



Legislation Details (With Text)

**File #:** ID 23-459      **Version:** 1      **Name:**  
**Type:** Action Item      **Status:** Passed  
**File created:** 3/13/2023      **In control:** City Council  
**On agenda:** 3/30/2023      **Final action:** 3/30/2023

**Title:** HEARING - To adopt Resolutions and Ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 17, Annexation No. LS003 (Final Tract Map No. 6299) (Southeast corner of East Belmont Avenue and North Armstrong Avenue) (Council District 5)  
1. \*\*\*RESOLUTION - to Annex Territory to Community Facilities District No. 17 and Authorizing the Levy of a Special Tax for Annexation No. LS003 (Subject to Mayor's Veto)  
2. \*\*\*RESOLUTION - Calling Special Mailed-Ballot Election (Subject to Mayor's Veto)  
3. \*\*\*RESOLUTION - Declaring Election Results (Subject to Mayor's Veto)  
4. \*\*\*BILL - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2022-2023 and Future Tax Years Within and Relating to Community Facilities District No. 17, Annexation No. LS003 (Subject to Mayor's Veto)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 23-459 Location Map, 2. 23-459 Features Map, 3. 23-459 Resolution ANNEX-LEVY, 4. 23-459 Resolution CALLING ELECTION, 5. 23-459 Resolution DECLARING RESULTS, 6. 23-459 Ordinance

Date	Ver.	Action By	Action	Result
3/30/2023	1	City Council	ADOPTED	Pass

**REPORT TO THE CITY COUNCIL**

**FROM:** SCOTT L. MOZIER, PE, Director  
Public Works Department

**BY:** ANDREW J. BENELLI, PE, City Engineer/Assistant Director  
Public Works Department, Traffic Operations and Planning Division

ADRIAN GONZALEZ, Senior Engineering Technician  
Public Works Department, Traffic Operations and Planning Division

**SUBJECT**

HEARING - To adopt Resolutions and Ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 17, Annexation No. LS003 (Final Tract Map No. 6299) (Southeast corner of East Belmont Avenue and North Armstrong Avenue) (Council District 5)

1. \*\*\*RESOLUTION - to Annex Territory to Community Facilities District No. 17 and Authorizing the Levy of a Special Tax for Annexation No. LS003 (Subject to Mayor's Veto)
2. \*\*\*RESOLUTION - Calling Special Mailed-Ballot Election (Subject to Mayor's Veto)
3. \*\*\*RESOLUTION - Declaring Election Results (Subject to Mayor's Veto)

4. \*\*\*BILL - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2022-2023 and Future Tax Years Within and Relating to Community Facilities District No. 17, Annexation No. LS003 (Subject to Mayor's Veto)

## RECOMMENDATION

1. Adopt Resolution to Annex Territory to Community Facilities District No. 17 and Authorizing the Levy of a Special Tax for Annexation No. LS003,
2. Adopt Resolution Calling Special Mailed-Ballot Election,
3. Adopt Resolution Declaring Election Results, and
4. Adopt Ordinance Levying a Special Tax for the Property Tax Year 2022-2023 and Future Tax Years Within and Relating to Community Facilities District No. 17, Annexation No. LS003.

## EXECUTIVE SUMMARY

On February 9, 2023, the Council of the City of Fresno adopted Council Resolution No. 2023-030 with the intent to annex territory to Community Facilities District No. 17 (CFD No. 17) at the request of the landowner (KB Homes) of Final Tract Map No. 6299 (218 lot Single-Family Home subdivision). This is the noticed public hearing to consider annexing Final Tract Map No. 6299 as Annexation No. LS003 to CFD No. 17 to provide funding for the Services (as hereafter defined) pertaining to the maintenance of the required sewer lift station associated with the proposed development. The cost for Services is \$83.80 per lot annually for the Fiscal Year 2022-2023. If approved, the recommended resolutions and ordinance will levy a Special Tax on the properties in Final Tract Map No. 6299 for identified Services. (See attached Location and Feature Maps)

## BACKGROUND

Subdivision: T-6299  
Developer: KB Homes  
Number of Lots: 218  
Maximum Special Tax Per Lot: \$83.80  
Features: Sewer Lift Station

On May 21, 2020, the Council of the City of Fresno (Council) adopted Council Resolution No. 2020-113, forming CFD No. 17 to provide funding for Services pertaining to the maintenance of required sewer lift stations associated with planned developments and as defined by the City of Fresno Special Tax Financing Law, Chapter 8, Division 1, Article 3 of the Fresno Municipal Code (City Law) and the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5, commencing with Section 53311, of Part 1, Division 2, Title 5 of the California Government Code).

The landowner has petitioned the City to have Final Tract Map No. 6299 annexed to CFD No. 17 to provide funding for the operation and reserves for maintenance (Services) pertaining to certain required public improvements (sewer lift station) associated with the proposed development. Pursuant to this petition, the Council adopted Council Resolution No. 2023-030, declared its intention to annex Final Tract Map No. 6299 to CFD No. 17, and set the public hearing for formal consideration. (See attached Location and Feature Maps.)

Resolution No. 2023-030 also directed the preparation of an Engineer's Report describing the

Services and the costs of those services and this report is on file with the City Clerk.

If adopted by the Council, the attached ordinance would levy the proposed Maximum Special Tax of \$83.80 per residential lot to provide Services for Fiscal Year 2022-2023, The Maximum Special Tax will be adjusted upward annually by 3% plus the rise, if any, in the Construction Cost Index for the San Francisco Region.

The levy of the special tax is subject to approval by the qualified electors through a special election. Two additional resolutions are attached for Council consideration pertaining to this special election.

Today's public hearing has been duly noticed and the attached ordinance and resolutions have been approved as to form by the City Attorney's Office.

### **ENVIRONMENTAL FINDINGS**

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378, this action does not qualify as a "project" and is therefore exempt from CEQA requirements.

### **LOCAL PREFERENCE**

Local preference was not implemented, as this item does not include a bid or award of a construction or services contract.

### **FISCAL IMPACT**

No City funds will be involved. All costs for services will be borne by the property owners within the subject tract/development.

#### Attachments:

Location Map

Features Map

Resolution Annex-Levy

Resolution Calling Election

Resolution Declaring Results

Ordinance