 23 (BERRYESSA RD FROM I-680 TO PIEDMONT RD)

**Council Agenda:
Item:**

City Council Action Request

Departments: Public Works, Transportation	CEQA: Exempt, PP10-090	Coordination: CAO, PBCE, PRNS	CMO Approval: Dept. Approval:
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RECOMMENDED ACTION:

For the proposed Maintenance District 23, it is recommended that Council take the following actions at this time:

- (a) Adopt a resolution preliminarily approving the Engineer's Report.
- (b) Set a public meeting to be held on September 28, 2010 at 1:30 p.m.
- (c) Set a public hearing and tabulate property owner ballots for November 16, 2010 at 1:30 p.m.
- (d) Direct that the notice of the meeting and hearing and ballots be mailed to property owners in the proposed district.

BASIS FOR RECOMMENDATION:

The subject portion of Berryessa Road currently has enhanced landscaping in the median island, which includes a variety of trees and flowering shrubs, which is above the current City standard consisting of pavement or trees with a rock based ground cover.

Based on feedback received in community meetings, it appears that the majority of property owners are in favor of taxing themselves through a maintenance district to pay for and retain the current enhanced landscaping. Without this alternative funding source to maintain the enhance level of landscaping, the City will move forward to revert this landscaped area to the current City standard.

The Public Meeting on September 28, 2010 and Public Hearing on November 16, 2010 will allow for public testimony to be presented to Council. The Public Meeting, as prescribed by the San Jose Municipal Code, allows the public to hear about the project and provide comments, although the Council does not take action at that time. At the Public Hearing, Council must consider all objections or protests to the proposed assessment. At the close of the Public Hearing, Council will conduct an election called an assessment ballot proceeding whereby property owners within the district cast ballots in favor of or opposed to the assessment, with votes weighted by the amount of the assessment on each parcel. The assessment will be implemented if affected property owners protesting do not outweigh the ballots cast in favor of the assessment. If approved, the proposed assessment will commence in Fiscal Year 2011-2012 and will be adjusted annually by the Consumer Price Index.

COST AND FUNDING SOURCE:

The City operates a neighborhood park and community center on lands owned by other agencies. As a tenant of these parcels, the City will be responsible for the associated assessment of approximately \$6,800 if the district is approved by the voters. This amount will increase at the same rate as the CPI in the following years. Additionally, for what would be the City's cost for standard landscaping, the yearly General Fund contribution to this district will be \$7,500.

FOR QUESTIONS CONTACT: Timm Borden, Deputy Director of Public Works (408) 535-8300