

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRESNO DECLARING THE RESULTS OF THE MAJORITY PROTEST PROCEEDINGS AND RENEWING THE DOWNTOWN FRESNO PROPERTY AND BUSINESS IMPROVEMENT DISTRICT AND AUTHORIZING THE LEVY OF DISTRICT ASSESSMENTS

WHEREAS, the Property and Business Improvement District Law of 1994, (California Streets and Highway Code section 33600 et seq.) (the "PBID Law") authorizes the City of Fresno to renew the Downtown Fresno Property and Business Improvement District ("DFPBID") within the City of Fresno; and

WHEREAS, the owners of property within the boundaries of the DFPBID have submitted petitions asking that the City Council renew the DFPBID and included with the petitions a summary of the Management District Plan that describes the proposed assessment to be levied on property within the DFPBID to pay for the following activities and improvements: (i) economic enhancements, (ii) clean and safe initiatives (iii) transportation improvements, (iv) Fulton Zone Activation, and (v) related Management and Administration; and

WHEREAS, on April 30, 2015, pursuant to Streets and Highways Code Section 36621, the City Council was presented with executed petitions, in the form on file with the City Clerk, by certain property owners seeking renewal of the DFPBID for the purpose of the activities and improvements and the amounts of the proposed assessment as described and set forth in the DFPBID Engineer's Report and

1 of 5

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No. _____

Management Plan Summary on file with the City Clerk, and approved Resolution No. 2015-69 Declaring the Intention to Renew the Downtown Fresno Property and Business Improvement District Pursuant to the Property and Business Improvement District Law of 1994 and Setting a Public Hearing for June 18, 2015 at 1:30 P.M. in City Council Chambers, 2600 Fresno Street, Fresno, CA; and

WHEREAS, on May 1, 2015, the City Clerk mailed to each record owner of each parcel within the District's exterior boundaries a notice concerning the public hearing on the renewal of the DFPBID and the proposed assessment. Each notice included the statutorily required information about the assessment and the majority protest procedure, as well as an assessment ballot; and

WHEREAS, the DFPBID Management District Plan, which satisfies all the requirements of Streets and Highways Code section 36622, is on file with the City Clerk and makes reference to a map of the exterior boundaries of the DFPBID, attached hereto as Attachment A and made a part of this resolution; and

WHEREAS, the assessed properties within the exterior boundaries of the DFPBID will receive special benefits from the activities and improvements to be funded by the proposed assessment, and have been designated "Downtown Fresno Property and Business Improvement District 2010-1, City of Fresno, County of Fresno, State of California"; and

WHEREAS, on June 18, 2015, in the City Council chambers at 2600 Fresno Street the City Council held a public hearing regarding the renewal of the DFPBID and the levy of the assessment, and during the public hearing the City Council heard and received all objections and protests to the renewal of the DFPBID and the proposed

assessment, and at the conclusion of the hearing and in accordance with Government Code Section 53753 the City Clerk tabulated the assessment ballots submitted and not withdrawn and determined that the assessment represented by the assessment ballots submitted and not withdrawn in opposition to the proposed assessment did not exceed the assessment represented by ballots submitted and not withdrawn in favor of the proposed assessment, with ballots weighted according to the amount of the assessment to be imposed upon the parcel or parcels for which each ballot was submitted, and that therefore a majority protest against the proposed assessment does not exist; and

WHEREAS, all actions and proceedings described in the foregoing Recitals were undertaken and completed in accordance with the PBID Law.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. Recitals Adopted as Findings. The City Council finds that foregoing Recitals are each and all true and adopts them as findings.
2. Renewal of the Downtown Fresno Property and Business Improvement District 2010-1.
 - a. The DFPBID is hereby renewed and the assessment levied for a seven-year term beginning January 1, 2016 through December 31, 2022.
 - b. The activities and improvements to be provided for the DFPBID will be funded by the levy of an assessment on real property within the DFPBID as described in PBID Management District Plan, which is on file with the City Clerk.

c. Properties within the DFPBID will be subject to any amendments to the PBID Law.

d. The revenue from the levy of the proposed assessment on properties within the DFPBID may not be used to provide activities or improvements outside the DFPBID or for any purposes other than those specified in the Resolution of Intention, the Management District Plan, and this Resolution.

e. In accordance with Streets and Highways Code section 36631 and the DFPBID Management Plan, the assessment to fund the activities and improvements for the DFPBID will be collected at the same time and in the same manner as are ad valorem property taxes and will have the same lien priority and penalties for delinquent payment. Parcels which do not receive a property tax bill may be invoiced directly by the City.

