

RESOLUTION NO. _____

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

WHEREAS, the Council of the City of San José ("City") desires to form The Alameda 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, City staff recommends that the City contract with The Alameda Business Association ("ABA") to provide enhanced services within the CBID; and

WHEREAS, the San José Municipal Code Section 4.12.235 provides that the City is not required to engage in competitive procurement when it is an unusual or unique situation and the application of the competitive procurement requirements are contrary to the public interest; and

WHEREAS, the ABA is in a unique position to manage and oversee the delivery of enhanced CBID services because it is the current representative organization that has

served the community since its founding as a 501(c)(6) non -profit corporation in 1991, and would prevent duplication of efforts, take advantage of their existing connections with business and property owners, utilize the entity created specifically to promote and strengthen business interests of association members in The Alameda, and make use of the ABA staff located within the district boundary for immediate service and availability to perform the services outlined in the CBID Management District Plan and Engineer's Report; and

WHEREAS, City staff recommends that the City Manager be authorized to initiate negotiations with the ABA to provide CBID services, subject to the on-going oversight of the City Council and CBID governing board;

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

1. The foregoing recitals are true and correct and are incorporated into this Resolution by reference.
2. The City Council, in accordance with San José Municipal Code Section 4.12.235, finds the ABA is 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.
3. The City Manager is authorized to negotiate and execute an agreement with ABA for the management and delivery of services for the proposed CBID, if approved by the property owners and established by City Council, with a term from January 1, 2026 through December 31, 2040.

ADOPTED this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

VACANT:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk