



COUNCIL AGENDA: 04/07/20

FILE: 20-389

ITEM: 2.16

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Matt Cano

**SUBJECT:** SEE BELOW

**DATE:** March 16, 2020

Approved

Date 08/26/2020

**COUNCIL DISTRICT: 7**

**SUBJECT: ACTIONS RELATED TO PROPOSED ALTERATION NO. 1A OF  
COMMUNITY FACILITIES DISTRICT NO. 8**

## **RECOMMENDATION**

- (a) Adopt a Resolution of Change for Alteration No. 1A of Community Facilities District No. 8 (Communications Hill) ("CFD 8").
- (b) Adopt an ordinance levying special taxes within CFD 8 pursuant to Alteration 1A.

## **OUTCOME**

Adoption of the Resolution of Change and ordinance and the recordation of the amendment to the Notice of Special Tax Lien will implement the voters' approval of the additional police protection services to be financed by CFD 8.

## **BACKGROUND**

On October 29, 2019, Council adopted a Resolution of Consideration to begin the legislative process for changing the list of services financed by CFD 8 to include supplemental security services ("Alteration 1A"). Concurrently with adopting the Resolution of Consideration for Alteration 1A, Council approved an agreement between the City and CFD 8 to reimburse the City for the cost of change proceedings up to \$30,000 ("Reimbursement Agreement"), which was the amount the City advanced to cover the cost of the change proceedings. On November 19, 2019, Council conducted a public hearing on Alteration 1A. At the conclusion of the hearing, Council adopted a Resolution Calling a Special Election on March 10, 2020. The qualified electors for the special election were the registered voters within CFD 8 with the voting procedure by mailed or hand-delivered ballot, with each registered voter having one vote. The

special election was held on March 10, 2020, and as reported by the City Clerk to Council in an earlier item at this April 7, 2020 Council meeting, CFD 8 voters approved the changes proposed by Alteration 1A

### **ANALYSIS**

Because Alteration 1A was approved by the requisite two-thirds of votes cast, Council must adopt a Resolution of Change determining that the changes in the types of services are lawfully authorized. An ordinance also must be adopted in order to levy the special taxes based on the approved changes and new Rate and Method of Apportionment. The Resolution of Change directs the City Clerk to record an amendment to the Notice of Special Tax lien in compliance with the Mello-Roos Community Facilities Act of 1982 and the Streets and Highways Code.

The City expended approximately \$29,600 for the cost of the change proceedings. Pursuant to the Reimbursement Agreement, CFD 8 will reimburse the City for these costs.

### **CONCLUSION**

Adoption of the Resolution of Change and ordinance and recordation of the amendment to the Notice of Special Tax Lien are the final steps in the process for modifying CFD 8.

### **EVALUATION AND FOLLOW-UP**

An amendment to the Notice of Special Tax Lien for CFD 8 will be filed with the Santa Clara County Recorder's Office.

Public Works will coordinate with Parks, Recreation, and Neighborhood Services Department, the Police Department and the Department of Transportation to determine how to implement the supplemental security services. CFD 8 anticipates beginning the security services after Council's approval of the 2020-2021 Operating Budget.

### **CLIMATE SMART SAN JOSE**

The recommendation in this memo does not have any negative impact on Climate Smart San Jose energy, water, or mobility goals.

### **PUBLIC OUTREACH**

This memorandum will be posted on the City's website for the April 7, 2020, Council agenda.

### **COORDINATION**

This memorandum, related documents and resolutions were prepared in coordination with the Department of Transportation, Parks, Recreations, and Neighborhood Services, the City Attorney's Office, the City Manager's Budget Office, and the City Clerk's Office.

### **COMMISSION RECOMMENDATION/INPUT**

This item does not require any input from a board or commission.

### **COST SUMMARY/IMPLICATIONS**

The cost for the change proceedings of \$29,600 was funded from the Public Works Non-Personal/Equipment appropriation in the General Fund. Reimbursement of these expenses from CFD 8 will be received into the General Fund. The level and frequency of security services is still under development. The final costs are anticipated to be finalized later in fiscal year 2020-2021 and then be incorporated into the Community Facilities District #8 (Communications Hill) Fund as part of a future budget process.

### **CEQA**

Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a special project which may result in a potentially significant physical impact on the environment.

/s/

MATT CANO

Director of Public Works

For questions please contact Thomas Borden, Program Manager, at (408) 535-6831.

Attachment A - Location Map

# ATTACHMENT A