3. Bonds. Bonds will not be issued by the DFPBID.

4. Boundaries. The exterior boundaries of the DFPBID are depicted on the map attached as Attachment A.

5. Amount of Assessment. The initial annual assessment and the total amount of all special benefits to be conferred upon the properties in the District will total \$717,786.88. This amount may be subject to an increase in the assessment rate of no more than three percent (3%) per year.

6. Authorization. The City Manager or his designee is directed to take all necessary actions to complete the establishment of the DFPBID and to levy the assessment. The City Clerk is directed to record in the Fresno County Recorder's office

a notice and assessment diagram as required by Streets and Highways Code section 36627. The City Clerk is further directed to certify the passage and adoption of this resolution and to enter it in the book of original resolutions.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2015.

AYES :
NOES :
ABSENT :
ABSTAIN :

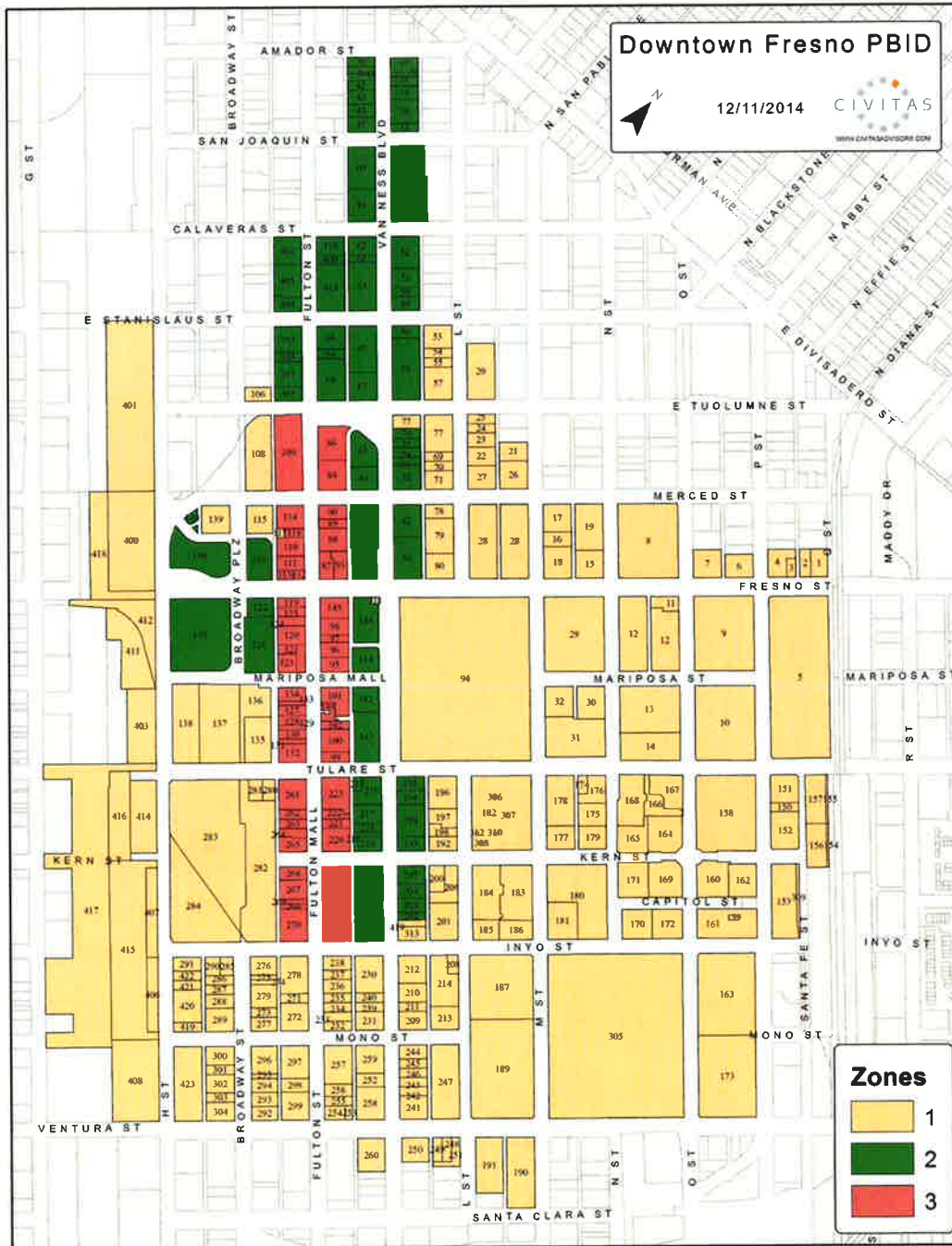
YVONNE SPENCE

By: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
CITY ATTORNEY

By: _____
RAJ SINGH BADEHESA Date
Deputy City Attorney

Attachment: Exhibit A



February 11, 2015
 Downtown Fresno PBID Management District Plan